

AMENDED IN SENATE AUGUST 11, 2022

AMENDED IN SENATE JUNE 29, 2022

AMENDED IN SENATE JUNE 22, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2236

Introduced by Assembly Member Low

February 16, 2022

An act to *amend Section 3041 of, and to add Section 3041.4 to to,* the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2236, as amended, Low. Optometry: ~~certification: use of anterior segment lasers and performing minor certification to perform advanced procedures.~~

Existing law, the Optometry Practice Act, establishes the State Board of Optometry in the Department of Consumer Affairs for the licensure and regulation of the practice of optometry. Existing law makes a violation of the act a misdemeanor. ~~Existing law requires an optometrist to obtain a therapeutic pharmaceutical agents certification from the board to diagnose and treat certain conditions, and provides that an optometrist who holds a therapeutic pharmaceutical agents certification is certified to medically treat glaucomas, subject to satisfaction of specified requirements. Existing law excludes certain classes of agents from the practice of optometry unless they have an explicit United States Food and Drug Administration-approved indication, as specified.~~

This bill would add neuromuscular blockers to the list of excluded classes of agents. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Existing law requires an optometrist who holds a therapeutic pharmaceutical agents certification and meets specified requirements to be certified to medically treat authorized glaucomas.

~~This bill would authorize an optometrist certified to treat glaucoma to use anterior segment lasers and to perform minor procedures, as defined, if the optometrist obtains an additional certification for those purposes from the board, and would set forth education, training, examination, and other requirements for obtaining that certification. obtain certification to perform specified advanced procedures if the optometrist meets certain education, training, examination, and other requirements, as specified. The bill would require the board to set a fee for the issuance and renewal of the certificate, and certificate authorizing the use of advanced procedures, which would be deposited in the Optometry Fund. The bill would require an optometrist who performs advanced procedures pursuant to these provisions to annually report certain information to the board, including any adverse treatment outcomes associated with the procedure that required a referral to an ophthalmologist. Under the bill, a false report or a failure to report pursuant to that provision would not be a crime. or consultation with another health care provider. The bill would require the board to compile a report summarizing the data collected and make the report available on the board’s internet website, and would authorize the board to adopt regulations to implement the bill’s provisions. website.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3041 of the Business and Professions
- 2 Code is amended to read:

1 3041. (a) The practice of optometry includes the diagnosis,
2 prevention, treatment, and management of disorders and
3 dysfunctions of the visual system, as authorized by this chapter,
4 as well as the provision of habilitative or rehabilitative optometric
5 services, and is the doing of any or all of the following:

6 (1) The examination of the human eyes and their adnexa,
7 including through the use of all topical and oral diagnostic
8 pharmaceutical agents that are not controlled substances, and the
9 analysis of the human vision system, either subjectively or
10 objectively.

11 (2) The determination of the powers or range of human vision
12 and the accommodative and refractive states of the human eyes,
13 including the scope of their functions and general condition.

14 (3) The prescribing, using, or directing the use of any optical
15 device in connection with ocular exercises, visual training, vision
16 training, or orthoptics.

17 (4) The prescribing, fitting, or adaptation of contact and
18 spectacle lenses to, the human eyes, including lenses that may be
19 classified as drugs or devices by any law of the United States or
20 of this state, and diagnostic or therapeutic contact lenses that
21 incorporate a medication or therapy the optometrist is certified to
22 prescribe or provide.

23 (5) For an optometrist certified pursuant to Section 3041.3,
24 diagnosing and preventing conditions and diseases of the human
25 eyes and their adnexa, and treating nonmalignant conditions and
26 diseases of the anterior segment of the human eyes and their
27 adnexa, including ametropia and presbyopia:

28 (A) Using or prescribing, including for rational off-label
29 purposes, topical and oral prescription and nonprescription
30 therapeutic pharmaceutical agents that are not controlled substances
31 and are not antiglaucoma agents or limited or excluded by
32 subdivision (b). For purposes of this section, “controlled substance”
33 has the same meaning as used in the California Uniform Controlled
34 Substances Act (Division 10 (commencing with Section 11000)
35 of the Health and Safety Code) and the United States Uniform
36 Controlled Substances Act (21 U.S.C. Sec. 801 et seq.).

37 (B) Prescribing the oral analgesic controlled substance codeine
38 with compounds, hydrocodone with compounds, and tramadol as
39 listed in the California Uniform Controlled Substances Act
40 (Division 10 (commencing with Section 11000) of the Health and

1 Safety Code) and the United States Uniform Controlled Substances
2 Act (21 U.S.C. Sec. 801 et seq.), limited to three days, with referral
3 to an ophthalmologist if the pain persists.

