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§ 73-19-1. Practice of optometry defined.

(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 Chapter 316, Laws of 2021, 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.

History

Codes, Hemingway's 1921 Supp. § 6124a; 1930, § 5652; 1942, § 8832; Laws, 1920, ch. 217; reenacted, Laws, 1983, ch. 438, § 1; reenacted, Laws, 1991, ch. 303, § 1; Laws, 1994, ch. 573, § 10; Laws, 2005, ch. 404, § 1, eff from and after July 1, 2005; Laws, 2021, ch. 316, § 1, eff from and after July 1, 2021.

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§ 73-19-3. Who may practice; examination and license.

It shall not be lawful for any person in this state to engage in the practice of optometry or to hold himself out as a practitioner of optometry, or attempt to determine by an examination of the eyes the kind of glasses needed by any person, or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses, excepting those hereinafter exempted, unless he has first fulfilled the requirements of this chapter and has received a certificate of licensure from the state board of optometry created by this chapter, nor shall it be lawful for any person in this state to represent that he is the lawful holder of a certificate of licensure such as provided for in this chapter, when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry, or to fail to register the certificate as provided by law.

History

Codes, Hemingway's 1921 Supp. § 6124b; 1930, § 5653; 1942, § 8833; Laws, 1920, ch.

217; reenacted, Laws, 1983, ch. 438, § 2; reenacted, Laws, 1991, ch. 303, § 2, eff from and after July 1, 1991.

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§ 73-19-5. Penalty for violation of chapter; immunity from civil or criminal liability.

(1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction for his first offense shall be fined not more than five hundred dollars (\$500.00) at the discretion of the court, and upon conviction for a second or later offense shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not less than six (6) months nor more than one (1) year, at the discretion of the court.

(2) Any entity, organization or person, including the board, any member of the board and its agents or employees, acting in good faith and without malice, who makes any report or information available to the board regarding violation of any of the provisions of Sections **73-19-1** through 73-19-111, or who assists in the organization, investigation or preparation of any such report or information or assists the board in carrying out any of its duties or functions provided by law, shall be immune from civil or criminal liability for such acts.

History

Codes, Hemingway's 1921 Supp. § 6124c; 1930, § 5654; 1942, § 8834; Laws, 1920, ch. 217; reenacted and amended, Laws, 1983, ch. 438, § 3; reenacted, Laws, 1991, ch. 303, § 3, eff from and after July 1, 1991.

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§ 73-19-7. Board of optometry; appointment; qualifications.

The Governor, with the advice and consent of the Senate, shall appoint a State Board of Optometry, consisting of five (5) persons, citizens of Mississippi, each of whom shall be a nonmedical man or woman actually engaged in the practice of optometry for five (5) years next preceding his appointment. The appointments to the board shall be made with one (1) member to be appointed from each of the Mississippi Supreme Court Districts as existing on January 1, 1980 and two (2) from the state at large.

The State Board of Optometry, created by former Section 73-19-7, is continued and reconstituted as follows: Effective January 1, 2028, each board member shall be appointed by the Governor, with the advice and consent of the Senate, for a term of office of four (4) years, provided that three (3) members shall be appointed in 2028 to a term ending December 31, 2031, and two (2) members shall be appointed in 2030 to a term ending December 31, 2033. Appointments made at the beginning of the four-year cycle shall be made to fill any member's term which actually expires that year and any member's term which expires next until the majority of the membership of the board or commission is reached. Appointments made at the beginning of the third year of the four-year cycle shall be made for the remainder of the membership positions irrespective of the time of their prior appointment. Any question regarding the order of appointments shall be determined by the

Secretary of State in accordance with the specific statute. All appointment procedures, vacancy provisions, interim appointment provisions and removal provisions specifically provided for in Section 7-1-35, Mississippi Code of 1972, shall be fully applicable to appointments to the State Board of Optometry.

No person so appointed shall be a stockholder in or a member of the faculty or of the board of trustees of any school of optometry, or serve to exceed two (2) five-year terms.

Vacancies on said board shall be filled by appointment by the Governor, with the advice and consent of the Senate, from a list of names submitted by the Mississippi Optometric Association consisting of three (3) of its members, or by appointment of any qualified member of the association.

History

Codes, Hemingway's 1921 Supp. § 6124d; 1930, § 5655; 1942, § 8835; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 1; Laws, 1974, ch. 426, § 1; reenacted and amended, Laws, 1983, ch. 438, § 4; reenacted, Laws, 1991, ch. 303, § 4, eff from and after July 1, 1991; Laws, 2024, ch. 497, § 10, eff from and after July 1, 2024.

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§ 73-19-9. Officers of board; meetings; rules and regulations.

The State Board of Optometry shall organize by the election from its members a president and a secretary, who shall hold their respective offices for one (1) year.

It shall hold regular meetings for examination, beginning on the second week of January and July of each year, and additional meetings at such times and places as the board shall determine, said additional meetings not to exceed ten (10) meeting days annually, but the July meeting shall be held in the City of Jackson.

A majority of the board shall constitute a quorum, but a less number may adjourn from time to time.

The board shall make such rules and regulations as may be necessary to carry out the provisions of this chapter; however, the board shall not adopt any rule or regulation or impose any requirement regarding the licensing of optometrists that conflicts with the prohibitions in Section 73-49-3.

