
SUBSTITUTE SENATE BILL 5542

State of Washington

67th Legislature

2022 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Rivers, Conway, Lovick, and Robinson)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to the practice of optometry; and amending RCW
2 18.53.010, 18.54.060, 18.54.050, and 18.54.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.53.010 and 2015 c 113 s 1 are each amended to
5 read as follows:

6 (1) ~~((The practice of optometry is defined as the examination of~~
7 ~~the human eye, the examination and ascertaining any defects of the~~
8 ~~human vision system and the analysis of the process of vision. The~~
9 ~~practice of optometry may include, but not necessarily be limited to,~~
10 ~~the following:~~

11 ~~(a) The employment of any objective or subjective means or~~
12 ~~method, including the use of drugs, for diagnostic and therapeutic~~
13 ~~purposes by those licensed under this chapter and who meet the~~
14 ~~requirements of subsections (2) and (3) of this section, and the use~~
15 ~~of any diagnostic instruments or devices for the examination or~~
16 ~~analysis of the human vision system, the measurement of the powers or~~
17 ~~range of human vision, or the determination of the refractive powers~~
18 ~~of the human eye or its functions in general; and~~

19 ~~(b) The prescription and fitting of lenses, prisms, therapeutic~~
20 ~~or refractive contact lenses and the adaption or adjustment of frames~~
21 ~~and lenses used in connection therewith; and~~

1 ~~(c) The prescription and provision of visual therapy, therapeutic~~
2 ~~aids, and other optical devices; and~~

3 ~~(d) The ascertainment of the perceptive, neural, muscular, or~~
4 ~~pathological condition of the visual system; and~~

5 ~~(e) The adaptation of prosthetic eyes))~~ (a) The practice of
6 optometry is defined as the evaluation of ocular health and
7 refractive state, diagnosis, and treatment of the eye and its
8 appendages to correct and relieve ocular abnormalities in any
9 authorized manner, including, but not limited to:

10 (i) Prescribing and adapting lenses, contact lenses, spectacle
11 eyeglasses, prisms, other ocular devices, and of administration of
12 pharmaceutical agents;

13 (ii) The use of oral, topical, and other medications to treat and
14 relieve disease or abnormalities of the ocular tissues and ocular
15 adnexa;

16 (iii) The prescription and provision of visual therapy, ocular
17 exercises, visual rehabilitation therapy, subnormal vision therapy,
18 orthoptics, and the adaptation of prosthetic eyes;

19 (iv) Ordering necessary diagnostic lab or imaging tests and the
20 dispensing of samples to initiate treatment;

21 (v) Performing nonpenetrating ocular foreign body removal or
22 debridement of tissue by any means, epilation of misaligned
23 eyelashes, placement of punctal or lacrimal plugs, dilation and
24 irrigation of the lacrimal system, placement of biologic membranes,
25 orthokeratology, prescription and fitting of contact lenses with the
26 purpose of altering refractive error, or other similar procedures;

27 (vi) The use of diagnostic or therapeutic instruments utilizing
28 laser, ultrasound, or other technology in the performance of primary
29 eye care; and

30 (vii) Other ophthalmic surgery procedures, except those listed in
31 (c) of this subsection, that are within the scope of the licensee's
32 education and training taught by an accredited school of optometry
33 and authorized by regulations adopted by the board of optometry which
34 demonstrate the licensee's proficiency in performing the procedure.

35 (b) "Ophthalmic surgery procedures" means a procedure upon the
36 human eye in which in vivo human tissue is injected, cut, burned,
37 frozen, sutured, vaporized, coagulated, or photodisrupted by the use
38 of surgical instrumentation such as, but not limited to, a scalpel,
39 cryoprobe, laser, electric cautery, or ionizing radiation.

