

Amendment to SB 440

1 Amend RSA 327:1, IV(b) as inserted by section 6 of the bill by replacing it with the following:

2
3 ***(b) Shall not mean the following ophthalmic surgery procedures, except for the***
4 ***preoperative and postoperative care, of:***

5 ***(1) The following procedures:***

6 ***(A) Retina laser procedures.***

7 ***(B) Penetrating keratoplasty or corneal transplant.***

8 ***(C) The administration of general anesthesia.***

9 ***(D) Surgery done with general anesthesia.***

10 ***(E) Laser or non-laser procedures into the vitreous chamber of the eye to***
11 ***treat any retinal or macular disease.***

12 ***(F) Any form of refractive surgery, including laser-assisted in situ***
13 ***keratomileusis, photorefractive keratectomy, and laser epithelial keratomileusis.***

14 ***(2) The following non-laser surgical procedures:***

15 ***(A) Surgery related to removal of the eye from a living human being.***

16 ***(B) Surgery requiring full thickness incision or excision of the cornea or***
17 ***sclera other than paracentesis in an emergency situation requiring immediate reduction of***
18 ***the pressure inside the eye.***

19 ***(C) Surgery requiring incision of the iris and ciliary body, including***
20 ***diathermy or cryotherapy.***

21 ***(D) Surgery of the vitreous or injections into the vitreous.***

22 ***(E) Surgery of the retina.***

23 ***(F) Surgical extraction of the crystalline lens.***

24 ***(G) Surgical intraocular implants.***

25 ***(H) Surgery of the extraocular muscles.***

26 ***(I) Surgery of the eyelid for suspect or confirmed malignancies or***
27 ***incisional cosmetic or mechanical repair of eyelids including blepharoplasty, ptosis***
28 ***repair, canthoplasty, and tarsorrhaphy.***

29 ***(J) Surgery of or within the orbit, including orbital implants.***

30 ***(K) Incisional or excisional surgery of the lacrimal system other than***
31 ***probing or related procedures.***

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1 **(L) Surgery requiring full thickness incision or excision of the**
2 **conjunctiva.**

3 **(M) Surgery to remove pterygium.**

4
5 Amend the bill by replacing section 8 with the following:

6
7 8 Optometry; Examinations and Licenses; Authorization for Pharmaceutical Agents. Amend
8 RSA 327:6-a, II to read as follows:

9 II. An optometrist licensed to practice optometry prior to January 1, 1993, shall complete a
10 post-graduate course of study approved by the board covering the subjects of ocular pharmacology
11 and the treatment and management of eye diseases and shall pass an examination administered by
12 the National Board of Examiners in Optometry or its successor and approved by the board. ~~Every~~
13 ~~optometrist licensed to practice optometry after January 1, 1993, shall pass an examination~~
14 ~~administered by the National Board of Examiners in Optometry or its successor and approved by the~~
15 ~~board. To meet the requirements of this section, an approved course shall be given by an accredited~~
16 ~~school or college of optometry in the United States and shall consist of a minimum of 105 hours, of~~
17 ~~which a minimum of 25 hours shall be in direct clinical training.]~~ The board shall adopt rules, under
18 RSA 541-A, to carry out the provisions of this section and to ~~insure~~ **ensure** the safety of the public.

19
20 Amend the bill by replacing section 11 with the following:

21
22 11 New Section; Optometry; Examinations and Licenses; Authorization to Perform Ophthalmic
23 Procedures. Amend RSA 327 by inserting after section 6-c the following new section:

24 327:6-d Authorization to Perform Ophthalmic Procedures.

25 I. Unless otherwise specified in this chapter, the board shall have the authority to determine
26 what constitutes the practice of optometry by persons licensed under this chapter, consistent with
27 curriculum of nationally accredited schools and colleges of optometry. The board of optometry shall
28 adopt rules under RSA 541-A establishing the credentialing certification which shall be fulfilled
29 before a person may be certified to perform ophthalmic procedures for the practice of optometry,
30 including:

31 (a) Identification and categorization of ophthalmic procedures for the practice of
32 optometry;

33 (b) Establishment of criteria to perform such procedures with proficiency;

34 (c) Establishment of minimum education, training, and live experience requirements for
35 a person to perform such procedures with proficiency;

36 (d) Criteria for requiring proctoring and criteria for requiring such proctoring; and

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1 (e) Outcome reporting requirements for such procedures performed by certificate
2 holders.

3 II. No optometrist shall practice under this section unless the optometrist has submitted
4 evidence of satisfactory completion of all requirements for specific procedures and the office has
5 certified the optometrist as qualified.

6
7 Amend the bill by replacing section 12 with the following:

8
9 12 Optometry; License Renewal; Disciplinary Action. Amend RSA 327:20, II(i) to read as
10 follows:

11 (i) The use of any pharmaceutical agent by an optometrist not authorized under RSA
12 327:6-a or the use of any pharmaceutical agent other than those agents described in RSA 327:1 or
13 those previously approved by the ~~[joint credentialing committee]~~ **board**.

14 ***(j) Performing authorized ophthalmic procedures without certification based***
15 ***upon the requirements outlined in RSA 327:6-d shall be grounds for suspension or***
16 ***revocation of an optometry license and/or certification to perform authorized ophthalmic***
17 ***procedures.***

18
19 Amend the bill by replacing section 13 with the following:

20
21 13 Optometry; Regulations and Penalties; Contact Lens Prescriptions to be Provided to Patient.
22 Amend RSA 327:25-a, IV to read as follows:

23 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
24 of contact lenses to individuals within the state unless such business is registered with a permit
25 issued by the ~~[board of pharmacy if the out-of-state business is a pharmacy, or by the board of~~
26 ~~registration in optometry if the out-of-state business is not a pharmacy]~~ **office of professional**
27 **licensure and certification.**

28 (b) The ~~[board of pharmacy or the board of registration in optometry]~~ **office** shall issue a
29 permit to such out-of-state business if the business discloses and provides proof:

30 (1) That the business is in compliance with all applicable laws and rules in the state
31 in which the business is located;

32 (2) Of the operating locations and the names and titles of all principal corporate
33 officers;

34 (3) That the business complies with all lawful directions and requests for
35 information from the board of pharmacy and the board of ~~[registration in]~~ optometry, **or other**
36 **applicable licensing authority**, of all states in which it conducts business;

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1 (4) That the business agrees in writing to comply with all New Hampshire laws and
2 rules relating to the sale or dispensing of contact lenses; and

3 (5) That the business has paid the established fee.

4
5 Amend the bill by replacing all after section 14 with the following:

6
7 15 Optometry; Regulation and Penalties; Rulemaking Authority. Amend RSA 327:31, V to read
8 as follows:

9 V. Requirements for continuing education in addition to those requirements set by RSA
10 327:33~~[-and RSA 327:33-a];~~

11 16 Optometry; Regulations and Penalties; Continuing Education Courses Required. RSA 327:33
12 is repealed and reenacted to read as follows:

13 327:33 Continuing Education Courses Required.

14 An optometrist shall complete a minimum of 20 hours of continuing education by participation in
15 formal synchronous courses each year in order to maintain an active license.

16 17 Repeal. The following are repealed:

17 I. RSA 327:6-b, relative to the optometry joint credentialing committee.

18 II. RSA 327:33-a, relative to continuing education courses required for pharmaceutical
19 and glaucoma certification.

20 18 Effective Date. This act shall take effect 60 days after its passage.