

AMENDED IN SENATE APRIL 9, 2015

SENATE BILL

No. 622

Introduced by Senator Hernandez

February 27, 2015

~~An act to amend Section 2842 of the Business and Professions Code, relating to vocational nursing. An act to amend Section 3041 of, to add Sections 3041.4, 3041.5, 3041.6, 3041.7, and 3041.8 to, and to repeal and add Sections 3041.1, 3041.2, and 3041.3 of, the Business and Professions Code, relating to optometry, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 622, as amended, Hernandez. ~~Vocational nursing. Optometry.~~

The Optometry Practice Act provides for the licensure and regulation of the practice of optometry by the State Board of Optometry, and defines the practice of optometry to include, among other things, 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 doing certain things, including, but not limited to, the examination of the human eyes, the determination of the powers or range of human vision, and the prescribing of contact and spectacle lenses. Existing law authorizes an optometrist certified to use therapeutic pharmaceutical agents to diagnose and treat specified conditions, use specified pharmaceutical agents, and order specified diagnostic tests. The act requires optometrists treating or diagnosing eye disease, as specified, to be held to the same standard of care to which physicians and surgeons and osteopathic physician and surgeons are held. The act makes a violation of any of its provisions a crime. All

moneys collected pursuant to the act, except where otherwise provided, are deposited in the Optometry Fund and continuously appropriated to the board to carry out the act.

This bill would revise and recast those provisions. The bill would additionally define the practice of optometry as the provision of habilitative optometric services, and would authorize the board to allow optometrists to use nonsurgical technology to treat any authorized condition under the act. The bill would authorize an optometrist to use diagnostic pharmaceutical agents, as specified, including, but not limited to, oral and topical diagnostic pharmaceutical agents that are not controlled substances. The bill would authorize an optometrist to independently initiate and administer vaccines, as specified, for a person 3 years of age and older, if the optometrist meets certain requirements, including, but not limited to, that he or she is certified in basic life support for health care professionals. The bill would additionally authorize an optometrist certified to use therapeutic pharmaceutical agents to, among other things, be certified to use anterior segment lasers, as specified, and to be certified to perform specified minor procedures, as specified, if certain requirements are met.

The bill would require the board to charge a fee of not more than \$150 to cover the reasonable regulatory cost of certifying an optometrist to use anterior segment lasers. Because this bill would increase those moneys deposited in a continuously appropriated fund, it would make an appropriation.

Because a violation of the act is a crime, this bill would expand the scope of an existing crime and would, therefore, result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The Vocational Nursing Practice Act provides for the licensure and regulation of the practice of vocational nursing by the Board of Vocational Nursing and Psychiatric Technicians within the Department of Consumer Affairs. The act requires the board to consist of 11 members, including one member that is a licensed vocational nurse or registered nurse who has had no less than 5 years' experience as a teacher or administrator in an accredited school of vocational nursing.~~

~~This bill would require that the vocational nurse or registered nurse's experience be in an accredited school of vocational nursing approved by the board.~~

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

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

1 ~~SECTION 1. Section 3041 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 3041. (a) The practice of optometry includes the prevention
4 and diagnosis of disorders and dysfunctions of the visual system,
5 and the treatment and management of certain disorders and
6 dysfunctions of the visual system, as well as the provision of
7 ~~habilitative or~~ rehabilitative optometric services, and is the doing
8 of any or all of the following:

9 (1) The examination of the human eye or eyes, or its or their
10 appendages, and the analysis of the human vision system, either
11 subjectively or objectively.

12 (2) The determination of the powers or range of human vision
13 and the accommodative and refractive states of the human eye or
14 eyes, including the scope of its or their functions and general
15 condition.

16 (3) The prescribing or directing the use of, or using, any optical
17 device in connection with ocular exercises, visual training, vision
18 training, or orthoptics.

19 (4) The prescribing of contact and spectacle lenses for, or the
20 fitting or adaptation of contact and spectacle lenses to, the human
21 eye, including lenses that may be classified as drugs or devices by
22 any law of the United States or of this state.

23 (5) The use of topical pharmaceutical agents for the purpose of
24 the examination of the human eye or eyes for any disease or
25 pathological condition.

26 ~~(b) (1) An optometrist who is certified to use therapeutic~~
27 ~~pharmaceutical agents, pursuant to Section 3041.3, may also~~
28 ~~diagnose and treat the human eye or eyes, or any of its or their~~
29 ~~appendages, for all of the following conditions:~~

30 ~~(A) Through medical treatment, infections of the anterior~~
31 ~~segment and adnexa, excluding the lacrimal gland, the lacrimal~~
32 ~~drainage system, and the sclera in patients under 12 years of age.~~

1 ~~(B) Ocular allergies of the anterior segment and adnexa.~~

2 ~~(C) Ocular inflammation, nonsurgical in cause except when~~
3 ~~comanaged with the treating physician and surgeon, limited to~~
4 ~~inflammation resulting from traumatic iritis, peripheral corneal~~
5 ~~inflammatory keratitis, episcleritis, and unilateral nonrecurrent~~
6 ~~nongranulomatous idiopathic iritis in patients over 18 years of age.~~
7 ~~Unilateral nongranulomatous idiopathic iritis recurring within one~~
8 ~~year of the initial occurrence shall be referred to an~~
9 ~~ophthalmologist. An optometrist shall consult with an~~
10 ~~ophthalmologist or appropriate physician and surgeon if a patient~~
11 ~~has a recurrent case of episcleritis within one year of the initial~~
12 ~~occurrence. An optometrist shall consult with an ophthalmologist~~
13 ~~or appropriate physician and surgeon if a patient has a recurrent~~
14 ~~case of peripheral corneal inflammatory keratitis within one year~~
15 ~~of the initial occurrence.~~