40 (c) The practice of optometry does not include:

1 (i) Retinal laser procedures, laser-assisted in situ
2 keratomileus, photorefractive keratectomy, laser epithelial
3 keratomileusis, or any forms of refractive surgery;
4 (ii) Penetrating keratoplasty, corneal transplant, or lamellar
5 keratoplasty;
6 (iii) The administration of general anesthesia;
7 (iv) Surgery performed with general anesthesia;
8 (v) Laser or nonlaser injection into the vitreous chamber of the
9 eye to treat any macular or retinal disease;
10 (vi) Surgery related to the removal of the eye from a living
11 human being;
12 (vii) Surgery requiring a full thickness incision or excision of
13 the cornea or sclera other than paracentesis in an emergency
14 situation requiring immediate reduction of the pressure inside of the
15 eye;
16 (viii) Surgery requiring incision of the iris and ciliary body,
17 including iris diathermy or cryotherapy;
18 (ix) Surgery requiring incision of the vitreous or retina;
19 (x) Surgical extraction of the crystalline lens;
20 (xi) Surgical intraocular implants;
21 (xii) Incisional or excisional surgery of the extraocular
22 muscles;
23 (xiii) Surgery of the eyelid for malignancies or for incisional
24 cosmetic or mechanical repair of blepharochalasis, ptosis, or
25 tarsorrhaphy;
26 (xiv) Surgery of the bony orbit, including orbital implants;
27 (xv) Incisional or excisional surgery of the lacrimal system
28 other than lacrimal probing or related procedures;
29 (xvi) Surgery requiring full thickness conjunctivoplasty with
30 graft or flap;
31 (xvii) Any surgical procedure that does not provide for the
32 correction and relief of ocular abnormalities;
33 (xviii) Incision into the eyeball;
34 (xix) Retrobulbar or intraorbital injection; or
35 (xx) Pterygium surgery.
36 (2) An optometrist shall not administer drugs, prescribe drugs,
37 or perform laser or nonlaser surgical procedures until he or she is
38 authorized, licensed, or certified by the board. Any advanced
39 procedure licensed optometrist authorized to practice under this

1 chapter shall meet the educational and competence criteria set forth
2 by the board in order to perform expanded therapeutic procedures.

3 (3)(a) Those persons using topical and oral drugs for diagnostic
4 and therapeutic purposes in the practice of optometry shall have ((a
5 minimum of sixty hours of)) didactic and clinical instruction in
6 general and ocular pharmacology as applied to optometry, as
7 established by the board, and certification from an institution of
8 higher learning, accredited by those agencies recognized by the
9 United States office of education or the council on postsecondary
10 accreditation to qualify for certification by the optometry board of
11 Washington to use drugs for diagnostic and therapeutic purposes.

12 (b) Those persons ((using or prescribing topical drugs for
13 therapeutic purposes)) administering injection and advanced
14 procedures for treatment in the practice of optometry must be
15 certified under (a) of this subsection, and must have ((an))
16 additional ((minimum of seventy-five hours of)) didactic and
17 supervised clinical instruction, as established by the board, and
18 certification from an institution of higher learning, accredited by
19 those agencies recognized by the United States office of education or
20 the council on postsecondary accreditation to qualify for
21 certification by the optometry board ((of Washington to use drugs for
22 therapeutic purposes)) to administer injections and advanced
23 procedures.

24 (c) ((Those persons using or prescribing drugs administered
25 orally for diagnostic or therapeutic purposes in the practice of
26 optometry shall be certified under (b) of this subsection, and shall
27 have an additional minimum of sixteen hours of didactic and eight
28 hours of supervised clinical instruction as established by the board,
29 and certification from an institution of higher learning,)) The board
30 shall designate what postgraduate courses may be accepted for
31 certification to provide advanced ophthalmic surgical procedures. If
32 a course is offered by an institution of higher education accredited
33 by those agencies recognized by the United States office of education
34 or the council on postsecondary accreditation to qualify for
35 certification by the ((optometry board of Washington to administer,
36 dispense, or prescribe oral drugs for diagnostic or therapeutic
37 purposes)) board to perform advanced procedures, this course should
38 contain continuing education including didactic and practical
39 training or an equivalent course or exam may be ruled as acceptable.

