
SENATE BILL 5389

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By Senators Cleveland, Rivers, Robinson, Van De Wege, Conway, Holy, Schoesler, L. Wilson, Lovick, Randall, and C. Wilson

Read first time 01/16/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the practice of optometry; and amending RCW
2 18.53.010, 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) ~~(a)~~ The practice of optometry is defined as the ~~((examination~~
7 ~~of 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.~~

6 (2)) evaluation of ocular health and refractive state,
7 diagnosis, and treatment of the eye and its appendages to correct and
8 relieve ocular abnormalities in any authorized manner including, but
9 not limited to:

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

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

16 (iii) Prescribing and providing visual therapy, ocular exercises,
17 visual and neuro-optometry rehabilitation therapy, subnormal vision
18 therapy, orthoptics, and the adaptation of prosthetic eyes;

19 (iv) Ordering necessary diagnostic lab or imaging tests
20 including, but not limited to, finger-stick testing and collecting
21 samples for culturing. Dispensing of medication samples to initiate
22 treatment is permitted;

23 (v) Performing nonpenetrating ocular foreign body removal or
24 debridement of tissue by any means, epilation of misaligned
25 eyelashes, placement of punctal or lacrimal plugs, including devices
26 containing pharmaceutical agents implanted in the lacrimal system,
27 dilation and irrigation of the lacrimal system, placement of biologic
28 membranes, orthokeratology, prescription and fitting of contact
29 lenses with the purpose of altering refractive error or to treat eye
30 disease, or other similar procedures;

31 (vi) Using diagnostic or therapeutic instruments utilizing laser,
32 ultrasound, or other technology in the performance of primary eye
33 care; and

34 (vii) Performing other ophthalmic surgery procedures, except
35 those listed in (c) of this subsection, that are within the scope of
36 the licensee's education and training taught by an accredited school
37 of optometry and authorized by regulations adopted by the optometry
38 board that demonstrate the licensee's proficiency in performing the
39 procedure.

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

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

7 (i) Performing retinal laser procedures, laser-assisted in situ
8 keratomileus, photorefractive keratectomy, laser epithelial
9 keratomileusis, or any forms of invasive refractive surgery;

10 (ii) Penetrating keratoplasty, corneal transplant, or lamellar
11 keratoplasty;

12 (iii) Administering general anesthesia;

13 (iv) Performing surgery with general anesthesia;

14 (v) Providing laser or nonlaser injections into the vitreous
15 chamber of the eye to treat any macular or retinal disease;

16 (vi) Performing surgery related to the removal of the eye from a
17 living human being;

18 (vii) Performing surgery requiring a full thickness incision or
19 excision of the cornea or sclera other than paracentesis in an
20 emergency situation requiring immediate reduction of the pressure
21 inside of the eye;

22 (viii) Performing surgery requiring incision of the iris and
23 ciliary body, including iris diathermy or cryotherapy;

24 (ix) Performing surgery requiring incision of the vitreous or
25 retina;

26 (x) Performing surgical extraction of the crystalline lens;

27 (xi) Performing surgical intraocular implants;

28 (xii) Performing incisional or excisional surgery of the
29 extraocular muscles;

30 (xiii) Performing surgery of the eyelid for malignancies or for
31 incisional cosmetic or mechanical repair of blepharochalasis, ptosis,
32 or tarsorrhaphy;

33 (xiv) Performing surgery of the bony orbit, including orbital
34 implants;

35 (xv) Performing incisional or excisional surgery of the lacrimal
36 system other than lacrimal probing or related procedures;

37 (xvi) Performing surgery requiring full thickness
38 conjunctivoplasty with graft or flap;

39 (xvii) Performing any surgical procedure that does not provide
40 for the correction and relief of ocular abnormalities;

1 (xviii) Providing an incision into the eyeball;

2 (xix) Providing retrobulbar or intraorbital injection; or

3 (xx) Performing pterygium surgery.

4 (2) An optometrist shall not administer drugs, prescribe drugs,
5 or perform laser or nonlaser surgical procedures until he or she is
6 authorized, licensed, or certified by the optometry board. Any
7 advanced procedure licensed optometrist authorized to practice under
8 this chapter shall meet the educational and competence criteria set
9 forth by the optometry board in order to perform expanded therapeutic
10 procedures.

