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10:19 A.M.

Chapter No. 316
21/HR12/R1254SG
AM / LB

HOUSE BILL NO. 1302

Originated in House  Clerk

HOUSE BILL NO. 1302

AN ACT TO AMEND SECTION 73-19-1, MISSISSIPPI CODE OF 1972, TO DEFINE THE PRACTICE OF OPTOMETRY; TO PROVIDE FOR THE DISEASES AND CONDITIONS THAT OPTOMETRISTS ARE AUTHORIZED TO EXAMINE, DIAGNOSE AND MANAGE; TO PROVIDE THAT AN OPTOMETRIST MAY UTILIZE LOCAL ANESTHESIA IN THE PERFORMANCE OF CERTAIN PROCEDURES; TO PROVIDE THAT NO OPTOMETRIST SHALL PERFORM CATARACT SURGERY NOR ANY OTHER INTRAOCULAR SURGERY NOT SPECIFICALLY ALLOWED IN THIS STATUTE; TO PROVIDE THAT AN OPTOMETRIST MAY PERFORM YAG LASER POSTERIOR CAPSULOTOMIES IF HE/SHE HAS BEEN CERTIFIED BY THE BOARD OF OPTOMETRY TO PERFORM OPTOMETRIC YAG LASER POSTERIOR CAPSULOTOMY PROCEDURES; TO AMEND SECTION 73-19-27, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT ALLOWS OPTOMETRISTS TO USE PHARMACEUTICAL AGENTS IN THEIR PRACTICE; TO AMEND SECTION 73-19-157, MISSISSIPPI CODE OF 1972, TO PROVIDE OPTOMETRISTS THE AUTHORITY TO USE AND PRESCRIBE CERTAIN PHARMACEUTICAL MEDICATIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-19-1, Mississippi Code of 1972, is amended as follows:

73-19-1. (1) The practice of optometry is defined to be the application of optical principles, through technical methods and devices in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers and adapting or prescribing optical

accessories, including spectacles, contact lenses and low-vision devices, for the aid thereof, including, but not limited to, the use of computerized or automated refracting devices, lenses and prisms, vision therapy and low-vision rehabilitation therapy. The practice of optometry shall include the prescribing and use of therapeutic pharmaceutical agents by optometrists certified under Sections 73-19-153 through 73-19-165. The practice of optometry shall * * * include the removal of superficial foreign bodies from the eye or other noninvasive procedures. Nothing in this section or any other provision of law shall be construed to prohibit optometrists who have been certified under Sections 73-19-153 through 73-19-165 from providing postophthalmic surgical or clinical care and management with the advice and consultation of the operating or treating physician. One who is engaged in the practice of optometry as a profession as defined in this subsection and who has sufficient education and professional competence, as defined by the State Board of Optometry, shall be authorized to examine, diagnose, manage and treat conditions and diseases of the eye and eyelid, including the following:

(a) The administration and prescribing of pharmaceutical agents rational to the diagnosis and treatment of conditions or diseases of the eye or eyelid; excluding administration that requires intraocular injection or intraocular implantation;

(b) The performance of primary eye care procedures not otherwise excluded within this statute rational to the treatment of conditions or diseases of the eye or eyelid;

(c) The performance and ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the eye and eyelid; excluding those requiring biopsy of any part of the globe or intraocular aspiration or penetration;

(d) The use of a local anesthetic in conjunction with the primary care treatment of an eyelid lesion; provided, however, that no optometrist shall use a local anesthetic for this purpose unless the optometrist has met the certification requirements set forth by the Board of Optometry for the administration of pharmaceutical agents in the performance of primary eye care procedures. Nothing in this subsection shall be construed as allowing an optometrist to perform any reconstructive surgical procedure on the eyelid; and

(e) An optometrist may utilize local anesthesia by injection in performing the following procedures:

(i) Needle drainage of an eyelid abscess, hematoma, bulla and seroma;

(ii) Excision of a single epidermal lesion without characteristics of malignancy, no larger than five (5) millimeters in size and no deeper than the dermal layer of the skin;

(iii) Incision and curettage of a nonrecurrent chalazion;

(iv) Simple repair of an eyelid laceration no larger than two and one-half (2-1/2) centimeters and no deeper than the orbicularis muscle and not involving the eyelid margin or lacrimal drainage structures; or

(v) Removal of foreign bodies in the eyelid not involving lid margin, lacrimal drainage structures, and extending no deeper than the orbicularis muscle.

(2) Nothing in * * * this act, shall be construed or interpreted to allow any optometrist to treat systemic diseases and/or conditions.

