

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

349C0426

SENATE BILL NO. 74

Introduced by: Senators Lawler, Albers, Benson, Hutmacher, Moore, Rounds, Staggers, and Vitter and Representatives Diedrich (Larry), Crisp, Koskan, Monroe, Putnam, and Sebert

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of
2 optometry.

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

4 Section 1. That § 36-7-1 be amended to read as follows:

5 36-7-1. The practice of optometry is declared to be a profession and defined as examination
6 of the human eye and its appendages, and the employment of any means for the measurement of
7 the powers of visions, or any visual, muscular, neurological, interpretative, or anatomical
8 anomalies of the visual processes, and the prescribing or employment of lenses, prisms, frames,
9 mountings, visual training procedure, topical pharmaceutical agents, and oral ~~analgesic~~ agents
10 for diagnostic and treatment purposes, and any other means or method for the correction,
11 remedy, or relief of any insufficiencies or abnormal conditions of the visual processes of the
12 human eye and its appendages except surgery. However, an optometrist may remove superficial
13 foreign bodies from the eye. The prescription of contact lenses, except by a practitioner licensed
14 under chapter 36-4, constitutes the practice of optometry. An optometrist is one who practices
15 optometry under the provisions of this chapter.

16 Section 2. That § 36-7-15.1 be amended to read as follows:

1 36-7-15.1. The State Board of Examiners in Optometry shall adopt rules pursuant to chapter
2 1-26 to specify additional educational qualifications and to ensure professional competence by
3 those practitioners who apply to the board for a certification enabling them to prescribe and
4 administer diagnostic and therapeutic ~~topical~~ pharmaceutical agents as described in § 36-7-1. The
5 board shall, by rules promulgated pursuant to chapter 1-26, establish separate educational and
6 examination requirements for the certification of optometrists for both diagnostic and therapeutic
7 agents. The board shall make available annual, substantial, in-state pharmaceutical education for
8 licensed optometrists. The initial educational requirements before certification are at least one
9 hundred fifty classroom hours and at least forty hours of clinical experience in pharmaceutical
10 education dealing with diagnosis and treatment of ocular disease. The board shall require a
11 minimum of five hours of continuing pharmaceutical education annually for each optometrist
12 certified for therapeutic agents.

13 Section 3. That § 36-7-15.2 be amended to read as follows:

14 36-7-15.2. Only those optometrists who have satisfactorily completed a curriculum in general
15 and ocular pharmacology at an institution accredited by a regional or professional accreditation
16 organization which is recognized or approved by the council on postsecondary accreditation of
17 the United States Office of Education within the Department of Health and Human Services and
18 approved by the State Board of Examiners in Optometry are eligible to apply for the certificate
19 issued pursuant to § 36-7-15.1. Those practitioners who have established their eligibility
20 pursuant to this section must also pass an examination approved by the board before they may
21 be certified to administer the ~~topical~~ pharmaceutical agents described by § 36-7-1. The State
22 Board of Examiners in Optometry may promulgate rules pursuant to chapter 1-26 to establish
23 a fee for the examination, reexamination, and certification for the use of ~~topical~~ pharmaceutical
24 agents as provided by this section.

25 Section 4. That § 36-7-15.3 be amended to read as follows:

1 36-7-15.3. The board, in certifying optometrists for the use of therapeutic drugs, shall require
2 that all applicants before certification either have taken and successfully passed the treatment and
3 management of ocular disease portion of the National Board of Examiners in Optometry test or
4 have taken and successfully passed an examination prepared or certified by the board as covering
5 all areas of pharmacological education provided to graduates of accredited optometric colleges.
6 The South Dakota State University School of Pharmacy may assist the board in the formulation
7 or administration of the examination of optometrists for competency in therapeutic drugs. The
8 board shall provide at least annually to each licensed pharmacist in this state a list of the names,
9 addresses, and certification numbers of all optometrists certified to prescribe therapeutic drugs.
10 Each optometrist certified to prescribe therapeutic drugs shall communicate verbally and by a
11 conspicuous sign adjacent to the office entrance the fact of certification to use ~~topical~~ eye
12 medications. The certification notice shall also be included by the optometrist in the classified
13 section of the telephone directory.

14 Section 5. That § 36-7-33 be repealed.

15 ~~36-7-33. No oral therapeutic agent may be prescribed by an optometrist therapeutically~~
16 ~~certified under this chapter for glaucoma or ocular hypertension.~~