

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0322.01 Sarah Lozano x3858

HOUSE BILL 22-1233

HOUSE SPONSORSHIP

Lontine and Soper, McCormick, Ortiz, Titone, Baisley, Bennett, Boesenecker, Duran, Holtorf, Hooton, Jodeh, Kipp, Lindsay, McLachlan, Valdez A., Valdez D., Will

SENATE SPONSORSHIP

Simpson and Ginal,

House Committees

Health & Insurance
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF**
102 **OPTOMETRY BY THE STATE BOARD OF OPTOMETRY, AND, IN**
103 **CONNECTION THEREWITH, IMPLEMENTING THE**
104 **RECOMMENDATIONS IN THE 2021 SUNSET REPORT BY THE**
105 **DEPARTMENT OF REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Health and Insurance Committee. The bill implements the recommendations of the department of regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

agencies (department), as specified in the department's sunset review of the state board of optometry (board), as follows:

- **Sections 1 and 2** of the bill continue the board and the regulation of optometry for 11 years, until September 1, 2033;
- **Section 3** authorizes the board to expand the definition of the practice of optometry by rule to include any service, procedure, or treatment that is within the training and skills of optometrists based on the standardized examination required for licensure;
- **Section 4** removes the exemption for optometrists from the requirement to notify the board in the event that the optometrist is unable to treat patients with reasonable skill and safety; and
- **Section 5** removes references to the "National Board of Examiners in Optometry" and clarifies that the board may designate any national standardized examination that tests the applicant's ability to practice optometry as a requirement for licensure.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-275-130
3 as follows:

4 **12-275-130. Repeal of article - review of functions.** This article
5 275 is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2033. Before
6 the repeal, the functions of the board performed pursuant to this article
7 275 are scheduled for review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (23)(a)(I); and **add** (34)(a)(II) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2022:

14 (I) ~~The state board of optometry created in article 275 of title 12;~~

1 (34) (a) The following agencies, functions, or both, are scheduled
2 for repeal on September 1, 2033:

3 (II) THE STATE BOARD OF OPTOMETRY CREATED IN ARTICLE 275
4 OF TITLE 12.

5 **SECTION 3.** In Colorado Revised Statutes, 12-275-103, **amend**
6 (1)(b)(X) and (1)(b)(XI); and **add** (1)(b)(XII), (1)(b)(XIII), (1)(b)(XIV),
7 (1)(b)(XV), (1)(b)(XVI), (1)(b)(XVII), and (1)(b)(XVIII) as follows:

8 **12-275-103. Practice of optometry defined - prescribing drugs**
9 **- therapeutic optometrist - rule.** (1) (b) The following are part of the
10 practice of optometry:

11 (X) Debridement of corneal epithelium; **and**

12 (XI) Removal of corneal epithelium;

13 (XII) INJECTIONS FOR THE TREATMENT OF CONDITIONS OR
14 DISEASES OF THE EYE OR EYELID, EXCLUDING INTRAOCULAR INJECTIONS
15 PENETRATING THE GLOBE;

16 (XIII) THE USE OF A LOCAL ANESTHETIC IN CONJUNCTION WITH
17 THE PRIMARY TREATMENT OF AN EYELID LESION;

18 (XIV) REMOVAL AND BIOPSY OF EYELID LESIONS WITHOUT
19 CHARACTERISTICS OR OBVIOUS SIGNS OF MALIGNANCY, EXCLUDING
20 LESIONS INVOLVING THE EYELID MARGIN OR LARGER THAN FIVE
21 MILLIMETERS IN SIZE;

22 (XV) INCISION AND CURETTAGE OF A CHALAZION;

23 (XVI) SIMPLE REPAIR OF AN EYELID LACERATION NO LARGER THAN
24 TWO AND ONE-HALF CENTIMETERS AND NO DEEPER THAN THE
25 ORBICULARIS MUSCLE AND NOT INVOLVING THE EYELID MARGIN OR
26 LACRIMAL DRAINAGE STRUCTURES;

27 (XVII) CORNEAL CROSS-LINKING; AND

1 (XVIII) LASER CAPSULOTOMY, LASER PERIPHERAL IRIDOTOMY,
2 AND LASER TRABECULOPLASTY.

