

SSB 5389 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED AND ENGROSSED 04/10/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 18.53.010 and 2015 c 113 s 1 are each amended to
4 read as follows:

5 (1) The practice of optometry is defined as the examination of
6 the human eye, the examination and ascertaining any defects of the
7 human vision system, and the analysis of the process of vision. The
8 practice of optometry may include, but not necessarily be limited to,
9 the following:

10 (a) The employment of any objective or subjective means or
11 method, including the use of drugs, for diagnostic and therapeutic
12 purposes by those licensed under this chapter and who meet the
13 requirements of subsections ~~((2))~~ (4) and ~~((3))~~ (6) of this
14 section, and the use of any diagnostic instruments or devices for the
15 examination or analysis of the human vision system, the measurement
16 of the powers or range of human vision, or the determination of the
17 refractive powers of the human eye or its functions in general;
18 ~~((and))~~

19 (b) The prescription and fitting of lenses, prisms, therapeutic
20 or refractive contact lenses and the adaption or adjustment of frames
21 and lenses used in connection therewith; ~~((and))~~

22 (c) The prescription and fitting of contact lenses for the
23 purpose of altering refractive error or to treat eye disease;

24 (d) The prescription and provision of visual therapy, neuro-
25 optometry rehabilitation, therapeutic aids, subnormal vision therapy,
26 orthoptics, and other optical devices; ~~((and~~

27 ~~(d))~~ (e) The ascertainment of the perceptive, neural, muscular,
28 or pathological condition of the visual system; ~~((and~~

29 ~~(e))~~ (f) The adaptation of prosthetic eyes;

30 (g) Ordering necessary diagnostic lab or imaging tests including,
31 but not limited to, finger-stick testing and collecting samples for
32 culturing;

1 (h) Dispensing of medication samples to initiate treatment is
2 permitted; and

3 (i) Removal of nonpenetrating foreign bodies, debridement of
4 tissue, epilation of misaligned eyelashes, placement of punctal or
5 lacrimal plugs, including devices containing pharmaceutical agents
6 implanted in the lacrimal system, dilation and irrigation of the
7 lacrimal system, nonlaser light therapy, and placement of biologic
8 membranes.

9 (2)(a) The practice of optometry may include the following
10 advanced procedures:

11 (i) Common complication of the lids, lashes, and lacrimal
12 systems;

13 (ii) Chalazion management, including injection and excision;

14 (iii) Injections, including intramuscular injections of
15 epinephrine and subconjunctival and subcutaneous injections of
16 medications;

17 (iv) Management of lid lesions, including intralesional injection
18 of medications;

19 (v) Preoperative and postoperative care related to these
20 procedures;

21 (vi) Use of topical and injectable anesthetics; and

22 (vii) Eyelid surgery, excluding any cosmetic surgery or surgery
23 requiring the use of general anesthesia.

24 (b) An optometrist shall not perform any advanced procedures
25 listed in this subsection until he or she receives a license
26 endorsement issued by the optometry board. The board may not issue an
27 endorsement unless the licensed optometrist meets the educational,
28 training, and competence criteria set forth in this section.

29 (3) The practice of optometry does not include:

30 (a) Performing retinal laser procedures, laser-assisted in situ
31 keratomileusis, photorefractive keratectomy, laser epithelial
32 keratomileusis, or any forms of refractive surgery, other than light
33 adjustable lens procedures;

34 (b) Penetrating keratoplasty, corneal transplant, or lamellar
35 keratoplasty;

36 (c) Administering intravenous or general anesthesia;

37 (d) Performing surgery with general anesthesia;

38 (e) Providing laser or nonlaser injections into the vitreous
39 chamber of the eye to treat any macular or retinal disease;

