

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1334

Introduced by

Representatives Gorder, Froseth, Christopherson

Senators Andrist, Kinnoin, Yockim

1 A BILL for an Act to create and enact a new subsection to section 43-13-13.3 of the North
2 Dakota Century Code, relating to consultations with a licensed ophthalmologist; and to amend
3 and reenact sections 43-13-01 and 43-13-22 of the North Dakota Century Code, relating to
4 definitions and licenses in the practice of optometry.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 43-13-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-13-01. Definitions.** In this chapter, unless the context or subject matter otherwise
9 requires:

- 10 1. "Board" means the North Dakota state board of optometry.
- 11 2. "Diagnosis and treatment" means the determination, interpretation, and treatment
12 of any visual, muscular, neurological, or anatomical anomaly of the eye which may
13 be aided, relieved, or corrected through visual training procedures or through the
14 use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or
15 combinations thereof, held either in contact with the eye, or in frames or
16 mountings, as further authorized by this chapter. Laser therapy and the use of
17 invasive surgery are not permitted under this chapter, except superficial foreign
18 bodies may be removed and primary care procedures may be performed. ~~The~~
19 ~~treatment of glaucoma is not permitted under this chapter.~~
- 20 3. "Optometry" means a primary health care profession whose practitioners are
21 engaged in the evaluation of disorders of the human eye and the examination,
22 diagnosis, and treatment thereof, together with its appendages.
- 23 4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic
24 pharmaceutical agents. The term ~~does not include~~ includes nonscheduled

pharmaceutical agents, except for acetaminophen with thirty milligrams of codeine,
that have ~~no~~ documented use in the treatment of ocular-related disorders or
diseases, ~~oral cortico-steroids, and controlled substances, as defined in chapter~~
~~49-03.4.~~ As used in this subsection:

a. "Diagnostic pharmaceutical agents" means pharmaceutical agents
administered for the evaluation and diagnosis of disorders of the human eye
including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes,
diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil
responses.

b. "Therapeutic pharmaceutical agents" ~~means~~ includes topically administered
and prescribed pharmaceutical agents for treatment of ocular-related
disorders or disease, locally administered pharmaceutical agents for primary
eye care procedures, oral anti-infective agents, oral antihistaminic agents,
and oral analgesics for the treatment of ocular-related disorders or diseases.
The dispensing of therapeutic pharmaceutical agents is not permitted under
this chapter.

5. "Practicing optometry" means:

- a. Displaying a sign or in any way advertising as an optometrist.
- b. Employing any means for the measurement of the powers of vision or the
adaptation of lenses for the aid thereof.
- c. Engaging in any manner in the practice of optometry.

SECTION 2. A new subsection to section 43-13-13.3 of the North Dakota Century
Code is created and enacted as follows:

After initiating treatment for primary open-angle glaucoma, the therapeutically
certified optometrist shall consult with a licensed ophthalmologist within
seventy-two hours. A treatment plan for each individual patient must be
cooperatively identified in accordance with the currently accepted standard of care.
In treating and managing glaucoma, if no progress is achieved in realizing the
selected range of pressure considered unlikely to cause further optic nerve
damage or resulting in further visual field loss, a referral must be made to a
licensed ophthalmologist without delay.

1 **SECTION 3. AMENDMENT.** Section 43-13-22 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-13-22. License - When revoked.** The board may revoke or suspend any license
4 granted by it under the provisions of this chapter when it appears to the satisfaction of the
5 majority of the members that the holder of the license:

- 6 1. Has violated any provisions of this chapter, the rules and regulations of the board,
7 or committed an offense determined by the board to have a direct bearing upon a
8 holder's ability to serve the public as an optometrist, or when the board
9 determines, following conviction of a holder for any other offense, that the holder is
10 not sufficiently rehabilitated under section 12.1-33-02.1;
- 11 2. Has ~~prescribed, sold, administered, or distributed,~~ or given any drug legally
12 classified as a controlled substance or as an addictive or dangerous drug;
- 13 3. Has been addicted to the excessive use of intoxicating liquor or a controlled
14 substance for at least six months immediately prior to the filing of the charges;
- 15 4. Is afflicted with any contagious or infectious disease;
- 16 5. Is grossly incompetent to discharge the holder's duties in connection with the
17 practice of optometry;
- 18 6. Has employed fraud, deceit, misrepresentation, or fraudulent advertising in the
19 practice of optometry; or
- 20 7. Is engaged in the practice of optometry by being directly or indirectly employed by
21 any person other than one who holds a valid unrevoked license as an optometrist
22 in this state and who has an actual legal residence within this state.

23 Any person whose license has been revoked or suspended may have the same reinstated
24 upon satisfactory proof that the disqualification has ceased or that the disability has been
25 removed and upon such conditions as established by the board.