3 **SECTION 4.** In Colorado Revised Statutes, 12-30-108, **repeal**
4 (4)(b)(I) as follows:

5 **12-30-108. Confidential agreement to limit practice - violation**
6 **grounds for discipline.** (4) (b) Subsection (1)(a) of this section
7 regarding notification for confidential agreements does not apply to:

8 (I) ~~Article 275 of this title 12 concerning optometrists;~~

9 **SECTION 5.** In Colorado Revised Statutes, 12-275-110, **amend**
10 (1)(c); and **add** (3), (4), (5), (6), and (7) as follows:

11 **12-275-110. Application for license - licensure by**
12 **endorsement.** (1) A person who desires to practice optometry in the state
13 may file with the board an application for a license, giving the
14 information required in a form and manner approved by the board. The
15 applicant shall demonstrate that the applicant possesses the following
16 qualifications:

17 (c) The applicant has successfully passed ~~the written~~ A
18 STANDARDIZED NATIONAL examination ~~of the National Board of~~
19 ~~Examiners in Optometry.~~ The board shall have the authority, upon its
20 ~~investigation and approval of the examination standards, to approve some~~
21 ~~body other than the National Board of Examiners in Optometry as the~~
22 ~~examining body~~ APPROVED BY THE BOARD THAT TESTS THE
23 QUALIFICATIONS OF THE APPLICANT TO PRACTICE OPTOMETRY IN THE
24 STATE.

25 (3) A LICENSEE LICENSED UNDER THIS SECTION WHO PERFORMS
26 LASER PROCEDURES OR TREATS OCULAR ADNEXA SHALL DEMONSTRATE
27 COMPETENCY AND COMPLETE ONE OF THE FOLLOWING EDUCATION AND

1 EXAMINATION REQUIREMENTS PRIOR TO PERFORMING THESE PROCEDURES:

2 (a) GRADUATE FROM AN ACCREDITED COLLEGE OR UNIVERSITY OF
3 OPTOMETRY IN 2019 OR LATER WHERE THE LASER PROCEDURES AND
4 OCULAR ADNEXA TREATMENTS WERE TAUGHT AND DEMONSTRATE
5 PASSAGE OF THE STANDARDIZED NATIONAL EXAMINATION APPROVED BY
6 THE BOARD PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION; OR

7 (b) COMPLETE A TRAINING COURSE APPROVED BY THE BOARD AND
8 SATISFACTORILY COMPLETE A PROCTORED CLINICAL SESSION WITHIN TWO
9 YEARS PRIOR TO PERFORMING LASER PROCEDURES OR TREATING OCULAR
10 ADNEXA. PROCTORING MAY BE PERFORMED BY AN OPTOMETRIST OR
11 OPHTHALMOLOGIST LICENSED TO PERFORM THE PROCEDURES IN ANY
12 JURISDICTION.

13 (4) IF A LICENSEE HAS NOT PERFORMED A LASER PROCEDURE
14 WITHIN THE PAST TWO YEARS, THE LICENSEE SHALL SATISFACTORILY
15 COMPLETE ANOTHER PROCTORED CLINICAL SESSION PRIOR TO PERFORMING
16 ANY LASER PROCEDURES.

17 (5) A LICENSEE PERFORMING THE PROCEDURES DESCRIBED IN
18 SUBSECTION (3) OF THIS SECTION SHALL REPORT TO THE BOARD ANY
19 ADVERSE OUTCOMES FOLLOWING EACH PROCEDURE. THE LICENSEE SHALL
20 DELIVER SUCH REPORTS AND ANY CORRESPONDING PATIENT RECORDS TO
21 THE BOARD OFFICE WITHIN TEN DAYS AFTER THE DATE THAT THE LICENSEE
22 IS AWARE OF THE ADVERSE OUTCOME.

23 (6) A LICENSEE SHALL MAINTAIN DOCUMENTATION EVIDENCING
24 COMPLETION OF THE REQUIREMENTS OF SUBSECTIONS (3), (4), AND (5) OF
25 THIS SECTION AND SHALL PROVIDE THE DOCUMENTATION TO THE BOARD
26 UPON REQUEST. PERFORMING ANY OF THE PROCEDURES DESCRIBED IN
27 SUBSECTION (3) OF THIS SECTION WITHOUT MEETING THE REQUIREMENTS

1 OF SUBSECTIONS (3), (4), AND (5) OF THIS SECTION MAY SUBJECT THE
2 LICENSEE TO DISCIPLINE BY THE BOARD PURSUANT TO SECTION
3 12-275-122.

4 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
5 REQUIREMENTS OF SUBSECTIONS (3), (4), (5), AND (6) OF THIS SECTION DO
6 NOT APPLY TO A LICENSEE'S PERFORMANCE OF THE PROCEDURES AND
7 TREATMENTS SPECIFIED IN SECTION 12-275-103 (1)(b)(I), (1)(b)(V),
8 (1)(b)(VI), AND (1)(b)(VII).

9 **SECTION 6. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.