- 1 (f) Performing surgery related to the removal of the eye from a
2 living human being;
- 3 (g) Performing surgery requiring a full thickness incision or
4 excision of the cornea or sclera other than paracentesis in an
5 emergency situation requiring immediate reduction of the pressure
6 inside of the eye;
- 7 (h) Performing surgery requiring incision of the iris and ciliary
8 body, including iris diathermy or cryotherapy;
- 9 (i) Performing surgery requiring incision of the vitreous or
10 retina;
- 11 (j) Performing surgical extraction of the crystalline lens;
- 12 (k) Performing surgical intraocular implants;
- 13 (l) Performing incisional or excisional surgery of the
14 extraocular muscles;
- 15 (m) Performing surgery of the eyelid for malignancies or for
16 incisional cosmetic or mechanical repair of blepharochalasis, ptosis,
17 or tarsorrhaphy;
- 18 (n) Performing surgery of the bony orbit, including orbital
19 implants;
- 20 (o) Performing incisional or excisional surgery of the lacrimal
21 system other than lacrimal probing or related procedures;
- 22 (p) Performing surgery requiring full thickness conjunctivoplasty
23 with graft or flap;
- 24 (q) Performing any surgical procedure that does not provide for
25 the correction and relief of ocular abnormalities;
- 26 (r) Suturing;
- 27 (s) Providing an incision into the eyeball;
- 28 (t) Providing sub-tenon, retrobulbar, intraorbital, or botulinum
29 toxin injection; or
- 30 (u) Performing pterygium surgery.
- 31 (4)(a) Those persons using topical and oral drugs for diagnostic
32 and therapeutic purposes in the practice of optometry shall have a
33 minimum of (~~sixty~~) 60 hours of didactic and clinical instruction in
34 general and ocular pharmacology as applied to optometry, as
35 established by the optometry board, and certification from an
36 institution of higher learning, accredited by those agencies
37 recognized by the United States (~~office of education or the council~~
38 ~~on postsecondary~~) department of education or the council on higher
39 education accreditation to qualify for certification by the optometry

1 board of Washington to use drugs for diagnostic and therapeutic
2 purposes.

3 (b) Those persons using or prescribing topical drugs for
4 therapeutic purposes in the practice of optometry must be certified
5 under (a) of this subsection, and must have an additional minimum of
6 (~~seventy-five~~) 75 hours of didactic and clinical instruction as
7 established by the optometry board, and certification from an
8 institution of higher learning, accredited by those agencies
9 recognized by the United States (~~office of education or the council~~
10 ~~on postsecondary~~) department of education or the council on higher
11 education accreditation to qualify for certification by the optometry
12 board of Washington to use drugs for therapeutic purposes.

13 (c) Those persons using or prescribing drugs administered orally
14 for diagnostic or therapeutic purposes in the practice of optometry
15 shall be certified under (b) of this subsection, and shall have an
16 additional minimum of (~~sixteen~~) 16 hours of didactic and eight
17 hours of supervised clinical instruction as established by the
18 optometry board, and certification from an institution of higher
19 learning, accredited by those agencies recognized by the United
20 States (~~office of education or the council on postsecondary~~)
21 department of education or the council on higher education
22 accreditation to qualify for certification by the optometry board of
23 Washington to administer, dispense, or prescribe oral drugs for
24 diagnostic or therapeutic purposes.

25 (d) Those persons administering epinephrine by injection for
26 treatment of anaphylactic shock in the practice of optometry must be
27 certified under (b) of this subsection and must have an additional
28 minimum of four hours of didactic and supervised clinical
29 instruction, as established by the optometry board, and certification
30 from an institution of higher learning, accredited by those agencies
31 recognized by the United States (~~office of education or the council~~
32 ~~on postsecondary~~) department of education or the council on higher
33 education accreditation to qualify for certification by the optometry
34 board to administer epinephrine by injection.

35 (e) Such course or courses shall be the fiscal responsibility of
36 the participating and attending optometrist.

37 (f) (~~(i)~~) All persons receiving their initial license under this
38 chapter on or after January 1, 2007, must be certified under (a),
39 (b), (c), and (d) of this subsection.

1 ~~((ii) All persons licensed under this chapter on or after~~
2 ~~January 1, 2009, must be certified under (a) and (b) of this~~
3 ~~subsection.~~

4 ~~(iii) All persons licensed under this chapter on or after January~~
5 ~~1, 2011, must be certified under (a), (b), (c), and (d) of this~~
6 ~~subsection.~~

7 ~~(3))~~ (5) (a) To receive a license endorsement to perform the
8 advanced procedures listed in this section, a licensed optometrist
9 must:

10 (i) Successfully complete postgraduate courses as designated by
11 the optometry board that provide adequate training on those
12 procedures. Any course that is offered by an institution of higher
13 education accredited by those agencies recognized by the United
14 States department of education or the council on higher education
15 accreditation and approved by the optometry board to qualify for an
16 endorsement to perform advanced procedures must contain supervised
17 hands-on experience with live patients, or be supplemented by a
18 residency, internship, or other supervised program that offers hands-
19 on experience with live patients;

20 (ii) Successfully complete a national examination for advanced
21 procedures, including the lasers and surgical procedures examination,
22 injections skill examination, or other equivalent examination as
23 designated by the optometry board; and

24 (iii) Enter into an agreement with a qualified physician licensed
25 under chapter 18.71 RCW or an osteopathic physician licensed under
26 chapter 18.57 RCW for rapid response if complications occur during an
27 advanced procedure.

