

**OPTOMETRIST PRACTICE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Utah Optometry Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ amends provisions relating to application for licensure as an optometrist; and
- ▶ amends provisions relating to the scope of practice of an optometrist.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-16a-102**, as last amended by Laws of Utah 2020, Chapter 339

**58-16a-302**, as last amended by Laws of Utah 2020, Chapter 339

**58-16a-601**, as last amended by Laws of Utah 2017, Chapter 292

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

Section 1. Section **58-16a-102** is amended to read:

**58-16a-102. Definitions.**



28 In addition to the definitions in Section 58-1-102, as used in this chapter:

29 (1) "Board" means the Optometrist Licensing Board created in Section 58-16a-201.

30 (2) "Contact lens" means any lens that:

31 (a) has a spherical, cylindrical, or prismatic power or curvature;

32 (b) is made pursuant to a current prescription; and

33 (c) is intended to be worn on the surface of the eye.

34 (3) (a) "Contact lens prescription" means a written or verbal order for contact lenses

35 that includes:

36 (i) the commencement date of the prescription;

37 (ii) the base curve, power, diameter, material or brand name, and expiration date;

38 (iii) for a written order, the signature of the prescribing optometrist or physician; and

39 (iv) for a verbal order, a record maintained by the recipient of:

40 (A) the name of the prescribing optometrist or physician; and

41 (B) the date when the prescription was issued or ordered.

42 (b) A prescription may include:

43 (i) a limit on the quantity of lenses that may be ordered under the prescription if

44 required for medical reasons documented in the patient's files; and

45 (ii) the expiration date of the prescription, which shall be two years from the

46 commencement date, unless documented medical reasons require otherwise.

47 (c) When a provider prescribes a private label contact lens for a patient the prescription

48 shall include:

49 (i) the name of the manufacturer;

50 (ii) the trade name of the private label brand; and

51 (iii) if applicable, the trade name of the equivalent national brand.

52 (4) "Contact lens prescription verification" means a written request from a person who

53 sells or provides contact lenses that:

54 (a) is sent to the prescribing optometrist or physician; and

55 (b) seeks the confirmation of the accuracy of a patient's prescription.

56 (5) "Eye and its adnexa" means the human eye and all structures situated around and

57 within the orbit, including the conjunctiva, lids, lashes, and lacrimal system.

58 (6) "Fitting of a contact lens" means:

59 (a) the using of a keratometer to measure the human eye;  
 60 (b) utilizing refractive data provided by a licensed optometrist or ophthalmologist; and  
 61 (c) trial fitting of contact lenses, which includes a period of time for evaluation for fit  
 62 and performance, to determine a tentative contact lens prescription for a patient if the patient:

63 (i) has not worn contact lenses before; or  
 64 (ii) has changed to a different type or base curve.

65 [~~(7)~~ "Laser surgery" means surgery in which human tissue is cut, burned, or vaporized  
 66 by means of laser or ionizing radiation.]

67 [~~(8)~~ (7) "Ophthalmic lens" means any lens used to treat the eye and that:

68 (a) has a spherical, cylindrical, or prismatic power;  
 69 (b) is made pursuant to an unexpired prescription; and  
 70 (c) is intended to be used in eyeglasses or spectacles.

71 [~~(9)~~ (8) "Optometric assistant" means an [~~unlicensed~~] individual who is not licensed  
 72 under this chapter:

73 (a) working under the [~~direct and immediate~~] indirect supervision of a licensed  
 74 optometrist; and

75 (b) engaged in specific tasks assigned by the licensed optometrist in accordance with  
 76 the standards and ethics of the profession.

77 [~~(10)~~ (9) "Optometrist" or "optometric physician" means an individual licensed under  
 78 this chapter.

79 [~~(11)~~ (10) "Optometry" and "practice of optometry" mean any one or any combination  
 80 of the following practices:

81 (a) examination of the human eye and its adnexa to detect and diagnose defects or  
 82 abnormal conditions;

83 (b) determination or modification of the accommodative or refractive state of the  
 84 human eye or its range or power of vision by administration and prescription of pharmaceutical  
 85 agents or the use of diagnostic instruments;

86 (c) [~~prescription, ordering, administration, or adaptation of~~] prescribing, ordering,  
 87 administering, or adapting ophthalmic lenses, contact lenses, ophthalmic devices,  
 88 pharmaceutical agents, laboratory tests, or ocular exercises to diagnose and treat diseases,  
 89 defects, or other abnormal conditions of the human eye and its adnexa;

- 90 (d) display of any advertisement, circular, sign, or device offering to:
- 91 (i) examine the eyes;
- 92 (ii) fit glasses or contact lenses; or
- 93 (iii) adjust frames;
- 94 (e) removal of a foreign body from the eye or its adnexa, that is not deeper than the
- 95 anterior 1/2 of the cornea; and
- 96 (f) consultation regarding the eye and its adnexa with other appropriate health care
- 97 providers, including referral to other appropriate health care providers.

