



ISSUE NUMBER 6

(Proposed by Petition of the People)

Referendum on Act 579 to Amend the Definition of “Practice of Optometry”

POPULAR NAME: An act to amend the definition of “Practice of Optometry”

BALLOT TITLE: An act to amend the Arkansas Code regarding the definition of “practice of optometry”; providing that the definition of “practice of optometry” is amended to permit licensed optometrists to use ophthalmic lasers for the following surgical procedures: perform injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that licensed optometrists continue to be prohibited from using ophthalmic lasers for surgical procedures other than those previously identified, performing cataract surgery, performing radial keratotomy surgery, and selling prescription drugs; providing that the State Board of Optometry has the power and duty to establish credentialing requirements for a licensee to administer or perform the following procedures: injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that the State Board of Optometry shall require every optometrist who meets the requirements for certification to perform authorized laser procedures to report to the board regarding the outcome of the procedures performed in a format as required or directed by the board, and these reports shall also be sent to the Department of Health; this act being Act No. 579 of the Regular Session of 2019.

QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you want this law (Act 579) passed by legislators in 2019 that expands the definition of “practice of optometry” to allow optometrists to perform some procedures that previously could only be performed by ophthalmologists to go into effect.

AGAINST: An AGAINST vote means you do not want this law (Act 579) passed by legislators in that expands the definition of “practice of optometry” to go into effect.

What is being proposed?

Voters are being asked whether they want to keep or repeal a new law (Act 579) legislators passed in 2019 allowing optometrists to perform certain surgical procedures they are educated about but that they were not allowed to perform under previous state law.

If kept in place by voters, Act 579 would:

- Expand the definition of the practice of optometry to include certain eye procedures that previously were prohibited for optometrists under state law.
- Allow optometrists to use ophthalmic lasers for some surgical procedures. Prior to Act 579, state law did not allow optometrists to use ophthalmic lasers for any surgical procedures.
- Require the State Board of Optometry to create a licensing process for optometrists to use ophthalmic lasers for the specific surgeries listed in Act 579.
- Require optometrists who are certified to do the surgeries listed in Act 579 to submit reports to the State Board of Optometry on the outcomes of their treatments. The reports must also be sent to the Department of Health.

A “FOR” vote means you want to keep the law so it takes effect. An “AGAINST” vote means you want to repeal the law so it does not take effect.

How did this issue get on the ballot?

Issue 6 is a referendum on a state law. Referendums asks voters if they want to keep or repeal a law recently passed by the state legislature. To place a referendum on the statewide ballot, a ballot issue group must collect and submit voter signatures equal to 6% of the number of people who voted in the last election for governor. This year, 6% equals 53,491 voter signatures.

After public comment from optometrists and ophthalmologists and debate by lawmakers over the issue, legislators voted during the 2019 legislative session to pass Act 579. A ballot issue group named Safe Surgery Arkansas formed and collected the required number of voter signatures to place the law on the ballot for voters to decide.

Who are the main sponsors of this constitutional amendment?

Safe Surgery Arkansas

What's the difference between an optometrist and an ophthalmologist?

Both professions specialize in eye care but they require different training, college degrees and licensing by the state. State laws across the country define what falls under the practice of optometry. As medical doctors, ophthalmologists are

governed by the General Medical Practice Act while optometrists are not.

Most people visit an optometrist for an eye exam and prescription for glasses or contact lenses. They provide most people's primary care for eye health. An optometrist can detect, treat and manage diseases, injuries, or disorders of the eye.

(continued on page 38)

The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- The legislature's expansion of the scope of permissible practice by licensed optometrists serves the public interest by making quality eye health care, provided by highly trained professionals, more widely available to Arkansas citizens and generally at a lower cost.
- These are procedures done in an optometrist's chair, without the use of general anesthesia, and they are procedures doctors of optometry are educated to provide.

What do opponents say?

- Act 579 gives non-medical doctors who have no surgical training the right to perform eye surgery.
- The eyesight of Arkansans will be jeopardized when individuals without the proper training are allowed to use scalpels and lasers to perform surgery on or around the eyes of Arkansans. Patients' eyesight will be threatened when a non-medical doctor is allowed to inject a needle around Arkansans' eyes. Our eyesight is too important to allow someone who is not properly trained perform these delicate surgical procedures.



