AN ACT concerning health professions and practices; relating to optometrists; optometry law; board of examiners in optometry for the state of Kansas; interprofessional advisory committee; updating the scope of practice and certain related requirements and definitions; amending K.S.A. 65-1501, 65-1501a, 65-1509a, 74-1504 and 74-1505 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-1501 is hereby amended to read as follows:

(a) The practice of optometry means:

(1) The examination of the human eye and its **adnexae** and the employment of objective or subjective means or methods, including the administering, prescribing or dispensing of topical pharmaceutical drugs, for the purpose of diagnosing the refractive, muscular, or pathological condition thereof;

(2) the prescribing, dispensing or adapting of lenses, including any ophthalmic lenses which are classified as drugs by any law of the United States or of this state, medical devices, prisms, low vision rehabilitation services, orthoptic exercises and visual training therapy for the relief of any insufficiencies or abnormal conditions of the human eye and its **adnexae**;

(3) the prescribing, administering or dispensing of topical pharmaceutical drugs and oral drugs through all routes of administration, except for intravitreal injections and non fluorescein injections, for the examination, diagnosis and treatment of ocular conditions and any insufficiencies or abnormal conditions of the human eye and its **adnexae**, including adult open-angle glaucoma;

(4) the removal of non-perforating foreign bodies from the cornea, conjunctiva or eyelids; removal of eyelashes; scraping the cornea for diagnostic tests, smears or cultures; the dilation, probing, irrigation or closing the tear drainage structure of the eye; expression of conjunctival follicles or cysts; debridement of the corneal epithelium; incision and curettage of a chalazion; removal and biopsy of skin lesions without known malignancy; laser capsulotomy; laser trabeculoplasty; and laser peripheral iridotomy; and

(5) the performance of additional procedures that are not otherwise
prohibited by subsection (b), that are authorized pursuant to rules and regulations adopted by the board of examiners in optometry for the state of Kansas, consistent with recommendations from the interprofessional advisory committee, and within the scope of a licensee's education and training.

(b) The practice of optometry shall not include: (1) The management and treatment of glaucoma, except as provided in subsection (a); (2) the performance of surgery, including the use of lasers for surgical purposes, except that licensees may remove non-perforating foreign bodies from the cornea, conjunctiva or eyelids; remove eyelashes; scrape the cornea for diagnostic tests, smears or cultures; dilate, probe, irrigate or close by punctal plug the tear drainage structures of the eye; express conjunctival follicles or cysts; debridement of the corneal epithelium and co-management of post-operative care; or (3) the performance of procedures requiring anesthesia administered by injection or general anesthesia only include the preoperative and postoperative care of the following procedures: Laser or non-laser retinal surgery; penetrating keratoplasty or corneal transplant; administration of or surgery performed under general anesthesia; surgery related to the removal of the eye from a living human being; surgical extraction of the crystalline lens; surgical intraocular implants; incisional or excisional surgery of the extraocular muscles; surgery of the bony orbit; laser-assisted in situ keratomileusis or photorefractive keratectomy; YAG laser vitreolysis; and surgery of the eyelid for cosmetic or mechanical repair of blepharochalasis, ptosis and tarsorrhaphy.

(c) A licensee shall be held to a standard of care in the diagnosis and treatment of adult open-angle glaucoma commensurate to ocular conditions and any sufficiencies or abnormal conditions of the human eye and its adnexa commensurate with that of a person licensed to practice medicine and surgery, who exercises that degree of skill and proficiency commonly exercised by an ordinary, skillful, careful and prudent person licensed to practice medicine and surgery.

(d) Under the direction and supervision of a licensee, a licensed professional nurse, licensed practical nurse, licensed physical therapist and licensed occupational therapist may assist in the provision of low vision rehabilitation services in addition to such other services which such licensed professional nurse, licensed practical nurse, licensed physical therapist and licensed occupational therapist is authorized by law to provide under subsection (d) of K.S.A. 65-1113(d), subsection (b) of K.S.A. 65-1124(h), subsection (b) of K.S.A. 65-2901(b) and subsection (b) of K.S.A. 65-5402(b), and amendments thereto.

