

2023 South Dakota Legislature

Senate Bill 87**AMENDMENT 87A
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 of the
8 visual processes, ~~and the;~~

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~~ of pharmaceutical agents
12 rational to the diagnosis and treatment of the human eye and its appendages, ~~and~~
13 ~~any other;~~

14 (5) Other means or ~~method-methods~~ for the correction, remedy, or relief of any
15 insufficiencies or abnormal conditions of the visual processes of the human eye and
16 its appendages, ~~except surgery. However, an optometrist may remove, unless~~
17 ~~otherwise authorized by this chapter;~~

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

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

22 (8) Subject to the optometrist meeting the requirements set forth in section 2 of this
23 Act:

24 (a) Debridement of diseased corneal epithelium;

25 (b) Removal of diseased corneal epithelium;

- 1 (c) Intradermal injection of a paralytic agent;
2 (d) Treatment of a chalazion;
3 (e) The use of a local anesthetic in conjunction with the primary treatment and
4 removal of a pedunculated skin tag; and
5 (f) Epithelium on corneal cross-linking; and
6 (9) Subject to the optometrist meeting the requirements set forth in section 3 of this
7 Act:
8 (a) Laser posterior capsulotomy; and
9 (b) Laser trabeculoplasty.
10 Any procedure referenced in this section, when undertaken 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 37-7 be amended with a NEW SECTION:**

- 14 Before an optometrist may perform any procedure set forth in subdivision 36-7-
15 1(8), the optometrist shall demonstrate to the board that the optometrist:
16 (1) Received a passing score on the laser and surgical procedures examination offered
17 by the National Board of Examiners in Optometry; or
18 (2) Satisfactorily completed a thirty-two hour course that:
19 (a) Includes all the procedures set forth in subdivisions 36-7-1(8) and (9);
20 (b) Is approved by the board; and
21 (c) Is proctored by an optometrist or an ophthalmologist, authorized to perform
22 the procedure in this or any other state.

23 **Section 3. That chapter 37-7 be amended with a NEW SECTION:**

- 24 Before an optometrist may perform any procedure set forth in subdivision 36-7-
25 1(9), the optometrist shall demonstrate to the board that the optometrist:
26 (1) Met the requirements set forth in section 2 of this Act; and
27 (2) Successfully performed the procedure on at least five eyes, while under the
28 supervision of an ophthalmologist, or an optometrist authorized to perform the
29 procedures in this or any other state.
30 An optometrist fulfilling the requirements of subdivision (2) of this section, while
31 under the requisite supervision, is not acting outside the scope of the optometrist's
32 licensure.

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

2 **36-7-24.** The board may, in compliance with chapter 1-26, ~~may~~ impose
3 disciplinary sanctions ~~against anyone~~ an optometrist for the following causes:

- 4 (1) Conviction of a felony, ~~as shown by a certified copy of the record of the court of~~
5 ~~conviction;~~
6 (2) Obtaining, or attempting to obtain, a license by fraudulent misrepresentation;
7 (3) Malpractice;
8 (4) Continued practice when knowingly having an infectious or contagious disease, or
9 after sustaining a physical or mental disability that renders further practice
10 potentially harmful or dangerous;
11 (5) Use of alcohol or other substances that renders the optometrist unfit to practice
12 with reasonable skill and safety;
13 (6) Engaging in any procedure listed in subdivisions 36-7-1(8) or 36-7-1(9), prior to
14 meeting the requirements set forth in this chapter;
15 (7) Unprofessional conduct, as defined in § 36-7-25; or
16 ~~(7)(8)~~ Failure to submit to or cooperate with the a criminal background investigation
17 check requested by the board under § 36-7-12.2.

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

19 Nothing in this chapter may be construed to allow an optometrist to perform
20 intraocular or refractive surgery.

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

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

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

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