

SENATE BILL No. 467

By Committee on Federal and State Affairs

1-27

9 AN ACT concerning the practice of optometry; amending K.S.A. 2009
10 Supp. 65-1501 and 65-1501a and repealing the existing sections.

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

13 Section 1. K.S.A. 2009 Supp. 65-1501 is hereby amended to read as
14 follows: 65-1501. (a) The practice of optometry means:

15 (1) The examination of the human eye and its adnexae and the em-
16 ployment of objective or subjective means or methods (including the ad-
17 ministering, prescribing or dispensing, of topical pharmaceutical drugs)
18 for the purpose of diagnosing the refractive, muscular, or pathological
19 condition thereof;

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

25 (3) except as otherwise limited by this section, the prescribing, ad-
26 ministering or dispensing of topical pharmaceutical drugs and oral drugs
27 for the examination, diagnosis and treatment of any insufficiencies or
28 abnormal conditions of the human eye and its adnexae.

29 (b) The practice of optometry shall not include: (1) The management
30 and treatment of glaucoma, except as provided in subsection (d); (2) the
31 performance of surgery, including the use of lasers for surgical purposes,
32 except that therapeutic licensees may remove superficial foreign bodies
33 from the cornea and the conjunctiva; (3) the use of topical pharmaceutical
34 drugs by a person licensed to practice optometry unless such person suc-
35 cessfully meets the requirements of a diagnostic licensee or a therapeutic
36 licensee; and (4) the prescribing, administering and dispensing of oral
37 drugs for ocular conditions by a person licensed to practice optometry
38 unless such person successfully meets the requirements of a therapeutic
39 licensee, except that such therapeutic licensee may prescribe or admin-
40 ister oral steroids or oral antiglaucoma drugs for ocular conditions follow-
41 ing consultation with an ophthalmologist, which consultation shall be
42 noted in writing in the patient's file. No optometrist may prescribe or
43 administer oral drugs to persons less than six years of age.

- 1 (c) A therapeutic licensee certified to treat adult open-angle glau-
2 coma as provided herein shall be held to a standard of care in the use of
3 such agents in diagnosis and treatment commensurate to that of a person
4 licensed to practice medicine and surgery, who exercises that degree of
5 skill and proficiency commonly exercised by an ordinary, skillful, careful
6 and prudent person licensed to practice medicine and surgery.
- 7 (d) An optometrist may prescribe, administer and dispense topical
8 pharmaceutical drugs and oral drugs for the treatment of adult open-
9 angle glaucoma only following glaucoma licensure as provided in subsec-
10 tion (l) of K.S.A. 65-1501a and amendments thereto. After the initial
11 diagnosis of adult open-angle glaucoma, by an optometrist during the co-
12 management period described in subsection (s) of K.S.A. 65-1501a and
13 amendments thereto, the patient shall be notified that the diagnosis must
14 be confirmed by an ophthalmologist and that any subsequent treatment
15 requires a written co-management plan with an ophthalmologist of the
16 patient's choice.
- 17 (e) Under the direction and supervision of a therapeutic licensee, a
18 licensed professional nurse, licensed practical nurse, licensed physical
19 therapist and licensed occupational therapist may assist in the provision
20 of low vision rehabilitation services in addition to such other services
21 which such licensed professional nurse, licensed practical nurse, licensed
22 physical therapist and licensed occupational therapist is authorized by law
23 to provide under subsection (d) of K.S.A. 65-1113, subsection (h) of
24 K.S.A. 65-1124, subsection (b) of K.S.A. 65-2901 and subsection (b) of
25 K.S.A. 65-5402, and amendments thereto.
- 26 Sec. 2. K.S.A. 2009 Supp. 65-1501a is hereby amended to read as
27 follows: 65-1501a. For the purposes of this act the following terms shall
28 have the meanings respectively ascribed to them unless the context re-
29 quires otherwise:
- 30 (a) "Board" means the board of examiners in optometry established
31 under K.S.A. 74-1501 and amendments thereto.
- 32 (b) "License" means a license to practice optometry granted under
33 the optometry law.
- 34 (c) "Licensee" means a person licensed under the optometry law to
35 practice optometry.
- 36 (d) "Adapt" means the determination, selection, fitting or use of
37 lenses, prisms, orthoptic exercises or visual training therapy for the aid of
38 any insufficiencies or abnormal conditions of the eyes after or by exami-
39 nation or testing.
- 40 (e) "Lenses" means any type of ophthalmic lenses, which are lenses
41 prescribed or used for the aid of any insufficiencies or abnormal condi-
42 tions of the eyes.
- 43 (f) "Prescription" means a verbal or written order directly from a

1 licensee giving or containing the name and address of the prescriber, the
2 license registration number of the licensee, the name and address of the
3 patient, the specifications and directions for lenses, prisms, orthoptic ex-
4 ercises, low vision rehabilitation services or visual training therapy to be
5 used for the aid of any insufficiencies or abnormal conditions of the eyes,
6 including instructions necessary for the fabrication or use thereof and the
7 date of issue.