Sec. 2. K.S.A. 65-1501a is hereby amended to read as follows: 65-1501a. For the purposes of this act the following terms shall have the
meanings respectively ascribed to them, unless the context requires otherwise:

(a) "Board" means the board of examiners in optometry established under K.S.A. 74-1501, and amendments thereto.
(b) "License" means a license to practice optometry granted under the optometry law.
(c) "Licensee" means a person licensed under the optometry law to practice optometry.
(d) "Adapt" means the determination, selection, fitting or use of lenses, prisms, orthoptic exercises or visual training therapy for the aid of any insufficiencies or abnormal conditions of the eyes after or by examination or testing.
(e) "Lenses" means any type of ophthalmic lenses, which are lenses prescribed or used for the aid of any insufficiencies or abnormal conditions of the eyes.
(f) "Prescription" means a verbal, written or electronic order transmitted directly or by electronic means from a licensee giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the specifications and directions for lenses, prisms, medical devices, orthoptic exercises, low vision rehabilitation services or visual training therapy to be used for the aid of any insufficiencies or abnormal conditions of the eyes, including instructions necessary for the fabrication or use thereof and the date of issue.
(g) "Prescription for topical pharmaceutical drugs or oral drugs medical devices" means a verbal, written or electronic order transmitted directly or by electronic means from a licensee giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, the number of refills permitted, the date of issue and expiration date.
(h) "Topical pharmaceutical drugs" means drugs administered topically and not by other means.
(i) "Dispense" means to deliver prescription-only medication or ophthalmic lenses to the ultimate user pursuant to the lawful prescription of a licensee and dispensing of prescription-only medication by a licensee shall be limited to a twenty-four hour supply or minimal quantity necessary until a prescription can be filled by a licensed pharmacist, except that the twenty-four hour supply or minimal quantity shall not apply to lenses described in subsection (a)(2) of K.S.A. 65-1501(a)(2), and amendments thereto.
(j) "False advertisement" means any advertisement which that is false, misleading or deceptive in a material respect. In determining
whether any advertisement is misleading, there shall be taken into account not only representations made or suggested by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations made.

(k)(f) "Advertisement" means all representations disseminated in any manner or by any means, for the purpose of inducing, or which that are likely to induce, directly or indirectly, the purchase of professional services or ophthalmic goods.

(k)(j) "Health care provider" shall have the meaning ascribed to that term in subsection (f) of means the same as defined in K.S.A. 40-3401(f), and amendments thereto.

(l)(m) "Medical facility" shall have the meaning ascribed to that term in subsection (c) of means same as defined in K.S.A. 65-411(c), and amendments thereto.

(l)(n) "Medical care facility" shall have the meaning ascribed to that term in means the same as defined in K.S.A. 65-425, and amendments thereto.

(o)(n) "Ophthalmologist" means a person licensed to practice medicine and surgery by the state board of healing arts who specializes in the diagnosis and medical and surgical treatment of diseases and defects of the human eye and related structures.

(o)(p) "Low vision rehabilitation services" means the evaluation, diagnosis, management and care of the low vision patient including low vision rehabilitation therapy, education and interdisciplinary consultation under the direction and supervision of an ophthalmologist or optometrist.

(q) "Oral drugs" means oral antibacterial drugs, oral antiviral drugs, oral antihistamines, oral analgesic drugs, oral steroids, oral antiglaucoma drugs and other oral drugs with clinically accepted ocular uses.

