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SENATE BILL 6414

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State of Washington

56th Legislature

2000 Regular Session

By Senators Wojahn, Deccio, Rasmussen, Stevens and Winsley

Read first time 01/14/2000. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to optometric physician assistants; amending RCW  
2 18.71A.060; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Commission" means the Washington state medical quality  
7 assurance commission.

8 (2) "Department" means the department of health.

9 (3) "Optometric physician assistant" means a person who is licensed  
10 by the commission to practice medicine to a limited extent, but only  
11 under the supervision of a physician licensed under chapter 18.71 RCW,  
12 and if the optometric physician assistant is academically and  
13 clinically prepared, to provide eye care related health care services  
14 and perform diagnostic, therapeutic, preventive, and health maintenance  
15 services in the specialty of ophthalmology.

16 (4) "Physician" includes a physician licensed under chapter 18.71  
17 RCW or an osteopathic physician and surgeon licensed under chapter  
18 18.57 RCW.

1 (5) "Practice medicine" has the same meaning as defined in RCW  
2 18.71.011 but shall not extend beyond those ophthalmologic health care  
3 services specifically authorized and not prohibited by section 9 of  
4 this act.

5 (6) "Secretary" means the secretary of health or the secretary's  
6 designee.

7 NEW SECTION. **Sec. 2.** (1) The commission shall adopt rules that  
8 establish the qualifications, educational requirements, and training  
9 requirements for licensure as an optometric physician assistant. The  
10 qualifications and requirements include completion of an optometric  
11 physician assistant training program approved by the commission, and  
12 eligibility to take an examination approved by the commission, but only  
13 if the examination tests subjects substantially equivalent to the  
14 curriculum of an accredited optometric physician assistant training  
15 program.

16 (2) The commission shall adopt rules establishing curriculum  
17 requirements for optometric physician assistant training programs. At  
18 a minimum, the rules must require that:

19 (a) The program be under the control and supervision of physicians  
20 specializing in ophthalmology; and

21 (b) The program includes substantial and meaningful elements of:

22 (i) Appropriately supervised delivery of clinical services of the  
23 type for which the student is being trained to deliver;

24 (ii) Didactic classes offered by physician faculty members;

25 (iii) Presentations of seminar topics to and by the student;

26 (iv) Involvement with quality assurance audits; and

27 (v) Preparation of case studies as well as periodic formal and  
28 objective testing to determine that there is adequate progress by the  
29 student through the training program and regimens.

30 NEW SECTION. **Sec. 3.** (1) The commission shall adopt rules  
31 governing the extent to which:

32 (a) Optometric physician assistant students may practice medicine  
33 during training; and

34 (b) Optometric physician assistants may practice medicine after  
35 successful completion of an optometric physician assistant training  
36 course.

1 (2) The rules adopted under subsection (1) of this section shall  
2 provide that:

3 (a) The practice of an optometric physician assistant be limited to  
4 the performance of those services permitted by section 9(1) of this act  
5 for which he or she is trained, but shall not include services  
6 prohibited by section 9(2) of this act; and

7 (b) Each optometric physician assistant shall practice medicine  
8 only under the supervision and control of a physician licensed in this  
9 state, but that supervision and control shall not be construed to  
10 require the personal presence of the supervising physician at the place  
11 where services are rendered.

12 NEW SECTION. **Sec. 4.** (1) An applicant for licensure as an  
13 optometric physician assistant shall file an application with the  
14 commission on a form prepared by the secretary and approved by the  
15 commission. The application form must detail the applicant's  
16 education, training, and experience and other information as the  
17 commission may require.

18 (2) Each applicant shall furnish to the commission proof, in a  
19 manner deemed satisfactory to the commission, of the following:

20 (a) That the applicant has completed an optometric physician  
21 assistant program approved by the commission and is eligible to take  
22 the examination approved by the commission; and

23 (b) That the applicant has a current and unrestricted license as an  
24 optometrist under chapter 18.53 RCW and has the training to qualify for  
25 certification under RCW 18.53.010 to use drugs for diagnostic and  
26 therapeutic purposes, although this does not require that the applicant  
27 be certified by the optometry board.

28 (3) The commission may approve, deny, or take other disciplinary  
29 action upon the application for license as provided in the Uniform  
30 Disciplinary Act, chapter 18.130 RCW. The license shall be renewed as  
31 determined under RCW 43.70.250 and 43.70.280. The commission may  
32 authorize the use of alternative supervisors who are licensed either  
33 under chapter 18.57 or 18.71 RCW.

34 (4) The commission may adopt rules governing mandatory continued  
35 education requirements for optometric physician assistants. The rules  
36 shall provide that mandatory continuing education requirements may be  
37 met, in part, by showing evidence of completion of approved activities  
38 relating to professional liability risk management.

1        NEW SECTION.    **Sec. 5.**    The Uniform Disciplinary Act, chapter 18.130  
2    RCW, governs the issuance and denial of licenses and the discipline of  
3    licensees under this chapter.

4        NEW SECTION.    **Sec. 6.**    Prior to practicing in this state, an  
5    optometric physician assistant must obtain a practice arrangement plan  
6    that has been approved by the commission.

7        NEW SECTION.    **Sec. 7.**    (1) No optometric physician assistant  
8    licensed in this state may be employed or supervised by a physician or  
9    physician group without the approval of the commission.

