

**Bill Summary**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

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| <b>Bill No.:</b> | <b>SB 100</b>     |
| <b>Version:</b>  | <b>HASB</b>       |
| <b>Author:</b>   | <b>Sen. David</b> |
| <b>Date:</b>     | <b>04/29/2019</b> |

**Bill Analysis**

SB 100 authorizes optometrists to rent space near or within a retail store for the purpose of engaging in optometry services and specifies that the act of renting space near or within a retail store shall not be considered unethical conduct by the State Board of Examiners in optometry, regardless of whether or not a retail store derives income from the sale of prescription optical goods and materials. The measure exempts the OSU College of Osteopathic Medicine from provisions prohibiting optometrists from engaging in optometry services outside of their official role as an optometrist.

Any dispenser of contact lenses or visual aid glasses violating the Consumer Protection in Eye Care Act or administrative rules promulgated by the Oklahoma Attorney General must pay a civil penalty to the Oklahoma Attorney General not exceeding \$11,000 per violation. The measure authorizes a person, firm, or corporation to rent space to optometrists in a separate area or room in the following locations:

- 1) November 1, 2019- October 31, 2024 in counties having a population of 300,000 or more persons
- 2) November 1, 2024- October 31, 2029 in counties having a population of 130,000 or more persons
- 3) November 1, 2029- October 31, 2036 in counties having a population of 100,000 or more persons
- 4) November 1, 2036- October 31, 2042 in counties having a population of 50,000 or more persons
- 5) November 1, 2042 and thereafter in all other counties

The measure requires each rented area to be definite and apart from space used by other occupants of the premises and partitioned from space used by other occupants. The area must have a patient entrance on a public thoroughfare. Renters may not dictate the hours of operation for the optometrist renting space. Optical goods and services may be sold by a person, firm or corporation regardless of whether a majority of the retail store's income is derived from the sale of prescription optical goods, appliances and materials or whether an optometrist is practicing optometry in such retail store.

The measure outlines the requirements for assessment mechanisms to conduct eye examinations. Assessment mechanisms must provide interaction between the patient and licensed physician, collect patient's medical history and previous prescriptions, provide applicable accommodation, protect health information in compliance with the Health Insurance Portability and

Accountability Act (HIPAA), be used to perform a procedure with a Current Procedural Terminology code, and maintain liability insurance. Physicians may only utilize an assessment mechanism for patients over 18 years old and who have been examined in-person within the last year. Such mechanisms must be read and verified by an optometric physician, osteopathic physician or allopathic physician. Each patient provided with an assessment mechanism must receive a term of use a disclosure that includes certain information outlined in the measure. Treatments and consultations made by Oklahoma-licensed optometric physician, osteopathic physician or allopathic physician utilizing an assessment mechanism must be held to the same standards of appropriate practice guidelines and standard of care as those in traditional in-person clinical settings. The measure outlines certain requirements for various goods and services related to optometric care and repeals statutes prohibiting the establishment of retail optical outlets.

### **House Amendments**

House Amendments to SB 100 replaces the engrossed version of the measure, which repealed the Massage Therapy Practice Act, with new language related to optometry, as described above. The House Amendments also restore the Title on the bill.

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