16 ~~(D) Traumatic or recurrent conjunctival or corneal abrasions~~
17 ~~and erosions.~~

18 ~~(E) Corneal surface disease and dry eyes.~~

19 ~~(F) Ocular pain, nonsurgical in cause except when comanaged~~
20 ~~with the treating physician and surgeon, associated with conditions~~
21 ~~optometrists are authorized to treat.~~

22 ~~(G) Pursuant to subdivision (f), glaucoma in patients over 18~~
23 ~~years of age, as described in subdivision (j).~~

24 ~~(2) For purposes of this section, “treat” means the use of~~
25 ~~therapeutic pharmaceutical agents, as described in subdivision (c);~~
26 ~~and the procedures described in subdivision (e).~~

27 ~~(e) In diagnosing and treating the conditions listed in subdivision~~
28 ~~(b), an optometrist certified to use therapeutic pharmaceutical~~
29 ~~agents pursuant to Section 3041.3 may use all of the following~~
30 ~~therapeutic pharmaceutical agents:~~

31 ~~(1) Pharmaceutical agents as described in paragraph (5) of~~
32 ~~subdivision (a), as well as topical miotics.~~

33 ~~(2) Topical lubricants.~~

34 ~~(3) Antiallergy agents. In using topical steroid medication for~~
35 ~~the treatment of ocular allergies, an optometrist shall consult with~~
36 ~~an ophthalmologist if the patient’s condition worsens 21 days after~~
37 ~~diagnosis.~~

38 ~~(4) Topical and oral anti-inflammatories. In using steroid~~
39 ~~medication for:~~

1 (A) ~~Unilateral nonrecurrent nongranulomatous idiopathic iritis~~
2 ~~or episcleritis, an optometrist shall consult with an ophthalmologist~~
3 ~~or appropriate physician and surgeon if the patient's condition~~
4 ~~worsens 72 hours after the diagnosis, or if the patient's condition~~
5 ~~has not resolved three weeks after diagnosis. If the patient is still~~
6 ~~receiving medication for these conditions six weeks after diagnosis,~~
7 ~~the optometrist shall refer the patient to an ophthalmologist or~~
8 ~~appropriate physician and surgeon.~~

9 (B) ~~Peripheral corneal inflammatory keratitis, excluding~~
10 ~~Moorens and Terriens diseases, an optometrist shall consult with~~
11 ~~an ophthalmologist or appropriate physician and surgeon if the~~
12 ~~patient's condition worsens 72 hours after diagnosis.~~

13 (C) ~~Traumatic iritis, an optometrist shall consult with an~~
14 ~~ophthalmologist or appropriate physician and surgeon if the~~
15 ~~patient's condition worsens 72 hours after diagnosis and shall refer~~
16 ~~the patient to an ophthalmologist or appropriate physician and~~
17 ~~surgeon if the patient's condition has not resolved one week after~~
18 ~~diagnosis.~~

19 (5) ~~Topical antibiotic agents.~~

20 (6) ~~Topical hyperosmotics.~~

21 (7) ~~Topical and oral antiglaucoma agents pursuant to the~~
22 ~~certification process defined in subdivision (f).~~

23 (A) ~~The optometrist shall refer the patient to an ophthalmologist~~
24 ~~if requested by the patient or if angle closure glaucoma develops.~~

25 (B) ~~If the glaucoma patient also has diabetes, the optometrist~~
26 ~~shall consult with the physician treating the patient's diabetes in~~
27 ~~developing the glaucoma treatment plan and shall inform the~~
28 ~~physician in writing of any changes in the patient's glaucoma~~
29 ~~medication.~~

30 (8) ~~Nonprescription medications used for the rational treatment~~
31 ~~of an ocular disorder.~~

32 (9) ~~Oral antihistamines.~~

33 (10) ~~Prescription oral nonsteroidal anti-inflammatory agents.~~

34 (11) ~~Oral antibiotics for medical treatment of ocular disease.~~

35 (A) ~~If the patient has been diagnosed with a central corneal ulcer~~
36 ~~and the central corneal ulcer has not improved 48 hours after~~
37 ~~diagnosis, the optometrist shall refer the patient to an~~
38 ~~ophthalmologist.~~

39 (B) ~~If the patient has been diagnosed with preseptal cellulitis~~
40 ~~or dacryocystitis and the condition has not improved 48 hours after~~

~~1 diagnosis, the optometrist shall refer the patient to an
2 ophthalmologist.~~

~~3 (12) Topical and oral antiviral medication for the medical
4 treatment of the following: herpes simplex viral keratitis, herpes
5 simplex viral conjunctivitis, and periorcular herpes simplex viral
6 dermatitis; and varicella zoster viral keratitis, varicella zoster viral
7 conjunctivitis, and periorcular varicella zoster viral dermatitis.~~

~~8 (A) If the patient has been diagnosed with herpes simplex
9 keratitis or varicella zoster viral keratitis and the patient's condition
10 has not improved seven days after diagnosis, the optometrist shall
11 refer the patient to an ophthalmologist. If a patient's condition has
12 not resolved three weeks after diagnosis, the optometrist shall refer
13 the patient to an ophthalmologist.~~

~~14 (B) If the patient has been diagnosed with herpes simplex viral
15 conjunctivitis, herpes simplex viral dermatitis, varicella zoster
16 viral conjunctivitis, or varicella zoster viral dermatitis, and if the
17 patient's condition worsens seven days after diagnosis, the
18 optometrist shall consult with an ophthalmologist. If the patient's
19 condition has not resolved three weeks after diagnosis, the
20 optometrist shall refer the patient to an ophthalmologist.~~