98 ~~[(12)]~~ (11) "Pharmaceutical agent" means any diagnostic or therapeutic drug or

99 combination of drugs that has the property of assisting in the diagnosis, prevention, treatment,

100 or mitigation of abnormal conditions or symptoms of the eye and its adnexa.

101 ~~[(13)]~~ (12) "Physician" has the same meaning as defined in Sections 58-67-102 and

102 58-68-102.

103 ~~[(14)]~~ (13) "Prescription drug" has the same definition as in Section 58-17b-102.

104 ~~[(15)]~~ (14) "Unexpired" means a prescription that was issued:

105 (a) for ophthalmic lenses which does not expire unless the optometrist or physician

106 includes an expiration date on the prescription based on medical reasons that are documented

107 in the patient's file; and

108 (b) in accordance with Subsection (3) for a contact lens.

109 Section 2. Section 58-16a-302 is amended to read:

110 **58-16a-302. Qualifications for licensure.**

111 (1) An applicant for licensure as an optometrist shall:

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

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

114 (c) (i) be a doctoral graduate of a recognized school of optometry accredited by the

115 American Optometric Association's Accreditation Council on Optometric Education; or

116 (ii) be a graduate of a school of optometry located outside the United States that meets

117 the criteria that would qualify the school for accreditation under Subsection (1)(c)(i), as

118 demonstrated by the applicant for licensure;

119 (d) if the applicant graduated from a recognized school of optometry prior to July 1,

120 1996, have successfully completed a course of study ~~[satisfactory to]~~ approved by the division,

121 in consultation with the board, in general and ocular pharmacology and emergency medical  
122 care;

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

125 (i) a standardized national optometry examination;

126 (ii) a standardized clinical examination; and

127 (iii) a standardized national therapeutics examination; and

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

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

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

134 (b) pays a fee established by the division in accordance with Section 63J-1-504;

135 (c) verifies that the individual is licensed as an optometrist in good standing in each  
136 state of the United States, or province of Canada, in which the individual is currently licensed  
137 as an optometrist; and

138 (d) has been actively engaged in the legal practice of optometry for at least 3,200 hours  
139 during the immediately preceding two years in a manner consistent with the legal practice of  
140 optometry in this state.

141 Section 3. Section 58-16a-601 is amended to read:

142 **58-16a-601. Scope of practice.**

143 (1) An optometrist may:

144 (a) provide [~~optometric~~] services not specifically prohibited under this chapter or  
145 division rules if the services are within the optometrist's:

146 (i) training[~~,-skills,~~]; and

147 (ii) scope of competence; [~~and~~]

148 (b) subject to Subsection (1)(c), prescribe or administer pharmaceutical agents for the  
149 eye and its adnexa, including oral agents[~~,-subject to the following conditions:~~];

150 [~~(i) an optometrist may prescribe oral antibiotics for only eyelid related ocular~~  
151 ~~conditions or diseases, and other ocular conditions or diseases specified by division rule; and]~~

152 ~~[(ii) an optometrist may]~~ (c) administer or prescribe a hydrocodone combination drug,  
153 or a Schedule III controlled substance[;] as defined in Section 58-37-4, only if:

154 ~~[(A)]~~ (i) the substance is administered or prescribed for pain of the eye or adnexa;

155 ~~[(B)]~~ (ii) the substance is administered orally or topically or is prescribed for oral or  
156 topical use;

157 ~~[(C)]~~ (iii) the amount of the substance administered or prescribed does not exceed a  
158 72-hour quantity; and

159 ~~[(D)]~~ (iv) if the substance is prescribed, the prescription does not include refills[;] and

160 (d) except as prohibited by Subsection (2)(a), perform a procedure involving the use of  
161 a laser if the optometrist:

162 (i) has successfully completed training for the procedure:

163 (A) as a condition of graduation from a recognized school of optometry described in

164 Subsection 58-16a-302(1)(c); or

165 (B) through a course that is approved by the division in consultation with the board.

166 (2) An optometrist may not:

167 (a) perform ~~[surgery, including laser surgery; or];~~

168 (i) retina laser procedures;

169 (ii) laser-assisted in situ keratomileusis (LASIK) and photorefractive keratectomy

170 (PRK);

171 (iii) penetrating keratoplasty or lamellar keratoplasty;

172 (iv) surgery requiring incision of the retina;

173 (v) surgical extraction of the crystalline lens;

174 (vi) surgical implantation of intraocular lens implants;

175 (vii) incisional or excisional surgery of the extraocular muscles; or

176 (viii) non-laser surgery of the eyelid for:

177 (A) eyelid malignancies;

178 (B) incisional cosmetic or mechanical repair of blepharochalasis; or

179 (C) ptosis; or

180 (b) except as provided in Subsection (1)(c), prescribe or administer a Schedule II  
181 controlled substance[;] as defined in Section 58-37-4[; except for a hydrocodone combination  
182 drug, if so scheduled and prescribed or administered in accordance with Subsection (1)(b)].

183           (3) For purposes of Sections [31A-22-618](#) and 31A-45-303, an optometrist is a health  
184 care provider.