

HOUSE BILL NO. 218

INTRODUCED BY E. BUTTREY, M. BERTOGLIO, L. JONES, R. MARSHALL, L. SMITH, J. ETCHART, B. USHER, K. SEEKINS-CROWE, J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PRACTICE OF OPTOMETRY TO INCLUDE CERTAIN IN-OFFICE SURGICAL PROCEDURES AND LASER SURGICAL PROCEDURES; AMENDING SECTIONS 37-10-101 AND 37-10-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-10-101, MCA, is amended to read:

"37-10-101. Definitions -- practice of optometry. (1) The practice of optometry is the profession constituting the art and science of visual care and includes any one of the following acts:

(a) the optometric examination or optometric diagnosis of all of those physiological or anatomical parts or functions that consummate the process of human vision to ascertain the presence of abnormal conditions or functions that may be optometrically diagnosed, corrected, remedied, or relieved, or enhanced;

(b) the employment of any optometric means for the purpose of detecting any condition of the process of vision that may have any significance in a complete optometric eye and vision examination, including the employment and administration of drugs topically applied for examination purposes, limited to cycloplegics, mydriatics, topical anesthetics, dyes such as fluorescein, and for emergency use only, miotics;

(c) the application or prescription of ophthalmic lenses, contact lenses, prisms, orthoptics, visual training, and any physical, mechanical, or physiological therapy and the furnishing or application of any prosthetic or therapeutic devices for the correction or relief of visual or ocular anomalies;

(d) the administration, dispensation, and prescription of the oral analgesics codeine, propoxyphene, hydrocodone, and dihydrocodeine, alone or in combination with nonscheduled or nonregulated drugs; and

(e) the administration, dispensation, and prescription of those drugs approved by the board for use in ocular treatment limited to the anterior segment of the eye and adnexa. Glaucoma may be treated.

1 (2) Subsection (1) does not prohibit an optometrist from removing from the eye or adnexa a foreign  
2 body that is not intraocular.

3 (3) Subsection (1) ~~does not allow~~ allows an optometrist to perform ~~surgery or laser surgery for any~~  
4 ~~purpose~~ in-office surgical procedures and laser surgical procedures limited to the anterior segment of the eye  
5 and adnexa, excluding penetrating intraocular surgery, intravitreal injection, and refractive surgery. An  
6 optometrist may perform laser surgical procedures only if the optometrist is certified by the board in accordance  
7 with 37-10-302.

8 (4) Unless the context requires otherwise, in this chapter:

9 (a) "board" means the board of optometry provided for in 2-15-1736; and

10 (b) "department" means the department of labor and industry provided for in Title 2, chapter 15,  
11 part 17."

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13 **Section 2.** Section 37-10-302, MCA, is amended to read:

14 **"37-10-302. Qualifications -- application.** (1) The board shall adopt rules relative to and governing  
15 the qualifications of applicants for licensure as optometrists and the qualifications for certification of licensed  
16 optometrists to perform laser surgical procedures.

17 (2) A person is not eligible to receive a license unless that person is of good moral character.

18 (3) A person is not eligible to receive a license unless that person has graduated from an  
19 accredited school of optometry in which the practice and science of optometry is taught in a course of study that  
20 is accredited by the association of regulatory boards of optometry.

21 (4) An applicant for a license shall file a completed application on a form provided by the  
22 department and pay a fee prescribed by the board.

23 (5) The board shall certify an optometrist to perform laser surgical procedures on verification that  
24 the optometrist has successfully completed the required didactic and clinical training from an accredited  
25 optometry school or college. The training must cover the use of lasers for medically recognized and appropriate  
26 treatment of the human eye. On certification, the board shall issue a license indicating that the optometrist is  
27 certified to perform laser surgery pursuant to this section."

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