

CHAPTER 25

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 02-1230

BY REPRESENTATIVE(S) Stafford, Cloer, Tochtrop, Bacon, Borodkin, Coleman, Jameson, Lee, Mace, Rippy, Sanchez, and Williams S.;
also SENATOR(S) Phillips, Entz, Hanna, Hernandez, Takis, Taylor, and Teck.

AN ACT

CONCERNING CONTINUATION OF THE STATE BOARD OF OPTOMETRIC EXAMINERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Repeal. 24-34-104 (31) (a), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (31) (a) ~~The following board in the division of registrations shall terminate on July 1, 2002: The state board of optometric examiners, created by article 40 of title 12, C.R.S.~~

SECTION 2. 24-34-104 (42), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(f) THE STATE BOARD OF OPTOMETRIC EXAMINERS, CREATED BY ARTICLE 40 OF TITLE 12, C.R.S.

SECTION 3. 12-40-128 (1), Colorado Revised Statutes, is amended to read:

12-40-128. Repeal of article - subject to sunset law. (1) This article is repealed, effective July 1, 2002 2011.

SECTION 4. 12-40-102 (5), Colorado Revised Statutes, is amended to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-40-102. Practice of optometry defined. (5) The classes of pharmaceutical agents and the procedures approved for optometric use for treatment of the anterior segment of the eye or its appendages, including prescription, by certified therapeutic optometrists for treatment purposes under this section are as follows: Topical and oral antimicrobials (except oral antiviral and oral antifungal agents), topical and oral antihistamines, topical antiinflammatory agents, topical and oral nonscheduled analgesics, and any controlled substance for ocular pain and inflammation except those specified in schedules I and II as provided in part 2 of article 18 of title 18, C.R.S., and the removal of superficial foreign bodies from the human eye or its appendages.

SECTION 5. 12-40-102 (7), Colorado Revised Statutes, is amended to read:

12-40-102. Practice of optometry defined. (7) (a) An optometrist who meets the requirements established by the board pursuant to sections 12-40-107 (1) (n) and 12-40-109.5 (3) may treat anterior uveitis and glaucoma. ~~except that an optometrist shall consult with an ophthalmologist or other physician licensed to practice medicine when:~~

~~(I) A patient under twelve years of age presents with nontraumatic anterior uveitis;~~

~~(II) A patient's anterior uveitis is not resolving after a fourteen-day period of treatment;~~

~~(III) A diagnosis of glaucoma is made;~~

~~(IV) Acute closed angle glaucoma is diagnosed in which case consultation shall occur within twenty-four hours of initial treatment.~~

~~(b) The parameters of the consultation shall be at the discretion of the consulting ophthalmologist or other consulting physician licensed to practice medicine pursuant to article 36 of this title.~~

SECTION 6. 12-40-105 (1) (c), Colorado Revised Statutes, is amended to read:

12-40-105. Persons excluded from operation of this article. (1) This article shall not apply to:

(c) Opticians, persons, firms, and corporations who duplicate OR REPAIR spectacles OR eyeglasses; ~~or ophthalmic lenses, or~~ OPTICIANS, PERSONS, FIRMS, AND CORPORATIONS who supply OR sell ~~or repair~~ spectacles, eyeglasses, or ophthalmic lenses, ~~on prescription from persons authorized under the laws of this state to practice optometry or medicine~~ INCLUDING BUT NOT LIMITED TO CONTACT LENSES, IF SUCH SPECTACLES, EYEGASSES, AND OPHTHALMIC LENSES ARE PROVIDED PURSUANT TO A VALID PRESCRIPTION;

SECTION 7. Repeal. 12-40-107 (2), Colorado Revised Statutes, is repealed as follows:

12-40-107. Powers and duties of the board. (2) ~~If the board does not accept the~~

scores of a national clinical examination for optometrists by the fiscal year beginning July 1, 1994, the board shall conduct a joint study to be completed by the end of the fiscal year beginning July 1, 1994, with the psychometrician in the division of registrations to revise the state clinical examination so that the test is psychometrically sound. The results of such joint study and changes to the clinical examination for optometrists shall be reported to the joint sunrise and sunset review committee of the general assembly by July 1, 1995.

