

**DIVISION 1**

**PROCEDURAL RULES**

<b>852-001-0001</b>	Notice of Proposed Rule
<b>852-001-0002</b>	Definitions
<b>852-001-0005</b>	Model Rules of Procedure
<b>852-001-0010</b>	Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases
<b>852-001-0015</b>	Hearing Requests, Answers, and Consequences of Failure to Answer

**DIVISION 5**

**BOARD ADMINISTRATION**

<b>852-005-0005</b>	Budget
<b>852-005-0010</b>	Purchasing
<b>852-005-0030</b>	Contracting
<b>852-005-0040</b>	Personnel

**DIVISION 10**

**GENERAL**

<b>852-010-0000</b>	Appointment of Board Members
<b>852-010-0001</b>	Board Vacancies
<b>852-010-0002</b>	Qualifications for Licensee Membership on the Board
<b>852-010-0003</b>	Nominations of Licensee Members
<b>852-010-0004</b>	Election of Candidates
<b>852-010-0005</b>	Board Meeting
<b>852-010-0015</b>	Application for Examination and Licensure
<b>852-010-0020</b>	Rules for Examination and Licensure
<b>852-010-0025</b>	Disciplinary Action
<b>852-010-0027</b>	Definition of Unprofessional Conduct
<b>852-010-0028</b>	Definition of Gross Ignorance or Inefficiency
<b>852-010-0030</b>	Advertising
<b>852-010-0035</b>	Agreements, Understandings and Contracts
<b>852-010-0051</b>	Records

**DIVISION 50**

**LICENSING**

<b>852-050-0001</b>	License Required
<b>852-050-0005</b>	Certificate of Registration
<b>852-050-0006</b>	Annual Renewal of Active License
<b>852-050-0012</b>	Inactive Status License
<b>852-050-0013</b>	Uniformed Services
<b>852-050-0016</b>	Notice of Place of Practice

**DIVISION 60**

**PROCEDURES FOR HANDLING COMPLAINTS**

<b>852-060-0004</b>	Processing of Complaints
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**DIVISION 70**

**CONTINUING OPTOMETRIC EDUCATION**

<b>852-070-0005</b>	Definitions
<b>852-070-0010</b>	Requirement of Continuing Optometric Education
<b>852-070-0016</b>	Continuing Optometric Education not Required for Inactive Licenses
<b>852-070-0020</b>	Application for Credit
<b>852-070-0025</b>	Credit for Conducting Course or Presenting Material
<b>852-070-0030</b>	Calculation of Credit
<b>852-070-0035</b>	Responsibility to Notify Board
<b>852-070-0040</b>	Fees

<b>852-070-0045</b>	Board Responsibility for Provision of Continuing Optometric Education
<b>852-070-0050</b>	Continuing Optometric Education Provided by the Board
<b>852-070-0055</b>	Continuing Optometric Education Provided by Others
<b>852-070-0060</b>	COPE Approved Continuing Optometric Education Courses

**DIVISION 80**

**PHARMACEUTICAL AGENTS**

<b>852-080-0020</b>	Designation of Formulary
<b>852-080-0030</b>	Conditions of Formulary Application
<b>852-080-0040</b>	Certification to Use Pharmaceutical Agents

**DIVISION 1**

**PROCEDURAL RULES**

**852-001-0001**  
**Notice of Proposed Rule**

Prior to the adoption, amendment, or repeal of any rule, the Board of Optometry shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least twenty-one (21) days prior to the effective date of this rule;

(2) By mailing a copy of the notice to persons on the Board of Optometry's mailing list established pursuant to ORS 183.335(7) at least 28 days prior to the effective date of the rule; and

(3) By mailing a copy of the notice to the following organizations and publications:

- (a) Oregon Optometric Association;
- (b) Capitol Press Room.

Stat. Auth.: ORS 183 & ORS 683

Stats. Implemented: ORS 183.341(4)

Hist.: OE 24, f. 1-19-76, ef. 1-20-76; OE 3-1982, f. & ef. 3-25-82; OP 3-1994, f. & cert. ef. 10-11-94

**852-001-0002**

**Definitions**

As used in this division:

(1) "Board" means the Oregon Board of Optometry.

