

A Bill for an Act Relating to Optometry.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 459-1.5, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Surgery” means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or laser means.”

SECTION 2. Section 459-1, Hawaii Revised Statutes, is amended to read as follows:

“§459-1 Optometry; practice of, defined. The practice of optometry, for the purpose of this chapter, is defined to be [the recognition and analysis]:

- (1) The examination, diagnosis, treatment, and management of [visual dysfunction] diseases and disorders of the human [eye; the] visual system, the eye, and the eyelids;
- (2) The employment of trial frame or trial lenses, and any objective or subjective means or methods, other than the use of [medicine or] surgery, including refractive or therapeutic laser surgery, but including the use and prescription of topically applied pharmaceutical agents [known as topical anesthetics, cycloplegics, and mydriatics, for non-therapeutic purposes only], and the performance of non-invasive diagnostic procedures or ordering of laboratory tests related to the use of topically applied pharmaceutical agents for the purpose of [determining the refractive powers,] examining, diagnosing, treating, and managing visual, muscular, or other [anomalies] diseases and disorders of the human [eyes;¹ the] visual system, the eye, and the eyelids; or²
- (3) The prescribing, fitting, or adaptation of any ophthalmic lenses, contact lenses, prisms, frames, mountings, or orthoptic exercises for the correction or relief of the visual or muscular anomalies of the human [eyes.] eye.

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

Any person who engages in the prescribing of visual training, with or without the use of scientific instruments to train the visual system or other abnormal condition of the eyes, or claims to be able to do so, shall be deemed to be engaged in the practice of optometry and shall first secure and hold an unrevoked and unsuspended license as provided in this chapter; provided that an orthoptist may give visual training, including exercises, under the supervision of a physician or optometrist. The use and prescription of topically applied pharmaceutical agents and the removal of superficial foreign bodies from the human eye and eyelid shall be granted to an optometrist licensed under this chapter who has met the requirements under section 459-7.

If while examining or treating a patient a licensed optometrist finds, by history or examination, any ocular abnormality or any evidence of systemic disease requiring further diagnosis and possible treatment [by a licensed physician,] beyond the scope of practice as defined in this section, the optometrist shall refer that patient to an appropriate licensed physician.”

SECTION 3. Section 459-15, Hawaii Revised Statutes, is repealed.

SECTION 4. Act 292, Session Laws of Hawaii 1996, section 1, is amended by amending subsections (b) and (c) to read as follows:

“(b) The board shall grant recognition as a therapeutically certified optometrist; provided the optometrist has:

- (1) A current, unencumbered license as an optometrist in this State;
- (2) Completed a [one-hundred] one hundred hour board-approved course in the treatment and management of ocular diseases;
- (3) Passed the National Board of Examiners in Optometry Treatment and Management of Ocular Disease examination;
- (4) Completed [one-hundred] one hundred hours of [practical therapeutic pharmaceutical agents use] preceptorship under the supervision of an ophthalmologist [licensed under chapter 453. The ophthalmologist]. The supervising ophthalmologist shall certify completion of the [one-hundred] one hundred hours of hands-on experience and the competency of the optometrist to prescribe, dispense, and administer therapeutic pharmaceutical agents on a form and format prescribed by the board; provided that the preceptorship shall include training in diagnosis, treatment, and management of ocular disease; and
- (5) The therapeutically certified optometrist shall renew the certification with the biennial renewal of license and submit proof of satisfying [eight] thirty-six hours of continuing education in the diagnosis, treatment, and management of ocular, and systemic diseases. Completion of the thirty-six hours in the diagnosis, treatment, and management of ocular and systemic diseases shall fulfill the continuing education requirements pursuant to section 459-7 and this section.

(c) The department of commerce and consumer affairs shall establish a joint formulary advisory committee composed of [two]:

- (1) Two persons licensed as optometrists[, two];
- (2) Two persons licensed as pharmacists[.]; and [two]
- (3) Two persons licensed in [ophthalmology by the board of medical examiners.] medicine by the board of medical examiners and board certified in ophthalmology.

The joint formulary advisory committee shall recommend the applicable formulary for persons certified under this section. The board of optometry shall adopt the formulary as established by the joint formulary advisory committee in its rules.”

SECTION 5. Act 292, Session Laws of Hawaii 1996, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect on July 1, 1999[.]; provided that section 459- (c) of section 1 shall take effect on July 1, 1997.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.³

SECTION 7. This Act shall take effect on July 1, 1997; provided that the board of optometry shall:

- (1) Have the authority to adopt rules to implement section 459- (b)(2) and (b)(4) of section 1 of Act 292, Session Laws of Hawaii 1996; and
- (2) Establish and operate the joint formulary advisory committee; effective July 1, 1997.

(Approved July 2, 1997.)

ACT 335

Notes

1. Prior to amendment “or” appeared here.
2. “Or” should be underscored.
3. Edited pursuant to HRS §23G-16.5.