

NOTICE FOR ACT REFERRED BY PETITION OF THE PEOPLE

Issue No. 6

NOTICE TO THE PUBLIC

Pursuant to Article 5, Section 1, of the Arkansas Constitution (Amendment 7) and Ark. Code Ann. § 7-9-113, an act referred by petition of the people will appear on the November 3, 2020 ballot as Issue No. 6. Each elector upon voting his/her ballot shall vote for or against this referred act. Underlined language would be added to the present law. Stricken language would be deleted from the present law. The Popular Name, Ballot Title, and complete text of the referred act follow.

Popular Name

An Act to Amend the Definition of “Practice of Optometry”

Ballot Title

An act to amend the Arkansas Code regarding the definition of "practice of optometry"; providing that the definition of "practice of optometry" is amended to permit licensed optometrists to use ophthalmic lasers for the following surgical procedures: perform injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that licensed optometrists continue to be prohibited from using ophthalmic lasers for surgical procedures other than those previously identified, performing cataract surgery, performing radial keratotomy surgery, and selling prescription drugs; providing that the State Board of Optometry has the power and duty to establish credentialing requirements for a licensee to administer or perform the following procedures: injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that the State Board of Optometry shall require every optometrist who meets the requirements for certification to perform authorized laser procedures to report to the board regarding the outcome of the procedures performed in a format as required or directed by the board, and these reports shall also be sent to the Department of Health; this act being Act No. 579 of the Regular Session of 2019.

Complete Text of Referred Act

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "PRACTICE OF OPTOMETRY";

Subtitle

TO AMEND THE DEFINITION OF "PRACTICE OF OPTOMETRY"; AND TO
MODERNIZE THE PRACTICE OF OPTOMETRY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-90-101(a)(3)(B), concerning the definition of "practice of optometry", is amended to read as follows:

(B) All licensed optometrists are prohibited from using ophthalmic lasers for surgical procedures except as permitted in subdivision (a)(3)(D) of this section, performing cataract surgery, performing radial keratotomy surgery, and selling prescription drugs.

SECTION 2. Arkansas Code § 17-90-101(a)(3), concerning the definition of "practice of optometry", is amended to add an additional subdivision to read as follows:

(D) The "practice of optometry" includes 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.

SECTION 3. Arkansas Code § 17-90-204, concerning the powers and duties of the State Board of Optometry, is amended to add an additional subdivision to read as follows:

(9) To establish credentialing requirements for a licensee to administer or perform procedures as listed in § 17-90-101(a)(3)(D).

SECTION 4. Arkansas Code Title 17, Chapter 90, Subchapter 2, is amended to add an additional section to read as follows:

17-90-206. Reporting requirements.

(a) The State Board of Optometry shall require every optometrist who meets the requirements for certification to perform authorized laser procedures to report to the board regarding the outcome of the procedures performed in a format as required or directed by the board.

(b) Reports under subsection (a) of this section shall also be sent to the Department of Health.