(continued from page 37)

After receiving their bachelor's degree, their education continues with a four-year professional program that includes eye examination techniques, case studies, science courses, and one to two years of clinical training under supervision. At the end of their professional program, they receive a doctor of optometry degree. In Arkansas, optometrists are required to complete an internship of at least 100 hours of supervised clinical training under the supervision of a board-certified ophthalmologist.

An ophthalmologist is a medical doctor who studies and treats problems and diseases of the eye. While they may provide routine eye care services, people also visit them for surgeries related to cataracts and glaucoma, for eye conditions related to medical problems, or for trauma. After receiving their bachelor's degree, ophthalmologists attend medical school. This is followed by (1) a one-year internship, and (2) a residency program where they learn about diagnosis and management of eye diseases and perform surgeries with supervision. The residency requires four to seven years to complete, depending on the school.

What are the procedures listed in Act 579?

Act 579 lists specific procedures optometrists could do themselves under the new law instead of referring a person to an ophthalmologist.

The law would allow optometrists to perform these surgical procedures:

- Injections in areas that do not involve the veins or inside of an eye.

- Cutting, scraping, and removal of a chalazion, which is a small lump or swelling that appears on an eyelid.
- Removal and biopsy of skin lesions with low risk of cancer, excluding lesions found near the bottom eyelid or edges of eyelids closest to the nose.
- Laser capsulotomy, which is a procedure that involves an incision into the capsule of the crystalline lens of the eye. Someone who has had cataracts removed may need this type of surgery if their sight becomes fuzzy over time. This procedure involves using an ophthalmic laser.
- Laser trabeculoplasty, which is a procedure to lower pressure in an eye caused by glaucoma. A person would have this surgery if prescription eye drops or other medication don't resolve the pressure in their eye. This procedure involves using an ophthalmic laser.

How does Arkansas' law for optometrists compare to other states?

Procedures optometrists can perform differ from state to state because much of their work is governed by state law. For example, a number of states allow optometrists to perform one of the non-laser surgical procedures named in Act 579, but not all of them. Arkansas is among the majority of states, however, that limit the types of surgeries optometrists can do under state law even if they have training in those procedures.

Louisiana, Oklahoma, Alaska and Kentucky have passed laws allow optometrists to perform all procedures for which they have training, including a limited number of surgeries using laser technology. If upheld by voters, Act 579 would make Arkansas the fifth state to allow optometrists to perform specific surgeries.

Has Act 579 already gone into effect?

No. The changes made by Act 579 to state law have not gone into effect. Enactment of the law was postponed when the referendum was filed to allow voters to make the final decision on whether the law should stand.

If passed, when would the changes in Act 579 take effect?

If the majority of voters vote "FOR" on this referendum, the law would take effect when the state has certified the final election results. If the majority of voters vote "AGAINST" on this referendum, the law would not take effect.

Where can I find more information?

The complete wording of this amendment can be found at www.uaex.edu/issue6

The following is the referendum's name and title as they will appear on the state's November General Election ballot.

Issue No. 6

(Popular Name)

An Act To Amend The Definition Of "Practice Of Optometry"

(Ballot Title)

An act to amend the Arkansas Code regarding the definition of "practice of optometry"; providing that the definition of "practice of optometry" is amended to permit licensed optometrists to use ophthalmic lasers for the following surgical procedures: perform injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that licensed optometrists continue to be prohibited from using ophthalmic lasers for surgical procedures other than those previously identified, performing cataract surgery, performing radial keratotomy surgery, and selling prescription drugs; providing that the State Board of Optometry has the power and duty to establish credentialing requirements for a licensee to administer or perform the following procedures: injections (excluding intravenous or intraocular injections), incision and curettage of a chalazion, removal and biopsy of skin lesions with low risk of malignancy (excluding lesions involving the lid margin or nasal to the puncta), laser capsulotomy, and laser trabeculoplasty; providing that the State Board of Optometry shall require every optometrist who meets the requirements for certification to perform authorized laser procedures to report to the board regarding the outcome of the procedures performed in a format as required or directed by the board, and these reports shall also be sent to the Department of Health; this act being Act No. 579 of the Regular Session of 2019.

FOR ISSUE NO. 6

AGAINST ISSUE NO. 6