

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1334

Introduced by

Representatives Gorder, Froseth, Christopherson

Senators Andrist, Kinnoin, Yockim

1 A BILL for an Act to amend and reenact sections 43-13-01 and 43-13-22 of the North Dakota  
2 Century Code, relating to definitions and licenses in the practice of optometry.

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

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

6 **43-13-01. Definitions.** In this chapter, unless the context or subject matter otherwise  
7 requires:

- 8 1. "Board" means the North Dakota state board of optometry.
- 9 2. "Diagnosis and treatment" means the determination, interpretation, and treatment  
10 of any visual, muscular, neurological, or anatomical anomaly of the eye which may  
11 be aided, relieved, or corrected through visual training procedures or through the  
12 use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or  
13 combinations thereof, held either in contact with the eye, or in frames or  
14 mountings, as further authorized by this chapter. ~~Laser therapy and the use of~~  
15 ~~invasive surgery are not permitted under this chapter, except superficial foreign~~  
16 ~~bodies may be removed and primary care~~ Ocular-related diagnostic treatment, or  
17 noninvasive surgical procedures taught by optometric colleges accredited by the  
18 council on optometric education may be performed as determined by the board,  
19 based on emerging technology, education, and credentials. ~~The treatment of~~  
20 ~~glaucoma is not permitted under this chapter.~~
- 21 3. "Optometry" means a primary health care profession whose practitioners are  
22 engaged in the evaluation of disorders of the human eye and the examination,  
23 diagnosis, and treatment thereof, together with its appendages.

- 1           4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic  
2           pharmaceutical agents. The term ~~does not include~~ includes pharmaceutical agents  
3           that have ~~no~~ documented use in the treatment of ocular-related disorders or  
4           diseases, ~~oral cortico-steroids, and controlled substances, as defined in chapter~~  
5           ~~49-03.1~~. As used in this subsection:
- 6           a. "Diagnostic pharmaceutical agents" means pharmaceutical agents  
7           administered for the evaluation and diagnosis of disorders of the human eye  
8           including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes,  
9           diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil  
10          responses.
- 11          b. "Therapeutic pharmaceutical agents" ~~means~~ includes topically administered  
12          and prescribed pharmaceutical agents for treatment of ocular-related  
13          disorders or disease, locally administered pharmaceutical agents for primary  
14          eye care procedures, oral anti-infective agents, oral antihistaminic agents,  
15          ~~and oral analgesics, oral anti-glaucoma agents, oral anti-inflammatory agents,~~  
16          agents for emergency procedures, and other pharmaceutical agents for the  
17          treatment of ocular-related disorders or diseases. The dispensing of  
18          therapeutic pharmaceutical agents is not permitted under this chapter.
- 19          5. "Practicing optometry" means:
- 20               a. Displaying a sign or in any way advertising as an optometrist.
- 21               b. Employing any means for the measurement of the powers of vision or the  
22               adaptation of lenses for the aid thereof.
- 23               c. Engaging in any manner in the practice of optometry.

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

26           **43-13-22. License - When revoked.** The board may revoke or suspend any license  
27           granted by it under the provisions of this chapter when it appears to the satisfaction of the  
28           majority of the members that the holder of the license:

- 29           1. Has violated any provisions of this chapter, the rules and regulations of the board,  
30           or committed an offense determined by the board to have a direct bearing upon a  
31           holder's ability to serve the public as an optometrist, or when the board determines,

- 1 following conviction of a holder for any other offense, that the holder is not
- 2 sufficiently rehabilitated under section 12.1-33-02.1;
- 3 2. Has ~~prescribed, sold, administered, or distributed, or given~~ any drug legally
- 4 classified as a controlled substance or as an addictive or dangerous drug;
- 5 3. Has been addicted to the excessive use of intoxicating liquor or a controlled
- 6 substance for at least six months immediately prior to the filing of the charges;
- 7 4. Is afflicted with any contagious or infectious disease;
- 8 5. Is grossly incompetent to discharge the holder's duties in connection with the
- 9 practice of optometry;
- 10 6. Has employed fraud, deceit, misrepresentation, or fraudulent advertising in the
- 11 practice of optometry; or
- 12 7. Is engaged in the practice of optometry by being directly or indirectly employed by
- 13 any person other than one who holds a valid unrevoked license as an optometrist
- 14 in this state and who has an actual legal residence within this state.
- 15 Any person whose license has been revoked or suspended may have the same reinstated upon
- 16 satisfactory proof that the disqualification has ceased or that the disability has been removed
- 17 and upon such conditions as established by the board.