~~21 (13) Oral analgesics that are not controlled substances.~~

~~22 (14) Codeine with compounds and hydrocodone with
23 compounds as listed in the California Uniform Controlled
24 Substances Act (Division 10 (commencing with Section 11000)
25 of the Health and Safety Code) and the United States Uniform
26 Controlled Substances Act (21 U.S.C. Sec. 801 et seq.). The use
27 of these agents shall be limited to three days, with a referral to an
28 ophthalmologist if the pain persists.~~

~~29 (d) In any case where this chapter requires that an optometrist
30 consult with an ophthalmologist, the optometrist shall maintain a
31 written record in the patient's file of the information provided to
32 the ophthalmologist, the ophthalmologist's response, and any other
33 relevant information. Upon the consulting ophthalmologist's
34 request and with the patient's consent, the optometrist shall furnish
35 a copy of the record to the ophthalmologist.~~

~~36 (e) An optometrist who is certified to use therapeutic
37 pharmaceutical agents pursuant to Section 3041.3 may also perform
38 all of the following:~~

- ~~39 (1) Corneal scraping with cultures.~~
- ~~40 (2) Debridement of corneal epithelia.~~

1 ~~(3) Mechanical epilation.~~

2 ~~(4) Venipuncture for testing patients suspected of having~~
3 ~~diabetes.~~

4 ~~(5) Suture removal, with prior consultation with the treating~~
5 ~~physician and surgeon.~~

6 ~~(6) Treatment or removal of sebaceous cysts by expression.~~

7 ~~(7) Administration of oral fluorescein to patients suspected as~~
8 ~~having diabetic retinopathy.~~

9 ~~(8) Use of an auto-injector to counter anaphylaxis.~~

10 ~~(9) Ordering of smears, cultures, sensitivities, complete blood~~
11 ~~count, mycobacterial culture, acid fast stain, urinalysis, tear fluid~~
12 ~~analysis, and X-rays necessary for the diagnosis of conditions or~~
13 ~~diseases of the eye or adnexa. An optometrist may order other~~
14 ~~types of images subject to prior consultation with an~~
15 ~~ophthalmologist or appropriate physician and surgeon.~~

16 ~~(10) A clinical laboratory test or examination classified as~~
17 ~~waived under CLIA and designated as waived in paragraph (9)~~
18 ~~necessary for the diagnosis of conditions and diseases of the eye~~
19 ~~or adnexa, or if otherwise specifically authorized by this chapter.~~

20 ~~(11) Punctal occlusion by plugs, excluding laser, diathermy,~~
21 ~~cryotherapy, or other means constituting surgery as defined in this~~
22 ~~chapter.~~

23 ~~(12) The prescription of therapeutic contact lenses, including~~
24 ~~lenses or devices that incorporate a medication or therapy the~~
25 ~~optometrist is certified to prescribe or provide.~~

26 ~~(13) Removal of foreign bodies from the cornea, eyelid, and~~
27 ~~conjunctiva with any appropriate instrument other than a scalpel~~
28 ~~or needle. Corneal foreign bodies shall be nonperforating, be no~~
29 ~~deeper than the midstroma, and require no surgical repair upon~~
30 ~~removal.~~

31 ~~(14) For patients over 12 years of age, lacrimal irrigation and~~
32 ~~dilation, excluding probing of the nasal lacrimal tract. The board~~
33 ~~shall certify any optometrist who graduated from an accredited~~
34 ~~school of optometry before May 1, 2000, to perform this procedure~~
35 ~~after submitting proof of satisfactory completion of 10 procedures~~
36 ~~under the supervision of an ophthalmologist as confirmed by the~~
37 ~~ophthalmologist. Any optometrist who graduated from an~~
38 ~~accredited school of optometry on or after May 1, 2000, shall be~~
39 ~~exempt from the certification requirement contained in this~~
40 ~~paragraph.~~

1 ~~(f) The board shall grant a certificate to an optometrist certified~~
2 ~~pursuant to Section 3041.3 for the treatment of glaucoma, as~~
3 ~~described in subdivision (j), in patients over 18 years of age after~~
4 ~~the optometrist meets the following applicable requirements:~~

5 ~~(1) For licensees who graduated from an accredited school of~~
6 ~~optometry on or after May 1, 2008, submission of proof of~~
7 ~~graduation from that institution.~~

8 ~~(2) For licensees who were certified to treat glaucoma under~~
9 ~~this section prior to January 1, 2009, submission of proof of~~
10 ~~completion of that certification program.~~

11 ~~(3) For licensees who have substantially completed the~~
12 ~~certification requirements pursuant to this section in effect between~~
13 ~~January 1, 2001, and December 31, 2008, submission of proof of~~
14 ~~completion of those requirements on or before December 31, 2009:~~
15 ~~“Substantially completed” means both of the following:~~

16 ~~(A) Satisfactory completion of a didactic course of not less than~~
17 ~~24 hours in the diagnosis, pharmacological, and other treatment~~
18 ~~and management of glaucoma.~~

19 ~~(B) Treatment of 50 glaucoma patients with a collaborating~~
20 ~~ophthalmologist for a period of two years for each patient that will~~
21 ~~conclude on or before December 31, 2009.~~

22 ~~(4) For licensees who completed a didactic course of not less~~
23 ~~than 24 hours in the diagnosis, pharmacological, and other~~
24 ~~treatment and management of glaucoma, submission of proof of~~
25 ~~satisfactory completion of the case management requirements for~~
26 ~~certification established by the board pursuant to Section 3041.10.~~

