

**ASSEMBLY BILL**

**No. 1359**

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**Introduced by Assembly Member Nazarian**

February 27, 2015

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An act to amend Section 3041.3 of the Business and Professions Code, relating to optometry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1359, as introduced, Nazarian. Optometry: therapeutic pharmaceutical agents certification: requirements.

(1) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act defines the practice of optometry to include the prevention and diagnosis of disorders and dysfunctions of the visual system, and the treatment and management of certain disorders and dysfunctions of the visual system, as well as the provision of rehabilitative optometric services, and authorizes optometrists to engage in specified acts if certain requirements are met, including, the use of therapeutic pharmaceutical agents. The act authorizes the board to grant a certificate to use therapeutic pharmaceutical agents to an applicant who graduated from a California accredited school of optometry, prior to January 1, 1996, and is licensed as an optometrist in the state if certain requirements are met, including, but not limited to, completing a didactic course of at least 80 classroom hours in the diagnosis, pharmacological, and other treatment and management of ocular disease, as specified.

This bill would change all references to a certificate to use therapeutic pharmaceutical agents to refer to a therapeutic pharmaceutical agents (TPA) certification. The bill would delete certain requirements for an applicant for a therapeutic pharmaceutical agents certification who

graduated from a California accredited school of optometry, prior to January 1, 1996, and is licensed as an optometrist in the state, including, but not limited to, completing a didactic course of at least 80 classroom hours, as specified. The bill would require such an applicant to complete a preceptorship of at least 65 hours, as specified, with either a TPA-certified optometrist in good standing or a physician and surgeon board-certified in ophthalmology in good standing, and would require such an applicant to complete a minimum of 80 hours of directed and accredited education in ocular and systemic diseases, as specified. The bill would require a preceptor to certify completion of the preceptorship on a form approved by the board.

(2) The act exempts an optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, from meeting specified requirements for the issuance of a certificate to use therapeutic pharmaceutical agents, including the didactic course of at least 80 classroom hours.

This bill would delete those exemptions for an optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, and instead require such an applicant to meet the requirements for the issuance of a therapeutic pharmaceutical agents certification that apply to an applicant who graduated from a California accredited school of optometry, prior to January 1, 1996, as specified.

(3) The act also authorizes the board to grant a certificate to use therapeutic pharmaceutical agents to an applicant who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state if certain requirements are met, including, but not limited to, completing 10 hours of experience with a board certified ophthalmologist.

This bill would delete certain requirements for an applicant for a therapeutic pharmaceutical agents certification who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state, and would instead require such an applicant to pass all sections of the National Board of Examiners in Optometry's national board examination or its equivalent, as determined by the board, in order to be granted a therapeutic pharmaceutical agents certification.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3041.3 of the Business and Professions  
2 Code is amended to read:

3 3041.3. (a) In order to be certified to use therapeutic  
4 pharmaceutical agents and authorized to diagnose and treat the  
5 conditions listed in subdivisions (b), (d), and (e) of Section 3041,  
6 an optometrist shall apply for a certificate from the board and meet  
7 all requirements imposed by the board.

8 (b) The board shall grant a ~~certificate to use~~ therapeutic  
9 pharmaceutical agents (*TPA certification*) to any applicant who  
10 graduated from a California accredited school of optometry prior  
11 to January 1, 1996, is licensed as an optometrist in California, and  
12 meets all of the following requirements:

13 ~~(1) Satisfactorily completes a didactic course of no less than 80~~  
14 ~~classroom hours in the diagnosis, pharmacological, and other~~  
15 ~~treatment and management of ocular disease provided by either~~  
16 ~~an accredited school of optometry in California or a recognized~~  
17 ~~residency review committee in ophthalmology in California.~~

18 (2)

19 (1) Completes a preceptorship of no less than 65 hours, during  
20 a period of not less than two months nor more than one year, ~~in~~  
21 ~~with either an ophthalmologist's office or an optometric clinic. a~~  
22 ~~TPA-certified optometrist in good standing or a physician and~~  
23 ~~surgeon board-certified in ophthalmology in good standing. The~~  
24 training received during the preceptorship shall be on the diagnosis,  
25 treatment, and management of ~~ocular~~, *ocular and systemic* disease.  
26 The preceptor shall certify completion of the preceptorship *using*  
27 *a form approved by the board.* ~~Authorization for the~~  
28 ~~ophthalmologist to serve as a preceptor shall be provided by an~~  
29 ~~accredited school of optometry in California, or by a recognized~~  
30 ~~residency review committee in ophthalmology, and the preceptor~~  
31 ~~shall be licensed as an ophthalmologist in California,~~  
32 ~~board-certified in ophthalmology, and in good standing with the~~  
33 ~~Medical Board of California. The individual serving as the~~  
34 preceptor shall schedule no more than three optometrist applicants  
35 for each of the required 65 hours of the preceptorship program.  
36 This paragraph shall not be construed to limit the total number of  
37 optometrist applicants for whom an individual may serve as a  
38 preceptor, and is intended only to ensure the quality of the

1 preceptorship by requiring that the ~~ophthalmologist~~ preceptor  
2 schedule the training so that each applicant optometrist completes  
3 each of the 65 hours of the preceptorship while scheduled with no  
4 more than two other optometrist applicants.

