

ACT 4 6

Approved: *[Signature]*

APR 30 2004

HOUSE OF REPRESENTATIVES
TWENTY-SECOND LEGISLATURE, 2004
STATE OF HAWAII

VETO
No Override

H.B. NO. 1797

A BILL FOR AN ACT

RELATING TO OPTOMETRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The profession of optometry has changed
2 markedly in recent years. The American Optometric Association
3 currently defines Doctors of Optometry as "independent health
4 care providers who examine, diagnose, treat and manage diseases
5 and disorders of the visual system, the eye, and associated
6 structures as well as diagnose related systemic conditions."
7 Schools and colleges of optometry in the United States utilize a
8 standardized curriculum to produce graduates who are fully
9 qualified to perform this scope of practice. However, the
10 actual scope of optometric practice authorized by each state,
11 including the degree to which optometrists may administer
12 therapeutic pharmaceutical agents, varies considerably.

13 Currently, Hawaii ranks 47th among the states in the degree
14 to which it allows optometrists to perform the full range of
15 services that their education qualifies them to provide. This
16 has profoundly limited the quality of eye care that optometrists
17 in Hawaii have been able to provide to their patients.

HB HMS 2004-6570



1 The purpose of this Act is to bring the regulation of
2 optometry in Hawaii into parity with most states, and thus
3 provide greater access to quality eye care for the citizens of
4 Hawaii.

5 SECTION 2. Section 459-1, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) The practice of optometry, for the purpose of this
8 chapter, is defined to be:

- 9 (1) The examination, diagnosis, treatment, and management
10 of diseases and disorders of the human visual system,
11 the eye, and the eyelids;
- 12 (2) The employment of trial frame or trial lenses, and any
13 objective or subjective means or methods, other than
14 the use of surgery, including refractive or
15 therapeutic laser surgery, but including the use and
16 prescription of [~~topically applied~~] pharmaceutical
17 agents, as established by the board, and the
18 performance of non-invasive diagnostic procedures or
19 ordering of laboratory tests related to the use of
20 [~~topically applied~~] pharmaceutical agents for the
21 purpose of examining, diagnosing, treating, and
22 managing visual, muscular, or other diseases and



1 disorders of the human visual system, the eye, and the
2 eyelids; or

- 3 (3) The prescribing, fitting, or adaptation of any
4 ophthalmic lenses, contact lenses, prisms, frames,
5 mountings, or orthoptic exercises for the correction
6 or relief of the visual or muscular anomalies of the
7 human eye.

8 Superficial foreign bodies may be removed from the human eye and
9 eyelids, including the removal of corneal superficial foreign
10 bodies above Bowman's Layer.

11 (b) Any person who engages in the prescribing of visual
12 training, with or without the use of scientific instruments to
13 train the visual system or other abnormal condition of the eyes,
14 or claims to be able to do so, shall be deemed to be engaged in
15 the practice of optometry and shall first secure and hold an
16 unrevoked and unsuspended license as provided in this chapter;
17 provided that an orthoptist may give visual training, including
18 exercises, under the supervision of a physician or optometrist.
19 The use and prescription of [~~topically applied~~] pharmaceutical
20 agents and the removal of superficial foreign bodies from the
21 human eye and eyelid shall be granted to an optometrist licensed

1 under this chapter who has met the requirements under sections
2 459-7 and 459-7.4."

3 SECTION 3. Section 459-7.4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The use and prescription of ~~[topical]~~ therapeutic
6 pharmaceutical agents as established by the board for the
7 treatment and management of conditions of the anterior segment
8 of the human eye, eyelids, and lacrimal system, and the non-
9 invasive surface removal of superficial foreign bodies from the
10 anterior segment of the human eye and eyelids is authorized only
11 for an optometrist licensed under this chapter who meets the
12 requirements of a therapeutically certified optometrist as
13 authorized in this section. ~~[The]~~ A therapeutically certified
14 optometrist may use or prescribe steroidal agents. A
15 therapeutically certified optometrist shall not ~~[prescribe,~~
16 ~~dispense, or administer oral pharmaceutical agents except those~~
17 ~~available without prescription. Treatment of glaucoma, use of~~
18 ~~prescription anti fungal, injectable, or oral agents, and~~
19 ~~performing]~~ administer injectable agents except for anaphylaxis.
20 Performing any invasive surgery shall not be allowed.
21 Therapeutic pharmaceutical agents shall not include any of the

1 controlled substances enumerated in sections 329-14, 329-16,
2 329-18, 329-20, and 329-22."

3 SECTION 4. Section 459-7.45, Hawaii Revised Statutes, is
4 repealed:

5 ~~["§459-7.45] Restrictions on the use of topical steroidal~~
6 ~~agents and topical anti-viral agents. (a) A therapeutically~~
7 ~~certified optometrist may prescribe topical steroidal agents~~
8 ~~with the following restrictions:~~

9 ~~(1) An ophthalmologist shall be consulted.~~

10 ~~(A) If the patient's condition worsens or does not~~
11 ~~improve seventy-two hours after initiating~~
12 ~~treatment with a topical steroid; or~~

13 ~~(B) If the inflammation is still present two weeks~~
14 ~~after diagnosis; and~~

15 ~~(C) When treating a corneal ulcer or peripheral~~
16 ~~inflammatory keratitis with a topical steroid;~~
17 ~~provided that children under the age of fifteen~~
18 ~~may be treated with a topical steroid only after~~
19 ~~consultation with an ophthalmologist;~~

20 ~~(2) The patient shall be referred to an ophthalmologist if~~
21 ~~a topical steroid is still indicated three weeks after~~
22 ~~diagnosis; and~~

1 ~~(3) The only type of anterior uveitis to be treated under~~
2 ~~this section is traumatic iritis.~~

3 ~~(b) A therapeutically certified optometrist may prescribe~~
4 ~~topical anti viral agents for corneal epithelial lesions,~~
5 ~~provided that if the patient's condition does not improve~~
6 ~~seventy two hours after initiating treatment with a topical~~
7 ~~anti viral agent, the patient shall be immediately referred to~~
8 ~~an ophthalmologist."]~~

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

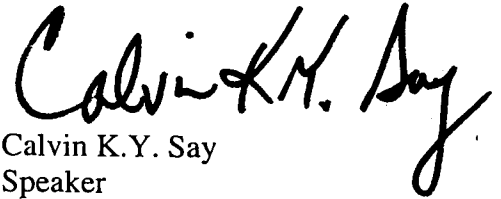
11 SECTION 6. This Act shall take effect on July 1, 2004.

12

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: February 13, 2004
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Third Reading in the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

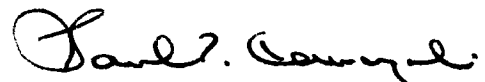
THE SENATE OF THE STATE OF HAWAII

Date: April 13, 2004
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Third Reading in the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate