

By: Representatives White, Stamps

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1302

1 AN ACT TO AMEND SECTION 73-19-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE STATE BOARD OF OPTOMETRY SHALL DEFINE THE
3 PRACTICE OF OPTOMETRY; TO AUTHORIZE OPTOMETRISTS WHO HAVE
4 SUFFICIENT EDUCATION AND PROFESSIONAL COMPETENCE AS DEFINED BY THE
5 BOARD TO EXAMINE, DIAGNOSE, MANAGE AND TREAT CONDITIONS AND
6 DISEASES OF THE EYE AND EYELID, AND TO USE LOCAL ANESTHESIA BY
7 INJECTION IN PERFORMING CERTAIN PROCEDURES; TO PROVIDE THAT
8 OPTOMETRISTS PRACTICING UNDER THE AUTHORITY OF THIS SECTION SHALL
9 BE HELD TO THE SAME STANDARD OF CARE AS THAT OF OTHER PHYSICIANS
10 PROVIDING SIMILAR SERVICES; TO AMEND SECTION 73-19-27, MISSISSIPPI
11 CODE OF 1972, TO DELETE PROVISIONS THAT PROHIBIT OPTOMETRISTS FROM
12 TREATING OR DIAGNOSING DISEASES OF OR INJURIES TO THE HUMAN EYE
13 AND FROM USING DRUGS OR MEDICINES FOR THE TREATMENT OR EXAMINATION
14 OF THE HUMAN EYE; TO AMEND SECTION 73-19-157, MISSISSIPPI CODE OF
15 1972, TO AUTHORIZE OPTOMETRISTS TO USE AND PRESCRIBE CERTAIN
16 PHARMACEUTICAL MEDICATIONS THAT ARE RATIONAL AND APPROPRIATE FOR
17 THE EXAMINATION, DIAGNOSIS, MANAGEMENT OR TREATMENT OF VISUAL
18 DEFECTS, ABNORMAL CONDITIONS OR DISEASES OF THE EYE AND/OR
19 EYELIDS; TO PROVIDE THAT THE BOARD SHALL ESTABLISH A THREE-YEAR
20 PILOT PROGRAM FOR NO MORE THAN TWENTY OPTOMETRISTS TO PERFORM
21 OPHTHALMIC LASER CAPSULOTOMY PROCEDURES; TO PROVIDE THE
22 QUALIFICATIONS FOR OPTOMETRISTS TO PARTICIPATE IN THE PILOT
23 PROGRAM; TO CREATE NEW SECTION 73-19-161, MISSISSIPPI CODE OF
24 1972, TO PROVIDE A REPEALER ON ALL OF THE SECTIONS OF LAW
25 APPLICABLE TO THE PRACTICE OF OPTOMETRY; TO BRING FORWARD SECTIONS
26 73-19-151 THROUGH 73-19-155 AND 73-19-159 THROUGH 73-19-165,
27 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE USE OF THERAPEUTIC
28 PHARMACEUTICAL AGENTS BY CERTIFIED OPTOMETRISTS, FOR THE PURPOSES
29 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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



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

33 73-19-1. (1) The practice of optometry * * * shall be
34 defined * * * by the State Board of Optometry and shall include:

35 (a) The application of optical principles, through
36 technical methods and devices in the examination of human eyes for
37 the purpose of ascertaining departures from the normal, measuring
38 their functional powers and adapting or prescribing optical
39 accessories, including spectacles, contact lenses and low-vision
40 devices, for the aid thereof, including, but not limited to, the
41 use of computerized or automated refracting devices, lenses and
42 prisms, vision therapy and low-vision rehabilitation
43 therapy * * *;

44 (b) * * * The prescribing and use of therapeutic
45 pharmaceutical agents by optometrists certified under Sections
46 73-19-153 through 73-19-165 * * *; and

47 (c) * * * The removal of superficial foreign bodies
48 from the eye or other noninvasive procedures.

49 Nothing in this section or any other provision of law shall
50 be construed to prohibit optometrists who have been certified
51 under Sections 73-19-153 through 73-19-165 from providing
52 postophthalmic surgical or clinical care and management with the
53 advice and consultation of the operating or treating physician.