The board is authorized to appoint an executive director for a term of four (4) years, with the advice and consent of the Senate, and consistent with the provisions of Section 7-1-35, Mississippi Code of 1972.

History

Codes, Hemingway's 1921 Supp. § 6124e; 1930, § 5656; 1942, § 8836; Laws, 1920, ch. 217; reenacted, Laws, 1983, ch. 438, § 5; reenacted, Laws, 1991, ch. 303, § 5; Laws, 2015, ch. 461, § 5, eff from and after July 1, 2015; Laws, 2024, ch. 497, § 11, eff from and after July 1, 2024.

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§ 73-19-11. Secretary of board; bond required.

Before entering upon the discharge of the duties of his office the secretary of the state board of optometry shall give a bond to the state, to be approved by the board, in the sum of two thousand dollars conditioned for the faithful discharge of the duties of his office. The premium for such bond to be paid from the funds paid into the state treasury by the secretary of the board.

Such bond, with the approval of the board and oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. Each month all moneys received by the secretary shall be paid by him into the state treasury to the credit of a fund for the use of the state board of optometry.

History

Codes, Hemingway's 1921 Supp. § 6124f; 1930, § 5657; 1942, § 8837; Laws, 1920, ch. 217; reenacted, Laws, 1983, ch. 438, § 6; reenacted, Laws, 1991, ch. 303, § 6, eff from and after July 1, 1991.

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§ 73-19-13. Compensation of secretary and members; how paid.

Each member of the state board of optometry shall be entitled to receive per diem as authorized under Section 25-3-69 in addition to all actual, necessary expenses incurred in the discharge of official duties, including mileage as authorized by law for state officials and employees.

The secretary shall receive an annual salary, to be fixed by the board, and his necessary expenses incurred in the discharge of his official duties. The state board of optometry may engage the services of an attorney to assist it in the discharge of its duties on terms to be fixed by the board.

The compensation and expenses of the secretary, attorney and members of the board, and the expenses of the board necessary in carrying out the provisions of this chapter, shall be paid from the fund in the state treasury for use of the board on the requisition signed by the president and secretary of the board and the warrant of the auditor of the state; provided, however, that said compensation and expenses shall not exceed the amount paid into the state treasury under the provisions of this chapter; and provided further, that all expenditures from such special fund shall be authorized by the legislature and shall be subject to all applicable provisions of the state budget law.

History

Codes, Hemingway's 1921 Supp. § 6124g; 1930, § 5658; 1942, § 8838; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 2; Laws, 1974, ch. 426, § 2; reenacted and amended, Laws, 1983, ch. 438, § 7; reenacted, Laws, 1991, ch. 303, § 7, eff from and after July 1, 1991.

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§ 73-19-15. Official seal; records required.

The state board of optometry shall have an official seal and shall keep a record of its proceedings, a register of persons registered as optometrists and register licenses by it revoked.

Its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety (90) days after each examination. A transcript of an entry in such records certified by the secretary under the seal of the board, shall be evidence of the facts therein stated. The board shall annually, on or before January 1 make a report to the governor of all its official acts during the preceding year, and of its receipts and disbursements, and a full and complete report of the conditions of optometry in this state.

History

Codes, Hemingway's 1921 Supp. § 6124h; 1930, § 5659; 1942, § 8839; Laws, 1920, ch. 217; reenacted, Laws, 1983, ch. 438, § 8; reenacted, Laws, 1991, ch. 303, § 8, eff from and after July 1, 1991.

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§ 73-19-17. Examination; qualifications.

Any person over the age of twenty-one (21) years, of good moral character, and who has graduated from a high school or preparatory school affiliated with and recognized by a state university, and who has graduated from a reputable school or college of optometry, shall be entitled to stand the examination for license to practice optometry in Mississippi. The examining Board of Optometry shall keep on file a list of schools or colleges of optometry which are recognized by said board. The examination to practice optometry shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry and in anatomy and physiology of the eye and in pathology as applied to optometry. The State Board of Optometry shall not examine or certify any optometrist in any therapeutic procedures unless the optometrist has successfully completed the proper didactic education and supervised clinical training taught by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy.

History

Codes, Hemingway's 1921 Supp. § 6124i; 1930, § 5660; 1942, § 8840; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 3; reenacted, Laws, 1983, ch. 438, § 9; reenacted, Laws, 1991, ch. 303, § 9; Laws, 1994, ch. 573, § 11, eff from and after July 1, 1994.

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§ 73-19-19. Examination; effect of failure; certificate of licensure.

Every person desiring to be licensed as in this chapter provided, shall file with the secretary an application, verified by oath, setting forth the facts which entitle the applicant to examination and licensure under the provisions of this chapter. The said board shall hold at least two (2) examinations each year. In case of failure at any examination the applicant, after the expiration of six (6) months and within two (2) years, shall have the privilege of a second examination by the board without the payment of an additional fee. In the case of any applicant who shall fail the examination twice, said applicant shall not be permitted to again take the examination until he has completed a further course of study outlined by the board and paid the examination fee therefor. Every applicant who shall pass the examination, and who shall otherwise comply with the provisions of this chapter, shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this state, which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose, which shall be open to public inspection, and a duly certified copy of said record shall be received as evidence in all courts of this state in the trial of any case.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

History

Codes, Hemingway's 1921 Supp. § 6124j; 1930, § 5661; 1942, § 8841; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 4; reenacted, Laws, 1983, ch. 438, § 10; reenacted, Laws, 1991, ch. 303, § 10; Laws, 1997, ch. 588, § 45, eff from and after July 1, 1997.