4 (C) If also certified under subdivision (c), using or prescribing
5 topical and oral antiglaucoma agents for the medical treatment of
6 all primary open-angle, exfoliation, pigmentary, and
7 steroid-induced glaucomas in persons 18 years of age or over. In
8 the case of steroid-induced glaucoma, the prescriber of the steroid
9 medication shall be promptly notified if the prescriber did not refer
10 the patient to the optometrist for treatment.

11 (D) If also certified under subdivision (d), administration of
12 immunizations for influenza, herpes zoster virus, pneumococcus,
13 and SARS-CoV-2 in compliance with individual Advisory
14 Committee on Immunization Practices (ACIP) vaccine
15 recommendations published by the federal Centers for Disease
16 Control and Prevention (CDC) in persons 18 years of age or over.

17 (E) Utilizing the following techniques and instrumentation
18 necessary for the diagnosis of conditions and diseases of the eye
19 and adnexa:

20 (i) Laboratory tests or examinations ordered from an outside
21 facility.

22 (ii) Laboratory tests or examinations performed in an office
23 classified as waived under the federal Clinical Laboratory
24 Improvement Amendments of 1988 (CLIA) ~~(42 U.S.C. Sec. 263a;~~
25 ~~Public Law 100-578);~~ *(Public Law 100-578) (42 U.S.C. Sec. 263a)*,
26 which shall also be allowed for:

27 (I) Detecting indicators of possible systemic disease that
28 manifests in the eye for the purpose of facilitating appropriate
29 referral to or consultation with a physician and surgeon.

30 (II) Detecting the presence of SARS-CoV-2 virus.

31 (iii) Skin testing performed in an office to diagnose ocular
32 allergies, limited to the superficial layer of the skin.

33 (iv) X-rays ordered from an outside facility.

34 (v) Other imaging studies ordered from an outside facility
35 subject to prior consultation with an appropriate physician and
36 surgeon.

37 (vi) Other imaging studies performed in an office, including
38 those that utilize laser or ultrasound technology, but excluding
39 those that utilize radiation.

- 1 (F) Performing the following procedures, which are excluded
2 from restrictions imposed on the performance of surgery by
3 paragraph (6) of subdivision (b), unless explicitly indicated:
- 4 (i) Corneal scraping with cultures.
 - 5 (ii) Debridement of corneal epithelium not associated with band
6 keratopathy.
 - 7 (iii) Mechanical epilation.
 - 8 (iv) Collection of blood by skin puncture or venipuncture for
9 laboratory testing authorized by this subdivision.
 - 10 (v) Suture removal subject to comanagement requirements in
11 paragraph (7) of subdivision (b).
 - 12 (vi) Treatment or removal of sebaceous cysts by expression.
 - 13 (vii) Lacrimal punctal occlusion using plugs, or placement of
14 a stent or similar device in a lacrimal canaliculus intended to
15 deliver a medication the optometrist is certified to prescribe or
16 provide.
 - 17 (viii) Foreign body and staining removal from the cornea, eyelid,
18 and conjunctiva with any appropriate instrument. Removal of
19 corneal foreign bodies and any related stain shall, as relevant, be
20 limited to that which is nonperforating, no deeper than the
21 midstroma, and not reasonably anticipated to require surgical
22 repair.
 - 23 (ix) Lacrimal irrigation and dilation in patients 12 years of age
24 or over, excluding probing of the nasolacrimal tract. The board
25 shall certify any optometrist who graduated from an accredited
26 school of optometry before May 1, 2000, to perform this procedure
27 after submitting proof of satisfactory completion of 10 procedures
28 under the supervision of an ophthalmologist as confirmed by the
29 ophthalmologist. Any optometrist who graduated from an
30 accredited school of optometry on or after May 1, 2000, shall be
31 exempt from the certification requirement contained in this
32 paragraph.
 - 33 (x) Administration of oral fluorescein for the purpose of ocular
34 angiography.
 - 35 (xi) Intravenous injection for the purpose of performing ocular
36 angiography at the direction of an ophthalmologist as part of an
37 active treatment plan in a setting where a physician and surgeon
38 is immediately available.
 - 39 (xii) Use of noninvasive devices delivering intense pulsed light
40 therapy or low-level light therapy that do not rely on laser

1 technology, limited to treatment of conditions and diseases of the
2 adnexa.

3 (xiii) Use of an intranasal stimulator in conjunction with
4 treatment of dry eye syndrome.

5 (G) Using additional noninvasive medical devices or technology
6 that:

7 (i) Have received a United States Food and Drug Administration
8 approved indication for the diagnosis or treatment of a condition
9 or disease authorized by this chapter. A licensee shall successfully
10 complete any clinical training imposed by a related manufacturer
11 prior to using any of those noninvasive medical devices or
12 technologies.

13 (ii) Have been approved by the board through regulation for the
14 rational treatment of a condition or disease authorized by this
15 chapter. Any regulation under this paragraph shall require a
16 licensee to successfully complete an appropriate amount of clinical
17 training to qualify to use each noninvasive medical device or
18 technology approved by the board pursuant to this paragraph.

19 (b) Exceptions or limitations to the provisions of subdivision
20 (a) are as follows:

21 (1) Treatment of the following is excluded from the practice of
22 optometry in a patient under 18 years of age, unless explicitly
23 allowed otherwise:

24 (A) Anterior segment inflammation, which shall not exclude
25 treatment of:

26 (i) The conjunctiva.

27 (ii) Nonmalignant ocular surface disease, including dry eye
28 syndrome.

29 (iii) Contact lens-related inflammation of the cornea.

30 (iv) An infection of the cornea.

31 (B) Conditions or diseases of the sclera.

32 (2) Use of any oral prescription steroid anti-inflammatory
33 medication for a patient under 18 years of age shall be done
34 pursuant to a documented, timely consultation with an appropriate
35 physician and surgeon.

36 (3) Use of any nonantibiotic oral prescription medication for a
37 patient under five years of age shall be done pursuant to a
38 documented, prior consultation with an appropriate physician and
39 surgeon.

1 (4) The following classes of agents are excluded from the
2 practice of optometry unless they have an explicit United States
3 Food and Drug Administration-approved indication for treatment
4 of a condition or disease authorized under this section:

- 5 (A) Antiamoebics.
- 6 (B) Antineoplastics.
- 7 (C) Coagulation modulators.
- 8 (D) Hormone modulators.
- 9 (E) Immunomodulators.
- 10 (F) *Neuromuscular blockers*.

11 (5) The following are excluded from authorization under
12 subparagraph (G) of paragraph (5) of subdivision (a):

- 13 (A) A laboratory test or imaging study.
- 14 (B) Any noninvasive device or technology that constitutes
15 surgery under paragraph (6).

16 (6) Performing surgery is excluded from the practice of
17 optometry. "Surgery" means any act in which human tissue is cut,
18 altered, or otherwise infiltrated by any means. It does not mean an
19 act that solely involves the administration or prescribing of a topical
20 or oral therapeutic pharmaceutical.

21 (7) (A) Treatment with topical and oral medications authorized
22 in subdivision (a) related to an ocular surgery shall be comanaged
23 with the ophthalmologist that performed the surgery, or another
24 ophthalmologist designated by that surgeon, during the customary
25 preoperative and postoperative period for the procedure. For
26 purposes of this subparagraph, this may involve treatment of ocular
27 inflammation in a patient under 18 years of age.

28 (B) Where published, the postoperative period shall be the
29 "global" period established by the federal Centers for Medicare
30 and Medicaid Services, or, if not published, a reasonable period
31 not to exceed 90 days.

32 (C) Such comanaged treatment may include addressing
33 agreed-upon complications of the surgical procedure occurring in
34 any ocular or adnexal structure with topical and oral medications
35 authorized in subdivision (a). For patients under 18 years of age,
36 this subparagraph shall not apply unless the patient's primary care
37 provider agrees to allowing comanagement of complications.

38 (c) An optometrist certified pursuant to Section 3041.3 shall be
39 certified to medically treat authorized glaucomas under this chapter
40 after meeting the following requirements:

1 (1) For licensees who graduated from an accredited school of
2 optometry on or after May 1, 2008, submission of proof of
3 graduation from that institution.

4 (2) For licensees who were certified to treat glaucoma under
5 this section before January 1, 2009, submission of proof of
6 completion of that certification program.

7 (3) For licensees who completed a didactic course of not less
8 than 24 hours in the diagnosis, pharmacological, and other
9 treatment and management of glaucoma, submission of proof of
10 satisfactory completion of the case management requirements for
11 certification established by the board.

12 (4) For licensees who graduated from an accredited school of
13 optometry on or before May 1, 2008, and who are not described
14 in paragraph (2) or (3), submission of proof of satisfactory
15 completion of the requirements for certification established by the
16 board under Chapter 352 of the Statutes of 2008.

17 (d) An optometrist certified pursuant to Section 3041.3 shall be
18 certified to administer authorized immunizations, as described in
19 subparagraph (D) of paragraph (5) of subdivision (a), after the
20 optometrist meets all of the following requirements:

21 (1) Completes an immunization training program endorsed by
22 the federal Centers for Disease Control and Prevention (CDC) or
23 the Accreditation Council for Pharmacy Education that, at a
24 minimum, includes hands-on injection technique, clinical
25 evaluation of indications and contraindications of vaccines, and
26 the recognition and treatment of emergency reactions to vaccines,
27 and maintains that training.

28 (2) Is certified in basic life support.

29 (3) Complies with all state and federal recordkeeping and
30 reporting requirements, including providing documentation to the
31 patient's primary care provider and entering information in the
32 appropriate immunization registry designated by the immunization
33 branch of the State Department of Public Health.

34 (4) Applies for an immunization certificate in accordance with
35 Section 3041.5.

36 (e) Other than for prescription ophthalmic devices described in
37 subdivision (b) of Section 2541, any dispensing of a therapeutic
38 pharmaceutical agent by an optometrist shall be without charge.

39 (f) An optometrist licensed under this chapter is subject to the
40 provisions of Section 2290.5 for purposes of practicing telehealth.

1 (g) For the purposes of this chapter, all of the following
2 definitions shall apply:

3 (1) “Adnexa” means the eyelids and muscles within the eyelids,
4 the lacrimal system, and the skin extending from the eyebrows
5 inferiorly, bounded by the medial, lateral, and inferior orbital rims,
6 excluding the intraorbital extraocular muscles and orbital contents.

7 (2) “Anterior segment” means the portion of the eye anterior to
8 the vitreous humor, including its overlying soft tissue coats.

9 (3) “Ophthalmologist” means a physician and surgeon, licensed
10 under Chapter 5 (commencing with Section 2000) of Division 2
11 of the Business and Professions Code, specializing in treating eye
12 disease.

13 (4) “Physician and surgeon” means a physician and surgeon
14 licensed under Chapter 5 (commencing with Section 2000) of
15 Division 2 of the Business and Professions Code.

16 (5) “Prevention” means use or prescription of an agent or
17 noninvasive device or technology for the purpose of inhibiting the
18 development of an authorized condition or disease.

19 (6) “Treatment” means use of or prescription of an agent or
20 noninvasive device or technology to alter the course of an
21 authorized condition or disease once it is present.

22 *SEC. 2. Section 3041.4 is added to the Business and Professions*
23 *Code, to read:*

24 *3041.4. (a) An optometrist certified to treat glaucoma pursuant*
25 *to subdivision (c) of Section 3041 shall be certified to perform the*
26 *following set of advanced procedures after meeting the*
27 *requirements in subdivision (b) after graduating from an accredited*
28 *school of optometry:*

29 *(1) Laser trabeculoplasty.*

30 *(2) Laser peripheral iridotomy for the prophylactic treatment*
31 *of a clinically significant narrow drainage angle of the anterior*
32 *chamber of the eye.*

33 *(3) Laser posterior capsulotomy after cataract surgery.*

34 *(4) Excision or drainage of nonrecurrent lesions of the adnexa*
35 *evaluated consistent with the standard of care by the optometrist*
36 *to be noncancerous, not involving the eyelid margin, lacrimal*
37 *supply, or drainage systems, no deeper than the orbicularis muscle,*
38 *excepting chalazia, and smaller than five millimeters in diameter.*
39 *Tissue excised that is not fully necrotic shall be submitted for*
40 *surgical pathological analysis.*

1 (5) Closure of a wound resulting from a procedure described
2 in paragraph (4).

3 (6) Injections for the treatment of chalazia and to administer
4 local anesthesia required to perform procedures delineated in
5 paragraph (4).

6 (7) Corneal crosslinking procedure, or the use of medication
7 and ultraviolet light to make the tissues of the cornea stronger.

8 (b) An optometrist shall satisfy the requirements specified in
9 paragraphs (1) and (2) to perform the advanced procedures
10 specified in subdivision (a).