54 (2) One who is engaged in the practice of optometry as a
55 profession as defined in subsection (1) of this section and who



56 has sufficient education and professional competence, as defined
57 by the State Board of Optometry, shall be authorized to examine,
58 diagnose, manage and treat conditions and diseases of the eye and
59 eyelid, including the following:

60 (a) The administration and prescribing of
61 pharmaceutical agents rational to the diagnosis and treatment of
62 conditions or diseases of the eye or eyelid;

63 (b) The performance of primary eye care procedures
64 rational to the treatment of conditions or diseases of the eye or
65 eyelid as determined by the board;

66 (c) The performance and ordering of procedures and
67 laboratory tests rational to the diagnosis of conditions or
68 diseases of the eye and eyelid;

69 (d) The use of a local anesthetic in conjunction with
70 the primary care treatment of an eyelid lesion; however, no
71 optometrist shall use a local anesthetic for this purpose unless
72 the optometrist has met the certification requirements set forth
73 by the board for the administration of pharmaceutical agents in
74 the performance of primary eye care procedures. Nothing in this
75 subsection (2) shall be construed as allowing an optometrist to
76 perform any reconstructive surgical procedure on the eyelid; and

77 (e) The use of local anesthesia by injection in
78 performing the following procedures:

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



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

84 (iii) Incision and curettage of a nonrecurrent
85 chalazion;

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

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

93 (3) Optometrists shall not perform cataract surgery or any
94 other surgical procedure requiring general anesthesia.

95 (4) An optometrist may perform laser capsulotomies as
96 authorized under Section 4 of this act if he or she has been
97 credentialed by the State Board of Optometry under that section to
98 perform optometric laser procedures.

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



106 (* * *6) Nothing in Laws of 2005, Chapter 404, shall be
107 construed or interpreted to allow any optometrist to treat
108 systemic diseases and/or conditions.

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

111 73-19-27. Nothing in this chapter shall be construed as
112 conferring on the holder of any certificate of licensure issued by
113 said board the title of oculist, ophthalmologist, or any other
114 word or abbreviation indicating that he is engaged in the practice
115 of medicine or surgery * * *.

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

118 73-19-157. * * * Optometrists shall be authorized to use and
119 prescribe the following:

120 (a) Over-the-counter medications;

121 (b) All pharmaceutical medications that are rational
122 and appropriate for the examination, diagnosis, management or
123 treatment of visual defects, abnormal conditions or diseases of
124 the eye and/or eyelids as authorized by Section 73-19-1. These
125 medications shall not include any drug or substance listed in
126 Schedules I and II of the Uniform Controlled Dangerous Substances
127 Law;

128 (* * *c) The administration of an auto injection or
129 epi-pen to counteract anaphylactic reaction, followed by immediate



130 referral of the patient to the nearest emergency medical
131 facility * * *; and

132 (d) The administration of inoculations for systemic
133 health reasons in a public health emergency when authorized by the
134 State Health Officer.

135 **SECTION 4.** (1) The State Board of Optometry shall establish
136 a three-year pilot program for no more than twenty (20)
137 optometrists to perform ophthalmic laser capsulotomy procedures.

138 (2) The board shall seek applications from interested
139 optometrists to participate in the pilot program.

140 (3) An optometrist licensed in Mississippi who is selected
141 to participate in the pilot program shall be credentialed to
142 perform authorized ophthalmic laser capsulotomy procedures if the
143 applicant:

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

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



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

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

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

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

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

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

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

173 (4) An optometrist licensed in another state who is selected
174 to participate in the pilot program who applies for licensure by
175 endorsement in Mississippi shall be credentialed to perform
176 authorized ophthalmic laser capsulotomy procedures if the
177 applicant provides proof that:



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

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

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

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

187 (5) Optometrists participating in the pilot program who have
188 met the requirements to perform authorized ophthalmic laser
189 capsulotomy procedures shall report to the board the outcome of
190 every authorized ophthalmic surgery procedures performed in such
191 form as required or directed by the board.

192 (6) The board shall develop a method for recording outcomes
193 of ophthalmic laser capsulotomy procedures performed during the
194 pilot program and shall periodically share such information with
195 the Joint Legislative Committee on Performance Evaluation and
196 Expenditure Review (PEER). The PEER Committee shall report
197 outcomes to the Legislature at least annually.

198 **SECTION 5.** The following shall be codified as Section
199 73-19-161, Mississippi Code of 1972:

200 73-19-161. Sections 73-19-1 through 73-19-45, 73-19-61
201 through 73-19-65, 73-19-101 through 73-19-111, and 73-19-151
202 through 73-19-165 shall stand repealed on July 1, 2024.



203 **SECTION 6.** Section 73-19-151, Mississippi Code of 1972, is
204 brought forward as follows:

205 73-19-151. (1) Persons lawfully engaged in the practice of
206 optometry in the State of Mississippi may prescribe and use
207 therapeutic pharmaceutical agents in the practice of optometry
208 after being authorized to use such agents under the provisions of
209 Section 73-19-153.

210 (2) The designated members of the State Board of Medical
211 Licensure and the State Board of Pharmacy provided for in Section
212 73-19-103 shall advise and consult with the State Board of
213 Optometry on matters specified in Sections 73-19-153 through
214 73-19-165.

