

ACT 46

H.B. NO. 1797

A Bill for an Act Relating to Optometry.

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

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

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

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

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

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

- (1) The examination, diagnosis, treatment, and management of diseases and disorders of the human 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 surgery, including refractive or therapeutic laser surgery, but including the use and prescription of [~~topically applied~~] pharmaceutical agents, as established by the board, 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 examining, diagnosing, treating, and managing visual, muscular, or other diseases and disorders of the human visual system, the eye, and the eyelids; or

- (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 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.

(b) 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 sections 459-7 and 459-7.4.'

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

“(a) The use and prescription of ~~[topical]~~ therapeutic pharmaceutical agents as established by the board for the treatment and management of conditions of the anterior segment of the human eye, eyelids, and lacrimal system, and the non-invasive surface removal of superficial foreign bodies from the anterior segment of the human eye and eyelids is authorized only for an optometrist licensed under this chapter who meets the requirements of a therapeutically certified optometrist as authorized in this section. [The] A therapeutically certified optometrist may use or prescribe steroidal agents. A therapeutically certified optometrist shall not ~~[prescribe, dispense, or administer oral pharmaceutical agents except those available without prescription. Treatment of glaucoma, use of prescription anti-fungal, injectable, or oral agents, and performing]~~ administer injectable agents except for anaphylaxis. Performing any invasive surgery shall not be allowed. Therapeutic pharmaceutical agents shall not include any of the controlled substances enumerated in sections 329-14, 329-16, 329-18, 329-20, and 329-22.’”

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

SECTION 5. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

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

(Vetoed by Governor and veto overridden by Legislature on April 30, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.