

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MAY 4, 2015

AMENDED IN SENATE APRIL 9, 2015

**SENATE BILL**

**No. 622**

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**Introduced by Senator Hernandez**

February 27, 2015

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An act to amend Sections 3041 and 3110 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. 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 requires an optometrist, in certain circumstances, to refer a patient to an ~~ophthamologist~~ *ophthalmologist* or a physician and surgeon, including when a patient has been diagnosed with a central corneal ulcer and the central corneal ulcer has not improved within 48 hours of the diagnosis. 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 delete certain requirements that an optometrist refer a patient to an ~~ophthamologist~~ *ophthalmologist* or a physician and surgeon, including when a patient has been diagnosed with a central corneal ulcer and the central corneal ulcer has not improved within 48 hours of the diagnosis. 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 additionally authorize an optometrist certified to use therapeutic pharmaceutical agents to collect ~~a blood specimen by finger prick method,~~ *skin puncture or venipuncture*, to perform skin tests, as specified, to diagnose ocular allergies, and to use mechanical lipid extraction of meibomian glands and nonsurgical techniques. The bill would require the board to grant an optometrist certified to treat glaucoma a certificate for the use of specified immunizations if certain conditions are met, including, among others, that the optometrist is certified in basic life support. 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, a fee of not more than \$150 to cover the reasonable regulatory cost of certifying an optometrist to use minor procedures, and a fee of not more than \$100 to cover the reasonable regulatory cost of certifying an optometrist to use immunizations. Because this bill would increase those moneys deposited in a continuously appropriated fund, it would make an appropriation.

Existing law establishes the Office of Statewide Health Planning and Development, which is vested with all the duties, powers,

responsibilities, and jurisdiction of the State Department of Public Health relating to health planning and research development.

This bill would declare the intent of the Legislature that the Office of Statewide Health Planning *and Development* designate a pilot project to test, demonstrate, and evaluate expanded roles for optometrists in the performance of management and treatment of diabetes mellitus, hypertension, and hypercholesterolemia.

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.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: 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

1 eye, including lenses that may be classified as drugs or devices by  
2 any law of the United States or of this state.

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

6 (b) The State Board of Optometry shall, by regulation, establish  
7 educational and examination requirements for licensure to ensure  
8 the competence of optometrists to practice pursuant to this chapter,  
9 except as specified in Section 3041.3 related to the use of anterior  
10 segment lasers and in Section 3041.4 related to minor procedures.  
11 Satisfactory completion of the required educational and  
12 examination requirements shall be a condition for the issuance of  
13 an original optometrist license or required certifications pursuant  
14 to this chapter.

15 (c) The board may promulgate regulations authorizing  
16 optometrists to use noninvasive, nonsurgical technology to treat  
17 a condition authorized by this chapter. The board shall require a  
18 licensee to take a minimum of four hours of education courses on  
19 the new technology and perform an appropriate number of complete  
20 clinical procedures on live human patients to qualify to use each  
21 new technology authorized by the board pursuant to this  
22 subdivision.

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

25 SEC. 3. Section 3041.1 is added to the Business and Professions  
26 Code, to read:

27 3041.1. (a) (1) An optometrist who is certified to use  
28 therapeutic pharmaceutical agents pursuant to this section may  
29 also diagnose and treat the human eye or eyes, or any of its or their  
30 appendages, for all of the following conditions:

31 (A) Through medical treatment, infections of the anterior  
32 segment and adnexa.

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

34 (C) Ocular inflammation, nonsurgical in cause except when  
35 comanaged with the treating physician and surgeon, limited to  
36 inflammation resulting from traumatic iritis, peripheral corneal  
37 inflammatory keratitis, episcleritis, and unilateral nonrecurrent  
38 nongranulomatous idiopathic iritis in patients over 18 years of age.

39 (D) Traumatic or recurrent conjunctival or corneal abrasions  
40 and erosions.

1 (E) Corneal and conjunctival surface disease and dry eyes  
2 disease.

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

5 (G) Hypotrichosis and blepharitis.