215 **SECTION 7.** Section 73-19-153, Mississippi Code of 1972, is
216 brought forward as follows:

217 73-19-153. (1) Any optometrist certified to use diagnostic
218 pharmaceutical agents as provided in Section 73-19-105 also may be
219 certified to use therapeutic pharmaceutical agents when he has
220 satisfactorily completed the following:

221 (a) A course consisting of a minimum of sixty-four (64)
222 hours of didactic education as defined by rule or regulation of
223 the State Board of Optometry with the advice and consultation of
224 the designated members of the State Board of Medical Licensure and
225 the State Board of Pharmacy, with particular emphasis on the
226 examination, diagnosis and treatment of conditions of the eye and
227 adnexa. Such course shall be provided by an institution



228 accredited by a regional or professional accreditation
229 organization that is recognized or approved by the Council on
230 Postsecondary Accreditation of the United States Department of
231 Education, or its successor, and approved by the State Board of
232 Optometry with the advice and consultation of the designated
233 members of the State Board of Medical Licensure and the State
234 Board of Pharmacy; and

235 (b) A minimum of eighty (80) hours of supervised
236 clinical training as it applies to optometry with particular
237 emphasis on the examination, diagnosis and treatment of conditions
238 of the human eye and adnexa, by an institution accredited by a
239 regional or professional accreditation organization that is
240 recognized or approved by the Council on Postsecondary
241 Accreditation of the United States Department of Education, or its
242 successor, and approved by the State Board of Optometry with the
243 advice and consultation of the designated members of the State
244 Board of Medical Licensure and the State Board of Pharmacy; and

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

247 (2) Upon the successful completion of all specified
248 educational and clinical requirements provided by an institution
249 accredited by a regional or professional accreditation
250 organization that is recognized or approved by the Council on
251 Postsecondary Accreditation of the United States Department of
252 Education, or its successor, and approved by the State Board of



253 Optometry with the advice and consultation of the designated
254 members of the State Board of Medical Licensure and the State
255 Board of Pharmacy, any optometrist who desires certification to
256 prescribe and use therapeutic pharmaceutical agents shall
257 satisfactorily pass a written examination approved by the State
258 Board of Optometry, with the advice and consultation of the
259 designated members of the State Board of Medical Licensure and the
260 State Board of Pharmacy. The applicant for certification must
261 achieve a score equal to or greater than a score that is generally
262 accepted in medical schools as a passing score for the same
263 subject areas of examination, as determined by the State Board of
264 Optometry. All examinations and scores shall be made available
265 for inspection to the State Board of Medical Licensure and the
266 State Board of Pharmacy through their designated members.

267 **SECTION 8.** Section 73-19-155, Mississippi Code of 1972, is
268 brought forward as follows:

269 73-19-155. (1) Within thirty (30) days after July 1, 1994,
270 and annually thereafter, the State Board of Optometry with the
271 advice and consultation of the designated members of the State
272 Board of Medical Licensure and the State Board of Pharmacy, shall
273 develop rules and regulations requiring the satisfactory
274 completion of the educational requirements, clinical training, and
275 examinations required under the provisions of Sections 73-19-153
276 through 73-19-165, regarding those optometrists seeking to become
277 certified to prescribe and use therapeutic pharmaceutical agents.



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

288 **SECTION 9.** Section 73-19-159, Mississippi Code of 1972, is
289 brought forward as follows:

290 73-19-159. Any optometrist who is certified to prescribe and
291 use therapeutic pharmaceutical agents shall be held to the same
292 standard of care in the prescription and use of such agents, and
293 in diagnosis and treatment, as is common to a licensed medical
294 doctor.

295 **SECTION 10.** Section 73-19-161, Mississippi Code of 1972, is
296 brought forward as follows:

297 73-19-161. If a patient of any optometrist who is certified
298 to prescribe and use therapeutic pharmaceutical agents is not
299 responding to the prescribed treatment within the normal response
300 time for the condition being treated, in the optometrist's
301 professional judgment, the optometrist shall immediately refer



302 such patient to a licensed physician for such additional treatment
303 as may be needed.

304 **SECTION 11.** Section 73-19-163, Mississippi Code of 1972, is
305 brought forward as follows:

306 73-19-163. Any optometrist who is certified to prescribe and
307 use therapeutic pharmaceutical agents shall be provided by the
308 State Board of Optometry a certificate reflecting such
309 certification, and such certification shall be prominently
310 displayed in the optometrist's office.

311 **SECTION 12.** Section 73-19-165, Mississippi Code of 1972, is
312 brought forward as follows:

313 73-19-165. Any pharmacist licensed under the laws of the
314 State of Mississippi is authorized to fill and dispense to
315 patients those therapeutic pharmaceutical agents specified in
316 Section 73-19-157 for any optometrist certified by the State Board
317 of Optometry to use such agents.

318 **SECTION 13.** This act shall take effect and be in force from
319 and after July 1, 2021.

