



HB0039

Optometrist practice act amendments.

Sponsored By: Representative(s) Sommers, Barlow, Harshman,  
Henderson and Larsen and Senator(s) Baldwin and  
Schuler

AN ACT relating to optometry; amending optometrists' scope of practice; prohibiting an optometrist from performing specified procedures; amending optometrists' drug prescribing authority; directing the application of optometry related fees and assessments; directing the board of examiners in optometry to determine continuing education requirements; amending membership on the board of examiners in optometry; repealing provisions that define unlawful conduct; repealing obsolete provisions related to volunteer licensing; requiring rulemaking; and providing for effective dates.

1/4/2021 Bill Number Assigned  
1/12/2021 H Received for Introduction  
2/5/2021 H Introduced and Referred to H07 - Corporations  
3/1/2021 H07 - Corporations:Recommend Amend and Do Pass 8-1-0-0-0

ROLL CALL

**Ayes:** Representative(s) Blackburn, Clausen, Clifford, Duncan, Eyre, Hunt, Roscoe, Zwonitzer

**Nays:** Representative Macguire

**Ayes** 8    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/1/2021 H Placed on General File

HB0039HS001/ADOPTED

Page 2-line 1 Delete "33-23-101(b)" and insert "33-23-101(a)(ix), (b)".

Page 2-line 4 After "(c)" insert ", 33-23-113".

Page 2-after line 7 Insert:

"(a) As used in this act:

(ix) "This act" means W.S. 33-23-101 through ~~33-23-117~~33-23-116".

Page 6-line 11 Delete "incision" and insert "removal".

Page 6-line 16 After "disease" insert ", including intra-vitreous injections".

Page 6-line 18 Delete "incision" and insert "manipulation".

Page 6-after line 19 Insert:

"(R) Intravenous injections."

Page 9-line 9 After "optometry" insert "for the treatment of ocular disease".

Page 12-after line 23 Insert:

**"33-23-113. Advertising and display of license requirements.**

(a) An advertisement for the practice of optometry shall identify the license held pursuant to this act. The advertisement shall be free from deceptive or misleading information.

(b) To communicate to the patient the license held pursuant to this act, a licensee shall:

(i) Wear a photo identification name tag during patient encounters. The photo identification name tag shall include a photograph of the licensee, the licensee's name, and the license held pursuant to this act. The name tag shall be of a sufficient size for a patient to read the contents of the tag and shall be worn in a manner so as to be visible and apparent to the patient;

(ii) ~~Every person holding a license to practice optometry in the state of Wyoming shall~~ Display the license certificate issued by the board, in its entirety, in a conspicuous place in his office, wherein the practice of optometry is conducted-;

(iii) Comply with these requirements in each practice setting.

(c) A licensee who enters into a collaborative practice agreement with a medical doctor or doctor of osteopathy shall conspicuously post in each office the regularly scheduled hours the medical doctor or doctor of osteopathy intends to be physically present in the office." ZWONITZER, CHAIRMAN

**HB0039HW001/FAILED (CORRECTED COPY)**

Page 3-lines 19 and 20 Delete entirely. ZWONITZER, MACGUIRE, ROSCOE, WALTERS

3/2/2021 H COW:Passed

**HB0039H2001/ADOPTED**

Page 3-line 19 After "procedure" insert "as set forth by the board's rules and". ZWONITZER, SWEENEY, LARSEN, SOMMERS, ROMERO-MARTINEZ

3/3/2021 H 2nd Reading:Passed

**HB0039H3001/ADOPTED**

Page 2-line 4 After "(c)" delete "and" and insert ","; after "33-23-114" insert ", 33-23-115(a) and (b) and 35-17-106(a)(iii)".

Page 14-after line 7 Insert:

**"33-23-115. Penalty; injunction; civil penalty; jury trial.**

(a) Any person who violates any provision of W.S. 33-23-101 through 33-23-117 this act is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than six (6) months in the county jail, or both.

(b) Any person aggrieved by a violation of W.S. 33-23-101 through 33-23-117 this act, the Wyoming state board of examiners of optometry, the attorney

general or the district or county attorney may institute suit in the county in which a violation of ~~W.S. 33-23-101 through 33-23-117~~ this act occurred to require enforcement by injunctive procedures and to recover a civil penalty not to exceed ten thousand dollars (\$10,000.00) per violation, plus costs.

**35-17-106. Election to be covered by federal immunity.**

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

(iii) The state board of examiners in optometry, W.S. 33-23-101 through ~~33-23-117~~ 33-23-116;".ZWONITZER

**HB0039H3002/WITHDRAWN**

3/4/2021 H 3rd Reading:Passed 47-11-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Baker, Banks, Barlow, Bear, Blackburn, Brown, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Fortner, Gray, Greear, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Martinez, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Sherwood, Simpson, Sommers, Stith, Sweeney, Washut, Wharff, Williams, Winter, Zwonitzer

**Nays:** Representative(s) Burkhardt, Hallinan, Macguire, Neiman, Nicholas, Schwartz, Styvar, Walters, Western, Wilson, Yin

**Excused:** Representative(s) Flitner, Newsome

**Ayes 47 Nays 11 Excused 2 Absent 0 Conflicts 0**

3/4/2021 S Received for Introduction

3/17/2021 S Introduced and Referred to S07 - Corporations

3/23/2021 S07 - Corporations:Recommend Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Boner, Case, Driskill, Nethercott, Scott

**Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0**

3/23/2021 S Placed on General File

3/24/2021 S COW:Passed

3/25/2021 S 2nd Reading:Passed

3/26/2021 S 3rd Reading:Passed 26-3-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz

**Nays:** Senator(s) Anderson, Ellis, Pappas

**Excused:** Senator Wasserburger

**Ayes 26 Nays 3 Excused 1 Absent 0 Conflicts 0**

3/26/2021 Assigned Number HEA No. 0036

3/30/2021 H Speaker Signed HEA No. 0036

3/30/2021 S President Signed HEA No. 0036  
4/2/2021 Governor Signed HEA No. 0036  
4/2/2021 Assigned Chapter Number 78

Chapter No. 78 Session Laws of Wyoming 2021