

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE JOINT
RESOLUTION 1031

By: Morgan (Fred)

AS INTRODUCED

A Joint Resolution relating to permanent rules of the State Board of Examiners in Optometry; amending proposed OAC 505:10-5-17; directing distribution; suspending permanent rule; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, approve, delay, suspend, veto, or amend the implementation of any rule or proposed rule while under review by the Legislature, determine that a rule is not consistent with legislative intent, and suspend any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 581 of Title 59 of the Oklahoma Statutes, the Oklahoma Board of Examiners in Optometry is required to define by rule those non-laser procedures which constitute the practice of optometry; and

WHEREAS, permanent rule OAC 505:10-5-17 defines the practice of optometry, and includes therein a list of 14 non-laser surgical procedures which are outside the scope of the practice of optometry; and

WHEREAS, the Legislature recognizes that OAC 505:10-5-17, which was adopted by the Board of Examiners in Optometry on March 10, 2005, and submitted to the Legislature and the Governor on March 11, 2005, in its current form, may not be consistent with legislative intent and the public policy of this state; and

WHEREAS, the Legislature recognizes that an interim study to consider the adoption and implementation of OAC 505:10-5-17 is necessary, which should be named the Optometric Non-Laser Interim Study Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby amends permanent rule OAC 505:10-5-17 to read as follows:

A. The practice of optometry is defined to be the science and art of examining the human eye and measurement of the powers of vision by the employment of any means, including the use or furnishing of any self-testing device, the use of any computerized or automatic refracting device, the use of pharmaceutical agents, the diagnosis of conditions of the human eye, and the correcting and relief of ocular abnormalities by means including but not limited to prescribing and adaptation of lenses, contact lenses, spectacles, eyeglasses, prisms and the employment of vision therapy or orthoptics for the aid thereof, low vision rehabilitation, laser surgery procedures, excluding retina, laser in-situ keratomileusis (LASIK), and cosmetic lid surgery. In addition, the practice of optometry shall also include the correction and relief of ocular abnormalities by non-laser ~~surgical~~ procedures included in paragraph B of this section.

B. The following non-laser procedures are within the scope of practice of optometry:

- (1) removal of a superficial foreign body from the conjunctival surface, from the eyelid epidermis, or from the corneal epithelium;
- (2) correction of trichiasis by epilation with forceps;
- (3) the closure of the lacrimal punctum by plug;
- (4) dilation of lacrimal punctum, with or without irrigation;

(5) probing of nasolacrimal canaliculi, with or without irrigation, on patients who are 16 years of age or older and who are not under general anesthesia;

(6) orthokeratology; and

(7) administration of subcutaneous epinephrine for emergency treatment of anaphylactic shock.

C. (1) (a) The Optometric Non-Laser Interim Study Committee is hereby established and shall consist of twelve (12) members appointed as follows:

(A) The chair of the Senate Judiciary Committee;

(B) The chair of the House Judiciary Committee;

(C) One member of the Oklahoma Board of Examiners in Optometry appointed by the Oklahoma Board of Examiners in Optometry;

(D) One member of the Oklahoma Board of Medical Licensure and Supervision appointed by the Oklahoma Board of Medical Examiners;

(E) One member of the Oklahoma Board of Osteopathic Examiners appointed by the Oklahoma Board of Osteopathic Examiners;

(F) Two members with medical degrees from the faculty of the Oklahoma University Health Sciences Center appointed by the Dean of the Health Sciences Center;

(G) Two members with degrees in osteopathy from the faculty of the Oklahoma State University Center for Health Sciences Center appointed by the Dean of the Health Sciences Center;

(H) Two members with a degree in optometry or ophthalmology who are members of the faculty at Northeastern State University College of Optometry;

(I) The Oklahoma Commissioner of Health.

(b) (A) The chair of the Interim Study Committee shall be elected by a majority of the members.

(B) The term of office of each member shall expire on January 1, 2006. A member shall serve until a successor is appointed. If a

vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the vacating member.

(C) Any member of the Interim Study Committee who fails to attend two consecutive meetings of the Committee, whether regular or special, shall forfeit office unless the Committee member is prevented from attending by serious illness of the member or of a member of the Committee member's family, or unless excused by the chair for good cause.

(D) Meetings of the Interim Study Committee shall be called at the request of the chair or at the request of two or more members of the Committee.

(E) Members of the Interim Study Committee shall serve without compensation. Legislative members shall be reimbursed for their travel expenses in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes. Members who are not legislators shall be reimbursed by their appointing authorities in accordance with the provisions of the State Travel Reimbursement Act.

(2) The Committee shall adopt and transmit to the Legislature by January 1, 2006, a list of non-laser procedures and protocols in addition to those listed in subsection B of this section that the Committee deems optometrists may safely perform under the provisions of applicable law and for which there is a demonstrated public need. The Committee shall hold at least one public hearing prior to adoption, and may hold more than one hearing at the discretion of the Chair. Upon adoption of the Committee's list of procedures and protocols, the Board of Examiners shall amend this rule to conform to the Committee's recommendations. Adoption of procedures and protocols shall be by majority vote of all Committee members.

SECTION 2. The Secretary of State is directed to cause OAC 505:10-5-17, as amended by Section 1 of this Resolution, to be published in the Oklahoma Register and codified in the Oklahoma Administrative Code.

SECTION 3. The Secretary of State is further directed to distribute copies of this resolution to the Governor and the President of the State Board of Examiners in Optometry.

SECTION 4. Permanent rule OAC 505:10-5-17, currently in effect, is hereby suspended until May 31, 2006.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after its passage and approval.

50-1-7098

TDR

05/12/05