11 (1) Within two years prior to beginning the requirements in
12 paragraph (2), an optometrist shall satisfy both of the following:

13 (A) Complete a board-approved course of at least 32 hours that
14 is designed to provide education on the advanced procedures
15 delineated in subdivision (a), including, but not limited to, medical
16 decisionmaking that includes cases that would be poor surgical
17 candidates, an overview and case presentations of known
18 complications, practical experience performing the procedures,
19 including a detailed assessment of the optometrist's technique,
20 and a written examination for which the optometrist achieves a
21 passing score.

22 (B) Pass both sections of the Laser and Surgical Procedures
23 Examination of the National Board of Examiners in Optometry,
24 or, in the event this examination is no longer offered, its equivalent,
25 as determined by the board. At the board's discretion, the
26 requirement to pass the Laser and Surgical Procedures
27 Examination may be waived if an optometrist has successfully
28 passed both sections of the examination previously.

29 (2) Within three years, complete a board-approved training
30 program conducted in California, including the performance of
31 all required procedures that shall involve sufficient direct
32 experience with live human patients to permit certification of
33 competency, by an accredited California school of optometry that
34 shall contain the following:

35 (A) Hands-on instruction on no less than the following number
36 of simulated eyes before performing the related procedure on live
37 human patients:

38 (i) Five for each laser procedure set forth in clauses (i), (ii),
39 and (iii) of subparagraph (B).

- 1 (ii) Five to learn the skills to perform excision and drainage
2 procedures and injections authorized by this section.
- 3 (iii) Five to learn the skills related to corneal crosslinking.
- 4 (B) The performance of at least 43 complete surgical procedures
5 on live human patients, as follows:
- 6 (i) Eight laser trabeculoplasties.
- 7 (ii) Eight laser posterior capsulotomies.
- 8 (iii) Five laser peripheral iridotomies.
- 9 (iv) Five chalazion excisions.
- 10 (v) Four chalazion intralesional injections.
- 11 (vi) Seven excisions of an authorized lesion of greater than or
12 equal to two millimeters in size.
- 13 (vii) Five excisions or drainages of other authorized lesions.
- 14 (viii) One surgical corneal crosslinking involving removal of
15 epithelium.
- 16 (C) If necessary to certify the competence of the optometrist,
17 the program shall require sufficient additional experience to that
18 specified in subparagraph (B) performing complete procedures
19 on live human patients.
- 20 (D) The training required by this section shall include at least
21 a certain percent of the required procedures in subparagraph (B)
22 performed in a cohort model where, for each patient and under
23 the direct in-person supervision of a qualified educator, each
24 member of the cohort independently assesses the patient, develops
25 a treatment plan, evaluates the clinical outcome post-treatment,
26 develops a plan to address any adverse or unintended clinical
27 outcomes, and discusses and defends medical decisionmaking. The
28 board-approved training program shall be responsible for
29 determining the percentage of the required procedures in
30 subparagraph (B).
- 31 (E) Any procedures not completed under the terms of
32 subparagraph (D) may be completed under a preceptorship model
33 where, for each patient and under the direct in-person supervision
34 of a qualified educator, the optometrist independently assesses the
35 patient, develops a treatment plan, evaluates the clinical outcome
36 post-treatment, develops a plan to address any adverse or
37 unintended clinical outcomes, and discusses and defends medical
38 decisionmaking.

1 (F) The qualified educator shall certify the competent
2 performance of procedures completed pursuant to subparagraphs
3 (D) and (E) on a form approved by the board.

4 (G) Upon the optometrist's completion of all certification
5 requirements, the course administrator, who shall be a qualified
6 educator for all the procedures authorized by subdivision (a), on
7 behalf of the program and relying on the certifications of
8 procedures by qualified educators during the program, shall certify
9 that the optometrist is competent to perform advanced procedures
10 using a form approved by the board. On a case-by-case basis, the
11 course administrator may certify competency under this section if
12 the optometrist performs at least 43 complete surgical procedures
13 on live human patients, is deemed competent to perform all
14 procedures, but is unable to perform the minimum number of
15 procedures for each category specified in subparagraph (B).

16 (c) The optometrist shall make a timely referral of a patient and
17 all related records to an ophthalmologist or, in an urgent or
18 emergent situation and an ophthalmologist is unavailable, a
19 qualified center to provide urgent or emergent care, after
20 stabilizing the patient to the degree possible if either of the
21 following occur:

22 (1) The optometrist makes an intraoperative determination that
23 a procedure being performed does not meet a specified criterion
24 required by this section.

25 (2) The optometrist receives a pathology report for a lesion
26 indicating the possibility of malignancy.