10        (2) Prior to commencing practice, an optometric physician assistant  
11    licensed in this state shall apply to the commission for permission to  
12    be employed or supervised by a physician or physician group.    The  
13    physician or physician group and optometric physician assistant shall  
14    jointly submit a practice arrangement plan to the commission.    The  
15    practice arrangement plan shall describe the manner and extent to which  
16    the optometric physician assistant will practice and be supervised.    No  
17    practice arrangement may be approved where a physician supervises more  
18    than three optometric physician assistants, or where a group practice  
19    supervises more than three optometric physician assistants per  
20    physician.    Whenever an optometric physician assistant is practicing in  
21    a manner inconsistent with the approved practice arrangement plan, the  
22    commission may take disciplinary action under the Uniform Disciplinary  
23    Act, chapter 18.130 RCW.

24        NEW SECTION.    **Sec. 8.**    No physician who supervises a licensed  
25    optometric physician assistant in accordance with and within the terms  
26    of any permission granted by the commission is considered as aiding and  
27    abetting an unlicensed person to practice medicine.    The supervising  
28    physician and optometric physician assistant retain professional and  
29    personal responsibility for any act that constitutes the practice of  
30    medicine as defined in RCW 18.71.011 when performed by the optometric  
31    physician assistant.

32        NEW SECTION.    **Sec. 9.**    (1) Subject to subsection (2) of this  
33    section, health care services performed under this chapter include only  
34    the following procedures:

1 (a) Prescribing, ordering, or administering any over-the-counter  
2 substances;

3 (b) Prescribing, ordering, or administering oral legend medications  
4 for eye care and controlled substances as defined in Schedules III  
5 through V of the Uniform Controlled Substances Act, chapter 69.50 RCW,  
6 that are necessary to perform services with the commission-approved  
7 practice arrangement of the optometric physician assistant;

8 (c) Administering topical anesthesia for procedures of a  
9 superficial nature;

10 (d) Performing only the following surgical procedures:  
11 (i) Epilation of the lashes;  
12 (ii) Removal of foreign bodies that do not penetrate the corneal  
13 stroma, and  
14 (iii) lacrimal irrigation or punctal plug insertion;

15 (e) Ordering and interpreting the results of, but not performing,  
16 the following diagnostic tests when conducted to ascertain the  
17 condition of the eye:  
18 (i) Cultures of surface materials that involve only swabbing the  
19 surface;  
20 (ii) Blood or serum tests;  
21 (iii) Urinalysis;  
22 (iv) Fluorescein angiograms;  
23 (v) Ultrasound, except on the eye and eye orbit;  
24 (vi) Radiographs; and  
25 (vii) CT scans or MRI tests; and  
26 (f) Ophthalmologic surgical assisting following an approved  
27 residency program under the direct supervision of an ophthalmologist.

28 (2) Subject to those services expressly referred to in subsection  
29 (1) of this section, no health care services may be performed under  
30 this chapter in any of the following areas:  
31 (a) Surgery of any kind, whether performed with knives, machines,  
32 light or laser, or with other apparatus, including treating the  
33 complications or sequelae of any surgery;

34 (b) Prescribing, ordering, or administering legend or controlled  
35 substances, including but not limited to:  
36 (i) Intravenous medications;  
37 (ii) Subconjunctival steroid injections;  
38 (iii) Controlled substances as defined in Schedule II of the  
39 Uniform Controlled Substances Act, chapter 69.50 RCW;

1 (iv) Corticosteroids;  
2 (v) Antimetabolites;  
3 (vi) Immunosuppressives; and  
4 (vii) Enteral or parenteral medications;  
5 (c) Administering local or systemic anesthesia; or  
6 (d) Administering or interpreting diagnostic laboratory or imaging  
7 tests.

8 Failure to prohibit a procedure under this subsection shall not be  
9 construed as authority for performing. The scope of practice of  
10 optometric physician assistants is confined to those health services  
11 expressly referred to in subsection (1) of this section.

12 **Sec. 10.** RCW 18.71A.060 and 1994 sp.s. c 9 s 324 are each amended  
13 to read as follows:

14 No health care services may be performed under this chapter in any  
15 of the following areas:

16 ~~(1) ((The measurement of the powers or range of human vision, or  
17 the determination of the accommodation and refractive state of the  
18 human eye or the scope of its functions in general, or the fitting or  
19 adaptation of lenses or frames for the aid thereof.~~

20 ~~(2) The prescribing or directing the use of, or using, any optical  
21 device in connection with ocular exercises, visual training, vision  
22 training, or orthoptics.~~

23 ~~(3))~~ The prescribing of contact lenses for, or the fitting or  
24 adaptation of contact lenses to, the human eye.

25 ~~((4))~~ (2) Nothing in this section shall preclude the performance  
26 of routine visual screening.

27 ~~((5))~~ (3) The practice of dentistry or dental hygiene as defined  
28 in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth  
29 in RCW 18.32.030 (1) and (8), shall not apply to a physician assistant.

30 ~~((6))~~ (4) The practice of chiropractic as defined in chapter  
31 18.25 RCW including the adjustment or manipulation of the articulations  
32 of the spine.

33 ~~((7))~~ (5) The practice of podiatric medicine and surgery as  
34 defined in chapter 18.22 RCW.

1        NEW SECTION.   **Sec. 11.**   Sections 1 through 9 of this act constitute  
2   a new chapter in Title 18 RCW.

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