(2) "Board's Office" means the facility located at 3218 Pringle Rd. SE, Ste. 100, Salem, OR 97302-6306.

(3) "Board Administrator" means the administrator for the Oregon Board of Optometry.

(4) "Firms" means an individual or firm technically and financially qualified to perform certain types of work classified as personal services.

(5) "Lenses" means pieces of glass or other transparent substances that have two opposite surfaces either both curved or one curved and the other plane that are used singly or in combination to aid the human eye in focusing rays of light. These devices shall not be confused with "contact lenses" which are designed to fit directly on the surface of the eye (cornea).

(6) "Spectacles" means ophthalmic frames and lenses.

(7) "Appurtenances" means an accessory or auxiliary device to ophthalmic frames.

(8) "Prescription" means the signed written prescription which a doctor of optometry shall immediately release to the patient at the time he/she would provide spectacles or contact lenses without additional examination. Additionally, upon receipt of a patient's written, dated and signed request, a doctor of optometry shall release the patient's prescription to the third party requested by the patient. Specifications shall be reasonably based on the patient's vision and eye health concerns. Prescriptions shall include all information required to insure that the patient receives the designated ophthalmic products:

- (a) Spectacle prescriptions shall include:

- (A) Patient's name;
- (B) Doctor's name, address and phone number;
- (C) Sphere, Cylinder, Axis and/or ADD.;
- (D) Any special features which may include, but are not limited to, type of bifocal, trifocal or progressive lens style, prism, material, tints, coatings or edge polish;
- (E) A reasonable and clinically-prudent expiration date.
- (b) Contact lens prescriptions shall include:
  - (A) Patient's name;
  - (B) Doctor's name, address and phone number;
  - (C) Sphere, Cylinder, Axis and/or add;
  - (D) Lens base curve or series;
  - (E) Lens diameter;
  - (F) Lens material and/or brand name;
- (G) Any special features which may include, but are not limited to, type of bifocal, trifocal or progressive lens style, prism, material, tints, coatings or edge polish;
- (H) A reasonable and clinically-prudent expiration date;
- (I) The maximum number of refills;
- (J) Any limitations, including wearing schedule and follow-up care;
- (K) If a patient has not completed a reasonable and clinically-prudent trial period, the prescription released need only meet the spectacle prescription requirements.

(c) Therapeutic pharmaceutical prescriptions shall conform to the administrative rules of the Oregon Board of Pharmacy regarding prescription format.

Stat. Auth.: ORS 683.270(11)

Stats. Implemented: ORS 683.010 & ORS 683.335

Hist.: OP 1-1987, f. & ef. 4-30-87; OP 1-1991, f. & cert. ef. 4-12-91; OP 1-1992(Temp), f. & cert. ef. 5-6-92; OP 2-1992, f. & cert. ef. 10-21-92; OP 4-1994, f. & cert. ef. 10-11-94

#### 852-001-0005

##### Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Oregon Board of Optometry adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act current edition; these rules of procedure shall be controlling except as otherwise required by statute or rule.

Stat. Auth.: ORS 183 & ORS 683.270(11)

Stats. Implemented: ORS 183.341(2)

Hist.: OE 3, f. 12-26-57; OE 10, f. 11-15-71, ef. 12-1-71; OE 18, f. 2-15-74, ef. 3-11-74; OE 23, f. 1-19-76, ef. 1-20-76; OE 1-1982, f. & ef. 2-10-82; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 1-1991, f. & cert. ef. 4-12-91

#### 852-001-0010

##### Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases

In addition to the notice requirements under the Attorney General's Model Rules of Procedure adopted by OAR 852-001-0005, the notice to parties in contested cases shall include the statement that an answer to the assertions or charges will be required and listing the consequences of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of OAR 852-001-0015 with the notice.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 183.413