1 (d) ~~((Those persons administering epinephrine by injection for~~
2 ~~treatment of anaphylactic shock in the practice of optometry must be~~
3 ~~certified under (b) of this subsection and must have an additional~~
4 ~~minimum of four hours of didactic and supervised clinical~~
5 ~~instruction, as established by the board, and certification from an~~
6 ~~institution of higher learning, accredited by those agencies~~
7 ~~recognized by the United States office of education or the council on~~
8 ~~postsecondary accreditation to qualify for certification by the~~
9 ~~optometry board to administer epinephrine by injection.~~

10 ~~(e) Such course or courses shall be the fiscal responsibility of~~
11 ~~the participating and attending optometrist.~~

12 ~~(f) (i) All persons receiving their initial license under this~~
13 ~~chapter on or after January 1, 2007, must be certified under (a),~~
14 ~~(b), (c), and (d) of this subsection.~~

15 ~~(ii) All persons licensed under this chapter on or after January~~
16 ~~1, 2009, must be certified under (a) and (b) of this subsection.~~

17 ~~(iii) All persons licensed under this chapter on or after January~~
18 ~~1, 2011, must be certified under (a), (b), (c), and (d) of this~~
19 ~~subsection.~~

20 ~~(3))~~ Such course or courses shall be the fiscal responsibility
21 of the participating and attending optometrist. The board shall
22 determine a date in which all persons licensed under this chapter
23 must be certified under (a) and (b) of this subsection.

24 (4) The board shall establish a list of topical drugs for
25 diagnostic and treatment purposes limited to the practice of
26 optometry, and no person licensed pursuant to this chapter shall
27 prescribe, dispense, purchase, possess, or administer drugs except as
28 authorized and to the extent permitted by the board.

29 ~~((4))~~ (5) The board must establish a list of oral Schedule III
30 through V controlled substances and any oral legend drugs, with the
31 approval of and after consultation with the pharmacy quality
32 assurance commission. The board may include Schedule II hydrocodone
33 combination products consistent with subsection ~~((6))~~ (7) of this
34 section. No person licensed under this chapter may use, prescribe,
35 dispense, purchase, possess, or administer these drugs except as
36 authorized and to the extent permitted by the board. ~~((No optometrist~~
37 ~~may use, prescribe, dispense, or administer oral corticosteroids.))~~

38 (a) The board, with the approval of and in consultation with the
39 pharmacy quality assurance commission, must establish, by rule,
40 specific guidelines for the prescription and administration of drugs

1 by optometrists, so that licensed optometrists and persons filling
2 their prescriptions have a clear understanding of which drugs and
3 which dosages or forms are included in the authority granted by this
4 section.

5 (b) An optometrist may not ~~((~~ ~~+~~ ~~5~~ ~~))~~

6 ~~(i) Prescribe~~) prescribe, dispense, or administer a controlled
7 substance for more than seven days in treating a particular patient
8 for a single trauma, episode, or condition or for pain associated
9 with or related to the trauma, episode, or condition ~~((~~ ~~+~~ ~~6~~ ~~))~~

10 ~~(ii) Prescribe an oral drug within ninety days following~~
11 ~~ophthalmic surgery unless the optometrist consults with the treating~~
12 ~~ophthalmologist~~)).

13 (c) If treatment exceeding the limitation in (b) ~~((~~ ~~+~~ ~~7~~ ~~))~~ of this
14 subsection is indicated, the patient must be referred to a physician
15 licensed under chapter 18.71 RCW.

16 (d) The prescription or administration of drugs as authorized in
17 this section is specifically limited to those drugs appropriate to
18 treatment of diseases or conditions of the human eye and the adnexa
19 that are within the scope of practice of optometry. The prescription
20 or administration of drugs for any other purpose is not authorized by
21 this section.

22 ~~((~~ ~~+~~ ~~8~~ ~~))~~ (6) The board shall develop a means of identification and
23 verification of optometrists certified to use therapeutic drugs for
24 the purpose of issuing prescriptions as authorized by this section.

25 ~~((~~ ~~+~~ ~~9~~ ~~))~~ (7) Nothing in this chapter may be construed to authorize
26 the use, prescription, dispensing, purchase, possession, or
27 administration of any Schedule I or II controlled substance, except
28 Schedule II hydrocodone combination products. The provisions of this
29 subsection must be strictly construed.

