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**SENATE BILL NO. 511**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3222 of the Code of Virginia, relating to optometry; scope of practice.*

Patrons—Suetterlein, Black, Carrico, Chase, Cosgrove, Edwards, Howell, Lewis, Lucas, Newman, Peake, Petersen, Saslaw, Spruill, Sturtevant and Wagner; Delegates: Austin, Davis, Filler-Corn, Guzman, Head, Kilgore, Landes, O'Quinn, Plum, Reid, Robinson and Ware

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3222 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2400.01:1. Surgery defined; who may perform surgery.**

A. For the purposes of this subtitle, except as used in Chapter 38 (§ 54.1-3800 et seq.) related to veterinary medicine, "surgery" means the structural alteration of the human body by the incision or cutting into of tissue for the purpose of diagnostic or therapeutic treatment of conditions or disease processes by any instrument causing localized alteration or transposition of live human tissue, but does not include the following: procedures for the removal of superficial foreign bodies from the human body, punctures, injections, dry needling, acupuncture, or removal of dead tissue. For the purposes of this section, incision shall not mean the scraping or brushing of live tissue.

B. No person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a licensed midwife in the performance of episiotomies during childbirth; or (vi) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry; *or (vii) a licensed optometrist in the treatment of styes, chalazia, or anterior segment lesions not requiring the use of general anesthesia or sutures.*

C. Nothing in this section shall be construed to restrict, limit, change, or expand the scope of practice in effect on January 1, 2012, of any profession licensed by any of the health regulatory boards within the Department of Health Professions.

**§ 54.1-3200. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter. *The practice of optometry also includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies. However, the practice of optometry does not include treatment by laser surgery; treatment by surgery except for treatment of styes, chalazia, or anterior segment lesions not requiring the use of general anesthesia or sutures; or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 and for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.*

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to

57 Article 5 (§ 54.1-3222 et seq.). Such certification shall enable an optometrist to prescribe and administer  
58 Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and  
59 Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§  
60 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as  
61 determined by the Board. ~~Such certification shall not, however, permit treatment through surgery,~~  
62 ~~including, but not limited to, laser surgery or other invasive modalities, except for treatment of~~  
63 ~~emergency cases of anaphylactic shock with intramuscular epinephrine.~~

64 The foregoing shall not restrict the authority of any optometrist licensed or certified under this  
65 chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from  
66 delegating to personnel in his personal employ and supervised by him, such activities or functions as are  
67 nondiscretionary and do not require the exercise of professional judgment for their performance and  
68 which are usually or customarily delegated to such persons by optometrists, if such activities or  
69 functions are authorized by and performed for such optometrists and responsibility for such activities or  
70 functions is assumed by such optometrists.

71 **§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions**  
72 **with therapeutic pharmaceutical agents (TPAs).**

73 A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions  
74 of the human eye and its adnexa with therapeutic pharmaceutical agents (TPAs), if the optometrist files  
75 a written application, accompanied by the fee required by the Board and satisfactory proof that the  
76 applicant:

77 1. Is licensed by the Board as an optometrist and certified to administer diagnostic pharmaceutical  
78 agents pursuant to Article 4 (§ 54.1-3220 et seq.);

79 2. Has satisfactorily completed such didactic and clinical training programs for the treatment of  
80 diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a  
81 school or college of optometry and a school of medicine, to be reasonable and necessary by the Board  
82 to ensure an appropriate standard of medical care for patients; and

83 3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure  
84 an appropriate standard of medical care for patients.

85 B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of  
86 practice, Schedule II controlled substances consisting of hydrocodone in combination with  
87 acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug  
88 Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its  
89 adnexa as determined by the Board, within the following conditions:

90 1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on  
91 Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et  
92 seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on  
93 Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act, which are  
94 appropriate to alleviate ocular pain and (ii) other Schedule VI controlled substances as defined in  
95 § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal conditions of the human  
96 eye and its adnexa.

97 2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in  
98 § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.).

99 3. *Administration of therapeutic pharmaceutical agents by injection shall be limited to Schedule VI*  
100 *controlled substances as defined in § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.) and to the*  
101 *adnexa and subconjunctival space of the human eye.*

102 4. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

103 4. 5. Treatment of infantile or congenital glaucoma shall be prohibited.

104 5. ~~Treatment through surgery or other invasive modalities shall not be permitted, except for treatment~~  
105 ~~of emergency cases of anaphylactic shock with intramuscular epinephrine.~~

106 6. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs, including,  
107 but not limited to, wholesale distributors and pharmacists, shall be authorized to supply TPA-certified  
108 optometrists with those therapeutic pharmaceutical agents specified by the Board on the TPA-Formulary.