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§ 73-19-21. Fees.

Except as provided in Section 33-1-39, the board shall charge the following fees for examination, registrations and renewals of certificates: The sum of not more than Two Hundred Dollars (\$200.00) for an examination of an applicant who is a resident of Mississippi and not more than Three Hundred Dollars (\$300.00) for a nonresident of Mississippi to cover the additional expenses of checking references, character and other statements contained in the application. Every registered optometrist who desires to continue the practice of optometry shall, annually, on or before January 1, pay to the secretary of the board a renewal registration fee of not more than Four Hundred Dollars (\$400.00) for which he shall receive a renewal of his certificate. The board, in its discretion, may set the renewal registration fee at different amounts for registered optometrists, for registered optometrists certified to use diagnostic pharmaceutical agents, and for registered optometrists certified to use diagnostic and therapeutic pharmaceutical agents, not to exceed the maximum amount prescribed in this section.

In case of neglect to pay the renewal registration fee specified in this section, the board may revoke the certificate and the holder thereof may be reinstated by complying with the conditions specified in this chapter. But no certificate or permit shall be revoked without giving sixty (60) days' notice to the delinquent, who, within that period shall have the right of renewal of the certificate on payment of the renewal fee with a penalty of not more than

Fifteen Dollars (\$15.00). Retirement from practice for a period not exceeding five (5) years shall not deprive the holder of the certificate of the right to renew his certificate on the payment of all lapsed fees.

The board shall adopt a seal and certificate of suitable design and shall conduct its examination at Jackson, in this state. Its permanent records shall be kept in the office of the secretary, which records shall be open to public inspection.

History

Codes, Hemingway's 1921 Supp. § 6124k; 1930, § 5662; 1942, § 8842; Laws, 1920, ch. 217; Laws, 1942, ch. 326; Laws, 1956, ch. 305, § 5; Laws, 1970, ch. 405, § 1; Laws, 1978, ch. 416, § 1; reenacted and amended, Laws, 1983, ch. 438, § 11; Laws, 1991, ch. 303, § 11; Laws, 1995, ch. 561, § 1; Laws, 2007, ch. 309, § 16; Laws, 2007, ch. 395, § 1, eff from and after July 1, 2007.

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§ 73-19-23. License refused or revoked; criminal history records check; disciplinary action.

(1)

(a) The board shall refuse to grant a certificate of licensure to any applicant and may cancel, revoke or suspend the operation of any certificate by it granted for any or all of the following reasons: unprofessional and unethical conduct or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, or stimulants, narcotics, or any other substance that impairs the intellect and judgment to such an extent as to incapacitate one for the performance of the duties of an optometrist. The certificate of licensure of any person can be revoked for violating any section of this chapter.

(b) The board shall conduct a criminal history records check on licensure applicants and on licensees whose licenses are subject to investigation.

(i) The applicant or licensee shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant or licensee shall submit a full set of the applicant's fingerprints in a form or manner prescribed by the board, which shall be forwarded to the Bureau of Investigation Identification Division for this purpose.

(ii) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or licensee or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(iii) The board shall provide to the department the fingerprints of the applicant or licensee, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(iv) The board shall charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

(2) The board shall further be authorized to take disciplinary action against a licensee for any unlawful acts, which shall include violations of regulations promulgated by the board, as well as the following acts:

(a) Fraud or misrepresentation in applying for or procuring an optometric license or in connection with applying for or procuring periodic renewal of an optometric license.

(b) Cheating on or attempting to subvert the optometric licensing examination(s).

(c) The conviction of a felony in this state or any other jurisdiction, or the entry of a guilty or nolo contendere plea to a felony charge.

(d) The conviction of a felony as defined by federal law, or the entry of a guilty or nolo contendere plea to a felony charge.

(e) Conduct likely to deceive, defraud or harm the public.

(f) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, device, treatment or remedy prescribed by him or her or used at his or her direction in the treatment of any disease or other condition.

(g) Willfully or negligently violating the confidentiality between doctor and patient, except as required by law.

(h) Negligence or gross incompetence in the practice of optometry as determined by the board.

(i) Being found to be a person with mental illness or with an intellectual disability by any court of competent jurisdiction.

(j) The use of any false, fraudulent, deceptive or misleading statement in any document connected with the practice of optometry.

(k) Aiding or abetting the practice of optometry by an unlicensed, incompetent or impaired person.

(l) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's practice of optometry.

(m) Being addicted or habituated to a drug or intoxicant.

(n) Violating any state or federal law or regulation relating to a drug legally classified as a controlled substance.

(o) Obtaining any fee by fraud, deceit or misrepresentation.

(p) Disciplinary action of another state or jurisdiction against a licensee or other authorization to practice optometry based upon acts or conduct by the licensee similar to acts

or conduct that would constitute grounds for action as defined in this chapter, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof.

