

## **CHAPTER VIII, Article I**

### **Summary**

This rule is being promulgated contingent upon the Supreme Court dismissing Case No. CV-19-641.

Proposed Chapter VIII, Article I expands the definition of the practice of optometry to include the following procedures:

- (i) Injections, excluding intravenous or intraocular injections;
- (ii) Incision and curettage of a chalazion;
- (iii) Removal and biopsy of skin lesions with low risk of malignancy, excluding lesions involving the lid margin or nasal to the puncta;
- (iv) Laser capsulotomy; and
- (v) Laser Trabeculoplasty.

The intent of this rule is to establish credentialing requirements for an optometrist to perform the procedures outlined in Act 579.

After the act was passed, the Optometry Board began the process of drafting a rule that would be as thorough as possible regarding the credentials and requirements necessary for the safety of patients to allow optometrists to be permitted to perform the various procedures listed in the Act. Dr. Bryant Ashley, Chairman of the Board of Optometry traveled to North Carolina to visit the National Board Examination Center to discover the exact testing requirements for the national test as well as the various subjects covered. He then traveled to Oklahoma to visit an Optometry school that teaches these procedures. After getting an understanding of their curriculum, he then researched the rules that already exist in states that allow optometrists to perform these procedures. These states included Kentucky, Louisiana, and Oklahoma. After review of the various state rules, it was clear that there were similarities in the requirements; however, Kentucky's rule appeared to provide the most thorough and comprehensive list of requirements. The Arkansas rule as drafted is based, in part, on Kentucky and to a lesser extent the other states in order to capture all the requirements of the various states. The Board looked at other states because these rules have been in effect for some time and seem to work well. The Board believes that the rule, as drafted, provides an extremely comprehensive list of requirements that provide the maximum amount of protections to patients because it requires a high level of proven competency by the optometrist who applies for the certificate.

**QUALIFICATIONS FOR AN ARKANSAS LICENSED OPTOMETRIST TO BE  
CREDENTIALLED TO UTILIZE AND PERFORM AUTHORIZED  
PROCEDURES LISTED IN A.C.A. §17-90-101(a)(3)(D)**

**SECTION I - AUTHORITY**

The following regulations have been hereby promulgated pursuant to Act 579 of 2019 codified in Arkansas Code Annotated §17-90-101

**SECTION II – DEFINITIONS AS USED IN THIS SECTION:**

1. The "practice of optometry" as stated in A.C.A. §17-90-101(a) is amended to include the following procedures:
  - a. Injections, excluding intravenous or intraocular injections;
  - b. Incision and curettage of a chalazion;
  - c. Removal and biopsy of skin lesions with low risk of malignancy, excluding lesions involving the lid margin or nasal to the puncta;
  - d. Laser capsulotomy; and
  - e. Laser trabeculoplasty.

**SECTION III – REQUIREMENTS FOR APPLICANTS FOR ARKANSAS OPTOMETRIC  
PHYSICIAN LICENSURE WITH CREDENTIALING FOR PROCEDURES LISTED IN  
A.C.A. §17-90-101(a)(3)(D)**

1. Applicants for Arkansas Optometric Physician Licensure shall be credentialed to perform authorized procedures listed in A.C.A. §17-90-101(a)(3)(D) if:
  - a. The applicant meets all requirements to receive an Arkansas license pursuant to Chapter 1, Articles II and III or pursuant to Chapter I, Article IV to practice as an Optometric Physician, and;
  - b. Optometric Physicians graduated in 2019 or after who provided proof that he/she graduated from an optometry school whose program includes the educational requirements for certification pursuant to this rule; and

2. Once applicant satisfactorily completes the education requirements listed in this rule under Section IV, 1. b.:
  - a. The applicant must satisfactorily complete a written test administered or approved by the Arkansas State Board of Optometry on aspects of the Arkansas Optometry Practice Act pertaining to this rule.
  - b. The applicant must satisfactorily complete a clinical examination administered or approved by the Arkansas State Board of Optometry pertaining to this rule.
  - c. The applicant must satisfactorily complete a written jurisprudence examination administered by the Arkansas State Board of Optometry pertaining to this rule.