28 (b) Upon completion of the above listed requirements, proof of
29 training shall be submitted to the optometry board for approval. No
30 optometrist may perform the advanced procedures listed in subsection
31 (2) of this section until they have received confirmation of the
32 endorsement in writing.

33 (6) The optometry board shall establish a list of topical drugs
34 for diagnostic and treatment purposes limited to the practice of
35 optometry, and no person licensed pursuant to this chapter shall
36 prescribe, dispense, purchase, possess, or administer drugs except as
37 authorized and to the extent permitted by the optometry board.

38 ~~((4))~~ (7) The optometry board must establish a list of oral
39 Schedule III through V controlled substances and any oral legend
40 drugs, with the approval of and after consultation with the pharmacy

1 quality assurance commission. The optometry board may include
2 Schedule II hydrocodone combination products consistent with
3 subsection ~~((+6))~~ (9) of this section. No person licensed under this
4 chapter may use, prescribe, dispense, purchase, possess, or
5 administer these drugs except as authorized and to the extent
6 permitted by the optometry board. ~~((No optometrist may use,~~
7 ~~prescribe, dispense, or administer oral corticosteroids))~~ To
8 prescribe oral corticosteroids for more than seven days, an
9 optometrist must consult with a licensed physician.

10 (a) The optometry board, with the approval of and in consultation
11 with the pharmacy quality assurance commission, must establish, by
12 rule, specific guidelines for the prescription and administration of
13 drugs by optometrists, so that licensed optometrists and persons
14 filling their prescriptions have a clear understanding of which drugs
15 and which dosages or forms are included in the authority granted by
16 this section.

17 (b) An optometrist may not ~~((+)~~
18 ~~(i) Prescribe))~~ prescribe, dispense, or administer a controlled
19 substance for more than seven days in treating a particular patient
20 for a single trauma, episode, or condition or for pain associated
21 with or related to the trauma, episode, or condition ~~((+ or~~
22 ~~(ii) Prescribe an oral drug within ninety days following~~
23 ~~ophthalmic surgery unless the optometrist consults with the treating~~
24 ~~ophthalmologist)).~~

25 (c) If treatment exceeding the limitation in (b) ~~((+i))~~ of this
26 subsection is indicated, the patient must be referred to a physician
27 licensed under chapter 18.71 RCW.

28 (d) The prescription or administration of drugs as authorized in
29 this section is specifically limited to those drugs appropriate to
30 treatment of diseases or conditions of the human eye and the adnexa
31 that are within the scope of practice of optometry. The prescription
32 or administration of drugs for any other purpose is not authorized by
33 this section.

34 ~~((+5))~~ (8) The optometry board shall develop a means of
35 identification and verification of optometrists certified to ~~((use~~
36 ~~therapeutic drugs for the purpose of issuing prescriptions as~~
37 ~~authorized by this section))~~ perform advanced procedures.

38 ~~((+6))~~ (9) Nothing in this chapter may be construed to authorize
39 the use, prescription, dispensing, purchase, possession, or
40 administration of any Schedule I or II controlled substance, except

1 Schedule II hydrocodone combination products. The provisions of this
2 subsection must be strictly construed.

3 ~~((7) With the exception of the administration of epinephrine by
4 injection for the treatment of anaphylactic shock, no injections or
5 infusions may be administered by an optometrist.~~

6 ~~(8))~~ (10) Nothing in this chapter may be construed to authorize
7 optometrists to perform ophthalmic surgery. Ophthalmic surgery is
8 defined as any invasive procedure in which human tissue is cut,
9 ablated, or otherwise penetrated by incision, injection, laser,
10 ultrasound, or other means, in order to: Treat human eye diseases;
11 alter or correct refractive error; or alter or enhance cosmetic
12 appearance. Nothing in this chapter limits an optometrist's ability
13 to use diagnostic instruments utilizing laser or ultrasound
14 technology. Ophthalmic surgery, as defined in this subsection, does
15 not include the advanced procedures listed in subsection (2)(a) of
16 this section, removal of superficial ocular foreign bodies, epilation
17 of misaligned eyelashes, placement of punctal or lacrimal plugs,
18 diagnostic dilation and irrigation of the lacrimal system,
19 orthokeratology, prescription and fitting of contact lenses with the
20 purpose of altering refractive error, or other similar procedures
21 within the scope of practice of optometry.

