

Senate Amendments to House Bill No. 1302

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18 **SECTION 1.** Section 73-19-1, Mississippi Code of 1972, is
19 amended as follows:
20 73-19-1. (1) The practice of optometry is defined to be
21 the application of optical principles, through technical methods
22 and devices in the examination of human eyes for the purpose of
23 ascertaining departures from the normal, measuring their
24 functional powers and adapting or prescribing optical
25 accessories, including spectacles, contact lenses and low-vision
26 devices, for the aid thereof, including, but not limited to, the
27 use of computerized or automated refracting devices, lenses and
28 prisms, vision therapy and low-vision rehabilitation therapy.
29 The practice of optometry shall include the prescribing and use
30 of therapeutic pharmaceutical agents by optometrists certified
31 under Sections 73-19-153 through 73-19-165. The practice of
32 optometry shall * * * include the removal of superficial foreign
33 bodies from the eye or other noninvasive procedures. Nothing in
34 this section or any other provision of law shall be construed to

35 prohibit optometrists who have been certified under Sections
36 73-19-153 through 73-19-165 from providing postophthalmic
37 surgical or clinical care and management with the advice and
38 consultation of the operating or treating physician. One who is
39 engaged in the practice of optometry as a profession as defined
40 in this subsection and who has sufficient education and
41 professional competence, as defined by the State Board of
42 Optometry, shall be authorized to examine, diagnose, manage and
43 treat conditions and diseases of the eye and eyelid, including
44 the following:

45 (a) The administration and prescribing of
46 pharmaceutical agents rational to the diagnosis and treatment of
47 conditions or diseases of the eye or eyelid; excluding
48 administration that requires intraocular injection or
49 intraocular implantation;

50 (b) The performance of primary eye care procedures
51 not otherwise excluded within this statute rational to the
52 treatment of conditions or diseases of the eye or eyelid;

53 (c) The performance and ordering of procedures and
54 laboratory tests rational to the diagnosis of conditions or
55 diseases of the eye and eyelid; excluding those requiring biopsy
56 of any part of the globe or intraocular aspiration or
57 penetration;

58 (d) The use of a local anesthetic in conjunction with
59 the primary care treatment of an eyelid lesion; provided,
60 however, that no optometrist shall use a local anesthetic for

61 this purpose unless the optometrist has met the certification
62 requirements set forth by the Board of Optometry for the
63 administration of pharmaceutical agents in the performance of
64 primary eye care procedures. Nothing in this subsection shall
65 be construed as allowing an optometrist to perform any
66 reconstructive surgical procedure on the eyelid; and

67 (e) An optometrist may utilize local anesthesia by
68 injection in performing the following procedures:

69 (i) Needle drainage of an eyelid abscess,
70 hematoma, bulla and seroma;

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

75 (iii) Incision and curettage of a nonrecurrent
76 chalazion;

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

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

84 (2) Nothing in * * * this act, shall be construed or
85 interpreted to allow any optometrist to treat systemic diseases
86 and/or conditions.

87 (3) Optometrists practicing in this state shall not
88 perform cataract surgery nor any other intraocular surgical
89 procedure not specifically allowed in this statute.

90 (4) Optometrists practicing under the authority of this
91 section shall be held to the same standard of care as that of
92 other physicians providing similar services. No optometrist shall
93 practice under this section unless the optometrist has submitted
94 to the Board of Optometry evidence of satisfactory completion of
95 all education requirements and the board has certified the
96 optometrist as educationally qualified.

97 (5) An optometrist may perform the following if he has been
98 certified by the Board of Optometry to perform optometric laser
99 procedure: YAG laser posterior capsulotomy.

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

102 73-19-27. Nothing in this chapter shall be construed as
103 conferring on the holder of any certificate of licensure issued by
104 said board the title of oculist, ophthalmologist, or any other
105 word or abbreviation indicating that he is engaged in the practice
106 of medicine or surgery. * * *

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

109 73-19-157. Any optometrist certified to prescribe and use
110 therapeutic pharmaceutical agents under Sections 73-19-153 through
111 73-19-165 is authorized to examine, diagnose, manage and treat

112 visual defects, abnormal conditions and diseases of the human eye
113 or eyelids, including:

114 * * *

115 (* * *a) Over-the-counter medications;

116 * * *

117 (b) Pharmaceutical medications which are rational and
118 appropriate for the examination, diagnosis, management or
119 treatment of visual defects, abnormal conditions or diseases of
120 the eye and/or eyelids as authorized by Section 73-19-1 of this
121 chapter not including any medication that must be injected or
122 implanted into the eye or orbit. Dermal fillers and
123 substances injected for cosmetic purposes are prohibited.
124 These agents shall not include any drug or substance listed in
125 Schedule I of the Uniform Controlled Dangerous Substances Law;

126 (* * *c) The administration of an auto injection or
127 epi-pen to counteract anaphylactic reaction, followed by immediate
128 referral of the patient to the nearest emergency medical
129 facility * * *; and

130 (d) In a public health emergency, the State Health
131 Officer may authorize therapeutically licensed optometrists to
132 administer inoculations for systemic health reasons.