(q) Failure to report to the board the relocation of his or her office in or out of the jurisdiction, or to furnish floor plans as required by regulation.

(r) Violation of any provision(s) of the Optometry Practice Act or the rules and regulations of the board or of an action, stipulation or agreement of the board.

(s) To advertise in a manner that tends to deceive, mislead or defraud the public.

(t) The designation of any person licensed under this chapter, other than by the terms "optometrist," "Doctor of Optometry" or "O.D.," which through June 30, 2025, shall include any violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.

(u) To knowingly submit or cause to be submitted any misleading, deceptive or fraudulent representation on a claim form, bill or statement.

(v) To practice or attempt to practice optometry while his or her license is suspended.

(3) Any person who is a holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure, against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing in Jackson, Mississippi, before the board, at which hearing he may be represented by counsel. At the hearing, witnesses may be examined for and against the accused respecting those charges, and the hearing orders or appeals will be conducted according to the procedure now provided in Section 73-25-27. The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be removed when the holder of the certificate has been adjudged by the board to be cured and capable of practicing optometry.

(4) In addition to the reasons specified in subsections (1) and (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(5) A licensee who provides a written certification as authorized under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder shall not be subject to any disciplinary action under this section solely due to providing the written certification.

History

Codes, Hemingway's 1921 Supp. § 6124l; 1930, § 5663; 1942, § 8843; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 6; reenacted, Laws, 1983, ch. 438, § 12; Laws, 1991, ch. 303, § 12; Laws, 1996, ch. 507, § 45; Laws, 2008, ch. 442, § 20; Laws, 2010, ch. 476, § 75; Laws, 2012, ch. 409, § 13; Laws, 2016, ch. 419, § 10, eff from and after July 1, 2016; Laws,

2020, ch. 393, § 10, eff from and after July 1, 2020; Laws, 2022, ch. 303, § 70, eff from and after passage (approved February 2, 2022).

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§ 73-19-25. Certificates of other states; when and how recognized.

An applicant for a certificate of licensure who has been examined by the state board of another state which, through reciprocity, similarly accredits the holder of a certificate issued by the board of this state to the full privileges of practice within such state, on the payment of a fee of not more than Fifty Dollars (\$50.00) to the board and on filing in the office of the board a true and attested copy of the license, certified by the president or secretary of the state board issuing the same, and showing also that the standard requirements adopted and enforced by the board are equal to that provided by this state, may, without further examination, receive a certificate of licensure, provided that such applicant has not previously failed at an examination held by the board of this state. The issuance of a certificate of licensure by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

History

Codes, Hemingway's 1921 Supp. § 6124m; 1930, § 5664; 1942, § 8844; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 7; reenacted and amended, Laws, 1983, ch. 438, § 13; reenacted, Laws, 1991, ch. 303, § 13; Laws, 2013, ch. 350, § 20, eff from and after July 1, 2013; Laws, 2021, ch. 398, § 17, eff from and after July 1, 2021.

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§ 73-19-27. Chapter does not confer title, word, abbreviation indicating licensee is engaged in practice of medicine or surgery.

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.

History

Codes, Hemingway's 1921 Supp. § 6124n; 1930, § 5665; 1942, § 8845; Laws, 1920, ch. 217; Laws, 1982, ch. 353, § 7; reenacted, Laws, 1983, ch. 438, § 14; Laws, 1985, ch. 374, § 1; Laws, 1991, ch. 303, § 14; Laws, 1994, ch. 573, § 12, eff from and after July 1, 1994; Laws, 2021, ch. 316, § 2, eff from and after July 1, 2021.

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§ 73-19-29. Physicians, druggists and merchants may sell spectacles.

The provisions of this chapter shall not apply to physicians or surgeons practicing under authority of licenses issued under the laws of this state for the practice of medicine or surgery. And provided that this chapter shall not prohibit merchants and druggists who are actually engaged in business in this state from selling and assisting purchasers in fitting spectacles and eye glasses in their place of business at time of sale.

History

Codes, Hemingway's 1921 Supp. § 6124o; 1930, § 5666; 1942, § 8846; Laws, 1920, ch. 217; reenacted, Laws, 1983, ch. 438, § 15; reenacted, Laws, 1991, ch. 303, § 15, eff from and after July 1, 1991.



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§ 73-19-31. Repealed.

Repealed by Laws of 2005, ch. 404, § 12 effective July 1, 2005.

§ 73-19-31. [Laws, 1979, ch. 301, § 36; Laws, 1979, ch. 357, § 16; Laws, 1983, ch. 438, § 16; Laws, 1991, ch. 303, § 23; Laws, 1997, ch. 382, § 1; Laws, 2001, ch. 516, § 1, eff from and after June 30, 2001.]

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§ 73-19-33. Complaints against optometrists.

Complaints, irrespective of source, touching upon the professional conduct or conduct evincing unfitness for the practice of optometry made against optometrists licensed in this state, that may be received by or that may come to the attention of any member of the board, shall be referred by the president of the board to an impartial member of the board for preliminary investigation and further action as may be appropriate. The complaint must be in writing and signed by the person making the complaint or charge and shall contain the street address of the complaining party and each witness.