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

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

10 (b) In diagnosing and treating the conditions listed in subdivision  
11 (a), an optometrist certified to use therapeutic pharmaceutical  
12 agents pursuant to this section may use all of the following  
13 therapeutic pharmaceutical agents:

14 (1) Topical pharmaceutical agents for the purpose of the  
15 examination of the human eye or eyes for any disease or  
16 pathological condition, including, but not limited to, topical  
17 miotics.

18 (2) Topical lubricants.

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

23 (4) Topical and oral anti-inflammatories.

24 (5) Topical antibiotic agents.

25 (6) Topical hyperosmotics.

26 (7) Topical and oral antiglaucoma agents pursuant to the  
27 certification process defined in Section 3041.2.

28 (8) Nonprescription medications used for the rational treatment  
29 of an ocular disorder.

30 (9) Oral antihistamines.

31 (10) Prescription oral nonsteroidal anti-inflammatory agents.

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

33 (12) Topical and oral antiviral medication for the medical  
34 treatment of herpes simplex viral keratitis, herpes simplex viral  
35 conjunctivitis, periocular herpes simplex viral dermatitis, varicella  
36 zoster viral keratitis, varicella zoster viral conjunctivitis, and  
37 periocular varicella zoster viral dermatitis.

38 (13) Oral analgesics that are not controlled substances.

39 (14) Codeine with compounds and hydrocodone with  
40 compounds as listed in the California Uniform Controlled

1 Substances Act (Division 10 (commencing with Section 11000)  
2 of the Health and Safety Code) and the United States Uniform  
3 Controlled Substances Act (21 U.S.C. Sec. 801 et seq.). The use  
4 of these agents shall be limited to five days, with a referral to an  
5 ophthalmologist if the pain persists.

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

9 (1) Corneal scraping with cultures.

10 (2) Debridement of corneal epithelia.

11 (3) Mechanical epilation.

12 (4) Collection of a blood specimen by ~~finger prick method~~ *skin*  
13 *puncture* or venipuncture for testing patients suspected of having  
14 diabetes.

15 (5) Suture removal, with prior consultation with the treating  
16 health care provider.

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

18 (7) Administration of oral fluorescein to patients suspected as  
19 having diabetic retinopathy.

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

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

27 (10) A clinical laboratory test or examination classified as  
28 waived under the Clinical Laboratory Improvement Amendments  
29 of 1988 (CLIA)(42 U.S.C. Sec. 263a; Public Law 100-578) ~~or any~~  
30 ~~regulations adopted pursuant to CLIA~~, and that ~~are~~ *is* necessary  
31 for the diagnosis of conditions and diseases of the eye or adnexa,  
32 *to detect systemic disease with ocular effects*, or if otherwise  
33 specifically authorized by this chapter.

34 (11) Skin test to diagnose ocular allergies. Skin tests shall be  
35 limited to the superficial ~~lawyer~~ *layer* of the skin.

36 (12) Punctal occlusion by plugs, excluding laser, diathermy,  
37 cryotherapy, or other means constituting surgery as defined in this  
38 chapter.

1 (13) The prescription of therapeutic contact lenses, diagnostic  
2 contact lenses, or biological or technological corneal devices that  
3 diagnose or treat a condition authorized under this chapter.

4 (14) Removal of foreign bodies from the cornea, eyelid, and  
5 conjunctiva with any appropriate instrument other than a scalpel.  
6 Corneal foreign bodies shall be nonperforating, be no deeper than  
7 the midstroma, and require no surgical repair upon removal.

8 (15) For patients over 12 years of age, lacrimal irrigation and  
9 dilation, excluding probing of the nasal lacrimal tract. The board  
10 shall certify any optometrist who graduated from an accredited  
11 school of optometry before May 1, 2000, to perform this procedure  
12 after submitting proof of satisfactory completion and confirmation  
13 of 10 procedures under the supervision of an ophthalmologist or  
14 optometrist who is certified in lacrimal irrigation and dilation. Any  
15 optometrist who graduated from an accredited school of optometry  
16 on or after May 1, 2000, shall be exempt from the certification  
17 requirement contained in this paragraph.

18 (16) Use of mechanical lipid extraction of meibomian glands  
19 and nonsurgical techniques.

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

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

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

34 (2) Completes a preceptorship of no less than 65 hours, during  
35 a period of not less than two months nor more than one year, in  
36 either an ophthalmologist's office or an optometric clinic. The  
37 training received during the preceptorship shall be on the diagnosis,  
38 treatment, and management of ocular, systemic disease. The  
39 preceptor shall certify completion of the preceptorship.  
40 Authorization for the ophthalmologist to serve as a preceptor shall

1 be provided by an accredited school of optometry in California,  
2 or by a recognized residency review committee in ophthalmology,  
3 and the preceptor shall be licensed as an ophthalmologist in  
4 California, board certified in ophthalmology, and in good standing  
5 with the Medical Board of California. The individual serving as  
6 the preceptor shall schedule no more than three optometrist  
7 applicants for each of the required 65 hours of the preceptorship  
8 program. This paragraph shall not be construed to limit the total  
9 number of optometrist applicants for whom an individual may  
10 serve as a preceptor, and is intended only to ensure the quality of  
11 the preceptorship by requiring that the ophthalmologist preceptor  
12 schedule the training so that each applicant optometrist completes  
13 each of the 65 hours of the preceptorship while scheduled with no  
14 more than two other optometrist applicants.

15 (3) Successfully completes a minimum of 20 hours of  
16 self-directed education.

17 (4) Passes the National Board of Examiners in Optometry's  
18 "Treatment and Management of Ocular Disease" examination or,  
19 in the event this examination is no longer offered, its equivalent,  
20 as determined by the State Board of Optometry.

21 (5) Passes the examination issued upon completion of the  
22 80-hour didactic course required under paragraph (1) and provided  
23 by the accredited school of optometry or residency program in  
24 ophthalmology.

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

33 (7) Any optometrist who graduated from an accredited school  
34 of optometry on or after January 1, 1992, and before January 1,  
35 1996, shall not be required to fulfill the requirements contained in  
36 paragraphs (1), (4), and (5).

37 (f) The board shall grant a certificate to use therapeutic  
38 pharmaceutical agents to any applicant who graduated from a  
39 California accredited school of optometry on or after January 1,

1 1996, who is licensed as an optometrist in California, and who  
2 meets all of the following requirements:

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

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

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

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

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

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

36 (2) In order to obtain a certificate to use therapeutic  
37 pharmaceutical agents, any optometrist who obtained his or her  
38 license outside of California and who graduated from an accredited  
39 school of optometry on or after January 1, 1996, shall be required  
40 to fulfill the requirements set forth in subdivision (f). In order for

1 the applicant to be eligible for the certificate to use therapeutic  
2 pharmaceutical agents, the education he or she received by the  
3 accredited out-of-state school of optometry shall be equivalent to  
4 the education provided by any accredited school of optometry for  
5 persons who graduated on or after January 1, 1996. For those  
6 out-of-state applicants who request that any of the requirements  
7 contained in subdivision (f) be waived based on fulfillment of the  
8 requirement in another state, if the board determines that the  
9 completed requirement was equivalent to that required in  
10 California, the requirement shall be waived.

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

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

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

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

27 SEC. 4. Section 3041.2 of the Business and Professions Code  
28 is repealed.

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

31 3041.2. (a) For purposes of this chapter, "glaucoma" means  
32 any of the following:

- 33 (1) All primary open-angle glaucoma.
- 34 (2) Exfoliation and pigmentary glaucoma.
- 35 (3) Increase in intraocular pressure caused by steroid medication  
36 prescribed by the optometrist.
- 37 (4) Increase in intraocular pressure caused by steroid medication  
38 not prescribed by the optometrist, after consultation and treatment  
39 approval by the prescribing physician.

1 (b) An optometrist certified pursuant to Section 3041.1 shall be  
2 certified for the treatment of glaucoma, as described in subdivision  
3 (a), in patients over 18 years of age after the optometrist meets the  
4 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 completed a didactic course of not less  
12 than 24 hours in the diagnosis, pharmacological, and other  
13 treatment and management of glaucoma, submission of proof of  
14 satisfactory completion of the case management requirements for  
15 certification established by the board.