Sec. 3. K.S.A. 65-1509a is hereby amended to read as follows: 65-1509a. (a) In addition to the payment of the license renewal fee, each licensee applying for license renewal shall furnish to the secretary of the board satisfactory evidence of successfully completing a minimum of 24 hours of continuing education annually, five hours of which shall relate to ocular pharmacology, therapeutics or related topics of study, approved by the board in the year just preceding such application for the renewal of the license. The board, in its discretion, may increase the required hours of continuing education by rules and regulations adopted by the board. On or before April 1 of each year, the secretary of the board shall send a written notice of continuing education requirements to this effect to every person holding a valid license to practice optometry within the state as provided in subsection (a) of K.S.A. 65-1509(a), and amendments thereto.

(b) The board shall establish credentialing requirements for a
licensee to administer or perform the procedures described in K.S.A. 65-1501(a)(3), and amendments thereto.

Sec. 4. K.S.A. 74-1504 is hereby amended to read as follows: 74-1504. (a) The board shall administer and enforce the provisions of the optometry law, and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing such law. In addition, the board may:

(1) Employ agents, attorneys and inspectors under such rules and regulations as the board may prescribe in accordance with the provisions of the optometry law, except that no state officer shall be eligible for employment by the board.

(2) Make all necessary disbursements to carry out the provisions of this act, including payment for stationery supplies, acquire all necessary optical instruments to be used in the conducting of examination, print and distribute to all optometrists in the state a yearbook of the names and addresses of all optometrists licensed by the board.

(3) Grant all licenses as seem just and proper and to suspend, limit, revoke or refuse to renew any such licenses granted for any of the causes specified under K.S.A. 65-1506, and amendments thereto.

(4) Administer oaths and take testimony upon granting or refusing to grant, revoking, limiting or suspending licenses.

(5) Issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the board, or on the refusal of any witness to testify to any matters regarding which such witness may be lawfully interrogated, the judge of the district court of any county, on application of a member of the board, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify in such court. Each witness who appears before the board by the board's order or subpoena, other than a state officer or employee, shall receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record which that shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the president and secretary-treasurer of the board.

(6) Adopt rules and regulations for the procedure and conduct of the board and for the administration of the optometry law, which rules and regulations shall that are not be inconsistent with the provisions of the optometry law.

(b) The board shall meet at least annually for the purpose of
examining applicants for licensure. Such meetings shall be held in Topeka. At least 30 days prior to the examination, the board shall cause a special notice to be published in the Kansas register stating the date and hour for holding such examination. Special meetings shall be held at such times and places as the board may direct.

(c) The board shall preserve an accurate record of all meetings and proceedings of the board including receipts and disbursements with vouchers therefor and complete minutes of all prosecutions and violations of the optometry law and of examinations held under the provisions of the optometry law and an accurate inventory of all property of the board. All such records shall be kept in the office of the board and made accessible to the public.

Sec. 5. K.S.A. 74-1505 is hereby amended to read as follows: 74-1505. (a) The board shall appoint a seven-member committee to be known as the interprofessional advisory committee which, as requested by the board, shall meet at least annually to make recommendations on clinical or practice-related issues, including procedure coding matters and appropriate treatments for ocular diseases and conditions, not otherwise prohibited by this act. These recommendations shall be reported to the board of examiners in optometry for the state of Kansas. The board shall use the recommendations from the interprofessional advisory committee when adopting rules and regulations concerning additional procedures for use by optometrists not otherwise prohibited by K.S.A. 65-1501, and amendments thereto.

(b) The interprofessional advisory committee shall consist of one member of the board appointed by the board who shall serve as a nonvoting chair, together with three optometrists licensed to practice optometry in this state chosen by the board from those nominated by the Kansas optometric association and three ophthalmologists licensed to practice in this state chosen by the board from those nominated by the Kansas medical society and the Kansas association of osteopathic medicine. The Kansas optometric association and Kansas medical society shall submit six nominees to the board. The Kansas association of osteopathic medicine shall submit two nominees to the board. Persons appointed to the committee shall serve terms of three years and without compensation. All expenses of the committee shall be paid by the board.

(c) This section shall be a part of and supplemental to the optometry law.

Sec. 6. K.S.A. 65-1501, 65-1501a, 65-1509a, 74-1504 and 74-1505 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.