11 (3)(a) Those persons using topical and oral drugs for diagnostic
12 and therapeutic purposes in the practice of optometry shall have ((a
13 minimum of sixty hours of)) didactic and clinical instruction in
14 general and ocular pharmacology as applied to optometry, as
15 established by the optometry board, and certification from an
16 institution of higher learning, accredited by those agencies
17 recognized by the United States office of education or the council on
18 postsecondary accreditation to qualify for certification by the
19 optometry board ((of Washington)) to use drugs for diagnostic and
20 therapeutic purposes.

21 (b) Those persons ((using or prescribing topical drugs for
22 therapeutic purposes)) administering injection and advanced
23 procedures for treatment in the practice of optometry must be
24 certified under (a) of this subsection, and must have ((an))
25 additional ((minimum of seventy-five hours of)) didactic and
26 supervised clinical instruction as established by the optometry
27 board, and certification from an institution of higher learning,
28 accredited by those agencies recognized by the United States office
29 of education or the council on postsecondary accreditation to qualify
30 for certification by the optometry board ((of Washington to use drugs
31 for therapeutic purposes.

32 (c) Those persons using or prescribing drugs administered orally
33 for diagnostic or therapeutic purposes in the practice of optometry
34 shall be certified under (b) of this subsection, and shall have an
35 additional minimum of sixteen hours of didactic and eight hours of
36 supervised clinical instruction as established by the board, and
37 certification from an institution of higher learning,)) to administer
38 injections and advanced procedures.

39 (c) The optometry board shall designate what postgraduate courses
40 may be accepted for certification to provide advanced ophthalmic

1 surgical procedures. If a course is offered by an institution of
2 higher education accredited by those agencies recognized by the
3 United States office of education or the council on postsecondary
4 accreditation to qualify for certification by the optometry board
5 (~~of Washington to administer, dispense, or prescribe oral drugs for~~
6 ~~diagnostic or therapeutic purposes.~~

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

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

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

21 ~~(ii) All persons licensed under this chapter on or after January~~
22 ~~1, 2009, must be certified under (a) and (b) of this subsection.~~

23 ~~(iii) All persons licensed under this chapter on or after January~~
24 ~~1, 2011, must be certified under (a), (b), (c), and (d) of this~~
25 ~~subsection.~~

26 ~~(3))~~ to perform advanced procedures, this course should contain
27 continuing education including didactic and practical training or an
28 equivalent course or exam may be ruled as acceptable. Such course or
29 courses shall be the fiscal responsibility of the participating and
30 attending optometrist.

31 The optometry board shall determine a date in which all persons
32 licensed under this chapter must be certified under (a) and (b) of
33 this subsection.

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

39 ~~((4))~~ (5) The optometry board must establish a list of oral
40 Schedule III through V controlled substances and any oral legend

1 drugs, with the approval of and after consultation with the pharmacy
2 quality assurance commission. The optometry board may include
3 Schedule II hydrocodone combination products consistent with
4 subsection ~~((+6))~~ (7) of this section. No person licensed under this
5 chapter may use, prescribe, dispense, purchase, possess, or
6 administer these drugs except as authorized and to the extent
7 permitted by the optometry board. ~~((No optometrist may use,
8 prescribe, dispense, or administer oral corticosteroids.))~~

9 (a) The optometry board, with the approval of and in consultation
10 with the pharmacy quality assurance commission, must establish, by
11 rule, specific guidelines for the prescription and administration of
12 drugs by optometrists, so that licensed optometrists and persons
13 filling their prescriptions have a clear understanding of which drugs
14 and which dosages or forms are included in the authority granted by
15 this section.

16 (b) An optometrist may not ~~((+~~
17 ~~(i) Prescribe))~~ prescribe, dispense, or administer a controlled
18 substance for more than seven days in treating a particular patient
19 for a single trauma, episode, or condition or for pain associated
20 with or related to the trauma, episode, or condition ~~((+ or~~

21 ~~(ii) Prescribe an oral drug within ninety days following
22 ophthalmic surgery unless the optometrist consults with the treating
23 ophthalmologist))~~.

24 (c) If treatment exceeding the limitation in (b) ~~((+i))~~ of this
25 subsection is indicated, the patient must be referred to a physician
26 licensed under chapter 18.71 RCW.

27 (d) The prescription or administration of drugs as authorized in
28 this section is specifically limited to those drugs appropriate to
29 treatment of diseases or conditions of the human eye and the adnexa
30 that are within the scope of practice of optometry. The prescription
31 or administration of drugs for any other purpose is not authorized by
32 this section.