History

Laws, 1991, ch. 303, § 16, eff from and after July 1, 1991.



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§ 73-19-35. Processing of complaints.

When any complaint or charge touching upon the professional conduct or conduct evincing unfitness for the practice of optometry against any optometrist subject to discipline hereunder is referred to a member of the board for investigation, the board member shall take the following action:

- (a) Cause the complaint or charge to be filed and docketed with the secretary of the board; and
- (b) Refer the complaint to the board investigator for further investigation and report.

History

Laws, 1991, ch. 303, § 17, eff from and after July 1, 1991.



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§ 73-19-37. Investigation of complaint; notice to accused optometrist.

The board investigator shall immediately investigate the complaint; and upon completion of his investigation he shall inform the accused optometrist that a complaint has been filed against him and that he is under investigation, advise the accused optometrist of the general nature of the charges, furnish him a copy of the complaint and any evidence supporting it, and afford the accused optometrist an opportunity to respond. Communications and notices to the accused optometrist shall be transmitted by registered or certified mail, postage prepaid, to the last known residence or business address of the licensee.

History

Laws, 1991, ch. 303, § 18, eff from and after July 1, 1991.



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§ 73-19-39. Report of investigator; dismissal of complaint; formal complaint by board against optometrist; notice of action taken.

After completion of his investigation, the board investigator shall make a report of his findings and recommendations to the member of the board designated to investigate the matter. After receipt of the investigator's report, the board member shall take the following action:

(a) If upon review of the complaint, board investigator's report and any written response by the accused optometrist, the board member determines that there is not reasonable ground to believe that the accused optometrist has been guilty of unprofessional conduct or conduct evincing unfitness for the practice of optometry, the board member shall present his findings and recommendations to the board at the next regular board meeting. The board may dismiss the complaint or may prepare a formal complaint against the licensee as provided in Section 73-19-41, Mississippi Code of 1972. In the event of dismissal, the person filing the complaint and the accused optometrist shall be given written notice of the board's determination.

(b) If the board member determines there is reasonable cause to believe the accused optometrist is guilty of such conduct, which, if proven, would warrant suspension for a definite or an indefinite period or license revocation, the board member shall request the board to prepare and file a formal complaint against the accused optometrist. The board may

dismiss the complaint or may prepare a formal complaint against the licensee as provided in Section 73-19-41, Mississippi Code of 1972. In the event of a dismissal, the person filing the complaint and the accused optometrist shall be given written notice of the board's determination.

History

Laws, 1991, ch. 303, § 19, eff from and after July 1, 1991.

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§ 73-19-41. Hearing on formal complaint; decision.

(1) The board shall fix a time and place for any formal complaint hearing and shall cause a written notice specifying the offense or offenses for which the licensee is charged and notice of the time and place of the hearing to be served upon the licensee at least twenty (20) days prior to the hearing date. Such notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known residence or business address of the licensee.

(2) The board is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at such hearing. Process issued by the board shall extend to all parts of the state and shall be served by any person designated by the board for such service.

(3) The accused shall have the right to appear either personally or by counsel or both to produce witnesses or evidence in his behalf, to cross-examine witnesses and to have subpoenas issued by the board.

(4) At the hearing, the board shall administer oaths as may be necessary for the proper conduct of the hearing. All hearings shall be conducted by the board, with the exception of the investigating board member who shall not participate in the hearing. The board shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient evidence to sustain it. All proceedings shall be transcribed by a court reporter.

(5) Where, in any proceeding before the board, any witness fails or refuses to attend upon a subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(6) The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last known residence or business address of such licensee by way of United States first class, certified mail, postage prepaid.

History

Laws, 1991, ch. 303, § 20, eff from and after July 1, 1991.

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§ 73-19-43. Penalties; petition for reinstatement of license; disciplinary action not bar to criminal prosecution; payment and collection of monetary penalty.

(1) Upon finding of the existence of grounds for discipline of any person holding a license, seeking a license, or seeking to renew a license under the provisions of this chapter, the board may impose one or more of the following penalties:

- (a) Suspension of the offender's license for a term to be determined by the board;
- (b) Revocation of the offender's license;
- (c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of optometry in a particular manner for a term to be determined by the board;
- (d) Imposition of a monetary penalty as follows:
 - (i) For the first violation, a monetary penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation;
 - (ii) For the second violation and subsequent violations, a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation;
- (e) Refusal to renew offender's license;

(f) Placement of the offender on probation and supervision by the board for a period to be determined by the board;

(g) Public or private reprimand.

(2) Any person whose license has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right to petition the board at reasonable intervals for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(3) Nothing herein shall be construed as barring criminal prosecutions for violation of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(4) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee upon the expiration of the period allowed for appeal of such penalties under Section 73-19-45, Mississippi Code of 1972, or may be paid sooner if the licensee elects. Money collected by the board under this section shall be deposited to the credit of the General Fund of the State Treasury.

(5) When payment of a monetary penalty assessed and levied by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When such proceedings are instituted, the board shall certify its order to the chancery court and the matter shall thereupon be heard in due course by the court, which shall review the order and make its determination thereon. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation. If the chancellor finds no errors on the face of the board's order, the board shall have a judgment for the amount due which shall be enforceable as all other judgments.