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

20 ~~SEC. 6. Section 3041.3 of the Business and Professions Code~~  
21 ~~is repealed.~~

22 *SEC. 6. Section 3041.3 of the Business and Professions Code*  
23 *is repealed.*

24 ~~3041.3. (a) In order to be certified to use therapeutic~~  
25 ~~pharmaceutical agents and authorized to diagnose and treat the~~  
26 ~~conditions listed in subdivisions (b) and (c) of Section 3041, an~~  
27 ~~optometrist shall apply for a certificate from the board and meet~~  
28 ~~all requirements imposed by the board.~~

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

34 ~~(1) Completes a preceptorship of no less than 65 hours, during~~  
35 ~~a period of not less than two months nor more than one year, with~~  
36 ~~either a TPA-certified optometrist in good standing or a physician~~  
37 ~~and surgeon board-certified in ophthalmology in good standing.~~  
38 ~~The training received during the preceptorship shall be on the~~  
39 ~~diagnosis, treatment, and management of ocular and systemic~~  
40 ~~disease. The preceptor shall certify completion of the preceptorship~~

1 using a form approved by the board. The individual serving as the  
2 preceptor shall schedule no more than three optometrist applicants  
3 for each of the required 65 hours of the preceptorship program.  
4 This paragraph shall not be construed to limit the total number of  
5 optometrist applicants for whom an individual may serve as a  
6 preceptor, and is intended only to ensure the quality of the  
7 preceptorship by requiring that the preceptor schedule the training  
8 so that each applicant optometrist completes each of the 65 hours  
9 of the preceptorship while scheduled with no more than two other  
10 optometrist applicants.

11 (2) ~~Successfully completes a minimum of 100 hours of directed  
12 and accredited education in ocular and systemic diseases within  
13 two years prior to meeting the requirements of paragraph (1).~~

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

18 (e) ~~The board shall grant a therapeutic pharmaceutical agents  
19 certification to any applicant who graduated from a California  
20 accredited school of optometry on or after January 1, 1996, who  
21 is licensed as an optometrist in California, and who passes all  
22 sections of the National Board of Examiners in Optometry's  
23 national board examination or its equivalent, as determined by the  
24 State Board of Optometry.~~

25 (d) ~~The board shall grant a therapeutic pharmaceutical agents  
26 certification to any applicant who is an optometrist who obtained  
27 his or her license outside of California if he or she meets all of the  
28 requirements for an optometrist licensed in California to be granted  
29 a therapeutic pharmaceutical agents certification.~~

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

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

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

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

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

25 3041.3. (a) For the purposes of this chapter, "anterior segment  
26 laser" means any of the following:

27 (1) Therapeutic lasers appropriate for treatment of glaucoma.

28 (2) Notwithstanding subdivision (a) of Section 3041.2,  
29 peripheral iridotomy for the prophylactic treatment of angle closure  
30 glaucoma.

31 (3) Therapeutic lasers used for posterior capsulotomy secondary  
32 to cataract surgery.

33 (b) An optometrist certified to treat glaucoma pursuant to  
34 Section 3041.2 shall be additionally certified for the use of anterior  
35 segment lasers after submitting proof of satisfactory completion  
36 of a course that is approved by the board, provided by an accredited  
37 school of optometry, and developed in consultation with an  
38 ophthalmologist who has experience educating optometric students.  
39 The board shall issue a certificate pursuant to this section only to

1 an optometrist that has graduated from an approved school of  
2 optometry.

3 (1) The board-approved course shall be at least 25 hours in  
4 length, and include a test for competency of the following:

5 (A) Laser physics, hazards, and safety.

6 (B) Biophysics of laser.

7 (C) Laser application in clinical optometry.

8 (D) Laser tissue interactions.

9 (E) Laser indications, contraindications, and potential  
10 complications.

11 (F) Gonioscopy.

12 (G) Laser therapy for open-angle glaucoma.

13 (H) Laser therapy for angle closure glaucoma.

14 (I) Posterior capsulotomy.

15 (J) Common complications of the lids, lashes, and lacrimal  
16 system.

17 (K) Medicolegal aspects of anterior segment procedures.

18 (L) Peripheral iridotomy.

19 (M) Laser trabeculoplasty.

20 (2) The school of optometry shall require each applicant for  
21 certification to perform a sufficient number of complete anterior  
22 segment laser procedures to verify that the applicant has  
23 demonstrated competency to practice independently. At a  
24 minimum, each applicant shall complete 24 anterior segment laser  
25 procedures on live humans as follows:

26 (A) Eight YAG capsulotomy procedures.

27 (B) Eight laser trabeculoplasty procedures.

28 (C) Eight peripheral iridotomy procedures.

29 (c) The board, by regulation, shall set the fee for issuance and  
30 renewal of a certificate authorizing the use of anterior segment  
31 lasers at an amount no higher than the reasonable cost of regulating  
32 anterior segment laser certified optometrists pursuant to this  
33 section. The fee shall not exceed one hundred fifty dollars (\$150).

34 (d) An optometrist certified to use anterior segment lasers  
35 pursuant to this section shall complete four hours of continuing  
36 education on anterior segment lasers as part of the required 50  
37 hours of continuing education required to be completed every two  
38 years on the diagnosis, treatment, and management of glaucoma.

39 SEC. 8. Section 3041.4 is added to the Business and Professions  
40 Code, to read:

1 3041.4. (a) For the purposes of this chapter, “minor procedure”  
2 means either of the following:

3 (1) Removal, destruction, or drainage of lesions of the eyelid  
4 and adnexa clinically evaluated by the optometrist to be  
5 noncancerous, not involving the eyelid margin, lacrimal supply or  
6 drainage systems, no deeper than the orbicularis muscle, and  
7 smaller than five millimeters in diameter.

8 (2) Closure of a wound resulting from a procedure described in  
9 paragraph (1).

10 (3) Administration of injections for the diagnoses or treatment  
11 of conditions of the eye and adnexa authorized by this chapter,  
12 excluding intraorbital injections and injections administered for  
13 cosmetic effect.

14 (4) “Minor procedures” does not include blepharoplasty or other  
15 cosmetic surgery procedures that reshape normal structures of the  
16 body in order to improve appearance and self-esteem.

17 (b) An optometrist certified to treat glaucoma pursuant to  
18 Section 3041.2 shall be additionally certified to perform minor  
19 procedures after submitting proof of satisfactory completion of a  
20 course that is approved by the board, provided by an accredited  
21 school of optometry, and developed in consultation with an  
22 ophthalmologist who has experience teaching optometric students.  
23 The board shall issue a certificate pursuant to this section only to  
24 an optometrist that has graduated from an approved school of  
25 optometry.

26 (1) The board-approved course shall be at least 25 hours in  
27 length and include a test for competency of the following:

28 (A) Minor surgical procedures.

29 (B) Overview of surgical instruments, asepsis, and the state and  
30 federal Occupational Safety and Health Administrations.

31 (C) Surgical anatomy of the eyelids.

32 (D) Emergency surgical procedures.

33 (E) Chalazion management.

34 (F) Epiluminescence microscopy.

35 (G) Suture techniques.

36 (H) Local anesthesia techniques and complications.

37 (I) Anaphylaxis and other office emergencies.

38 (J) Radiofrequency surgery.

39 (K) Postoperative wound care.

40 (L) Injection techniques.

1 (2) The school of optometry shall require each applicant for  
2 certification to perform a sufficient number of minor procedures  
3 to verify that the applicant has demonstrated competency to  
4 practice independently. At a minimum, each applicant shall perform  
5 32 complete minor procedures on live humans.

6 (c) The board, by regulation, shall set the fee for issuance and  
7 renewal of a certificate authorizing the use of minor procedures  
8 at an amount no greater than the reasonable cost of regulating  
9 minor procedure certified optometrists pursuant to this section.  
10 The fee shall not exceed one hundred fifty dollars (\$150).

11 (d) An optometrist certified to perform minor procedures  
12 pursuant to Section 3041.1 shall complete five hours of continuing  
13 education on the diagnosis, treatment, and management of lesions  
14 of the eyelid and adnexa as part of the 50 hours of continuing  
15 education required every two years in Section 3059.

16 SEC. 9. Section 3041.5 is added to the Business and Professions  
17 Code, to read:

18 3041.5. (a) The board shall grant to an optometrist a certificate  
19 for the use of immunizations described in subdivision (b), if the  
20 optometrist is certified pursuant to Section 3041.2 and after the  
21 optometrist meets all of the following requirements:

22 (1) Completes an immunization training program endorsed by  
23 the federal Centers for Disease Control *and Prevention* (CDC)  
24 that, at a minimum, includes hands-on injection technique, clinical  
25 evaluation of indications and contraindications of vaccines, and  
26 the recognition and treatment of emergency reactions to vaccines,  
27 and maintains that training.

28 (2) Is certified in basic life support.

29 (3) Complies with all state and federal recordkeeping and  
30 reporting requirements, including providing documentation to the  
31 patient's primary care provider and entering information in the  
32 appropriate immunization registry designated by the immunization  
33 branch of the State Department of Public Health.

34 (b) For the purposes of this section, "immunization" means the  
35 administration of immunizations for influenza, herpes zoster virus,  
36 and pneumococcus in compliance with individual Advisory  
37 Committee on Immunization Practices (ACIP) vaccine  
38 recommendations published by the CDC for persons 18 years of  
39 age or older.

1 (c) The board, by regulation, shall set the fee for issuance and  
2 renewal of a certificate for the use of immunizations at the  
3 reasonable cost of regulating immunization certified optometrists  
4 pursuant to this section. The fee shall not exceed one hundred  
5 dollars (\$100).

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

8 3041.6. An optometrist licensed under this chapter is subject  
9 to the provisions of Section 2290.5 for purposes of practicing  
10 telehealth.

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

13 3041.7. Optometrists diagnosing or treating eye disease shall  
14 be held to the same standard of care to which physicians and  
15 surgeons and osteopathic physicians and surgeons are held. An  
16 optometrist shall consult with and, if necessary, refer to a physician  
17 and surgeon or other appropriate health care provider when a  
18 situation or condition occurs that is beyond the optometrist's scope  
19 of practice.

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

22 3041.8. It is the intent of the Legislature that the Office of  
23 Statewide Health Planning and Development, under the Health  
24 Workforce Pilot Projects Program, designate a pilot project to test,  
25 demonstrate, and evaluate expanded roles for optometrists in the  
26 performance of management and treatment of diabetes mellitus,  
27 hypertension, and hypercholesterolemia.

28 SEC. 13. Section 3110 of the Business and Professions Code  
29 is amended to read:

30 3110. The board may take action against any licensee who is  
31 charged with unprofessional conduct, and may deny an application  
32 for a license if the applicant has committed unprofessional conduct.  
33 In addition to other provisions of this article, unprofessional  
34 conduct includes, but is not limited to, the following:

35 (a) Violating or attempting to violate, directly or indirectly  
36 assisting in or abetting the violation of, or conspiring to violate  
37 any provision of this chapter or any of the rules and regulations  
38 adopted by the board pursuant to this chapter.

39 (b) Gross negligence.

- 1 (c) Repeated negligent acts. To be repeated, there must be two  
2 or more negligent acts or omissions.
- 3 (d) Incompetence.
- 4 (e) The commission of fraud, misrepresentation, or any act  
5 involving dishonesty or corruption, that is substantially related to  
6 the qualifications, functions, or duties of an optometrist.
- 7 (f) Any action or conduct that would have warranted the denial  
8 of a license.
- 9 (g) The use of advertising relating to optometry that violates  
10 Section 651 or 17500.
- 11 (h) Denial of licensure, revocation, suspension, restriction, or  
12 any other disciplinary action against a health care professional  
13 license by another state or territory of the United States, by any  
14 other governmental agency, or by another California health care  
15 professional licensing board. A certified copy of the decision or  
16 judgment shall be conclusive evidence of that action.
- 17 (i) Procuring his or her license by fraud, misrepresentation, or  
18 mistake.
- 19 (j) Making or giving any false statement or information in  
20 connection with the application for issuance of a license.
- 21 (k) Conviction of a felony or of any offense substantially related  
22 to the qualifications, functions, and duties of an optometrist, in  
23 which event the record of the conviction shall be conclusive  
24 evidence thereof.
- 25 (l) Administering to himself or herself any controlled substance  
26 or using any of the dangerous drugs specified in Section 4022, or  
27 using alcoholic beverages to the extent, or in a manner, as to be  
28 dangerous or injurious to the person applying for a license or  
29 holding a license under this chapter, or to any other person, or to  
30 the public, or, to the extent that the use impairs the ability of the  
31 person applying for or holding a license to conduct with safety to  
32 the public the practice authorized by the license, or the conviction  
33 of a misdemeanor or felony involving the use, consumption, or  
34 self-administration of any of the substances referred to in this  
35 subdivision, or any combination thereof.
- 36 (m) (1) Committing or soliciting an act punishable as a sexually  
37 related crime, if that act or solicitation is substantially related to  
38 the qualifications, functions, or duties of an optometrist.
- 39 (2) Committing any act of sexual abuse, misconduct, or relations  
40 with a patient. The commission of and conviction for any act of

