

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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 amended, 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 *instead* 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~~ *ophthalmology* in good standing, and would require such an applicant to complete a minimum of ~~80~~ 100 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~~ *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)~~, (b) and (e) of Section  
6 3041, an optometrist shall apply for a certificate from the board  
7 and meet all requirements imposed by the board.

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

13 (1) Completes a preceptorship of no less than 65 hours, during  
14 a period of not less than two months nor more than one year, with  
15 either a TPA-certified optometrist in good standing or a physician  
16 and surgeon board-certified in ~~ophthalmology~~ *ophthalmology* in  
17 good standing. The training received during the preceptorship shall  
18 be on the diagnosis, treatment, and management of ocular and  
19 systemic disease. The preceptor shall certify completion of the  
20 preceptorship using a form approved by the board. The individual  
21 serving as the preceptor shall schedule no more than three  
22 optometrist applicants for each of the required 65 hours of the  
23 preceptorship program. This paragraph shall not be construed to  
24 limit the total number of optometrist applicants for whom an  
25 individual may serve as a preceptor, and is intended only to ensure  
26 the quality of the preceptorship by requiring that the preceptor  
27 schedule the training so that each applicant optometrist completes  
28 each of the 65 hours of the preceptorship while scheduled with no  
29 more than two other optometrist applicants.

30 (2) Successfully completes a minimum of ~~80~~ 100 hours of  
31 directed and accredited education in ocular and systemic diseases  
32 within two years prior to meeting the requirements of paragraph  
33 (1).

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

1 (c) The board shall grant a therapeutic pharmaceutical agents  
2 certification to any applicant who graduated from a California  
3 accredited school of optometry on or after January 1, 1996, who  
4 is licensed as an optometrist in California, and who passes all  
5 sections of the National Board of Examiners in Optometry's  
6 national board examination or its equivalent, as determined by the  
7 State Board of Optometry.

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

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

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

1 fulfillment of the requirement in another state, if the board  
2 determines that the completed requirement was equivalent to that  
3 required in California, the requirement shall be waived.

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

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