History

Laws, 1991, ch. 303, § 21; Laws, 1996, ch. 507, § 46, eff from and after July 1, 1996.



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§ 73-19-45. Appeal of final action of board.

(1) The right to appeal from a final action of the board is hereby granted. Such appeal shall be to the chancery court of the county of residence of the licensee and shall be on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be taken within thirty (30) days after notice of the action of the board. The appeal shall be perfected upon filing notice of the appeal with the chancery court and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the board, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00), conditioned that if the action of the board be affirmed by the chancery court, the licensee will pay the costs of the appeal and the action in the chancery court. A copy of the Notice of Appeal shall be served upon board counsel.

(2) If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The scope of review of the chancery court shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was (a) not supported by substantial evidence, (b) arbitrary or capricious, (c) beyond the power of the board to make, or (d) in violation of some statutory or constitutional

right of the appellant. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by the rules of the Supreme Court.

(3) Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

History

Laws, 1991, ch. 303, § 22; Laws, 1996, ch. 507, § 47, eff from and after July 1, 1996.

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§ 73-19-61. Persons authorized to dispense, fit, or prescribe contact lenses or other appliances touching cornea.

It shall be unlawful for any person, persons, corporation, proprietorship, partnership, or any entity other than a licensed optometrist or licensed ophthalmologist to dispense, fit, or prescribe to the public contact lenses, including FDA-approved medicated contact lenses, or any medical appliance having direct contact with the cornea of the eye. An optical dispenser may, however, fill the written contact lens prescription of a licensed optometrist or licensed ophthalmologist, provided that the optical dispenser directs the wearer of the lenses back to the prescribing optometrist or ophthalmologist for verification of the proper fit of the lenses. This section does not authorize a licensed optometrist to prescribe, fit, sell or dispense contact lenses medicated with a drug that is outside of the licensed optometrist's scope of practice.

History

Laws, 1987, ch. 402, § 1; Laws, 2010, ch. 417, § 1, eff from and after July 1, 2010.

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§ 73-19-63. Penalties.

Any person violating the provisions of Section 73-19-61 shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1000.00) and/or imprisoned not less than six (6) months nor more than one (1) year at the discretion of the court.

History

Laws, 1987, ch. 402, § 2, eff from and after July 1, 1987.

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§ 73-19-65. Immunity from liability for persons assisting with investigation or prosecution.

Any person, organization or entity acting in good faith and without malice, who makes any report or provides any information to any law enforcement agency regarding any violation of Section 73-19-61 or who assists in the investigation or prosecution of any violation of Section 73-19-61 shall be immune from civil or criminal liability for such acts.

History

Laws, 1987, ch. 402, § 3, eff from and after July 1, 1987.



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§ 73-19-101. Use of pharmaceutical agents.

No person engaged in the practice of optometry in the State of Mississippi shall use pharmaceutical agents in the practice of optometry unless he has been certified to use diagnostic pharmaceutical agents under the provisions of Sections 73-19-103 through 73-19-109, or unless he has been certified to use therapeutic pharmaceutical agents under the provisions of Sections 73-19-153 through 73-19-165.

History

Laws, 1982, ch. 353, § 1, reenacted, Laws, 1985, ch. 374, § 2; Laws, 1994, ch. 573, § 13, eff from and after July 1, 1994.



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§ 73-19-103. Duties of state boards of optometry, medical licensure and pharmacy; records.

(1) The State Board of Medical Licensure and the State Board of Pharmacy each shall, within thirty (30) days after July 1, 1982, and annually thereafter, designate one (1) member from its board, on the minutes of each respective board, to advise and consult with the State Board of Optometry on the matters specified in Sections 73-19-103 through 73-19-109. The State Board of Optometry, the State Board of Medical Licensure, and the State Board of Pharmacy shall work in cooperation with each other to the greatest extent possible in implementing the provisions of Sections 73-19-101 through 73-19-111.

(2) The State Board of Optometry, with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, shall prescribe additional educational requirements and additional theoretical and practical examinations for optometrists licensed to practice optometry in the State of Mississippi and applicants for a license to practice optometry in the State of Mississippi to become certified to use certain specified pharmaceutical agents as diagnostic agents only. The authorized use of such diagnostic pharmaceutical agents shall be specifically limited to those pharmaceutical agents which, when applied topically to the eye, are utilized in a prescribed manner to assess ocular conditions for the purpose of referring any deviation from the normal to a physician for treatment. The pharmaceutical agents so authorized shall be limited to the following classes:

anesthetics, mydriatics, cycloplegics, dyes and over-the-counter drugs. Such agents shall be utilized in the practice of optometry only by the optometrist and shall not be dispensed to any patient. The limitations of this subsection shall not apply to those optometrists certified to use therapeutic pharmaceutical agents under the provisions of Sections 73-19-153 through 73-19-165.

(3) Any optometrist utilizing a diagnostic pharmaceutical agent so authorized shall maintain accurate and current medical records concerning the procurement and use of such pharmaceutical agents in the same form and manner as is required for physicians, in addition to any records required to be kept or otherwise necessary to keep in the practice of optometry. All of the medical records concerning the procurement and use of such pharmaceutical agents shall be available for inspection at any time by representatives of the State Board of Optometry, and all such records shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

History

Laws, 1982, ch. 353, § 2, reenacted, Laws, 1985, ch. 374, § 3; Laws, 1994, ch. 573, § 14, eff from and after July 1, 1994.