1 sexual abuse, sexual misconduct, or attempted sexual misconduct,  
2 whether or not with a patient, shall be considered a crime  
3 substantially related to the qualifications, functions, or duties of a  
4 licensee. This paragraph shall not apply to sexual contact between  
5 any person licensed under this chapter and his or her spouse or  
6 person in an equivalent domestic relationship when that licensee  
7 provides optometry treatment to his or her spouse or person in an  
8 equivalent domestic relationship.

9 (3) Conviction of a crime that requires the person to register as  
10 a sex offender pursuant to Chapter 5.5 (commencing with Section  
11 290) of Title 9 of Part 1 of the Penal Code. A conviction within  
12 the meaning of this paragraph means a plea or verdict of guilty or  
13 a conviction following a plea of nolo contendere. A conviction  
14 described in this paragraph shall be considered a crime substantially  
15 related to the qualifications, functions, or duties of a licensee.

16 (n) Repeated acts of excessive prescribing, furnishing, or  
17 administering of controlled substances or dangerous drugs specified  
18 in Section 4022, or repeated acts of excessive treatment.

19 (o) Repeated acts of excessive use of diagnostic or therapeutic  
20 procedures, or repeated acts of excessive use of diagnostic or  
21 treatment facilities.

22 (p) The prescribing, furnishing, or administering of controlled  
23 substances or drugs specified in Section 4022, or treatment without  
24 a good faith prior examination of the patient and optometric reason.

25 (q) The failure to maintain adequate and accurate records  
26 relating to the provision of services to his or her patients.

27 (r) Performing, or holding oneself out as being able to perform,  
28 or offering to perform, any professional services beyond the scope  
29 of the license authorized by this chapter.

30 (s) The practice of optometry without a valid, unrevoked,  
31 unexpired license.

32 (t) The employing, directly or indirectly, of any suspended or  
33 unlicensed optometrist to perform any work for which an optometry  
34 license is required.

35 (u) Permitting another person to use the licensee's optometry  
36 license for any purpose.

37 (v) Altering with fraudulent intent a license issued by the board,  
38 or using a fraudulently altered license, permit certification or any  
39 registration issued by the board.

1 (w) Except for good cause, the knowing failure to protect  
2 patients by failing to follow infection control guidelines of the  
3 board, thereby risking transmission of bloodborne infectious  
4 diseases from optometrist to patient, from patient to patient, or  
5 from patient to optometrist. In administering this subdivision, the  
6 board shall consider the standards, regulations, and guidelines of  
7 the State Department of Public Health developed pursuant to  
8 Section 1250.11 of the Health and Safety Code and the standards,  
9 guidelines, and regulations pursuant to the California Occupational  
10 Safety and Health Act of 1973 (Part 1 (commencing with Section  
11 6300) of Division 5 of the Labor Code) for preventing the  
12 transmission of HIV, hepatitis B, and other bloodborne pathogens  
13 in health care settings. As necessary, the board may consult with  
14 the Medical Board of California, the *California* Board of Podiatric  
15 Medicine, the Board of Registered Nursing, and the Board of  
16 Vocational Nursing and Psychiatric ~~Technicians~~, *Technicians of*  
17 *the State of California*, to encourage appropriate consistency in  
18 the implementation of this subdivision.

19 (x) Failure or refusal to comply with a request for the clinical  
20 records of a patient, that is accompanied by that patient's written  
21 authorization for release of records to the board, within 15 days  
22 of receiving the request and authorization, unless the licensee is  
23 unable to provide the documents within this time period for good  
24 cause.

25 (y) Failure to refer a patient to an appropriate physician if an  
26 examination of the eyes indicates a substantial likelihood of any  
27 pathology that requires the attention of that physician.

28 SEC. 14. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.

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