

## 2024 South Dakota Legislature

**House Bill 1099****AMENDMENT 1099F  
FOR THE INTRODUCED BILL**

1 **An Act to establish educational standards for the expanded practice of optometry.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 36-7-1 be AMENDED:**

4 **36-7-1.** The practice of optometry is declared to be a profession and is defined as:

5 (1) The examination of the human eye and its appendages, and the;

6 (2) The employment of any means for the measurement of the powers of visions, or  
 7 any visual, muscular, neurological, interpretative, or anatomical—~~anomalies~~  
 8 anomaly of the visual ~~processes~~, and the process;

9 (3) The prescribing or employment of lenses, prisms, frames, mountings, and visual  
 10 training ~~procedure~~, the procedures;

11 (4) The prescribing or administration, except by injection unless otherwise permitted  
 12 by this chapter, of any pharmaceutical ~~agents~~ agent rational to the diagnosis and  
 13 treatment of the human eye and its appendages, ~~and any other~~;

14 (5) The employment of any means or method for the correction, remedy, or relief of  
 15 any ~~insufficiencies~~ insufficiency or abnormal ~~conditions~~ condition of the visual  
 16 ~~processes~~ process of the human eye and its appendages ~~except surgery~~. ~~However,~~  
 17 an optometrist may remove, provided the term "any means or method" does not  
 18 include ~~surgeries~~, unless otherwise permitted by this chapter;

19 (6) The removal of a superficial foreign ~~bodies~~ body from the eye. ~~The prescription;~~

20 (7) The ~~prescribing~~ of contact lenses, except by a ~~practitioner~~ physician licensed under  
 21 chapter 36-4, constitutes the practice of optometry. ~~An optometrist is one who~~  
 22 practices optometry under the provisions of this chapter;

23 (8) The use of intense pulsed light for the treatment of dry eye disease; and

24 (9) Subject to the requirements set forth in section 2 of this Act;

- 1           (a) The ~~intra~~dermal–intramuscular injection of a paralytic agent in the  
 2           periorbital region, for the treatment of ocular disease related to periorbital  
 3           muscular spasms; and  
 4           (b) ~~The intralesional injection of a steroid to treat a chalazion;~~  
 5           ~~(e) The use of a local anesthetic in conjunction with the primary removal of a~~  
 6           periorbital pedunculated skin tag;  
 7           ~~(d) The performance of a selective laser trabeculoplasty; and~~  
 8           ~~(e) The performance of a posterior capsulotomy using an yttrium aluminum~~  
 9           garnett laser, not located on the eyelid margin.

10           Any procedure referenced in this section, when performed by a licensed  
 11           optometrist, in accordance with this chapter, does not constitute the practice of medicine,  
 12           for purposes of chapter 36-4.

13           **Section 2. That chapter 36-7 be amended with a NEW SECTION:**

14           Before an optometrist may perform any ~~one or more of the procedures~~ procedure  
 15           set forth in subdivision 36-7-1(9), the optometrist must provide to the board, at the time  
 16           and in the manner directed by the board, verifiable evidence that:

17           (1) The optometrist:

- 18           (a) Received a passing score ~~on the laser examination and~~ on the surgical  
 19           procedures examination, offered by the National Board of Examiners in  
 20           Optometry; or  
 21           (b) Graduated, prior to July 1, 2024, from an optometric school or college  
 22           approved by the Accreditation Council on Optometric Education or from an  
 23           optometric school or college approved by the board;

24           (2) The optometrist satisfactorily completed a course that:

- 25           (a) Is at least thirty-two hours in duration;  
 26           (b) Is approved by the board;  
 27           (c) Includes content related to each procedure set forth in subdivision 36-7-1  
 28           (9); and  
 29           (d) Is proctored by an ophthalmologist or is proctored by an optometrist who  
 30           is authorized to perform ~~all~~ each of the procedures set forth in subdivision  
 31           36-7-1(9) by the optometric licensing board of a state in which a qualified  
 32           optometrist may perform all of the procedures; and

33           (3) The optometrist has demonstrated competency in accordance with the  
 34           performance criteria set forth in section 3 of this Act.