27 (d) This section does not authorize performing blepharoplasty
28 or any cosmetic surgery procedure, including injections, with the
29 exception of removing acrocordons that meet other qualifying
30 criteria.

31 (e) An optometrist shall monitor and report the following
32 information to the board on a form provided by the board or using
33 an internet-based portal:

34 (1) At the time of license renewal or in response to a request of
35 the board, the number and types of procedures authorized by this
36 section that the optometrist performed and the diagnosis of the
37 patient at the time the procedure was performed.

38 (2) Within three weeks of the event, any adverse treatment
39 outcomes that required a referral to or consultation with another
40 health care provider.

1 (f) (1) With each subsequent license renewal after being
2 certified to perform the advanced procedures delineated in
3 subdivision (a), the optometrist shall attest that they have
4 performed at least two of the delineated procedures in clauses (i),
5 (ii), or (iii) of subparagraph (B) of paragraph (2) of subdivision
6 (b) and at least two of the delineated procedures in clauses (iv),
7 (v), (vi), (vii), or (viii) of subparagraph (B) of paragraph (2) of
8 subdivision (b) during the period of licensure preceding the
9 renewal, which may include procedures performed during a
10 certification process and within the timeframe.

11 (2) If the optometrist fails to attest to performance, as specified
12 in paragraph (1), the optometrist's advanced procedure
13 certification shall be restricted to the category of uncertified
14 procedures until the optometrist performs at least two of the
15 uncertified procedures in clauses (i), (ii), or (iii) of subparagraph
16 (B) of paragraph (2) of subdivision (b) or at least two of the
17 uncertified procedures in clauses (iv), (v), (vi), (vii), or (viii) of
18 subparagraph (B) of paragraph (2) of subdivision (b), as
19 applicable, under the supervision of a qualified educator through
20 either the cohort or preceptorship model outlined in subparagraphs
21 (D) and (E) of paragraph (3) of subdivision (b), subject to
22 subparagraph (F) of paragraph (3) of subdivision (b), and reports
23 that cure to the board.

24 (3) If one or more procedures remains in restricted status for
25 two sequential renewal attestations or more, the optometrist's
26 advance procedure certification shall be restricted related to the
27 category of uncertified procedures until such time as the
28 optometrist performs at least two of each of the delineated
29 procedures in clauses (i), (ii), and (iii) of subparagraph (B) of
30 paragraph (2) of subdivision (b) or at least two of each the
31 delineated procedures in clauses (iv), (v), (vi) (vii), and (viii) of
32 subparagraph (B) of paragraph (2) of subdivision (b), as
33 applicable, under the supervision of a qualified educator through
34 either the cohort or preceptorship model outlined in subparagraphs
35 (D) and (E) of paragraph (3) of subdivision (b), subject to
36 subparagraph (F) of paragraph (3) of subdivision (b). Upon the
37 optometrist's completion of these requirements, the course
38 administrator, who shall be a qualified educator for all the
39 procedures authorized by subdivision (a), on behalf of the program
40 and relying on the certifications of procedures by qualified

1 *educators during the program, shall certify that the optometrist*
2 *is competent to perform the category of advanced procedures and*
3 *the optometrist shall report that information to the board.*

4 *(g) The board shall review adverse treatment outcome reports*
5 *required under subdivision (e) in a timely manner, requesting*
6 *additional information as necessary to make decisions regarding*
7 *the need to impose additional training, or to restrict or revoke*
8 *certifications based on its patient safety authority. The board shall*
9 *compile a report summarizing the data collected pursuant to*
10 *subdivision (e), including, but not limited to, percentage of adverse*
11 *outcomes distributions by unidentified licensee and board*
12 *interventions, and shall make the report available on its internet*
13 *website.*

14 *(h) The board may adopt regulations to implement this section.*

15 *(i) The board, by regulation, shall set the fee for issuance and*
16 *renewal of a certificate authorizing the use of advanced procedures*
17 *at an amount no higher than the reasonable cost of regulating*
18 *optometrists certified to perform advanced procedures pursuant*
19 *to this section.*

20 *(j) For the purposes of this section, the following definitions*
21 *apply:*

22 *(1) “Complete procedure” means all reasonably included steps*
23 *to perform a surgical procedure, including, but not limited to,*
24 *preoperative care, informed consent, all steps of the actual*
25 *procedure, required reporting and review of any specimen*
26 *submitted for pathologic review, and postoperative care. Multiple*
27 *surgical procedures performed on a patient during a surgical*
28 *session shall be considered a single surgical procedure.*

