

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to updating the licensure of optometrists.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3608 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to updating the licensure of optometrists.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16 of chapter 13 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended, in the third sentence, by striking out the words “a member
3 of the faculty or on the board of trustees thereof”.

4 SECTION 2. Section 66 of chapter 112 of the General Laws, as so appearing, is amended
5 by striking the section and inserting in place thereof the following new section:-

6 “Section 66. As used in this chapter, the “practice of optometry” is the examination,
7 diagnosis, treatment and management of diseases, injuries, and disorders of the visual system,
8 the eye and associated structures as well as the diagnosis of related systemic conditions.”

9 SECTION 3. Section 66A of chapter 112 of the General Laws, as so appearing, is
10 amended by inserting the following new sentence at the end thereof:-

11 “Any optometrist licensed before January 1, 1984, and who has not taken the board
12 approved testing outlined in section 68A of this chapter by January 1, 2022, must retake and pass
13 an applicable licensing examination to allow for the use of diagnostic pharmaceutical agents.”

14 SECTION 4. Section 66B of chapter 112 of the General Laws, as so appearing, is
15 amended by inserting the following new sentence at the end thereof:-

16 “Any optometrist licensed before January 1, 1994, and has not taken the board approved
17 testing outlined in section 68B of this chapter by January 1, 2022, must retake and pass an
18 applicable licensing examination that allows for the use of therapeutic pharmaceutical agents
19 including glaucoma and oral medications as outlined in section 66C of this chapter.”

20 SECTION 5. Section 66C of chapter 112 of the General Laws, as so appearing, is
21 amended by inserting the following new sentence at the end thereof:-

22 “Any optometrist licensed before January 1, 2021 and has not taken the Board approved
23 testing outlined in 68C of this chapter by January 1, 2025 must take and pass an applicable
24 licensing examination that allows for the use of therapeutic pharmaceutical agents, including
25 glaucoma medications and oral medications.”

26 SECTION 6. Section 68 of chapter 112 of the General Laws, as so appearing, is amended
27 by striking the section and inserting the following new section in place thereof:-

28 “Section 68. No person, except as otherwise provided in this section, shall practice
29 optometry until the individual shall have passed a doctorate optometry degree program at an
30 accredited school or college of optometry and passed any applicable licensing examinations. Any
31 person who shall present to the board a certified copy or certificate of registration or license

32 which was issued to the individual after examination by a board of registration in optometry in
33 any other state, where the requirements for registration are in the opinion of the board equivalent
34 to those of this commonwealth, may be registered and given a certificate of registration in this
35 commonwealth without a written examination; provided, that the individual has been engaged in
36 the reputable practice of optometry, and that the individual intends to practice optometry in this
37 commonwealth. The fee for such registration shall be determined in accordance with section 3b
38 of chapter 7.

39 Notwithstanding the foregoing, the board shall require as a condition of granting or
40 renewing an optometrist's certificate of registration, that the optometrist apply to participate in
41 the medical assistance program administered by the secretary of health and human services in
42 accordance with chapter 118E and Title XIX of the Social Security Act and any federal
43 demonstration or waiver relating to such medical assistance program for the limited purposes of
44 ordering and referring services covered under such program, provided that regulations governing
45 such limited participation are promulgated under said chapter 118E. An optometrist who chooses
46 to participate in such medical assistance program as a provider of services shall be deemed to
47 have fulfilled this requirement.”

48 SECTION 7. Section 68A of chapter 112 of the General Laws, as so appearing, is
49 amended by inserting the following new sentence at the end thereof:-

50 “Any optometrist licensed before January 1, 1984, and has not taken the board approved
51 testing outlined in 68A by January 1, 2022, must retake and pass an applicable licensing
52 examination that allows for the use of diagnostic pharmaceutical agents and present these to the
53 board to be considered for the use of diagnostic pharmaceuticals.”

54 SECTION 8. Section 68B of chapter 112 of the General Laws, as so appearing, is
55 amended by striking the second paragraph and inserting the following new paragraph in place
56 thereof:-

57 “Any optometrist licensed before January 1, 1994, and who has not taken the Board
58 approved testing outlined in section 68B by January 1, 2022, must retake and pass an applicable
59 licensing examination that allows for the use of therapeutic pharmaceutical agents including
60 glaucoma and oral medications as outlined in section 66C and present these to the board to be
61 considered for the use of therapeutic pharmaceuticals including glaucoma medications and oral
62 medications. The board shall transmit to all successful applicants a certificate of qualification.”