Hist.: OP 1-1987, f. & ef. 4-30-87

#### 852-001-0015

##### Hearing Requests, Answers, and Consequences of Failure to Answer

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his/her representative and an answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice;
- (b) A short and plain statement of each relevant affirmative defense the party may have.
- (2) Except for good cause:
  - (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the Board; and

(d) Evidence shall not be taken on any issue not raised in the notice and answer.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.155

Hist.: OP 1-1987, f. & ef. 4-30-87

## DIVISION 5

### BOARD ADMINISTRATION

#### 852-005-0005

##### Budget

The Oregon Board of Optometry hereby adopts by reference the Oregon Board of Optometry 1999–2001 Biennium Budget of \$366,239 covering the period from July 1, 1999 through June 30, 2001. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$366,239 for the effective operation of the Board. The Board will not exceed the approved 1999–2001 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 670, Section 4.(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 683 & ORS 670.350

Stats. Implemented: ORS 670, Sections 4(1) & 4(2)

Hist.: OPT 1-1999, f. 6-4-99, cert. ef. 7-1-99

#### 852-005-0010

##### Purchasing

(1) The Oregon Board of Optometry temporarily adopts by reference the State of Oregon's purchasing rules. These rules are contained in the Oregon Administrative Rules, Chapter 125, Division 30. The Board's one exception to these rules will be with air travel. When travel by airplane is necessary for business of the Board, the traveler will purchase the ticket from the least expensive source that meets the travelers basic scheduling needs. In determining the least expensive source, the State of Oregon travel agent will be one of the sources checked.

(2) The Board intends to develop its own purchasing rules, but until those are developed and adopted these rules are controlling.

Stat. Auth.: ORS 670.350 & ORS 683

Stats. Implemented: ORS 670.350 Sec. 3. (4)

Hist.: OPT 5-1998, f. 6-29-98, cert. ef. 7-1-98

#### 852-005-0030

##### Contracting

(1) The Oregon Board of Optometry temporarily adopts by reference the State of Oregon's contracting policies. These rules are contained in the Oregon Administrative Rules, Chapter 125, Divisions 20, 300, 310, 320, 330, 360.

(2) The Board intends to develop its own contracting rules, but until those are developed and adopted these rules are controlling.

Stat. Auth.: ORS 670.350 & ORS 683

Stats. Implemented: ORS 670.350 Sec. 3. (4)

Hist.: OPT 5-1998, f. 6-29-98, cert. ef. 7-1-98

#### 852-005-0040

##### Personnel

(1) The Oregon Board of Optometry hereby adopts by reference the Oregon Board of Optometry's Personnel Policies Manual. This Personnel Policies Manual contains all of the personnel related provisions applicable to the Oregon Board of Optometry and are controlling except as otherwise required by statute or rule. Any additions or revisions to the Personnel Policies Manual require action of the full Board.

(2) Copies of the Personnel Policies Manual are available for review at the Board's office.

Stat. Auth.: ORS 670.350 & ORS 683

Stats. Implemented: ORS 670.350 Sec. 3. (4)

Hist.: OPT 5-1998, f. 6-29-98, cert. ef. 7-1-98

## DIVISION 10

## GENERAL

**852-010-0000****Appointment of Board Members**

(1) Public members of the Oregon Board of Optometry shall be elected by the Board from a list of nominees submitted by the Governor.

(2) Non-public board members of the Oregon Board of Optometry, Doctors of Optometry, may be selected by the Governor from a list provided by the Board of the results of a licensee election. The Governor may request another election or may select and appoint any qualified person to fill the board member position.

Stat. Auth.: ORS 670

Stats. Implemented: ORS 670.350 & OL 1997, Ch. 643, Sec.7a.

Hist.: OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

**852-010-0001****Board Vacancies**

(1) A vacancy exists when a board member completes the term for that position, resigns, becomes incapacitated, or otherwise is incapable of performing the duties of a board member, or is removed from office or is not reappointed by the Governor prior to the expiration of the members current term.

