

UTAH OPTOMETRY PRACTICE ACT AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill amends the Utah Optometry Practice Act.

Highlighted Provisions:

This bill:

- ▶ amends licensure provisions for optometrists;
- ▶ amends licensure by endorsement provisions for optometrists;
- ▶ amends the conditions and diseases for which an optometrist may prescribe an oral antibiotic;
- ▶ authorizes an optometrist to continue to administer or prescribe a hydrocodone combination drug, even if the drug is reclassified as a Schedule II controlled substance under the Utah Controlled Substances Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-16a-302, as last amended by Laws of Utah 2009, Chapter 183

58-16a-601, as last amended by Laws of Utah 2000, Chapter 160



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-16a-302** is amended to read:

58-16a-302. Qualifications for licensure.

(1) ~~[Each]~~ An applicant for licensure as an optometrist shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee as determined by the division under Section [63J-1-504](#);

(c) be of good moral character;

(d) (i) be a doctoral graduate of a recognized school of optometry accredited by ~~[(A) a regional accrediting body recognized by the Council on Post-Secondary Education; and (B)]~~ the American Optometric Association's Accreditation Council on Optometric Education; or

(ii) be a graduate of a school of optometry located outside the United States that meets the criteria that would qualify the school for accreditation under Subsection (1)(d)(i), as demonstrated by the applicant for licensure;

(e) if the applicant graduated from a recognized school of optometry prior to July 1, 1996, have successfully completed a course of study satisfactory to the division, in consultation with the board, in general and ocular pharmacology and emergency medical care;

(f) have passed examinations approved by the division in consultation with the board that include:

(i) a standardized national optometry examination;

(ii) a standardized clinical examination;

(iii) a standardized national therapeutics examination; and

(iv) the Utah Optometry Law Examination; and

(g) meet with the board and representatives of the division, if requested by either party, for the purpose of evaluating the applicant's qualifications for licensure.

~~[(2) An applicant for licensure as an optometrist qualifying under the endorsement provision of Section [58-1-302](#) shall: (a) be currently licensed]~~

(2) Notwithstanding Subsection (1) and Section [58-1-302](#), the division shall issue a license under this chapter by endorsement to an individual who:

(a) submits an application for licensure by endorsement on a form approved by the division;

59 (b) pays a fee established by the division in accordance with Section 63J-1-504;
 60 (c) provides satisfactory evidence to the division that the individual is of good moral

61 character;

62 (d) verifies that the individual is licensed as an optometrist in good standing in [any]
 63 each state of the United States, or province of Canada, in which the individual is currently
 64 licensed as an optometrist; and

65 ~~[(b) have]~~ (e) has been actively engaged in the legal practice of optometry for ~~[not less~~
 66 ~~than]~~ at least 3,200 hours [in] during the immediately preceding two years[;] in a manner ~~[that~~
 67 ~~is]~~ consistent with the legal practice of optometry in this state.

68 Section 2. Section **58-16a-601** is amended to read:

69 **58-16a-601. Scope of practice.**

70 (1) An optometrist may:

71 (a) provide ~~[any]~~ optometric services not specifically prohibited under this chapter or
 72 division rules ~~[and that]~~ if the services are within the optometrist's training, skills, and scope of
 73 competence; and

74 (b) prescribe or administer ~~[any]~~ pharmaceutical ~~[agent]~~ agents for the eye and its
 75 adnexa, including ~~[all]~~ oral ~~[pharmaceutical]~~ agents, ~~[except that]~~ subject to the following
 76 conditions:

77 (i) ~~[the]~~ an optometrist may prescribe oral antibiotics ~~[may only be prescribed for: (A)~~
 78 ~~eyelid-related]~~ for only ~~H→~~ [eye] eyelid ←H related ocular conditions or diseases[;], and ~~[(B) any]~~
 78a other ocular
 79 ~~[disease or condition as]~~ conditions or diseases specified by division rule; and

80 ~~[(ii) Schedule III controlled substances may only be prescribed or administered to be~~
 81 ~~taken orally or topically for pain of the eye or adnexa in a quantity not to exceed 72 hours in~~
 82 ~~duration and which may not be refilled.]~~

83 (ii) an optometrist may administer or prescribe a hydrocodone combination drug, or a
 84 Schedule III controlled substance, as defined in Section 58-37-4, only if:

85 (A) the substance is administered or prescribed for pain of the ~~S→~~ S→ ~~[[eye]]~~
 85a1 [eyelid] ←S ←S or
 85a adnexa;

86 (B) the substance is administered orally or topically or is prescribed for oral or topical
 87 use;

88 (C) the amount of the substance administered or prescribed does not exceed a 72-hour
 89 quantity; and

- 90 (D) if the substance is prescribed, the prescription does not include refills.
- 91 (2) An optometrist may not:
- 92 (a) perform surgery, including laser surgery; or
- 93 (b) prescribe or administer ~~[any]~~ a Schedule II controlled substance, as defined in ~~[Title~~
- 94 ~~58, Chapter 37, Controlled Substances]~~ Section 58-37-4, except for a hydrocodone
- 95 combination drug, if so scheduled and prescribed or administered in accordance with
- 96 Subsection (1)(b).
- 97 (3) ~~[An]~~ For purposes of Sections 31A-22-617 and 31A-22-618, an optometrist is a
- 98 health care provider [for purposes of Sections 31A-22-617 and 31A-22-618].

Legislative Review Note
as of 1-29-14 6:31 AM

Office of Legislative Research and General Counsel