29 *(2) “Qualified educator” means a person nominated by an*
30 *accredited California school of optometry as a person who is*
31 *believed to be a suitable instructor, is subject to the regulatory*
32 *authority of that person’s licensing board in carrying out required*
33 *responsibilities under this section, and is either of the following:*

34 *(A) A California-licensed optometrist in good standing certified*
35 *to perform advanced procedures approved by the board who has*
36 *been continuously certified for three years and has performed at*
37 *least 10 of the specific advanced procedure for which they will*
38 *serve as a qualified educator during the preceding two years.*

39 *(B) A California-licensed physician and surgeon who is*
40 *board-certified in ophthalmology, in good standing with the*

1 *Medical Board of California, and in active surgical practice an*
2 *average of at least 10 hours per week.*

3 *(k) A qualified educator shall notify their licensing board of*
4 *their participation as a qualified educator. The board may establish*
5 *reasonable standards and expectations for a licensee who acts as*
6 *a qualified educator. The Medical Board of California may*
7 *establish reasonable standards and expectations for a licensed*
8 *physician and surgeon who acts as a qualified educator.*

9 *SEC. 3. No reimbursement is required by this act pursuant to*
10 *Section 6 of Article XIII B of the California Constitution because*
11 *the only costs that may be incurred by a local agency or school*
12 *district will be incurred because this act creates a new crime or*
13 *infraction, eliminates a crime or infraction, or changes the penalty*
14 *for a crime or infraction, within the meaning of Section 17556 of*
15 *the Government Code, or changes the definition of a crime within*
16 *the meaning of Section 6 of Article XIII B of the California*
17 *Constitution.*

18 ~~SECTION 1. Section 3041.4 is added to the Business and~~
19 ~~Professions Code, to read:~~

20 ~~3041.4. (a) For purposes of this section, the following shall~~
21 ~~apply:~~

22 ~~(1) "Anterior segment laser" means any of the following:~~

23 ~~(A) Therapeutic lasers appropriate for treatment of glaucoma.~~

24 ~~(B) Peripheral iridotomy for the prophylactic treatment of angle~~
25 ~~closure glaucoma.~~

26 ~~(C) Therapeutic lasers used for posterior capsulotomy secondary~~
27 ~~to cataract surgery.~~

28 ~~(2) (A) "Minor procedure" means any of the following:~~

29 ~~(i) Removal, destruction, or drainage of lesions of the adnexa~~
30 ~~clinically evaluated by the optometrist to be noncancerous, not~~
31 ~~involving the eyelid margin, lacrimal supply, or drainage systems,~~
32 ~~no deeper than the orbicularis muscle, and smaller than five~~
33 ~~millimeters in diameter.~~

34 ~~(ii) Closure of a wound resulting from a procedure described~~
35 ~~in clause (i).~~

36 ~~(iii) Subcutaneous, intramuscular, subconjunctival, and~~
37 ~~intralesional injections for the diagnosis or treatment of conditions~~
38 ~~of the eye and adnexa authorized by this chapter.~~

39 ~~(iv) Corneal crosslinking procedure, or the use of medication~~
40 ~~and ultraviolet light to make the tissues of the cornea stronger.~~

1 (B) “Minor procedure” does not include blepharoplasty or other
2 cosmetic surgery procedures that reshape normal structures of the
3 body in order to improve appearance and self-esteem.

4 (b) An optometrist certified to treat glaucoma pursuant to
5 subdivision (c) of Section 3041 may use anterior segment lasers
6 and may perform minor procedures if the optometrist is additionally
7 certified pursuant to this section. To apply for certification, an
8 optometrist shall meet all the following requirements:

9 (1) The optometrist shall complete a board-approved course
10 that is at least 32 hours in length and includes education and testing
11 for competency on specific subjects regarding the use of anterior
12 segment lasers, including placement of the laser, focus of the laser,
13 and application of the laser, and on minor procedures, including,
14 but not limited to, suturing, eyelid surgery, injections, anesthesia,
15 and chalazion excision, as well as medical decisionmaking. The
16 course shall include hands-on instruction on no less than 5
17 simulated eyes for each laser procedure and 15 simulated eyes to
18 learn the skills necessary to perform minor procedures, a practical
19 assessment of the optometrist’s technique, and a written
20 examination.

21 (2) The optometrist shall pass the National Board of Examiners
22 in Optometry’s “Laser and Surgical Procedures Examination,” or,
23 in the event this examination is no longer offered, its equivalent,
24 as determined by the board.

