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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 852
BOARD OF OPTOMETRY

FILED
05/28/2020 1:00 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Scope of practice to include vision therapy

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/30/2020 3:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
Shelley Sneed
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NEED FOR THE RULE(S):

Updates the Board's rules to clarify that vision therapy is within the scope of practice of optometry.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board meeting minutes at the office and on the Board's website.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Board is comprised of 4 licensed optometrists.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 852-020-0050

RULE SUMMARY: Amends the Board's scope of practice rules to clarify that vision therapy is within the allowable

practices.

CHANGES TO RULE:

852-020-0050

Scope of Practice ¶¶

(1) Optometric physicians in Oregon may perform procedures to diagnose or treat the eye. They may not perform invasive or laser surgery, sub-Tenon, retrobulbar, intraocular or botulinum toxin injection, or administer intravenous or general anesthesia. Nothing in these rules may be construed to prohibit an optometric physician from co-managing invasive surgery or laser surgery. Co-management is defined as the sharing of peri-operative responsibilities between the medical and optometric physician.¶¶

(2) The Oregon Board of Optometry considers procedures to be within the scope of optometric practice, as defined in ORS Chapter 683, when all of the following questions can be answered in the affirmative. Any procedure that meets these qualifications is considered within the scope of optometric practice in Oregon:¶¶

(a) Does this procedure involve the eye or the scope of functions of the eye?¶¶

(b) Can this procedure be done without invasive surgery?¶¶

(c) Can this procedure be done without laser surgery?¶¶

(d) Can this procedure be done without closure by suture?¶¶

(e) Can this procedure be done either without pharmaceutical agents or with pharmaceutical agents categorized in Division 80?¶¶

(f) Can this procedure be done without sub-Tenon, retrobulbar, intraocular or botulinum toxin injection?¶¶

(g) Can this procedure be done without conscious sedation, deep sedation or general anesthesia?¶¶

(3)(a) Telehealth optometrists are subject to all of the provisions of the Oregon optometry law and rules and must meet the same standard of care.¶¶

(b) Telehealth prescriptions may only be issued on an initial spectacle or contact lens prescription only after conducting an in-person eye exam prior to delivering telemedicine services.¶¶

(4) The practice of optometry includes the prescription or utilization of lenses, prisms, filters, occlusion or other devices, ocular exercises, visual therapy, orthoptic therapy, visual rehabilitation and low vision rehabilitation for the correction, relief, or aid of the visual functions and for the improvement in activities of daily living.

Statutory/Other Authority: ORS 683, 182

Statutes/Other Implemented: ORS 683.010, 182.466