133 **SECTION 4.** An optometrist may be licensed in Mississippi
134 to perform authorized ophthalmic YAG laser posterior
135 capsulotomy procedures if he/she:

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

138 (b) Provides proof of satisfactory completion of a
139 course of instruction as approved by the board. Those
140 graduating from an accredited school or college of optometry
141 within five (5) years after the effective date of this act may
142 be excluded from course completion requirement, provided that
143 the candidate has successfully passed appropriate coursework
144 to fulfill requirements as determined by the board. The
145 board-approved course of instruction shall be:

146 (i) Provided by an accredited optometry,
147 osteopathy or medical school;

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

150 (iii) Sponsored by an organization approved by
151 the board;

152 (c) Satisfactorily completes a written test approved
153 by the board on aspects pertaining to authorized ophthalmic
154 YAG laser posterior capsulotomy procedures;

155 (d) Passes a clinical skills assessment approved by
156 the board;

157 (e) Participates in eight (8) additional hours of
158 working under a preceptor who is either an ophthalmologist or
159 licensed credentialed optometrist. The preceptor must be
160 licensed to perform the ophthalmic YAG laser posterior
161 capsulotomy procedures, and the training shall occur within
162 the state in which the preceptor is licensed to perform such
163 procedures; and

164 (f) Such other requirements as may be directed by
165 the board.

166 **SECTION 5.** An optometrist licensed in another state who
167 applies for licensure by endorsement in Mississippi shall be
168 credentialed to perform authorized ophthalmic YAG laser
169 posterior capsulotomy procedures if the applicant provides
170 proof that:

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

173 (b) The applicant is credentialed by that state to
174 perform ophthalmic YAG laser posterior capsulotomy procedures;
175 and

176 (c) The requirements in the state of licensure for
177 performing ophthalmic YAG laser posterior capsulotomy
178 procedures meet or exceed the requirements in Section 1 of
179 this act; or

180 (d) The applicant has satisfactory outcome data from
181 prior ophthalmic YAG laser posterior capsulotomy procedures.

182 **SECTION 6.** Optometrists shall report to the board the
183 outcome of every authorized ophthalmic surgery procedure
184 performed in such form as required or directed by the board.

185 **SECTION 7.** This act shall take effect and be in force from
186 and after July 1, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 73-19-1, MISSISSIPPI CODE OF 1972, TO
2 DEFINE THE PRACTICE OF OPTOMETRY; TO PROVIDE FOR THE DISEASES AND
3 CONDITIONS THAT OPTOMETRISTS ARE AUTHORIZED TO EXAMINE, DIAGNOSE
4 AND MANAGE; TO PROVIDE THAT AN OPTOMETRIST MAY UTILIZE LOCAL
5 ANESTHESIA IN THE PERFORMANCE OF CERTAIN PROCEDURES; TO PROVIDE
6 THAT NO OPTOMETRIST SHALL PERFORM CATARACT SURGERY NOR ANY OTHER
7 INTRAOCULAR SURGERY NOT SPECIFICALLY ALLOWED IN THIS STATUTE; TO
8 PROVIDE THAT AN OPTOMETRIST MAY PERFORM YAG LASER POSTERIOR
9 CAPSULOTOMIES IF HE/SHE HAS BEEN CERTIFIED BY THE BOARD OF
10 OPTOMETRY TO PERFORM OPTOMETRIC YAG LASER POSTERIOR CAPSULOTOMY
11 PROCEDURES; TO AMEND SECTION 73-19-27, MISSISSIPPI CODE OF 1972,
12 TO DELETE THE PROVISION THAT ALLOWS OPTOMETRISTS TO USE
13 PHARMACEUTICAL AGENTS IN THEIR PRACTICE; TO AMEND SECTION
14 73-19-157, MISSISSIPPI CODE OF 1972, TO PROVIDE OPTOMETRISTS THE
15 AUTHORITY TO USE AND PRESCRIBE CERTAIN PHARMACEUTICAL MEDICATIONS;
16 AND FOR RELATED PURPOSES.

SS26\HB1302A.J

Eugene S. Clarke
Secretary of the Senate