SECTION 8. 12-40-109 (1) and (4), Colorado Revised Statutes, are amended to read:

12-40-109. Examination - licenses. (1) Each application shall be verified under oath by the applicant, and a material false statement thereon shall constitute grounds for the withholding or revocation of a license. ~~When such application and accompanying proofs as are required by section 12-40-108 are submitted to the board and approved, it shall notify the applicant to appear for examination at a time and place to be fixed by the board.~~ THE APPLICANT SHALL TAKE AND SUBMIT TEST SCORES FROM THE BOARD-APPROVED EXAM. The examination shall be ~~clinical and~~ of such a character as to test the qualifications of the applicant to practice optometry.

(4) A person who fails to pass the examination provided for in this section may retake the examination the next time said examination is given. ~~after paying the fee pursuant to section 24-34-105, C.R.S.~~

SECTION 9. 12-40-119 (1) (c), Colorado Revised Statutes, is amended to read:

12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board. (1) (c) If A LICENSEE REQUESTS A HEARING TO DISPUTE FORMAL BOARD ACTION OR IF the board finds such probability great and a hearing is conducted, such hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S.

SECTION 10. 12-40-108 (1) (a), (1) (b), (1) (c), (1) (d), and (1) (e), Colorado Revised Statutes, are amended to read:

12-40-108. Application for license - licensure by endorsement. (1) Every person who does not currently hold a license to practice optometry in this state and who desires to practice optometry within the state shall file with the board an application for a license, giving the information required on a form to be provided by the board, wherein it shall appear that the applicant possesses the following qualifications:

(a) ~~He~~ THE APPLICANT has attained the age of twenty-one years.

(b) ~~He~~ THE APPLICANT has graduated with the degree of doctor of optometry from a school or college of optometry accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or the United States commissioner of education. The board shall have the authority, upon its investigation and approval of the standards thereof, to approve any other optometric college.

(c) ~~He~~ THE APPLICANT has successfully passed the written examination of the national board of examiners in optometry. The board shall have the authority, upon its investigation and approval of the examination standards, to approve some body other than the national board of examiners in optometry as the examining body.

(d) ~~He~~ THE APPLICANT is not ~~presently~~ addicted to ~~the use of any controlled substance~~, OR DEPENDENT ON, AND HAS NOT HABITUALLY OR EXCESSIVELY USED OR ABUSED, INTOXICATING LIQUORS, HABIT-FORMING DRUGS AS DEFINED IN SECTION 12-22-102 (13), OR CONTROLLED SUBSTANCES as defined in section 12-22-303 (7). ~~or habitual intemperance in the use of alcoholic liquors.~~

(e) After July 1, 1988, ~~he~~ THE APPLICANT has satisfied the requirements of section 12-40-109.5 or equivalent requirements approved by the board, including passing a standardized national examination in the treatment and management of ocular disease.

SECTION 11. 12-40-118 (1) (e), (1) (f), and (1) (t), Colorado Revised Statutes, are amended to read:

12-40-118. Unprofessional conduct defined. (1) The term "unprofessional conduct", as used in this article, means:

(e) Addiction to, ~~the use of~~ DEPENDENCE ON, OR THE HABITUAL OR EXCESSIVE USE OR ABUSE OF, INTOXICATING LIQUORS, A HABIT-FORMING DRUG AS DEFINED IN SECTION 12-22-102 (13), OR any controlled substance, as defined in section 12-22-303 (7);

(f) ~~Habitual intemperance in the use of alcoholic liquor;~~

(t) Conviction of a felony or the acceptance of a plea of guilty or nolo contendere, OR A PLEA RESULTING IN A DEFERRED SENTENCE to a felony;

SECTION 12. Repeal. 12-40-106 (3) (a), Colorado Revised Statutes, is repealed as follows:

12-40-106. State board of optometric examiners - subject to termination.
(3) (a) ~~The board shall report no later than July 1, 1995, to the joint legislative sunrise and sunset review committee on the operation of its disciplinary activities, and such committee shall review such activities in 1995.~~

SECTION 13. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to acts occurring on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 21, 2002