

1 **UTAH OPTOMETRY PRACTICE ACT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Brian E. Shiozawa

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Utah Optometry Practice Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends licensure provisions for optometrists;
- 13 ▶ amends licensure by endorsement provisions for optometrists;
- 14 ▶ authorizes an optometrist to continue to administer or prescribe a hydrocodone
- 15 combination drug, even if the drug is reclassified as a Schedule II controlled
- 16 substance under the Utah Controlled Substances Act; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **58-16a-302**, as last amended by Laws of Utah 2009, Chapter 183

25 **58-16a-601**, as last amended by Laws of Utah 2000, Chapter 160

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

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

29 **58-16a-302. Qualifications for licensure.**

- 30 (1) ~~[Each]~~ An applicant for licensure as an optometrist shall:
- 31 (a) submit an application in a form prescribed by the division;
- 32 (b) pay a fee as determined by the division under Section [63J-1-504](#);
- 33 (c) be of good moral character;
- 34 (d) (i) be a doctoral graduate of a recognized school of optometry accredited by~~[-(A)-a~~
- 35 ~~regional accrediting body recognized by the Council on Post-Secondary Education; and (B)]~~
- 36 the American Optometric Association's Accreditation Council on Optometric Education; or
- 37 (ii) be a graduate of a school of optometry located outside the United States that meets
- 38 the criteria that would qualify the school for accreditation under Subsection (1)(d)(i), as
- 39 demonstrated by the applicant for licensure;
- 40 (e) if the applicant graduated from a recognized school of optometry prior to July 1,
- 41 1996, have successfully completed a course of study satisfactory to the division, in consultation
- 42 with the board, in general and ocular pharmacology and emergency medical care;
- 43 (f) have passed examinations approved by the division in consultation with the board
- 44 that include:
- 45 (i) a standardized national optometry examination;
- 46 (ii) a standardized clinical examination;
- 47 (iii) a standardized national therapeutics examination; and
- 48 (iv) the Utah Optometry Law Examination; and
- 49 (g) meet with the board and representatives of the division, if requested by either party,
- 50 for the purpose of evaluating the applicant's qualifications for licensure.
- 51 ~~[(2) An applicant for licensure as an optometrist qualifying under the endorsement~~
- 52 ~~provision of Section [58-1-302](#) shall: (a) be currently licensed]~~
- 53 (2) Notwithstanding Subsection (1) and Section [58-1-302](#), the division shall issue a
- 54 license under this chapter by endorsement to an individual who:
- 55 (a) submits an application for licensure by endorsement on a form approved by the
- 56 division;
- 57 (b) pays a fee established by the division in accordance with Section [63J-1-504](#);

58 (c) provides satisfactory evidence to the division that the individual is of good moral
59 character;

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

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

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

67 **58-16a-601. Scope of practice.**

68 (1) An optometrist may:

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

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

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

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

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

83 (A) the substance is administered or prescribed for pain of the eye or adnexa;

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

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

88 (D) if the substance is prescribed, the prescription does not include refills.

89 (2) An optometrist may not:

90 (a) perform surgery, including laser surgery; or

91 (b) prescribe or administer ~~[any]~~ a Schedule II controlled substance, as defined in ~~[Title~~

92 ~~58, Chapter 37, Controlled Substances]~~ Section 58-37-4, except for a hydrocodone

93 combination drug, if so scheduled and prescribed or administered in accordance with

94 Subsection (1)(b).

95 (3) ~~[An]~~ For purposes of Sections 31A-22-617 and 31A-22-618, an optometrist is a

96 health care provider [for purposes of Sections 31A-22-617 and 31A-22-618].