(3) Optometrists practicing in this state shall not perform cataract surgery nor any other intraocular surgical procedure not specifically allowed in this statute.

(4) Optometrists practicing under the authority of this section shall be held to the same standard of care as that of other physicians providing similar services. No optometrist shall practice under this section unless the optometrist has submitted to the Board of Optometry evidence of satisfactory completion of all education requirements and the board has certified the optometrist as educationally qualified.

(5) An optometrist may perform the following if he has been certified by the Board of Optometry to perform optometric laser procedure: YAG laser posterior capsulotomy.

SECTION 2. Section 73-19-27, Mississippi Code of 1972, is amended as follows:

73-19-27. Nothing in this chapter shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of oculist, ophthalmologist, or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery. * * *

SECTION 3. Section 73-19-157, Mississippi Code of 1972, is amended as follows:

73-19-157. Any optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165 is authorized to examine, diagnose, manage and treat visual defects, abnormal conditions and diseases of the human eye or eyelids, including:

* * *

(* * *a) Over-the-counter medications;

* * *

(b) Pharmaceutical medications which are rational and appropriate for the examination, diagnosis, management or treatment of visual defects, abnormal conditions or diseases of the eye and/or eyelids as authorized by Section 73-19-1 of this chapter not including any medication that must be injected or implanted into the eye or orbit. Dermal fillers and substances injected for cosmetic purposes are prohibited.

These agents shall not include any drug or substance listed in Schedule I of the Uniform Controlled Dangerous Substances Law;

(* * *c) The administration of an auto injection or epi-pen to counteract anaphylactic reaction, followed by immediate referral of the patient to the nearest emergency medical facility * * *; and

(d) In a public health emergency, the State Health Officer may authorize therapeutically licensed optometrists to administer inoculations for systemic health reasons.

SECTION 4. An optometrist may be licensed in Mississippi to perform authorized ophthalmic YAG laser posterior capsulotomy procedures if he/she:

(a) Provides proof of holding a Mississippi license to practice therapeutic optometry and is in good standing;

(b) Provides proof of satisfactory completion of a course of instruction as approved by the board. Those graduating from an accredited school or college of optometry within five (5) years after the effective date of this act may be excluded from course completion requirement, provided that the candidate has successfully passed appropriate coursework to fulfill requirements as determined by the board. The board-approved course of instruction shall be:

(i) Provided by an accredited optometry, osteopathy or medical school;

(ii) A minimum of thirty-two (32) clock hours in length; and

(iii) Sponsored by an organization approved by the board;

(c) Satisfactorily completes a written test approved by the board on aspects pertaining to authorized ophthalmic YAG laser posterior capsulotomy procedures;

(d) Passes a clinical skills assessment approved by the board;

(e) Participates in eight (8) additional hours of working under a preceptor who is either an ophthalmologist or licensed credentialed optometrist. The preceptor must be licensed to perform the ophthalmic YAG laser posterior capsulotomy procedures, and the training shall occur within the state in which the preceptor is licensed to perform such procedures; and

(f) Such other requirements as may be directed by the board.

SECTION 5. An optometrist licensed in another state who applies for licensure by endorsement in Mississippi shall be credentialed to perform authorized ophthalmic YAG laser posterior capsulotomy procedures if the applicant provides proof that:

(a) The applicant holds an active license in good standing by another state; and

(b) The applicant is credentialed by that state to perform ophthalmic YAG laser posterior capsulotomy procedures; and

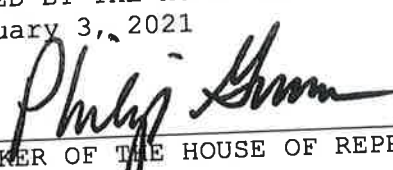
(c) The requirements in the state of licensure for performing ophthalmic YAG laser posterior capsulotomy procedures meet or exceed the requirements in Section 1 of this act; or

(d) The applicant has satisfactory outcome data from prior ophthalmic YAG laser posterior capsulotomy procedures.

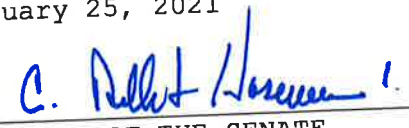
SECTION 6. Optometrists shall report to the board the outcome of every authorized ophthalmic surgery procedure performed in such form as required or directed by the board.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

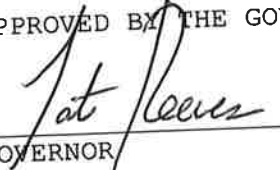
PASSED BY THE HOUSE OF REPRESENTATIVES
February 3, 2021


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
February 25, 2021


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR