

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1334  
(Representatives Gorder, Froseth, Christopherson)  
(Senators Andrist, Kinnoin, Yockim)

AN ACT to create and enact a new subsection to section 43-13-13.3 of the North Dakota Century Code, relating to consultations with a licensed ophthalmologist; and to amend and reenact sections 43-13-01 and 43-13-22 of the North Dakota Century Code, relating to definitions and licenses in the practice of optometry.

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

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

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

1. "Board" means the North Dakota state board of optometry.
2. "Diagnosis and treatment" means the determination, interpretation, and treatment of any visual, muscular, neurological, or anatomical anomaly of the eye which may be aided, relieved, or corrected through visual training procedures or through the use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or combinations thereof, held either in contact with the eye, or in frames or mountings, as further authorized by this chapter. Laser therapy and the use of invasive surgery are not permitted under this chapter, except superficial foreign bodies may be removed and primary care procedures may be performed. ~~The treatment of glaucoma is not permitted under this chapter.~~
3. "Optometry" means a primary health care profession whose practitioners are engaged in the evaluation of disorders of the human eye and the examination, diagnosis, and treatment thereof, together with its appendages.
4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic 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 corticosteroids, and controlled substances, as defined in chapter 19-03.1. 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.

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

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

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1334.

House Vote:      Yeas    90      Nays    5      Absent    2

Senate Vote:    Yeas    46      Nays    1      Absent    2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State