33 ~~((+5))~~ (6) The optometry board shall develop a means of
34 identification and verification of optometrists certified to ~~((use
35 therapeutic drugs for the purpose of issuing prescriptions as
36 authorized by this section.~~

37 ~~(6))~~ perform advanced procedures.

38 (7) Nothing in this chapter may be construed to authorize the
39 use, prescription, dispensing, purchase, possession, or
40 administration of any Schedule I or II controlled substance, except

1 Schedule II hydrocodone combination products. The provisions of this
2 subsection must be strictly construed.

3 ~~((7) With the exception of the administration of epinephrine by
4 injection for the treatment of anaphylactic shock, no injections or
5 infusions may be administered by an optometrist.~~

6 ~~(8) Nothing in this chapter may be construed to authorize
7 optometrists to perform ophthalmic surgery. Ophthalmic surgery is
8 defined as any invasive procedure in which human tissue is cut,
9 ablated, or otherwise penetrated by incision, injection, laser,
10 ultrasound, or other means, in order to: Treat human eye diseases;
11 alter or correct refractive error; or alter or enhance cosmetic
12 appearance. Nothing in this chapter limits an optometrist's ability
13 to use diagnostic instruments utilizing laser or ultrasound
14 technology. Ophthalmic surgery, as defined in this subsection, does
15 not include removal of superficial ocular foreign bodies, epilation
16 of misaligned eyelashes, placement of punctal or lacrimal plugs,
17 diagnostic dilation and irrigation of the lacrimal system,
18 orthokeratology, prescription and fitting of contact lenses with the
19 purpose of altering refractive error, or other similar procedures
20 within the scope of practice of optometry.)~~

21 (8) In addition to
22 therapeutic intralesional and subconjunctival injections to the
23 ocular tissues and adnexa, epinephrine may be administered by
24 injection for the treatment of anaphylactic shock.

25 (9) In a public health emergency, the state health officer may
26 authorize licensed optometrists to administer inoculations for
27 systemic health reasons.

28 (10)(a) Any optometrist authorized by the optometry board shall
29 be permitted to purchase diagnostic pharmaceutical agents for use in
30 the practice of optometry. Any optometrist authorized by the
31 optometry board shall be permitted to prescribe therapeutic
32 pharmaceutical agents in the practice of optometry. Optometrists
33 authorized by the optometry board to purchase pharmaceutical agents
34 shall obtain them from licensed wholesalers or pharmacists, using
35 prescriptions or chart orders placed in the same or similar manner as
36 any physician or other practitioner so authorized. Purchases shall be
37 limited to those pharmaceutical agents specified in this section,
38 based upon the authority conferred upon the optometrist by the
39 optometry board consistent with the educational qualifications of the
optometrist as established in this section.

1 (b) Diagnostic and therapeutic pharmaceutical agents are any
2 prescription or nonprescription drug delivered via any route of
3 administration used or prescribed for the diagnosis, treatment, or
4 mitigation of abnormal conditions and pathology of the human eye and
5 its adnexa. Diagnostic and therapeutic pharmaceutical agents do not
6 include Schedule I and Schedule II drugs, except for hydrocodone
7 combination products.

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

10 The optometry board must meet at least once yearly or more
11 frequently upon call of the chair or the secretary of health at such
12 times and places as the chair or the secretary of health may
13 designate by giving three days' notice or as otherwise required by
14 RCW 42.30.075. A full record of the optometry board's proceedings
15 shall be kept in the office of the optometry board and shall be open
16 to inspection at all reasonable times.

17 **Sec. 3.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to
18 read as follows:

19 The optometry board has the following powers and duties:

20 (1) To develop and administer, or approve, or both, a licensure
21 examination. The optometry board may approve an examination prepared
22 or administered by a private testing agency or association of
23 licensing authorities.

24 (2) The optometry board shall adopt rules and regulations to
25 promote safety, protection, and the welfare of the public, to carry
26 out the purposes of this chapter, to aid the optometry board in the
27 performance of its powers and duties, and to govern the practice of
28 optometry. The administrative regulations shall include the
29 classification and licensure of optometrists by examination or
30 credentials, retirement of a license, and reinstatement of a license.

31 (3) The optometry board shall have the sole authority to provide
32 rule-making regarding the allowable procedures and their educational
33 requirements within the confines of this chapter and chapter 18.53
34 RCW.

35 (4) The optometry board shall keep a register containing the
36 name, address, license number, email, and phone number of every

1 person licensed to practice optometry in this state to the best of
2 their ability.

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