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§ 73-19-105. Educational requirements; examination.

(1) Before any optometrist or any applicant for a license to practice optometry may be certified to use diagnostic pharmaceutical agents as authorized in Section 73-19-103, he shall submit satisfactory evidence to the State Board of Optometry that he has successfully completed a course or courses in pharmacology as they apply to optometry, with particular emphasis on the topical application of diagnostic pharmaceutical agents to the eye, and any additional educational requirements prescribed by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. Such course or courses in pharmacology and any additional educational requirements pre- scribed shall be completed at an institution accredited by a regional professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation or the United States Department of Education or its successors and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy.

(2) Upon the successful completion of all specified educational requirements, any optometrist or any applicant for a license to practice optometry who desires certification to use diagnostic pharmaceutical agents as authorized in Section 73-19-103 shall satisfactorily pass an examination administered by the State Board of Optometry. Such examination shall be

prepared by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. No credit for such examination may be given unless the applicant for certification has achieved a score equal to or greater than a score which is generally accepted in medical schools as a passing score for the same subject areas of the examination, as determined by the State Board of Optometry. All examinations and scores shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

(3) The additional educational requirements necessary to become certified to use diagnostic pharmaceutical agents may be completed simultaneously with the educational requirements necessary to become licensed to practice optometry or may be completed after the person is licensed to practice optometry. Any applicant for a license to practice optometry who has met the additional educational requirements for certification to use diagnostic pharmaceutical agents may take the examination to become licensed to practice optometry and the examination to become certified to use diagnostic pharmaceutical agents at the same time.

History

Laws, 1982, ch. 353, § 3, reenacted, Laws, 1985, ch. 374, § 4; eff from and after July 1, 1985.

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§ 73-19-107. Referral of patient to licensed physician.

Any optometrist who encounters a patient in the course of his practice who is, in the exercise of the optometrist's professional judgment, suffering from any symptom or combination of symptoms indicating an underlying pathologic or physiologic disorder or disfunction necessitating care and treatment beyond the scope of the optometrist's professional limitations, shall immediately refer such patient to a licensed physician for such additional treatment as may be needed.

History

Laws, 1982, ch. 353, § 4, reenacted, Laws, 1985, ch. 374, § 5; eff from and after July 1, 1985.



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§ 73-19-109. Pharmacist dispensing diagnostic pharmaceutical agents.

Any pharmacist licensed under the laws of the State of Mississippi is hereby authorized to dispense those diagnostic pharmaceutical agents specified in Section 73-19-103 to any optometrist certified by the State Board of Optometry to use such agents.

History

Laws, 1982, ch. 353, § 5, reenacted, Laws, 1985, ch. 374, § 6; eff from and after July 1, 1985.



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§ 73-19-111. Penalty for violating provisions regulating use of pharmaceutical agents.

(1) Any optometrist violating any provision of Sections 73-19-101 through 73-19-109 shall, upon conviction for a first offense, be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) at the discretion of the court, and upon conviction for a second or later offense shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned not less than six (6) months nor more than one (1) year at the discretion of the court. Such actions shall be brought by the State Board of Optometry. However, this shall not be construed to prohibit the State Board of Medical Licensure, the State Board of Pharmacy, or any affected individual from bringing actions against any optometrist violating any provision of Sections 73-19-101 through 73-19-109.

(2) In addition to the penalties prescribed in subsection (1), the State Board of Optometry is authorized to suspend or revoke the optometrist's license to practice optometry for violating any provision of Sections 73-19-101 through 73-19-109. Any optometrist may appeal any such suspension or revocation of his license by the State Board of Optometry to the chancery court of the county of his residence in the manner prescribed by law.

History

Laws, 1982, ch. 353, § 6, reenacted, Laws, 1985, ch. 374, § 7; eff from and after July 1, 1985.

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§ 73-19-151. Use of therapeutic pharmaceutical agents in practice of optometry.

(1) Persons lawfully engaged in the practice of optometry in the State of Mississippi may prescribe and use therapeutic pharmaceutical agents in the practice of optometry after being authorized to use such agents under the provisions of Section 73-19-153.

(2) The designated members of the State Board of Medical Licensure and the State Board of Pharmacy provided for in Section 73-19-103 shall advise and consult with the State Board of Optometry on matters specified in Sections 73-19-153 through 73-19-165.

History

Laws, 1994, ch. 573, § 2, eff from and after July 1, 1994.



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§ 73-19-153. Educational and clinical training requirements for certification; examination.

(1) Any optometrist certified to use diagnostic pharmaceutical agents as provided in Section 73-19-105 also may be certified to use therapeutic pharmaceutical agents when he has satisfactorily completed the following:

(a) A course consisting of a minimum of sixty-four (64) hours of didactic education as defined by rule or regulation of the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, with particular emphasis on the examination, diagnosis and treatment of conditions of the eye and adnexa. Such course shall be provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy; and

(b) A minimum of eighty (80) hours of supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa, by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary

Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy; and

(c) Such other requirements as may be determined by the board.