25 (3) (A) The optometrist shall complete a training by an
26 accredited school of optometry that relates to the use of both
27 anterior segment lasers and minor procedures. The training shall
28 include direct experience with as many live human patients as
29 needed to ensure competency. The training shall include the
30 performance of at least the following number of the following
31 complete procedures:

32 (i) Five laser trabeculoplasty procedures.

33 (ii) Five laser posterior capsulotomy procedures.

34 (iii) Four laser peripheral iridotomy procedures.

35 (iv) Three chalazia.

36 (v) Five other types of lesion procedures authorized by this
37 section.

38 (vi) One of each other type of injection authorized by this section
39 on live humans.

1 ~~(B) The training required by subparagraph (A) may be~~
2 ~~completed either by a clinical rotation or a preceptorship.~~

3 ~~(i) The clinical rotation shall require a cohort of optometrists~~
4 ~~to, for each patient, independently assess the patient, develop a~~
5 ~~treatment plan, evaluate the clinical outcome post-treatment,~~
6 ~~address adverse or unintended clinical outcomes, and discuss and~~
7 ~~defend their medical decisionmaking.~~

8 ~~(ii) The preceptorship shall be with either an optometrist in good~~
9 ~~standing certified to perform anterior segment laser and minor~~
10 ~~procedures or a physician and surgeon board certified in~~
11 ~~ophthalmology in good standing. The preceptor shall certify~~
12 ~~completion of the preceptorship, including the performance of the~~
13 ~~complete procedures required pursuant to subparagraph (A) and~~
14 ~~the competency of the optometrist performing the procedures,~~
15 ~~using a form approved by the board.~~

16 ~~(e) The board, by regulation, shall set the fee for issuance and~~
17 ~~renewal of a certificate authorizing the use of anterior segment~~
18 ~~lasers and performance of minor procedures at an amount no higher~~
19 ~~than the reasonable cost of regulating anterior segment laser and~~
20 ~~minor procedure certified optometrists pursuant to this section.~~

21 ~~(d) An optometrist certified to use anterior segment lasers and~~
22 ~~perform minor procedures pursuant to this section shall complete~~
23 ~~5 hours of continuing education on anterior segment lasers and the~~
24 ~~diagnosis, treatment, and management of lesions of the adnexa as~~
25 ~~part of the 50 hours of continuing education required every two~~
26 ~~years pursuant to Section 3059.~~

27 ~~(e) An optometrist who removes a lesion pursuant to a minor~~
28 ~~procedure performed pursuant to this section shall have the lesion~~
29 ~~biopsied. If, during a minor procedure, a lesion is determined to~~
30 ~~be outside of the parameters described in clause (i) of subparagraph~~
31 ~~(A) of paragraph (2) of subdivision (a), the optometrist shall~~
32 ~~stabilize the patient to the greatest extent possible and refer the~~
33 ~~patient to an appropriate medical professional.~~

34 ~~(f) (1) An optometrist who performs a procedure using an~~
35 ~~anterior segment laser or performs a minor procedure shall monitor~~
36 ~~and report all of the following information to the board on a yearly~~
37 ~~basis:~~

38 ~~(A) The number and type of anterior segment laser procedures~~
39 ~~and minor procedures performed.~~

- 1 ~~(B) The diagnosis of the patient at the time the procedure was~~
2 ~~performed.~~
- 3 ~~(C) Any adverse treatment outcomes associated with the anterior~~
4 ~~segment laser procedure or minor procedure that required a referral~~
5 ~~to an ophthalmologist.~~
- 6 ~~(2) The board shall make the report available on its internet~~
7 ~~website.~~
- 8 ~~(g) An optometrist certified pursuant to this section shall comply~~
9 ~~with the reporting requirements set forth by the board with respect~~
10 ~~to unprofessional conduct, malpractice settlements and judgments,~~
11 ~~criminal charges and convictions, and any disciplinary action taken~~
12 ~~by another licensing entity or authority of this state or of another~~
13 ~~state or an agency of the federal government or the Armed Forces~~
14 ~~of the United States that is related to the practice of optometry.~~
- 15 ~~(h) The board may adopt rules and regulations to implement~~
16 ~~this section.~~
- 17 ~~(i) Notwithstanding Section 3120 or any other provision of law,~~
18 ~~a false report or a failure to report pursuant to subdivision (f) shall~~
19 ~~not be a crime.~~