27 ~~(5) For licensees who graduated from an accredited school of~~
28 ~~optometry on or before May 1, 2008, and not described in~~
29 ~~paragraph (2), (3), or (4), submission of proof of satisfactory~~
30 ~~completion of the requirements for certification established by the~~
31 ~~board pursuant to Section 3041.10.~~

32 ~~(g) Other than for prescription ophthalmic devices described in~~
33 ~~subdivision (b) of Section 2541, any dispensing of a therapeutic~~
34 ~~pharmaceutical agent by an optometrist shall be without charge.~~

35 ~~(h) The practice of optometry does not include performing~~
36 ~~surgery. “Surgery” means any procedure in which human tissue~~
37 ~~is cut, altered, or otherwise infiltrated by mechanical or laser~~
38 ~~means. “Surgery” does not include those procedures specified in~~
39 ~~subdivision (e). Nothing in this section shall limit an optometrist’s~~

1 authority to utilize diagnostic laser and ultrasound technology
2 within his or her scope of practice.

3 (i) ~~An optometrist licensed under this chapter is subject to the~~
4 ~~provisions of Section 2290.5 for purposes of practicing telehealth.~~

5 (j) For purposes of this chapter, “glaucoma” means either of the
6 following:

7 (1) ~~All primary open-angle glaucoma.~~

8 (2) ~~Exfoliation and pigmentary glaucoma.~~

9 (k) ~~For purposes of this chapter, “adnexa” means ocular adnexa.~~

10 (l) ~~In an emergency, an optometrist shall stabilize, if possible,~~
11 ~~and immediately refer any patient who has an acute attack of angle~~
12 ~~closure to an ophthalmologist.~~

13 (b) *The State Board of Optometry shall, by regulation, establish*
14 *educational and examination requirements for licensure to ensure*
15 *the competence of optometrists to practice pursuant to this chapter.*
16 *Satisfactory completion of the required educational and*
17 *examination requirements shall be a condition for the issuance of*
18 *an original optometrist license or required certifications pursuant*
19 *to this chapter.*

20 (c) *The board may authorize optometrists to use nonsurgical*
21 *technology to treat a condition authorized by this chapter.*

22 SEC. 2. *Section 3041.1 of the Business and Professions Code*
23 *is repealed.*

24 ~~3041.1. With respect to the practices set forth in subdivisions~~
25 ~~(b), (d), and (e) of Section 3041, optometrists diagnosing or treating~~
26 ~~eye disease shall be held to the same standard of care to which~~
27 ~~physicians and surgeons and osteopathic physicians and surgeons~~
28 ~~are held.~~

29 SEC. 3. *Section 3041.1 is added to the Business and Professions*
30 *Code, to read:*

31 3041.1. (a) (1) *An optometrist who is certified to use*
32 *therapeutic pharmaceutical agents pursuant to this section may*
33 *also diagnose and treat the human eye or eyes, or any of its or*
34 *their appendages, for all of the following conditions:*

35 (A) *Through medical treatment, infections of the anterior*
36 *segment and adnexa.*

37 (B) *Ocular allergies of the anterior segment and adnexa.*

38 (C) *Ocular inflammation that is nonsurgical in cause, except*
39 *when comanaged with the treating physician and surgeon.*

1 (D) Traumatic or recurrent conjunctival or corneal abrasions
2 and erosions.

3 (E) Corneal and conjunctival surface disease and dry eyes
4 disease.

5 (F) Ocular pain that is nonsurgical in cause, except when
6 comanaged with the treating physician and surgeon.

7 (G) Eyelid disorders, including, but not limited to, hypotrichosis
8 and blepharitis.

9 (2) For purposes of this section, “treat” means the use of
10 therapeutic pharmaceutical agents, as described in subdivision
11 (b), and the procedures described in subdivision (c).

12 (3) For purposes of this chapter, “adnexa” means ocular
13 adnexa.

14 (b) In diagnosing and treating the conditions listed in
15 subdivision (a), an optometrist certified to use therapeutic
16 pharmaceutical agents pursuant to this section may use all of the
17 following diagnostic and therapeutic pharmaceutical agents:

18 (1) Oral and topical diagnostic and therapeutic pharmaceutical
19 agents that are not controlled substances. The use of
20 pharmaceutical agents shall be limited to the use for which the
21 drug has been approved for marketing by the federal Food and
22 Drug Administration (FDA).

23 (2) Notwithstanding paragraph (1), an optometrist certified to
24 use therapeutic pharmaceutical agents may use a drug in a way
25 for which the drug has not been approved for marketing by the
26 FDA if all of the following requirements are met:

27 (A) The drug is approved by the FDA.

28 (B) The drug has been recognized for treatment of the condition
29 by either of the following:

30 (i) The American Hospital Formulary Service’s Drug
31 Information.

32 (ii) Two articles from major peer reviewed medical journals
33 that present data supporting the proposed off-label use or uses as
34 generally safe and effective, unless there is clear and convincing
35 contradictory evidence presented in a major peer reviewed medical
36 journal.