22 (11) In a public health emergency, the state health officer may
23 authorize licensed optometrists to administer inoculations for
24 systemic health reasons.

25 (12)(a) Any optometrist authorized by the optometry board shall
26 be permitted to purchase diagnostic pharmaceutical agents for use in
27 the practice of optometry. Any optometrist authorized by the
28 optometry board shall be permitted to prescribe therapeutic
29 pharmaceutical agents in the practice of optometry. Optometrists
30 authorized by the optometry board to purchase pharmaceutical agents
31 shall obtain them from licensed wholesalers or pharmacists, using
32 prescriptions or chart orders placed in the same or similar manner as
33 any physician or other practitioner so authorized. Purchases shall be
34 limited to those pharmaceutical agents specified in this section,
35 based upon the authority conferred upon the optometrist by the
36 optometry board consistent with the educational qualifications of the
37 optometrist as established in this section.

38 (b) Diagnostic and therapeutic pharmaceutical agents are any
39 prescription or nonprescription drug delivered via any route of
40 administration used or prescribed for the diagnosis, treatment, or

1 mitigation of abnormal conditions and pathology of the human eye and
2 its adnexa. Diagnostic and therapeutic pharmaceutical agents do not
3 include Schedule I and Schedule II drugs, except for hydrocodone
4 combination products.

5 **Sec. 2.** RCW 18.54.050 and 2011 c 336 s 491 are each amended to
6 read as follows:

7 The board must meet at least once yearly or more frequently upon
8 call of the chair or the secretary of health at such times and places
9 as the chair or the secretary of health may designate by giving three
10 days' notice or as otherwise required by RCW 42.30.075. A full record
11 of the board's proceedings shall be kept in the office of the board
12 and shall be open to inspection at all reasonable times.

13 **Sec. 3.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to
14 read as follows:

15 The board has the following powers and duties:

16 (1) To develop and administer, or approve, or both, a licensure
17 examination. The board may approve an examination prepared or
18 administered by a private testing agency or association of licensing
19 authorities.

20 (2) The board shall adopt rules and regulations to promote
21 safety, protection, and the welfare of the public, to carry out the
22 purposes of this chapter, to aid the board in the performance of its
23 powers and duties, and to govern the practice of optometry. The
24 administrative regulations shall include the classification and
25 licensure of optometrists by examination or credentials, retirement
26 of a license, and reinstatement of a license.

27 (3) The board shall have the authority to provide rule making
28 regarding the allowable procedures and their educational requirements
29 within the confines of this chapter and chapter 18.53 RCW.

30 (4) The board shall keep a register containing the name, address,
31 license number, email, and phone number of every person licensed to
32 practice optometry in this state to the best of their ability.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.54
34 RCW to read as follows:

35 (1) The board shall develop a process for an optometrist that has
36 received an endorsement to perform advanced procedures authorized
37 under RCW 18.53.010 to submit information to the board on the

1 outcome, including any complication or adverse event, of every
2 advanced procedure that the optometrist completed in the previous
3 year. An optometrist with a license endorsement must file this
4 information in the manner determined by the board at the time of
5 license renewal. All information submitted under this subsection is
6 confidential and may not be disclosed under chapter 42.56 RCW.

7 (2) By December 1, 2024, and annually thereafter, the board in
8 coordination with the department of health must analyze and report on
9 the outcomes of the advanced procedures authorized in RCW 18.53.010
10 during the previous year. The report should include any complications
11 or adverse events related to the performance of advanced procedures.
12 The data should be aggregated and not identify any individual
13 provider or facility and may not reveal any confidential information.
14 The department of health must make this report publicly available on
15 its website.

16 (3) This section expires December 31, 2028."

17 Correct the title.

--- END ---