(2) Notwithstanding subsection (1), a vacancy does not exist when an actively sitting board member completes the member's first or second full term, or third partial term, so long as the member is reappointed by the Governor to a second or third full term. A member who is eligible for reappointment to a second or third full term shall give the Board and the governor written notice of intention to seek reappointment not later than 120 days before the expiration of the member's term.

Stat. Auth.: ORS 670

Stats. Implemented: ORS 670.350 & OL 1997, Ch. 643, Sec.7a.

Hist.: OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

**852-010-0002****Qualifications for Licensee Membership on the Board**

(1) A Doctor of Optometry is qualified to seek nomination for Board membership if licensed as an active status licensee with the Board and has lived in the State of Oregon for at least the five years preceding appointment to the Board.

(2) A Doctor of Optometry is not qualified for nomination to Board membership if the licensee has been convicted, plead guilty, or plead nolo contendere to any criminal charge if the relationship of the facts which support the charge and all intervening circumstances tend to show that the licensee is not fit to hold the position, at the discretion of the Board.

(3) A Doctor of Optometry is not qualified for nomination to Board membership if the licensee, within the previous five years, has been disciplined by the Board for a violation of ORS Chapter 683 or the administrative rules adopted by the Board.

Stat. Auth.: ORS 670

Stats. Implemented: ORS 670.350 & OL 1997, Ch. 643, Sec.7a.

Hist.: OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

**852-010-0003****Nominations of Licensee Members**

(1) When a vacancy exists or is imminently due, the Board shall give written notice of the vacancy to the Governor and written notice to all active status licensees in the manner provided in the Board's notice rule as soon as reasonably possible.

(2) The written notice shall include a request for nominations from active status licensees. Nominations shall be made on forms provided by the Board upon the request of any person.

(3) The Oregon Board of Optometry shall nominate at least two Doctors of Optometry for each Board position vacancy.

(4) Nominations must be in the Board's office no later than 30 days after the written notice was mailed by the Board.

Stat. Auth.: ORS 670

Stats. Implemented: ORS 670.350 & OL 1997, Ch. 643, Sec.7a.

Hist.: OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

**852-010-0004****Election of Candidates**

(1) After receiving a nomination, the Board shall send to the Doctor of Optometry a candidate information form which the licensee may complete for the purpose of informing licensees of the person's qualifications for board membership. The form must be in the Board's office no later than 45 days before the scheduled date of the election for the vacancy(ies).

(2) No later than 20 days before the election for the vacancy, the Board shall send a ballot to all active status licensees, along with copies of any returned candidate information forms. The ballot shall identify those candidates placed in nomination by the Board. The ballot may request that licensees vote for one or more candidates by priority ranking for each position that is vacant. Each ballot shall be signed by the licensee and returned separately from every other ballot to the Board's office no later than 4:00 PM on the election date.

(3) Upon receipt of a signed ballot, the Board shall verify that the person voting is an active status licensee and shall remove from consideration any ballot which is not properly submitted under these rules.

(4) The Board shall count the ballots for all candidates and rank them as nominees for consideration by the Governor. The number of votes for each nominee shall be kept confidential, except for the report that is sent to the Governor under subsection (5) of this rule.

(5) The Board shall forward the results of the election, along with its recommendations of the nominees, to the Governor within five business days from the election date.

Stat. Auth.: ORS 670

Stats. Implemented: ORS 670.350 & OL 1997, Ch. 643, Sec.7a.

Hist.: OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

**852-010-0005****Board Meeting**

(1) The Board shall hold regular meetings at least once each year for the purpose of examination, at such time and place as the Board may designate. Notice of the time and place of regularly scheduled, special and emergency meetings shall be given by notification to the individuals on the Board's mailing list.

(2) A majority of the total number of the Board constitutes a quorum for the transaction of business. However, an affirmative vote of the majority of the total number of Board members is necessary to make a Board decision.

(3) The president is authorized to take emergency action between Board meetings on various actions, such as reactivation of licenses, interpretation of policy or procedure, or other such items, subject to ratification by the Board. However, in the case of actions significant enough to require a Board decision, the president shall first attempt to obtain authorization for such decisions by written or verbal communication with the members of the Board. All emergency actions of any kind shall be noted in the agenda for the next meeting of the Board and shall become the first order of business at that meeting.