1           The board shall review the evidence required by this section and upon verification  
2           of an optometrist's compliance with the requirements, authorize the optometrist to  
3           perform ~~one or more~~ each of the procedures set forth in subdivision 36-7-1(9). The board  
4           shall develop and implement a system for documenting any actions under this section.

5           **Section 3. That chapter 36-7 be amended with a NEW SECTION:**

6           The demonstration of competency required in accordance with subdivision (3) of  
7           section 2 of this Act, must occur in the presence and under the direct supervision of an  
8           ophthalmologist licensed in this state, or in the presence and under the direct supervision  
9           of an optometrist licensed in this state and authorized by the board, pursuant to section  
10          2 of this Act, to perform ~~all~~ each of the procedures set forth in subdivision 36-7-1(9).

11          The demonstration of competency with respect to the ~~intralesional~~ intradermal-intramuscular  
12          injection of a paralytic agent, ~~the intralesional injection of a steroid to treat a chalazion in~~  
13          the periorbital region, for the treatment of ocular disease related to periorbital muscular  
14          spasms, and the use of a local anesthetic in conjunction with the primary removal of a  
15          periorbital pedunculated skin tag, ~~and the performance of a selective laser trabeculoplasty~~  
16          not located on the eyelid margin, must each occur ~~on~~ at least five human eyes times.

17          ~~The demonstration of competency with respect to the performance of a posterior~~  
18          capsulotomy using an yttrium aluminum garnett laser must occur ~~on~~ at least ten human  
19          eyes.

20          The supervising ophthalmologist or optometrist shall notify the board when  
21          competency has been demonstrated, in accordance with this section. The notification must  
22          occur at the time and in the manner determined by the board.

23          **Section 4. That § 36-7-24 be AMENDED:**

24          **36-7-24.** The board may, in compliance with chapter 1-26, ~~may~~ impose  
25          disciplinary sanctions ~~against any on an~~ optometrist for the following causes:

- 26          (1) Conviction of a felony, ~~as shown by a certified copy of the record of the court of~~  
27          conviction;
- 28          (2) Obtaining, or attempting to obtain, a license by fraudulent misrepresentation;
- 29          (3) Malpractice;
- 30          (4) Continued practice when knowingly having an infectious or contagious disease, or  
31          after sustaining a physical or mental disability that renders further practice  
32          potentially harmful or dangerous;

- 1 (5) Use of alcohol or other substances that renders the optometrist unfit to practice  
2 with reasonable skill and safety;
- 3 (6) Engaging in any procedure set forth in subdivision 36-7-1(9), prior to meeting the  
4 requirements of this chapter;
- 5 (7) Unprofessional conduct, as defined in § 36-7-25; or
- 6 ~~(7)(8)~~ Failure to submit to or cooperate with the a criminal background ~~investigation~~  
7 check requested by the board under § 36-7-12.2.

8 **Section 5. That chapter 36-7 be amended with a NEW SECTION:**

9 Nothing in this chapter may be construed to allow the performance, by an  
10 optometrist, of:

- 11 (1) Intraocular injections;
- 12 (2) Intraocular surgery; or
- 13 (3) Refractive surgery.

14 **Section 6. That § 36-7-1.1 be REPEALED:**

15 ~~Notwithstanding anything in this chapter to the contrary, an optometrist, except~~  
16 ~~an optometrist certified for diagnostic and therapeutic agents as provided by §§ 36-7-15.1~~  
17 ~~to 36-7-15.3, inclusive, and as provided in § 36-7-31, may not treat glaucoma or ocular~~  
18 ~~hypertension.~~

19 **Section 7. That § 36-7-1.2 be REPEALED:**

20 ~~No optometrist may prescribe, administer, or dispense any oral therapeutic agent~~  
21 ~~to any child under twelve years of age, or any oral steroid to any person, without prior~~  
22 ~~consultation with a physician licensed pursuant to chapter 36-4.~~