8 (g) "Prescription for topical pharmaceutical drugs or oral drugs"
9 means a verbal or written order directly from a licensee expressly certified
10 to prescribe drugs under the optometry law and giving or containing the
11 name and address of the prescriber, the license registration number of
12 the licensee, the name and address of the patient, the name and quantity
13 of the drug prescribed, directions for use, the number of refills permitted,
14 the date of issue and expiration date.

15 (h) "Topical pharmaceutical drugs" means drugs administered topi-
16 cally and not by other means for the examination, diagnosis and treatment
17 of the human eye and its adnexae.

18 (i) "Dispense" means to deliver prescription-only medication or oph-
19 thalmic lenses to the ultimate user pursuant to the lawful prescription of
20 a licensee and dispensing of prescription-only medication by a licensee
21 shall be limited to a twenty-four-hour supply or minimal quantity nec-
22 essary until a prescription can be filled by a licensed pharmacist *except*
23 *that the twenty-four hour supply or minimal quantity limitations shall*
24 *not apply to lenses described in subsection (a)(2) of K.S.A. 65-1501 and*
25 *amendments thereto.*

26 (j) "Diagnostic licensee" means a person licensed under the optom-
27 etry law and certified by the board to administer or dispense topical phar-
28 maceutical drugs for diagnostic purposes.

29 (k) "Therapeutic licensee" means a person licensed under the optom-
30 etry law and certified by the board to prescribe, administer or dispense
31 topical pharmaceutical drugs for therapeutic purposes and oral drugs,
32 following completion of a fifteen-hour course approved by the board per-
33 taining to the use of oral drugs in ocular therapeutics, except that a person
34 applying for therapeutic licensure who has graduated after January 1,
35 1999, from a school or college of optometry approved by the board shall
36 not be required to take such course. Therapeutic licensees on the effec-
37 tive date of this act shall complete the fifteen-hour course described in
38 this subsection before May 31, 2000.

39 (l) "Glaucoma licensee" means a person described in subsections (j)
40 and (k) of this section who is also licensed under the optometry law to
41 manage and treat adult open-angle glaucoma by nonsurgical means, in-
42 cluding the prescribing, administering and dispensing of topical phar-
43 maceutical drugs and oral drugs.

- 1 (m) “False advertisement” means any advertisement which is false,
2 misleading or deceptive in a material respect. In determining whether
3 any advertisement is misleading, there shall be taken into account not
4 only representations made or suggested by statement, word, design, de-
5 vice, sound or any combination thereof, but also the extent to which the
6 advertisement fails to reveal facts material in the light of such represen-
7 tations made.
- 8 (n) “Advertisement” means all representations disseminated in any
9 manner or by any means, for the purpose of inducing, or which are likely
10 to induce, directly or indirectly, the purchase of professional services or
11 ophthalmic goods.
- 12 (o) “Health care provider” shall have the meaning ascribed to that
13 term in subsection (f) of K.S.A. 40-3401 and amendments thereto.
- 14 (p) “Medical facility” shall have the meaning ascribed to that term in
15 subsection (c) of K.S.A. 65-411 and amendments thereto.
- 16 (q) “Medical care facility” shall have the meaning ascribed to that
17 term in K.S.A. 65-425 and amendments thereto.
- 18 (r) “Co-management” means confirmation by an ophthalmologist of
19 a licensee’s diagnosis of adult open-angle glaucoma together with a writ-
20 ten treatment plan which includes (1) all tests and examinations sup-
21 porting the diagnosis, (2) a schedule of tests and examinations necessary
22 to treat the patient’s condition, (3) a medication plan, (4) a target intra-
23 ocular pressure, (5) periodic review of the patient’s progress and (6) cri-
24 teria for referral of the patient to an ophthalmologist for additional treat-
25 ment or surgical intervention, except that any co-management plan may
26 be modified only with the consent of both the ophthalmologist and the
27 optometrist and the modification noted in writing on the patient’s record.
- 28 (s) “Co-management period” means that period of time during which
29 an optometrist co-manages patients either suspected of having or diag-
30 nosed as having adult open-angle glaucoma with an ophthalmologist.
- 31 (t) “Ophthalmologist” means a person licensed to practice medicine
32 and surgery by the state board of healing arts who specializes in the di-
33 agnosis and medical and surgical treatment of diseases and defects of the
34 human eye and related structures.
- 35 (u) “Low vision rehabilitation services” means the evaluation, diag-
36 nosis, management and care of the low vision patient including low vision
37 rehabilitation therapy, education and interdisciplinary consultation under
38 the direction and supervision of an ophthalmologist or optometrist.
- 39 (v) “Oral drugs” means oral antibacterial drugs, oral antiviral drugs,
40 oral antihistamines, oral analgesic drugs, oral steroids, oral antiglaucoma
41 drugs and other oral drugs with clinically accepted ocular uses.
- 42 Sec. 3. K.S.A. 2009 Supp. 65-1501 and 65-1501a are hereby
43 repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.