

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3862

By: Martinez

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 amending 59 O.S. 2011, Section 581, as last amended
11 by Section 1, Chapter 21, O.S.L. 2016 (59 O.S. Supp.
12 2019, Section 581), which relates to the practice of
13 optometry; modifying scope of practice; and providing
14 an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 581, as last
17 amended by Section 1, Chapter 21, O.S.L. 2016 (59 O.S. Supp. 2019,
18 Section 581), is amended to read as follows:

19 Section 581. A. The practice of optometry is defined to be the
20 science and art of examining the human eye and measurement of the
21 powers of vision by the employment of any means, including the use
22 or furnishing of any self-testing device, the use of any
23 computerized or automatic refracting device, including applications
24 designed to be used on a computer or video conferencing via an
Internet device either in person or in remote locations, the use of

1 pharmaceutical agents, the diagnosis of conditions of the human eye,
2 and the correcting and relief of ocular abnormalities by means
3 including but not limited to prescribing and adaptation of lenses,
4 contact lenses, spectacles, eyeglasses, prisms and the employment of
5 vision therapy or orthoptics for the aid thereof, low vision
6 rehabilitation, laser surgery procedures, excluding retina, laser
7 in-situ keratomileusis (LASIK), and cosmetic lid surgery. The
8 practice of optometry is further defined to be nonlaser surgery
9 procedures as authorized by the Oklahoma Board of Examiners in
10 Optometry, pursuant to rules promulgated under the Administrative
11 Procedures Act.

12 B. The practice of optometry shall also include the prescribing
13 of dangerous drugs and controlled dangerous substances for all
14 schedules specified in the Uniform Controlled Dangerous Substances
15 Act except Schedules I and II but allowing for the prescribing of
16 hydrocodone or hydrocodone-containing drugs regardless of schedule
17 for a period not exceeding five (5) days of supply, and the issuance
18 of refills for such prescriptions following sufficient physical
19 examination of the patient for the purpose of diagnosis and
20 treatment of ocular abnormalities. The practice of optometry shall
21 ~~not~~ include the dispensing of drugs ~~but~~ and may include the
22 dispensing of professional samples to patients.

23 C. The scope of the delivery of care as defined in subsections
24 A and B of this section to an individual who is physically located

1 in this state at the time care is delivered shall constitute the
2 practice of optometry.

3 D. Optometrists shall be certified by the Board of Examiners in
4 Optometry prior to administering drugs, prescribing drugs, or
5 performing laser or nonlaser surgery procedures.

6 E. Nothing in this title shall be construed as allowing any
7 agency, board, or other entity of this state other than the Board of
8 Examiners in Optometry to determine what constitutes the practice of
9 optometry.

10 SECTION 2. This act shall become effective November 1, 2020.

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12 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
13 02/20/2020 - DO PASS, As Amended.
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