37 (3) Notwithstanding paragraph (1), codeine with compounds
38 and hydrocodone with compounds as listed in the California
39 Uniform Controlled Substances Act (Division 10 (commencing
40 with Section 11000) of the Health and Safety Code) and the federal

1 *Controlled Substances Act (21 U.S.C. Sec. 801, et seq.) may be*
2 *used. The use of these controlled substances shall be limited to*
3 *five days.*

4 *(c) An optometrist who is certified to use therapeutic*
5 *pharmaceutical agents pursuant to this section may also perform*
6 *all of the following:*

7 *(1) Corneal scraping with cultures.*

8 *(2) Debridement of corneal epithelia.*

9 *(3) Mechanical epilation.*

10 *(4) Collection of a blood specimen by finger prick method or*
11 *venipuncture for testing patients suspected of having diabetes.*

12 *(5) Suture removal, with prior consultation with the treating*
13 *health care provider.*

14 *(6) Treatment or removal of sebaceous cysts by expression.*

15 *(7) Administration of oral fluorescein to patients suspected as*
16 *having diabetic retinopathy.*

17 *(8) Use of an auto-injector to counter anaphylaxis.*

18 *(9) Ordering of clinical laboratory and imaging tests related*
19 *to the practice of optometry.*

20 *(10) A clinical laboratory test or examination classified as*
21 *waived under CLIA and related to the practice of optometry.*

22 *(11) Skin test to diagnose ocular allergies. Skin tests shall be*
23 *limited to the superficial layers of the skin.*

24 *(12) Punctal occlusion by plugs, excluding laser, diathermy,*
25 *cryotherapy, or other means constituting surgery as defined in this*
26 *chapter.*

27 *(13) The prescription of therapeutic contact lenses, diagnostic*
28 *contact lenses, or biological or technological corneal devices.*

29 *(14) Removal of foreign bodies from the cornea, eyelid, and*
30 *conjunctiva with any appropriate instrument other than a scalpel*
31 *or needle. Corneal foreign bodies shall be nonperforating, be no*
32 *deeper than the midstroma, and require no surgical repair upon*
33 *removal.*

34 *(15) For patients over 12 years of age, lacrimal irrigation and*
35 *dilation, excluding probing of the nasal lacrimal tract. The board*
36 *shall certify any optometrist who graduated from an accredited*
37 *school of optometry before May 1, 2000, to perform this procedure*
38 *after submitting proof of satisfactory completion and confirmation*
39 *of 10 procedures under the supervision of an ophthalmologist or*
40 *optometrist who is certified in lacrimal irrigation and dilation.*

1 Any optometrist who graduated from an accredited school of
2 optometry on or after May 1, 2000, shall be exempt from the
3 certification requirement contained in this paragraph.

4 (16) Use of mechanical lipid extraction of meibomian glands
5 and nonsurgical techniques.

6 (17) Notwithstanding subdivision (b), administration of
7 injections for the diagnoses or treatment of conditions of the eye
8 and adnexa, excluding intraorbital injections and injections
9 administered for cosmetic effect, provided that the optometrist has
10 satisfactorily received four hours of continuing education on
11 performing all injections authorized by this paragraph.

12 (d) In order to be certified to use therapeutic pharmaceutical
13 agents and authorized to diagnose and treat the conditions listed
14 in this section, an optometrist shall apply for a certificate from
15 the board and meet all requirements imposed by the board.

16 (e) The board shall grant a certificate to use therapeutic
17 pharmaceutical agents to any applicant who graduated from a
18 California accredited school of optometry prior to January 1,
19 1996, is licensed as an optometrist in California, and meets all of
20 the following requirements:

21 (1) Satisfactorily completes a didactic course of no less than
22 80 classroom hours in the diagnosis, pharmacological, and other
23 treatment and management of ocular disease provided by either
24 an accredited school of optometry in California or a recognized
25 residency review committee in ophthalmology in California.

26 (2) Completes a preceptorship of no less than 65 hours, during
27 a period of not less than two months nor more than one year, in
28 either an ophthalmologist's office or an optometric clinic. The
29 training received during the preceptorship shall be on the
30 diagnosis, treatment, and management of ocular, systemic disease.
31 The preceptor shall certify completion of the preceptorship.
32 Authorization for the ophthalmologist to serve as a preceptor shall
33 be provided by an accredited school of optometry in California,
34 or by a recognized residency review committee in ophthalmology,
35 and the preceptor shall be licensed as an ophthalmologist in
36 California, board-certified in ophthalmology, and in good standing
37 with the Medical Board of California. The individual serving as
38 the preceptor shall schedule no more than three optometrist
39 applicants for each of the required 65 hours of the preceptorship
40 program. This paragraph shall not be construed to limit the total

1 *number of optometrist applicants for whom an individual may*
2 *serve as a preceptor, and is intended only to ensure the quality of*
3 *the preceptorship by requiring that the ophthalmologist preceptor*
4 *schedule the training so that each applicant optometrist completes*
5 *each of the 65 hours of the preceptorship while scheduled with no*
6 *more than two other optometrist applicants.*

7 *(3) Successfully completes a minimum of 20 hours of*
8 *self-directed education.*

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

13 *(5) Passes the examination issued upon completion of the*
14 *80-hour didactic course required under paragraph (1) and*
15 *provided by the accredited school of optometry or residency*
16 *program in ophthalmology.*

17 *(6) When any or all of the requirements contained in paragraph*
18 *(1), (4), or (5) have been satisfied on or after July 1, 1992, and*
19 *before January 1, 1996, an optometrist shall not be required to*
20 *fulfill the satisfied requirements in order to obtain certification to*
21 *use therapeutic pharmaceutical agents. In order for this paragraph*
22 *to apply to the requirement contained in paragraph (5), the didactic*
23 *examination that the applicant successfully completed shall meet*
24 *equivalency standards, as determined by the board.*

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

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

34 *(1) Passes the National Board of Examiners in Optometry's*
35 *national board examination, or its equivalent, as determined by*
36 *the State Board of Optometry.*

37 *(2) Of the total clinical training required by a school of*
38 *optometry's curriculum, successfully completed at least 65 of those*
39 *hours on the diagnosis, treatment, and management of ocular,*
40 *systemic disease.*

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

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

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

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

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

1 completed requirement was equivalent to that required in
2 California, the requirement shall be waived.

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

6 (h) Other than for prescription ophthalmic devices described
7 in subdivision (b) of Section 2541, any dispensing of a therapeutic
8 pharmaceutical agent by an optometrist shall be without charge.

9 (i) Except as authorized by this chapter, the practice of
10 optometry does not include performing surgery. "Surgery" means
11 any procedure in which human tissue is cut, altered, or otherwise
12 infiltrated by mechanical or laser means. "Surgery" does not
13 include those procedures specified in subdivision (c). This section
14 does not limit an optometrist's authority to utilize diagnostic laser
15 and ultrasound technology within his or her scope of practice.

16 (j) In an emergency, an optometrist shall stabilize, if possible,
17 and immediately refer any patient who has an acute attack of angle
18 closure to an ophthalmologist.

19 SEC. 4. Section 3041.2 of the Business and Professions Code
20 is repealed.

21 3041.2. (a) The State Board of Optometry shall, by regulation,
22 establish educational and examination requirements for licensure
23 to ensure the competence of optometrists to practice pursuant to
24 subdivision (a) of Section 3041. Satisfactory completion of the
25 educational and examination requirements shall be a condition for
26 the issuance of an original optometrist license under this chapter,
27 on and after January 1, 1980. Only those optometrists who have
28 successfully completed educational and examination requirements
29 as determined by the State Board of Optometry shall be permitted
30 the use of pharmaceutical agents specified by subdivision (a) of
31 Section 3041.

32 (b) Nothing in this section shall authorize an optometrist issued
33 an original optometrist license under this chapter before January
34 1, 1996, to use or prescribe therapeutic pharmaceutical agents
35 specified in subdivision (d) of Section 3041 without otherwise
36 meeting the requirements of Section 3041.3.

37 SEC. 5. Section 3041.2 is added to the Business and Professions
38 Code, to read:

39 3041.2. (a) For purposes of this chapter, "glaucoma" means
40 any of the following:

1 (1) *All primary open-angle glaucoma.*

2 (2) *Exfoliation and pigmentary glaucoma.*

3 (3) *Increase in intraocular pressure caused by steroid*
4 *medication.*

5 (b) *An optometrist certified pursuant to Section 3041.1 shall be*
6 *certified for the treatment of glaucoma, as described in subdivision*
7 *(a), in patients over 18 years of age after the optometrist meets*
8 *the following applicable requirements:*

9 (1) *For licensees who graduated from an accredited school of*
10 *optometry on or after May 1, 2008, submission of proof of*
11 *graduation from that institution.*

12 (2) *For licensees who were certified to treat glaucoma under*
13 *this section prior to January 1, 2009, submission of proof of*
14 *completion of that certification program.*

15 (3) *For licensees who completed a didactic course of not less*
16 *than 24 hours in the diagnosis, pharmacological, and other*
17 *treatment and management of glaucoma, submission of proof of*
18 *satisfactory completion of the case management requirements for*
19 *certification established by the board.*

20 (4) *For licensees who graduated from an accredited school of*
21 *optometry on or before May 1, 2008, and are not described in*
22 *paragraph (2) or (3), submission of proof of satisfactory completion*
23 *of the requirements for certification established by the board.*

24 SEC. 6. *Section 3041.3 of the Business and Professions Code*
25 *is repealed.*

26 ~~3041.3. (a) In order to be certified to use therapeutic~~
27 ~~pharmaceutical agents and authorized to diagnose and treat the~~
28 ~~conditions listed in subdivisions (b), (d), and (e) of Section 3041,~~
29 ~~an optometrist shall apply for a certificate from the board and meet~~
30 ~~all requirements imposed by the board.~~

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

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

1 ~~(2) Completes a preceptorship of no less than 65 hours, during~~
2 ~~a period of not less than two months nor more than one year, in~~
3 ~~either an ophthalmologist's office or an optometric clinic. The~~
4 ~~training received during the preceptorship shall be on the diagnosis,~~
5 ~~treatment, and management of ocular, systemic disease. The~~
6 ~~preceptor shall certify completion of the preceptorship.~~
7 ~~Authorization for the ophthalmologist to serve as a preceptor shall~~
8 ~~be provided by an accredited school of optometry in California,~~
9 ~~or by a recognized residency review committee in ophthalmology,~~
10 ~~and the preceptor shall be licensed as an ophthalmologist in~~
11 ~~California, board-certified in ophthalmology, and in good standing~~
12 ~~with the Medical Board of California. The individual serving as~~
13 ~~the preceptor shall schedule no more than three optometrist~~
14 ~~applicants for each of the required 65 hours of the preceptorship~~
15 ~~program. This paragraph shall not be construed to limit the total~~
16 ~~number of optometrist applicants for whom an individual may~~
17 ~~serve as a preceptor, and is intended only to ensure the quality of~~
18 ~~the preceptorship by requiring that the ophthalmologist preceptor~~
19 ~~schedule the training so that each applicant optometrist completes~~
20 ~~each of the 65 hours of the preceptorship while scheduled with no~~
21 ~~more than two other optometrist applicants.~~

22 ~~(3) Successfully completes a minimum of 20 hours of~~
23 ~~self-directed education.~~

24 ~~(4) Passes the National Board of Examiners in Optometry's~~
25 ~~"Treatment and Management of Ocular Disease" examination or,~~
26 ~~in the event this examination is no longer offered, its equivalent,~~
27 ~~as determined by the State Board of Optometry.~~