5 ~~(3)~~

6 (2) Successfully completes a minimum of ~~20~~ 80 hours of  
7 ~~self-directed~~ *directed and accredited education in ocular and*  
8 *systemic diseases within two years prior to meeting the*  
9 *requirements of paragraph (1).*

10 ~~(4)~~

11 (3) Passes the National Board of Examiners in Optometry's  
12 "Treatment and Management of Ocular Disease" examination or,  
13 in the event this examination is no longer offered, its equivalent,  
14 as determined by the State Board of Optometry.

15 ~~(5) Passes the examination issued upon completion of the~~  
16 ~~80-hour didactic course required under paragraph (1) and provided~~  
17 ~~by the accredited school of optometry or residency program in~~  
18 ~~ophthalmology.~~

19 ~~(6) When any or all of the requirements contained in paragraph~~  
20 ~~(1), (4), or (5) have been satisfied on or after July 1, 1992, and~~  
21 ~~before January 1, 1996, an optometrist shall not be required to~~  
22 ~~fulfill the satisfied requirements in order to obtain certification to~~  
23 ~~use therapeutic pharmaceutical agents. In order for this paragraph~~  
24 ~~to apply to the requirement contained in paragraph (5), the didactic~~  
25 ~~examination that the applicant successfully completed shall meet~~  
26 ~~equivalency standards, as determined by the board.~~

27 ~~(7) Any optometrist who graduated from an accredited school~~  
28 ~~of optometry on or after January 1, 1992, and before January 1,~~  
29 ~~1996, shall not be required to fulfill the requirements contained in~~  
30 ~~paragraphs (1), (4), and (5).~~

31 (c) The board shall grant a ~~certificate to use~~ therapeutic  
32 pharmaceutical agents *certification* to any applicant who graduated  
33 from a California accredited school of optometry on or after  
34 January 1, 1996, who is licensed as an optometrist in California,  
35 and who meets all of the following requirements:

36 ~~(1) Passes~~ *passes all sections of* the National Board of Examiners  
37 in Optometry's national board ~~examination,~~ *examination* or its  
38 equivalent, as determined by the State Board of Optometry.

39 ~~(2) Of the total clinical training required by a school of~~  
40 ~~optometry's curriculum, successfully completed at least 65 of those~~

1 ~~hours on the diagnosis, treatment, and management of ocular,~~  
2 ~~systemic disease.~~

3 ~~(3) Is certified by an accredited school of optometry as~~  
4 ~~competent in the diagnosis, treatment, and management of ocular,~~  
5 ~~systemic disease to the extent authorized by this section.~~

6 ~~(4) Is certified by an accredited school of optometry as having~~  
7 ~~completed at least 10 hours of experience with a board-certified~~  
8 ~~ophthalmologist.~~

9 (d) The board shall grant a ~~certificate to use~~ therapeutic  
10 pharmaceutical agents *certification* to any applicant who is an  
11 optometrist who obtained his or her license outside of California  
12 if he or she meets all of the requirements for an optometrist licensed  
13 in California to be certified to use therapeutic pharmaceutical  
14 agents.

15 (1) In order to obtain a ~~certificate to use~~ therapeutic  
16 pharmaceutical agents *certification*, any optometrist who obtained  
17 his or her license outside of California and graduated from an  
18 accredited school of optometry prior to January 1, 1996, shall be  
19 required to fulfill the requirements set forth in subdivision (b). In  
20 order for the applicant to be eligible for the certificate to use  
21 therapeutic pharmaceutical agents, the education he or she received  
22 at the accredited out-of-state school of optometry shall be  
23 equivalent to the education provided by any accredited school of  
24 optometry in California for persons who graduate before January  
25 1, 1996. For those out-of-state applicants who request that any of  
26 the requirements contained in subdivision (b) be waived based on  
27 fulfillment of the requirement in another state, if the board  
28 determines that the completed requirement was equivalent to that  
29 required in California, the requirement shall be waived.

30 (2) In order to obtain a ~~certificate to use~~ therapeutic  
31 pharmaceutical agents *certification*, any optometrist who obtained  
32 his or her license outside of California and who graduated from  
33 an accredited school of optometry on or after January 1, 1996,  
34 shall be required to fulfill the requirements set forth in subdivision  
35 (c). In order for the applicant to be eligible for the certificate to  
36 use therapeutic pharmaceutical agents, the education he or she  
37 received by the accredited out-of-state school of optometry shall  
38 be equivalent to the education provided by any accredited school  
39 of optometry for persons who graduate on or after January 1, 1996.  
40 For those out-of-state applicants who request that any of the

1 requirements contained in subdivision (c) be waived based on  
2 fulfillment of the requirement in another state, if the board  
3 determines that the completed requirement was equivalent to that  
4 required in California, the requirement shall be waived.

5 (3) The State Board of Optometry shall decide all issues relating  
6 to the equivalency of an optometrist's education or training under  
7 this subdivision.

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