

# Washington State Department of Health Washington Medical Commission

## Notice of Adoption – Interpretive Statement

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**Title:** "Qualified Physician" Under Optometry Law | INS2025-01

**Issuing Entity:** Washington Medical Commission

**Subject Matter:** Interpreting the definition of “qualified physician”.

**Effective Date:** May 9, 2025

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### Interpretive Statement

<b>Title:</b>	“Qualified Physician” Under Optometry Law
<b>Interpretive Statement Number:</b>	INS2025-01
<b>References:</b>	Chapter 18.53 RCW; Chapter 18.71 RCW
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The Washington Medical Commission (WMC) interprets the term “qualified physician under chapter 18.71 RCW” in Enrolled Substitute Senate Bill 5389, chapter 400, Laws of 2023, to mean a physician who meets each of the following criteria:

1. Holds a current license to practice as a physician and surgeon with the WMC;
2. Is not currently under an order or a stipulation to informal disposition with the WMC;
3. Holds a current and unrestricted certification from the American Board of Ophthalmology or is eligible to do so; and
4. Has a surgical suite on site or holds privileges at a local hospital.

On May 9, 2023, Governor Inslee signed Enrolled Substitute Senate Bill 5389, chapter 400, Laws of 2023, amending chapter 18.53 RCW, an act regulating the practice of optometry in Washington. This new law expanded the scope of optometry to include certain advanced procedures:

#### RCW 18.53.010

- (2)(a) The practice of optometry may include the following advanced procedures:
- (i) Common complication of the lids, lashes, and lacrimal systems;
  - (ii) Chalazion management, including injection and excision;
  - (iii) Injections, including intramuscular injections of epinephrine and subconjunctival and subcutaneous injections of medications;
  - (iv) Management of lid lesions, including intralesional injection of medications;

- (v) Preoperative and postoperative care related to these procedures;
- (vi) Use of topical and injectable anesthetics; and
- (vii) Eyelid surgery, excluding any cosmetic surgery or surgery requiring the use of general anesthesia.

The new law provides that an optometrist cannot perform these advanced procedures until the Board of Optometry has issued a license endorsement. The Board of Optometry will issue the license endorsement after the optometrist meets “the educational, training, and competence criteria” set forth in the new law.

To receive a license endorsement, the optometrist must successfully complete postgraduate courses as designated by the Board of Optometry, successfully complete a national examination for advanced procedures, and

- (iii) Enter into an agreement with a qualified physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW for rapid response if complications occur during an advanced procedure.

The new law does not define the term “qualified physician licensed under chapter 18.71 RCW.” Since the WMC licenses allopathic physicians under chapter 18.71 RCW, the WMC is putting forth its understanding of the term “qualified physician.” It can be a challenge when laws create opportunities for collaboration between separately regulated professions. In putting forth its interpretation of the term, the WMC is undertaking its commitment to fulfill the Legislature’s action and is not seeking to regulate another profession. This interpretation is intended to assist physicians who are contemplating entering into an agreement. Being able to respond rapidly to complications from the procedures listed in the new law requires a high level of competence.