Do You Meet The Standard Of Care For Optometry?

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What Is The Standard Of Care For Optometry?

“Standard Of Care”

• The degree of care which
  – a reasonable, prudent, and careful provider should exercise
  – under the same or similar circumstances

How Is The Standard Of Care Determined?

• Community standards
• Court cases
• Statutes
• Practice guidelines

Do Community Standards Still Exist?
Is The Community Standard Always Adequate?

Court Cases

Helling v. Carey

• OMD failed to check IOP of 20 year-old contact lens patient
  – Argued IOP check not required by SOC
• Court found OMD to be negligent even though prevailing SOC at the time was met

Informed Consent

Federal And State Statutes

Federal Statutes

• Eyeglasses II
• HIPAA
• FCLCA
State Statutes

• Optometric scope of practice
• Patient privacy laws
• Mandatory referral and reporting laws
• Required examination procedures
• Required prescription content

Practice Guidelines

• American Optometric Association
  — *Clinical Practice Guidelines*
• American Academy of Ophthalmology
  — *Preferred Practice Patterns*

When Should My Patient Return For An Exam?

• American Academy of Ophthalmology
  • Exam every 5 - 10 years for patients under age 40
• American Optometric Association
  — Exam every 2 years for patients ages 18 – 60

Do You Meet The SOC For Contact Lenses?

• Fit new patients with PMMA lenses?
• Fit extended wear patients with HEMA lenses?
• Provide patients with copies of their contact lens prescriptions?
AOA Practice Guidelines: Follow-Up CL Evaluation

- Planned evaluation during initial weeks and months
- Every 6-12 months for healthy CL wearers
- Every 3-4 months or more frequently for at-risk patients
- Emergency services should be available

Practice Guidelines

- American Academy of Ophthalmology
  - Evaluation of structures situated posterior to the iris is best performed through a dilated pupil.
- American Optometric Association
  - Dilation generally required for thorough stereoscopic evaluation of posterior segment, including macula and optic nerve, and peripheral retina

Keir v. United States

- Child with accommodative esotropia
- Peripheral retinoblastoma discovered 6 months later
- Court found O.D. liable
- Ruling suggests SOC requires dilation

Do You Need to Dilate?

Keir v. United States

- American Academy of Ophthalmology
- American Optometric Association
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Is It Safe For Your Patient To Drive?
Is It Safe For Your Patient To Drive?

- DMV vision tests are incomplete evaluators of driving ability
- Driving ability depends on factors other than visual acuity
- Driving laws vary from state to state

Absolute Visual Acuity Minimum

Source: AMA Physician's Guide to Assessing and Counseling Older Drivers, 2nd ed. 2010

Can The Standard Of Care Change?

Yes It Can!

- Statutes
- Court cases
- Advances in knowledge
- Technological advances

Summary And Conclusions

- The standard of care is a moving target

Summary And Conclusions

- The standard of care has multiple sources
- The standard of care has national scope
- The standard of care is evolving
- Failure to meet the standard of care can have significant consequences for the patient and the doctor
The End!