



MONTANA  
ADMINISTRATIVE  
REGISTER



**BOARD OF OPTOMETRY  
DEPARTMENT OF LABOR AND INDUSTRY**

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**NOTICE OF ADOPTION**

**MAR NOTICE NO. 2025-137.2**

**Summary**

House Bill (HB) 218 (2025) allows for optometrists to perform laser surgical procedures and requires the board to set qualifications for a laser surgery certificate in rule.

**Previous Notice(s) and Hearing Information**

On May 9, 2025, the Board of Optometry published MAR Notice No. 2025-137.1 in Issue 9 of the 2025 Montana Administrative Register. A public hearing was held via remote conferencing on June 3, 2025.

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**Final Rulemaking Action – Effective July 1, 2025**

**ADOPT AS PROPOSED**

The agency has adopted the following rule as proposed:

**NEW RULE 1 (24.168.801) EXPANDED SCOPE OF PRACTICE – SURGICAL CERTIFICATE REQUIREMENTS**

**AMEND AS PROPOSED**

The agency has amended the following rules as proposed:

**24.168.401 FEE SCHEDULE**

**24.168.2101 CONTINUING EDUCATION REQUIREMENTS – AUDIT**

**24.168.2301 UNPROFESSIONAL CONDUCT**

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## Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Numerous commenters supported the board's proposed rules.

Response 1: The board appreciates all comments received during the rulemaking process.

Comment 2: Several commenters commended the board on setting clear, appropriate certification standards.

Response 2: The board appreciates all comments received during the rulemaking process.

Comment 3: Numerous commenters appreciated the board's work on establishing the 32-hour education requirement and mirroring national standards.

Response 3: The board appreciates all comments received during the rulemaking process.

Comment 4: Several commenters objected to the board not requiring a standardized exam measuring competency in laser surgical procedures.

Response 4: The Legislature, not the board, sets the minimum qualifications, including an examination requirement. HB 218 requires didactic and clinical training requirements from an accredited optometry school or college and does not require passage of a national examination. The commenters' request requires a statutory change, not a rule.

Comment 5: Several commenters opposed the proposed new rule as requiring an unacceptably low standard of training, noting that ophthalmologists who perform the same procedures have much more extensive training, including supervised clinical work.

Response 5: While the commenters may disagree with the legislation allowing optometrists to perform these procedures, the board may not set more stringent requirements than HB 218. HB 218 did not set a requirement that optometrists attend medical school or work under the supervision of ophthalmologists. HB 218 requires that the necessary training include use of lasers for medically recognized and appropriate treatment of the human eye and be taught at an accredited optometry school or college.

Comment 6: Several commenters stated their belief that the board's proposed rulemaking was not in keeping with the board's public protection mission.

Response 6: The board respectfully disagrees with the commenters.

Comment 7: Several commenters suggested the board meet with the Board of Medical Examiners to discuss the administrative rules.

Response 7: The board thanks the commenter for the suggestion but declines to act on the request at this time.

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**Contact**

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**Rule Reviewer**

Jennifer Stallkamp

**Approval**

Sarah Swanson, Commissioner

**Approval**

Dr. Ron Benner, President, Board of Optometry