

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1162

By: Representative Landers

"AN ACT TO AMEND SECTION 1 OF ACT 94 OF 1941, AS AMENDED, [ARK. STATS. 72-801] TO REDEFINE AND CLARIFY THE DEFINITION OF OPTOMETRY; TO AMEND SECTION 1 OF ACT 72 OF 1929, AS AMENDED, TO INCLUDE A DEFINITION OF THE TERM OPTOMETRIST IN THE ARKANSAS PHARMACY LAW; TO REPEAL SECTION 3 OF ACT 710 OF 1979 [ARK. STATS. 72-801.1] TO CLARIFY AND DEFINE THE PRACTICE OF OPTOMETRY, AND TO PERMIT THE POSSESSING, ADMINISTERING AND PRESCRIBING OF BOTH LEGEND AND NONPRESCRIPTION DRUGS BY LICENSED OPTOMETRISTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 1 of Act 94 of 1941, as amended, the same being Arkansas Statutes 72-801, is hereby amended to read as follows:

"Section 1. 'Practice of optometry' defined - State Board of Optometry duties and powers.

The practice of optometry is hereby declared to be a learned profession, and the same rights, powers and duties are hereby declared to attach thereto as attach to other learned professions.

The 'practice of optometry' shall be defined as the examination, diagnosis and treatment of conditions of the human eye, lid, adnexa and visual system, including the removal of foreign bodies from the cornea, conjunctiva, lid, or adnexa but shall exclude other surgery of the eye; and shall include utilizing any method or means which the licensed optometrist is educationally qualified to provide, as established and determined by the Arkansas State Board of Optometry. In administering this Act, the Arkansas State Board of Optometry shall by rule or regulation prescribe those acts, services, procedures and practices which constitute the practice of optometry.

Furthermore, any person who analyzes or determines any optical defect, deficiency or deformity, or visual or muscular anomaly of the visual system, or who measures the curvature of the human cornea, or who prescribes, dispenses, adapts, or duplicates lenses, prisms, or ocular exercises for the correction, relief or aid of the visual functions, or who prescribes, adapts, fits, duplicates, dispenses, modifies, or supplies contact lenses, or holds himself out as being able to do so shall be deemed to be engaged in the practice of optometry.

(A) One who is engaged in the practice of optometry as a profession, as hereinabove defined and who has the education and professional competence, as determined by the Arkansas State Board of Optometry, and who has satisfied the educational requirements established by the Arkansas State Board of Optometry in general and ocular pharmacology, from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the Council on Post-Secondary Accreditation, the United States Department of Education, or the Arkansas Board of Higher Education, and has met the requirements of subparagraph (B) of this Section is authorized to possess, administer and prescribe those drugs which are approved in accordance with subparagraph (B) of this Section.

(B) The Arkansas State Board of Optometry shall have the following rights and responsibilities:

(a) To approve those drugs to be possessed, administered and prescribed by optometrists in this state, and the strength thereof.

(b) To approve those optometrists who shall be authorized to possess, administer and prescribe those drugs approved by the Board. No optometrist shall be so approved until he or she has exhibited his or her qualifications by passing an examination prepared or approved by the Board. Such examination shall include but not be limited to written questions designed to test knowledge of the proper use and characteristics of the drugs approved by the Board and shall be offered not less than annually.

(c) To promulgate educational standards, which shall be used as prerequisites to authorization to use those drugs approved by the Board. Educational standards shall cover only the area of the proper use and characteristics of the drugs approved by the Board, and emergency first aid techniques.

(d) To promulgate reasonable standards applicable only to those optometrists who are authorized to use drugs for referral of patients with eye pathology discoverable by the use of drugs. Such standards shall be promulgated only if the Board finds that such standards are required to protect the health of the citizens of the State. Such standards shall not require referral in cases where an optometrist is aware that a condition has been previously diagnosed by a physician. If such standards are promulgated, they shall be enforced by the State Board of Optometry.

Any violation of such standards shall be deemed 'unprofessional conduct' under Act 94 of 1941 as amended. If the Board finds that an optometrist has habitually violated the standards of referral, then the Board shall withdraw the authority to use drugs from that optometrist.

(e) To approve those acts, services, procedures, and practices which may be performed by a licensed optometrist; and shall, prior to authorization, by appropriate examination, establish the competence of every optometrist to perform the approved acts, services, procedures and practices.

(f) To prohibit any optometrist, who is a graduate of a school or college of optometry as of the effective date of this Act, who has not already successfully completed a post graduate course of study of transcript quality in ocular therapy and pharmacology from an accredited school or college of optometry, which complies with all the prerequisites and requirements of the Board and this Act, from being approved to perform any of the additional acts, services, procedures, and practices which are specifically authorized as a result of this amendment to the Arkansas Optometry Law until he or she has successfully complied with all the prerequisites and requirements of the Board and this Act. The express purpose of this subsection is to prohibit the 'Grandfathering' of currently licensed optometrists unless and until they have completed the prerequisites and requirements of the Board and this Act established by this subsection."

SECTION 2. Section 3 of Act 710 of the Acts of Arkansas of 1979, the same being Arkansas Statutes 72-801.1, is hereby repealed.

SECTION 3. Section 1 of Act 72 of 1929, the same being Arkansas Statutes 72-1001, is hereby amended to add a new subsection at the end thereof to read as follows:

"12. Optometrist means a practitioner of optometry duly licensed under the laws of this state who shall be authorized as a practitioner to prescribe by written prescription drugs and medicines."

SECTION 4. Pharmacists duly licensed in the State of Arkansas are authorized to fill prescriptions in the State of Arkansas for duly licensed optometrists thereof for any drug to be possessed, administered or prescribed by the optometrist. Licensed optometrists may possess, administer and prescribe drugs for their patients in the course of their professional practice, notwithstanding any other provision of law prohibiting such possession, administering or prescribing.

SECTION 5. The provisions of this Act are declared to be severable and the invalidity of any clause, sentence, paragraph, subsection or section hereof shall not affect the validity of the remainder of this Act.

SECTION 6. All laws or parts of laws in conflict with any of the provisions of this Act are hereby repealed, and passage of subsequent legislation shall not affect the validity of the provisions of this Act unless a section or provision of this Act is specifically repealed.

SECTION 7. The General Assembly of the State of Arkansas hereby finds that it is essential to the protection of residents of the State that qualified optometrists be authorized to practice at their highest level of competence which includes but is not limited to the possessing, administering and prescribing of those drugs that are useful and necessary to the practice of the profession and that this Act is designed to accomplish this purpose and should be given effect at the earliest practical date. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