28 ~~(5) Passes the examination issued upon completion of the~~
29 ~~80-hour didactic course required under paragraph (1) and provided~~
30 ~~by the accredited school of optometry or residency program in~~
31 ~~ophthalmology.~~

32 ~~(6) When any or all of the requirements contained in paragraph~~
33 ~~(1), (4), or (5) have been satisfied on or after July 1, 1992, and~~
34 ~~before January 1, 1996, an optometrist shall not be required to~~
35 ~~fulfill the satisfied requirements in order to obtain certification to~~
36 ~~use therapeutic pharmaceutical agents. In order for this paragraph~~
37 ~~to apply to the requirement contained in paragraph (5), the didactic~~
38 ~~examination that the applicant successfully completed shall meet~~
39 ~~equivalency standards, as determined by the board.~~

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

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

~~(1) Passes the National Board of Examiners in Optometry's national board examination, or its equivalent, as determined by the State Board of Optometry.~~

~~(2) Of the total clinical training required by a school of optometry's curriculum, successfully completed at least 65 of those hours on the diagnosis, treatment, and management of ocular, systemic disease.~~

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

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

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

~~(1) In order to obtain a certificate to use therapeutic pharmaceutical agents, any optometrist who obtained his or her license outside of California and graduated from an accredited school of optometry prior to January 1, 1996, shall be required to fulfill the requirements set forth in subdivision (b). In order for the applicant to be eligible for the certificate to use therapeutic pharmaceutical agents, the education he or she received at the accredited out-of-state school of optometry shall be equivalent to the education provided by any accredited school of optometry in California for persons who graduate before January 1, 1996. For those out-of-state applicants who request that any of the requirements contained in subdivision (b) be waived based on fulfillment of the requirement in another state, if the board~~

determines that the completed requirement was equivalent to that required in California, the requirement shall be waived.

~~(2) In order to obtain a certificate to use therapeutic pharmaceutical agents, any optometrist who obtained his or her license outside of California and who graduated from an accredited school of optometry on or after January 1, 1996, shall be required to fulfill the requirements set forth in subdivision (c). In order for the applicant to be eligible for the certificate to use therapeutic pharmaceutical agents, the education he or she received by the accredited out-of-state school of optometry shall be equivalent to the education provided by any accredited school of optometry for persons who graduate on or after January 1, 1996. For those out-of-state applicants who request that any of the requirements contained in subdivision (c) be waived based on fulfillment of the requirement in another state, if the board determines that the completed requirement was equivalent to that required in California, the requirement shall be waived.~~

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

SEC. 7. Section 3041.3 is added to the Business and Professions Code, to read:

3041.3. (a) For the purposes of this chapter, "anterior segment laser" means any of the following:

- (1) Therapeutic lasers appropriate for treatment of glaucoma.*
- (2) Notwithstanding subdivision (a) of Section 3041.2, peripheral iridotomy for the prophylactic treatment of angle closure glaucoma.*
- (3) Therapeutic lasers used for posterior capsulotomy secondary to cataract surgery.*
- (b) An optometrist certified to treat glaucoma pursuant to Section 3041.2 shall be additionally certified for the use of anterior segment lasers after submitting proof of satisfactory completion of a course that is approved by the board, provided by an accredited school of optometry, and developed in consultation with an ophthalmologist who has experience educating optometric students.*

(1) The board-approved course shall be a minimum of 16 hours in length, and include a test for competency of the following:

- (A) Laser physics, hazards, and safety.*

- 1 (B) *Biophysics of laser.*
2 (C) *Laser application in clinical optometry.*
3 (D) *Laser tissue interactions.*
4 (E) *Laser indications, contraindications, and potential*
5 *complications.*
6 (F) *Gonioscopy.*
7 (G) *Laser therapy for open-angle glaucoma.*
8 (H) *Laser therapy for angle closure glaucoma.*
9 (I) *Posterior capsulotomy.*
10 (J) *Common complications of the lids, lashes, and lacrimal*
11 *system.*
12 (K) *Medicolegal aspects of anterior segment procedures.*
13 (L) *Peripheral iridotomy.*
14 (M) *Laser trabeculoplasty.*
15 (2) *The school of optometry shall require each applicant for*
16 *certification to perform a sufficient number of anterior segment*
17 *laser procedures to verify that the applicant has demonstrated*
18 *competency to practice independently. At a minimum, each*
19 *applicant shall complete 14 anterior segment laser procedures on*
20 *live humans.*
21 (c) *The board, by regulation, shall set the fee for issuance and*
22 *renewal of a certificate authorizing the use of anterior segment*
23 *lasers at an amount no higher than the reasonable cost of*
24 *regulating anterior segment laser certified optometrists pursuant*
25 *to this section. The fee shall not exceed one hundred fifty dollars*
26 *(\$150).*
27 SEC. 8. *Section 3041.4 is added to the Business and Professions*
28 *Code, to read:*
29 3041.4. (a) *For the purposes of this chapter, “minor*
30 *procedure” means either of the following:*
31 (1) *Removal, destruction, or drainage of lesions of the eyelid*
32 *and adnexa clinically evaluated by the optometrist to be*
33 *noncancerous, not involving the eyelid margin, lacrimal supply*
34 *or drainage systems, no deeper than the orbicularis muscle, and*
35 *smaller than five millimeters in diameter.*
36 (2) *Closure of a wound resulting from a procedure described*
37 *in paragraph (1).*
38 (b) *An optometrist certified to treat glaucoma pursuant to*
39 *Section 3041.2 shall be additionally certified to perform minor*
40 *procedures after submitting proof of satisfactory completion of a*

1 *course that is approved by the board, provided by an accredited*
2 *school of optometry, and developed in consultation with an*
3 *ophthalmologist who has experience teaching optometric students.*