(2) Upon the successful completion of all specified educational and clinical requirements provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, any optometrist who desires certification to prescribe and use therapeutic pharmaceutical agents shall satisfactorily pass a written examination approved by the State Board of Optometry, with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. The applicant for certification must achieve a score equal to or greater than a score that is generally accepted in medical schools as a passing score for the same subject areas of examination, as determined by the State Board of Optometry. All examinations and scores shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

History

Laws, 1994, ch. 573, § 3, eff from and after July 1, 1994.

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§ 73-19-155. Rules and regulations requiring satisfactory completion of educational and clinical training.

(1) Within thirty (30) days after July 1, 1994, and annually thereafter, the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, shall develop rules and regulations requiring the satisfactory completion of the educational requirements, clinical training, and examinations required under the provisions of Sections 73-19-153 through 73-19-165, regarding those optometrists seeking to become certified to prescribe and use therapeutic pharmaceutical agents.

(2) Any optometrist using therapeutic pharmaceutical agents shall maintain accurate and current medical records concerning the procurement and use of such agents in the same form and manner as required for medical doctors, in addition to any records required to be kept or otherwise necessary to keep in the practice of optometry. All of these medical records shall be available for inspection at any time by representatives of the State Board of Optometry, and all such records shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

History

Laws, 1994, ch. 573, § 4, eff from and after July 1, 1994.

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§ 73-19-157. Purposes for which therapeutic pharmaceutical agents may be used; types of agents that may be prescribed.

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 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 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.

History

Laws, 1994, ch. 573, § 5; Laws, 2005, ch. 404, § 2, eff from and after July 1, 2005; Laws, 2021, ch. 316, § 3, eff from and after July 1, 2021.

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§ 73-19-159. Standard of care in prescription and use of agents, and diagnosis and treatment.

Any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents shall be held to the same standard of care in the prescription and use of such agents, and in diagnosis and treatment, as is common to a licensed medical doctor.

History

Laws, 1994, ch. 573, § 6, eff from and after July 1, 1994.

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§ 73-19-161. Referral of patient to licensed physician when patient not responding to treatment.

If a patient of any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents is not responding to the prescribed treatment within the normal response time for the condition being treated, in the optometrist's professional judgment, the optometrist shall immediately refer such patient to a licensed physician for such additional treatment as may be needed.

History

Laws, 1994, ch. 573, § 7, eff from and after July 1, 1994.



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§ 73-19-163. Certificate of certification to be displayed.

Any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents shall be provided by the State Board of Optometry a certificate reflecting such certification, and such certification shall be prominently displayed in the optometrist's office.

History

Laws, 1994, ch. 573, § 8, eff from and after July 1, 1994.

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§ 73-19-165. Licensed pharmacist authorized to fill and dispense therapeutic pharmaceutical agents.

Any pharmacist licensed under the laws of the State of Mississippi is authorized to fill and dispense to patients those therapeutic pharmaceutical agents specified in Section 73-19-157 for any optometrist certified by the State Board of Optometry to use such agents.

History

Laws, 1994, ch. 573, § 9; Laws, 2005, ch. 404, § 3, eff from and after July 1, 2005.

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Miss. Code Ann. § 73-19-191



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Miss. Code Ann. § 73-19-191

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Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through July 1, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

[Mississippi Code 1972 Annotated](#) [Title 73. Professions and Vocations \(Chs. 1 — 79\)](#) [Chapter 19. Optometry and Optometrists \(§§ 73-19-1 — 73-19-195\)](#) [Authorized Ophthalmic YAG Laser Posterior Capsulotomy Procedure \(§§ 73-19-191 — 73-19-195\)](#)

§ 73-19-191. Qualifications for license to perform authorized ophthalmic YAG laser posterior capsulotomy procedures.

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 July 1, 2021, 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.

History

Laws, 2021, ch. 316, § 4, eff from and after July 1, 2021.

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[Mississippi Code 1972 Annotated](#) [Title 73. Professions and Vocations \(Chs. 1 – 79\)](#) [Chapter 19. Optometry and Optometrists \(§§ 73-19-1 – 73-19-195\)](#) [Authorized Ophthalmic YAG Laser Posterior Capsulotomy Procedure \(§§ 73-19-191 – 73-19-195\)](#)

§ 73-19-193. Qualifications for credentials for licensed out-of-state optometrist applying for licensing by endorsement in Mississippi to perform authorized ophthalmic YAG laser posterior capsulotomy procedures.

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 73-19-191; or
- (d) The applicant has satisfactory outcome data from prior ophthalmic YAG laser posterior capsulotomy procedures.

History

Laws, 2021, ch. 316, § 5, eff from and after July 1, 2021.

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[Mississippi Code 1972 Annotated](#) [Title 73. Professions and Vocations \(Chs. 1 – 79\)](#) [Chapter 19. Optometry and Optometrists \(§§ 73-19-1 – 73-19-195\)](#) [Authorized Ophthalmic YAG Laser Posterior Capsulotomy Procedure \(§§ 73-19-191 – 73-19-195\)](#)

§ 73-19-195. Report of outcome of every authorized ophthalmic YAG laser posterior capsulotomy procedure performed.

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.

History

Laws, 2021, ch. 316, § 6, eff from and after July 1, 2021.

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