30 ~~((~~ ~~+~~ ~~10~~ ~~))~~ ~~With the exception of the administration of epinephrine by~~
31 ~~injection for the treatment of anaphylactic shock, no injections or~~
32 ~~infusions may be administered by an optometrist.~~

33 ~~(8) Nothing in this chapter may be construed to authorize~~
34 ~~optometrists to perform ophthalmic surgery. Ophthalmic surgery is~~
35 ~~defined as any invasive procedure in which human tissue is cut,~~
36 ~~ablated, or otherwise penetrated by incision, injection, laser,~~
37 ~~ultrasound, or other means, in order to: Treat human eye diseases;~~
38 ~~alter or correct refractive error; or alter or enhance cosmetic~~
39 ~~appearance. Nothing in this chapter limits an optometrist's ability~~
40 ~~to use diagnostic instruments utilizing laser or ultrasound~~

1 ~~technology. Ophthalmic surgery, as defined in this subsection, does~~
2 ~~not include removal of superficial ocular foreign bodies, epilation~~
3 ~~of misaligned eyelashes, placement of punctal or lacrimal plugs,~~
4 ~~diagnostic dilation and irrigation of the lacrimal system,~~
5 ~~orthokeratology, prescription and fitting of contact lenses with the~~
6 ~~purpose of altering refractive error, or other similar procedures~~
7 ~~within the scope of practice of optometry.)~~ (8) In addition to
8 therapeutic intralesional and subconjunctival injections to the
9 ocular tissues and adnexa, epinephrine may be administered by
10 injection for the treatment of anaphylactic shock.

11 (9) In a public health emergency, the state health officer may
12 authorize therapeutically licensed optometrists to administer
13 inoculations for systemic health reasons.

14 (10)(a) Any optometrist authorized by the board shall be
15 permitted to purchase diagnostic pharmaceutical agents for use in the
16 practice of optometry. Any optometrist authorized by the board shall
17 be permitted to prescribe therapeutic pharmaceutical agents in the
18 practice of optometry. Optometrists authorized by the board to
19 purchase pharmaceutical agents shall obtain them from licensed
20 wholesalers or pharmacists, using prescriptions or chart orders
21 placed in the same or similar manner as any physician or other
22 practitioner so authorized. Purchases shall be limited to those
23 pharmaceutical agents specified in this section, based upon the
24 authority conferred upon the optometrist by the board consistent with
25 the educational qualifications of the optometrist as established in
26 this section.

27 (b) Diagnostic and therapeutic pharmaceutical agents are any
28 prescription or nonprescription drug delivered via any route of
29 administration used or prescribed for the diagnosis, treatment, or
30 mitigation of abnormal conditions and pathology of the human eye and
31 its adnexa. Diagnostic and therapeutic pharmaceutical agents do not
32 include Schedule I and Schedule II drugs, except for hydrocodone
33 combination products.

34 **Sec. 2.** RCW 18.54.060 and 1963 c 25 s 6 are each amended to read
35 as follows:

36 ((Three)) A majority of members constitute a quorum for the
37 transaction of business of the board.

1 **Sec. 3.** RCW 18.54.050 and 2011 c 336 s 491 are each amended to
2 read as follows:

3 The board must meet at least once yearly or more frequently upon
4 call of the (~~chair~~) board's officers or the secretary of health at
5 such times and places as the (~~chair~~) board's officers or the
6 secretary of health may designate by giving three days' notice or as
7 otherwise required by RCW 42.30.075. A full record of the board's
8 proceedings shall be kept in the office of the board and shall be
9 open to inspection at all reasonable times.

10 **Sec. 4.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to
11 read as follows:

12 The board has the following powers and duties:

13 (1) To develop and administer, or approve, or both, a licensure
14 examination. The board may approve an examination prepared or
15 administered by a private testing agency or association of licensing
16 authorities.

17 (2) The board shall adopt rules and regulations to promote
18 safety, protection and the welfare of the public, to carry out the
19 purposes of this chapter, to aid the board in the performance of its
20 powers and duties, and to govern the practice of optometry. The
21 administrative regulations shall include the classification and
22 licensure of optometrists by examination or credentials, retirement
23 of a license, and reinstatement of a license.

24 (3) The board shall have the sole authority to determine what
25 constitutes the practice of optometry within the confines of this
26 chapter and chapter 18.53 RCW.

27 (4) The board shall keep a register containing the name, address,
28 license number, email, and phone number of every person licensed to
29 practice optometry in this state to the best of their ability.

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