4 *(1) The board-approved course shall be a minimum of 32 hours*
5 *in length and include a test for competency of the following:*

6 *(A) Minor surgical procedures.*

7 *(B) Overview of surgical instruments, asepsis, and the state and*
8 *federal Occupational Safety and Health Administrations.*

9 *(C) Surgical anatomy of the eyelids.*

10 *(D) Emergency surgical procedures.*

11 *(E) Chalazion management.*

12 *(F) Epiluminescence microscopy.*

13 *(G) Suture techniques.*

14 *(H) Local anesthesia techniques and complications.*

15 *(I) Anaphylaxis and other office emergencies.*

16 *(J) Radiofrequency surgery.*

17 *(K) Postoperative wound care.*

18 *(2) The school of optometry shall require each applicant for*
19 *certification to perform a sufficient number of minor procedures*
20 *to verify that the applicant has demonstrated competency to*
21 *practice independently. At a minimum, each applicant shall*
22 *complete five minor procedures on live humans.*

23 *SEC. 9. Section 3041.5 is added to the Business and Professions*
24 *Code, to read:*

25 *3041.5. (a) An optometrist may independently initiate and*
26 *administer vaccines listed on the routine immunization schedules*
27 *recommended by the federal Advisory Committee on Immunization*
28 *Practices (ACIP), in compliance with individual ACIP vaccine*
29 *recommendations, and published by the federal Centers for Disease*
30 *Control and Prevention (CDC) for persons three years of age and*
31 *older.*

32 *(b) In order to initiate and administer an immunization*
33 *described in subdivision (a), an optometrist shall do all of the*
34 *following:*

35 *(1) Complete an immunization training program endorsed by*
36 *the CDC or the Accreditation Council for Pharmacy Education*
37 *that, at a minimum, includes hands-on injection technique, clinical*
38 *evaluation of indications and contraindications of vaccines, and*
39 *the recognition and treatment of emergency reactions to vaccines,*
40 *and shall maintain that training.*

1 (2) *Be certified in basic life support for health care*
2 *professionals.*

3 (3) *Comply with all state and federal recordkeeping and*
4 *reporting requirements, including providing documentation to the*
5 *patient's primary care provider and entering information in the*
6 *appropriate immunization registry designated by the immunization*
7 *branch of the State Department of Public Health.*

8 SEC. 10. Section 3041.6 is added to the Business and
9 Professions Code, to read:

10 3041.6. *An optometrist licensed under this chapter is subject*
11 *to the provisions of Section 2290.5 for purposes of practicing*
12 *telehealth.*

13 SEC. 11. Section 3041.7 is added to the Business and
14 Professions Code, to read:

15 3041.7. *Optometrists diagnosing or treating eye disease shall*
16 *be held to the same standard of care to which physicians and*
17 *surgeons and osteopathic physicians and surgeons are held. An*
18 *optometrist shall consult with and, if necessary, refer to a physician*
19 *and surgeon or other appropriate health care provider when a*
20 *situation or condition occurs that is beyond the optometrist's scope*
21 *of practice.*

22 SEC. 12. Section 3041.8 is added to the Business and
23 Professions Code, to read:

24 3041.8. *It is the intent of the Legislature that the Office of*
25 *Statewide Health Planning and Development, under the Health*
26 *Workforce Pilot Projects Program, designate a pilot project to*
27 *test, demonstrate, and evaluate expanded roles for optometrists*
28 *in the performance of management and treatment of diabetes*
29 *mellitus, hypertension, and hypercholesterolemia.*

30 SEC. 13. *No reimbursement is required by this act pursuant*
31 *to Section 6 of Article XIII B of the California Constitution because*
32 *the only costs that may be incurred by a local agency or school*
33 *district will be incurred because this act creates a new crime or*
34 *infraction, eliminates a crime or infraction, or changes the penalty*
35 *for a crime or infraction, within the meaning of Section 17556 of*
36 *the Government Code, or changes the definition of a crime within*
37 *the meaning of Section 6 of Article XIII B of the California*
38 *Constitution.*

39 ~~SECTION 1. Section 2842 of the Business and Professions~~
40 ~~Code is amended to read:~~

1 ~~2842. (a) Each member of the board shall be a citizen of the~~
2 ~~United States and a resident of the State of California. The board~~
3 ~~shall have the following composition:~~

4 ~~(1) Two members shall be duly licensed vocational nurses who~~
5 ~~have been licensed for a period of not less than three years prior~~
6 ~~to appointment.~~

7 ~~(2) Two members shall be licensed psychiatric technicians, each~~
8 ~~of whom shall have had not less than five years' experience in a~~
9 ~~psychiatric hospital, or in a psychiatric unit of a hospital licensed~~
10 ~~by the State Department of Health Services, or a private institution~~
11 ~~licensed by the State Department of Health Services.~~

12 ~~(3) One member shall be a licensed vocational nurse or~~
13 ~~registered nurse who shall have had not less than five years'~~
14 ~~experience as a teacher or administrator in an accredited school~~
15 ~~of vocational nursing approved by the board.~~

16 ~~(4) Six members shall be public members who are not licentiates~~
17 ~~of the board or any other board under this division or of any board~~
18 ~~referred to in Sections 1000 and 3600.~~

19 ~~(b) No person may serve as a member of the board for more~~
20 ~~than two consecutive terms.~~

21 ~~(c) Per diem and expenses of members of the board who are~~
22 ~~licensed psychiatric technicians shall be paid solely from revenues~~
23 ~~received pursuant to Chapter 10 (commencing with Section 4500)~~
24 ~~of Division 2.~~