**SECTION IV – REQUIREMENTS FOR EXISTING ARKANSAS LICENSED OPTOMETRIC PHYSICIANS FOR CREDENTIALING FOR PROCEDURES LISTED IN A.C.A. §17-90-101(a)(3)(D)**

1. Pursuant to Act 579 of 2019 codified in A.C.A. §17-90-101(a)(3)(D), Arkansas licensed Optometric Physicians shall be credentialed to perform authorized procedures listed in A.C.A. §17-90-101(a)(3)(D) if:
  - a. The applicant provides proof of holding an Arkansas license to practice as an Optometric Physician and is in good standing;
  - b. The applicant provides proof of satisfactory completion of a course of instruction completed not more than 5 years prior to application of credentialing; provided that the course:
    - (1) is provided by an accredited college of optometry, osteopathy or medicine;
    - (2) includes a minimum of 32 clock hours in length;
    - (3) is sponsored by an organization approved by the board; and
    - (4) includes the following didactic classroom instructions:
      - (a) laser physics, hazards, and safety;
      - (b) biophysics of lasers;
      - (c) laser application on clinical optometry;
      - (d) laser tissue interactions;

- (e) laser indications, contraindications, and potential complications;
  - (f) gonioscopy;
  - (g) laser therapy for open angle glaucoma;
  - (h) laser therapy for angle closure glaucoma;
  - (i) posterior capsulotomy;
  - (j) common complications: lids, lashes, lacrimal system;
  - (k) medicolegal aspects of anterior segment procedures;
  - (l) peripheral iridotomy;
  - (m) laser trabeculoplasty;
  - (n) minor surgical procedures;
  - (o) overview of surgical instruments, asepsis, and O.S.H.A.;
  - (p) surgical anatomy of the eyelids;
  - (q) emergency surgical procedures;
  - (r) chalazion management;
  - (s) local anesthesia: techniques and complications;
  - (t) anaphylaxis and other office emergencies;
  - (u) radiofrequency surgery;
  - (v) post-operative wound care; and
- (5) includes the following Clinical or Laboratory experience:
- (a) Video Demonstration; and
  - (b) In Vitro Observation or participation

2. Once applicant satisfactorily completes education requirements listed in this rule in Section IV, 1. b.:
  - a. The applicant must satisfactorily complete a written test administered or approved by the Arkansas State Board of Optometry on aspects of the Arkansas Optometry Practice Act pertaining to this rule.

- b. The applicant must satisfactorily complete a clinical examination administered or approved by the Arkansas State Board of Optometry pertaining to this rule.
- c. The applicant must satisfactorily complete a written jurisprudence examination administered by the Arkansas State Board of Optometry pertaining to this rule.

#### **SECTION V – CERTIFICATION**

- 1. Once an applicant satisfactorily completes the education requirements listed in this rule and the testing requirements listed in this rule, completes an application for certification and submits an application fee of fifty (\$50.00) dollars the Arkansas State Board of Optometry shall issue a certification to the applicant certifying that the applicant is qualified and credentialed to utilize procedures listed in A.C.A. §17-90-101(a)(3)(D). The certificate shall be conspicuously displayed in the optometric physician's office.

#### **SECTION VI- PROHIBITIONS**

- 1. Prohibitions:
  - a. Performing procedures pursuant to this rule and A.C.A. §17-90-101(a)(3)(D) without credentialing based upon the education requirements and testing requirement outlined in this rule and having first obtained a certification as outlined in this rule shall be grounds for suspension or revocation of an optometry license pursuant to the Arkansas Optometry Practice Act.

#### **SECTION VII - OPHTHALMIC LASER PROCEDURES OUTCOME REPORTING**

- 1. Outcomes reporting:
  - a. Every optometric physician who has met the requirements for certification pursuant to this rule and A.C.A. §17-90-101(a)(3)(D) shall report to the board the outcome of authorized ophthalmic laser procedures performed in such form as required or directed by the board. The reports shall be submitted no less than annually. The board shall provide the reports to the Arkansas State Department of Health.

#### **SECTION VIII – RENEWAL**

- 1. Every optometric physician who is granted certification under this Rule shall submit a renewal application each year together with a renewal fee of ten (\$10.00) dollars to the Secretary of the Board on or before the 1<sup>st</sup> day of February.

2. In addition to the renewal application and the renewal fee, each optometric physician shall also supply proof in the form of a certificate of completion of two hours of continuing education specifically regarding the procedures listed in this rule and for which they are certified to perform. The two hours of continuing education required by this rule may be included in the ten (10) hours of general and ocular therapy and pharmacology required in Chapter V, Article V, Section 2 of the Rules of Arkansas State Board of Optometry.