

HOUSE RESEARCH

Bill Summary

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Overview

This bill changes practice and licensing requirements for optometrists.

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- 1 **Contact lens.** Amends §145.711, by adding subdivision 1a. Adds the definition of “contact lens.”
- 2 **Optometrists.** Amends § 148.56.

Subd . 1. Optometry defined. Paragraph (a). Removes obsolete language. Adds that any person shall be deemed to be practicing optometry who prescribes or administers legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry.

Paragraph (b). Adds that optometrists shall not:

- inject or administer intravenously or intramuscularly any legend drugs, except for the treatment of anaphylaxis;
- perform invasive surgery, including use of lasers;
- administer or prescribe schedule II or III oral legend drugs or oral steroids;

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- prescribe or administer oral antivirals for more than 10 days; or
- prescribe or administer oral carbonic anhydrase inhibitors for more than seven days.

Subd. 2. Unlawful practices. Adds that it is unlawful for any person, not licensed as an optometrist in this state, to perform any of the actions listed in subdivision 1.

Subd. 3. Unregulated sales. There are no changes in this subdivision.

Subd. 4. License required. Provides clarification that a license to practice optometry is to be obtained from the state Board of Optometry.

3 License. Amends § 148.57.

Subd . 1. Examination. Paragraph (a). Clarifies that an applicant for an optometry license is to fill out and file a sworn application for a license with the board along with an \$87 fee. Provides that an applicant must prove receipt of a clinical doctorate degree from a board approved school or college of optometry or be in the final year of study at such an institution.

Paragraph (b). There are no changes to this paragraph.

Paragraph (c). Adds that an applicant must fulfill the requirements for board certification of legend drugs. Provides that applicants for initial licensure do not need to apply for or possess a certificate as referred to in section 148.571 to 148.574.

Subd . 2. Endorsement. Changes the term “reciprocity” to “endorsement.” Provides clarifying language that an applicant for licensure by endorsement must have a current license from another state and have practiced in that state for not less than three years immediately preceding application. Requires an application and fee of \$87. Requires that an applicant provide evidence of

- a clinical doctorate degree from a board approved school or college of optometry;
- successful completion of written and practical examinations for licensure in the applicant’s original state of licensure;
- successful completion of an examination of Minnesota optometry laws;
- compliance with requirements for board certification in section 148.575;
- compliance with continuing education requirements in all states in which the applicant holds a current license; and
- good standing with every state board from which a license has been issued.

4 Use of topical ocular drugs. Amends § 148.571.

Subd . 1. Authority. Strikes a reference to a statutory provision this bill repeals. Adds that optometrists who are currently licensed on August 1, 2007 , and are not board certified under section 148.575, may possess a valid topical ocular drug

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certificate which allows them to administer topical ocular drugs under specified conditions. Adds that optometrists who are board certified under section 148.575 have the authority granted under sections 148.571 to 148.574.

Subd . 2. Drugs specified. Strikes a reference to a statutory provision this bill repeals.

5 **Certificate required.** Amends § 148.573, subdivision 1. Provides clarifying language, and deletes obsolete paragraphs (c) and (d).

6 **Prohibitions relating to legend drugs; authorizing sales by pharmacists under certain conditions.** Amends §148.574. Authorizes an optometrist to dispense legend drugs within the optometrist's scope of practice if the drug is administered to the eye through a contact lens intended to correct vision.

7 **Certificate required for use of topical legend drugs.** Amends § 148.575.

Subd . 1. Certificate required for use of legend drugs. No changes to this subdivision.

Subd . 2. Board certified defined. Provides that one element needed for board certification is successful completion of a standardized national examination approved or administered by the Board of Optometry. Deletes language that specified the examination must be prepared, administered, and graded by the International Association of Boards of Examiners in Optometry or an equivalent national examination.

Subd . 3. Display of certificate required. Requires an optometrist to display the topical legend drug certificate issued under this section which supersedes any previously issued certificate.

Subd . 4. Accreditation of courses. Requires that an institution be accredited by an organization recognized by the Council for Higher Education Accreditation or its successor agency. Current statute requires recognition by the Council on Postsecondary Accreditation or the United States Department of Education.

Subd . 5. Notice to Board of Pharmacy. No changes to this subdivision.

Subd . 6. Board certification required. Adds that optometrists who were licensed in this state prior to August 1, 2007 , must have met board certification requirements under this section by August 1, 2012 , in order to renew their license.

8 **Repealer .** Paragraph (a). Repeals Minnesota Rules, part 6500.2100, Reciprocity.

Paragraph (b). Repeals Minnesota Statutes 2006, section 148.573, subdivisions 2 and 3. These subdivisions contain obsolete language related to topical ocular drugs.