63 SECTION 9. Section 68C of chapter 112 of the General Laws, as so appearing, is
64 amended by inserting the following new sentence at the end thereof:-

65 “Any optometrist licensed before January 1, 2021 and has not taken the Board approved
66 testing outlined in 68C by January 1, 2025 must take and pass an applicable licensing
67 examination that allows for the use of therapeutic pharmaceutical agents, including glaucoma
68 medications and oral medications and present these to the board to be considered for the use of
69 therapeutic pharmaceuticals, including glaucoma medications and oral medications.”

70 SECTION 10. Section 69 of chapter 112 of the General Laws, as so appearing, is
71 amended by striking the section and inserting the following new section in place thereof:-

72 “Section 69. Every registered optometrist shall, annually, before February first, pay to the
73 board a license fee to be determined annually by the secretary of administration and finance, in
74 consultation with the department of public health, under the provision of section 3B of chapter
75 seven, in default of which the board may revoke his certificate and his authority to practice

76 optometry thereunder, after a hearing as provided by section seventy-one; but the payment of
77 said fee at or before the time of the hearing, with such additional sum as determined under the
78 aforementioned provision, shall remove the default. An optometrist duly registered and licensed
79 to practice in this commonwealth, whose license has not been revoked, but who shall have
80 temporarily retired from practice or removed from the commonwealth for not exceeding five
81 years, and shall have notified the board of such retirement or removal, may register upon paying
82 the lapsed annual license fees and filing with the board his affidavit as to the facts aforesaid.

83 Every optometrist registered under the provisions of this chapter shall, as a condition of
84 continuation of the individual registration, present to the board, on or before February first in
85 each year on such form as it may provide, evidence satisfactory to the board that in the preceding
86 year the optometrist attended an educational conference or pursued an educational program
87 within the commonwealth, in conformity with such requirements relating thereto as the board
88 may from time to time establish by regulation.”

89 SECTION 11. Section 70 of chapter 112 of the General Laws, as so appearing, is
90 amended by replacing the word “he” with the words “the optometrist” in each occurrence;
91 provided further that the word “his” shall be replaced by the word “their” in each occurrence.

92 SECTION 12. Section 71 of chapter 112 of the General Laws, as so appearing, is
93 amended by striking the words “habitual drunkenness” and inserting in place the word
94 “substance misuse”.

95 SECTION 13. Section 72 of chapter 112 of the General Laws, as so appearing, is
96 amended by striking the section and inserting the following new section in place thereof:-

97 “Section 72. Optometrists may practice and advertise under a trade or service name;
98 provided however, that the names of the optometrist or optometrists are prominently displayed at
99 all locations of their practice and in all advertisements that identify the location or locations
100 where optometric services are provided. The name of the optometrist shall also be printed on any
101 prescription form.”

102 SECTION 14. Section 72A of chapter 112 of the General Laws, as so appearing, is
103 amended by striking the section and inserting the following new section in place thereof:-

104 “Section 72A. Whoever, not being lawfully authorized to practice optometry, practices
105 optometry, or holds himself out as a practitioner of, or as being able to practice, optometry, or
106 whoever personates another practitioner, or violates any other provision of sections 66 to 73,
107 inclusive, or any rule or regulation made under authority thereof, shall, except as provided in
108 section 65, be punished for the first offense by a fine of not less than one hundred nor more than
109 four hundred dollars, or by imprisonment for not more than three months, or both; and for a
110 subsequent offense, by a fine of not less than four hundred nor more than one thousand dollars,
111 or by imprisonment for not less than three nor more than six months, or both.”

112 SECTION 15. Section 73 of chapter 112 of the General Laws, as so appearing, is
113 amended by striking the section and inserting the following new section in place thereof:-

114 “Section 73A. Persons may advertise the sale price of eyeglasses, contact lenses or
115 eyeglass frames provided they shall not include in any newspaper, radio, internet or electronic
116 media display sign or other advertisements any statement of a character tending to deceive or
117 mislead the public, or, any statement which in any way misrepresents any material or service or
118 credit terms, or, any statement containing the words "free examination of eyes", "free advice",

119 "free consultation", "consultation without obligation", or any other words or phrases of similar
120 import which convey the impression that eyes are examined for free. Any advertisement offering
121 contact lenses, eyeglasses, or eyeglass frames at a fixed price shall include a statement which
122 indicates that said price does not include eye examination and professional services. Such
123 statement shall indicate whether said price includes the lens and, if so, the type of lens and the
124 strength thereof. The optometrist may advertise using the terms "optometrist", "doctor of
125 optometry", and "optometric physician".

126 Whoever violates any provision of this section shall be punished for the first offense by a
127 fine of not less than one hundred dollars nor more than four hundred dollars or by imprisonment
128 for not more than three months, or both, and for a subsequent offense by a fine of not less than
129 four hundred dollars nor more than one thousand dollars or by imprisonment for not less than
130 three nor more than six months, or both."