(4) The vice-president of the Board shall carry out the functions of the president when the president is unable to perform the required duties.

Stat. Auth.: ORS 683.270(11)

Stats. Implemented: ORS 683.270

Hist.: OE 2, f. 12-5-57; OP 1-1987, f. & ef. 4-30-87; OP 1-1991, f. & cert. ef. 4-12-91

**852-010-0015****Application for Examination and Licensure**

(1) Each applicant must meet educational qualifications and must comply with the requirements of ORS 683.040 before the applicant will be accepted for examination and licensure.

(2) Each inquiry regarding application for licensure as a Doctor of Optometry must be directed to the office of the Board of Optometry.

(3) The application will be completed upon receipt by the Board of:

(a) An application form;



(b) A copy of the official final transcript from an accredited College of Optometry indicating receipt of the Doctor of Optometry degree;

(c) A copy of the record establishing satisfactory completion of a course in pharmacology as it applies to optometry from an institution approved under ORS 683.040(2) when applicable;

(d) Verification of the passage of the examination of the National Board of Examiners in Optometry;

(e) Receipt by the Board's office of the \$100 application fee; and

(f) Confirmation that a candidate for licensure has not been sanctioned for violating the laws, rules and standards of ethics of another jurisdiction if licensed therein.

(4) Any application received from an optometrist who has been sanctioned by revocation of license by another optometric licensing jurisdiction shall be reviewed on a case by case basis by the Board.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.040, ORS 683.060 & ORS 683.270

Hist.: OE 2, f. 12-5-57; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 1-1989, f. 1-13-89, cert. ef. 1-16-89; OP 1-1991, f. & cert. ef. 4-12-91; OP 2-1992, f. & cert. ef. 10-21-92; OP 2-1993(Temp), f. & cert. ef. 5-17-93; OP 3-1993, f. & cert. ef. 10-27-93; OP 2-1994, f. & cert. ef. 7-22-94

## 852-010-0020

### Rules for Examination and Licensure

(1) Pursuant to ORS 683.060(2), the Board will require a passing score on Parts I, II, III, (PMP, VRICS, Clinical Skills) and TMOD (Treatment and Management of Ocular Disease) of the National Board of Examiners in Optometry (NBEO) examination. NBEO standards for passing the NBEO examination will be acceptable to the Board.

(2) The applicant for examination and licensure must pass a written examination relating to Oregon optometric law and administrative rules, and:

(a) Must score at least 75 on the written examination;

(b) Must pass the written examination within the 12 months previous to date of Oregon licensure;

(c) Since the Administrative Rule and Law examination is not clinical in nature, any applicant who does not receive a passing score on the Administrative Rule and Law examination may retake the Administrative Rule and Law examination within 90 days of the reading of the results. The board will set a location, date and time for the administration.

(3) Any applicant whose conduct constitutes cheating or subverting of the process of the evaluation of professional competency by the Board or by an examiner may be dismissed from the examination and denied licensure.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.060 & ORS 683.270

Hist.: OE 2, f. 12-5-57; OE 8, f. 4-23-71, ef. 5-25-71; OE 2-1979, f. & ef. 10-29-79; OE 2-1984, f. & ef. 7-14-84; OE 1-1985, f. & ef. 7-9-85; OP 1-1987, f. & ef. 4-30-87; OP 12-1988(Temp), f. & cert. ef. 8-30-89; OP 1-1989, f. 1-13-89, cert. ef. 1-16-89; OP 1-1991, f. & cert. ef. 4-12-91; OP 2-1992, f. & cert. ef. 10-21-92; OP 2-1993(Temp), f. & cert. ef. 5-17-93; OP 3-1993, f. & cert. ef. 10-27-93; OPT 6-1998, f. 12-28-98, cert. ef. 1-1-99

## 852-010-0025

### Disciplinary Action

(1) The Oregon Board of Optometry may:

(a) Suspend or revoke the license of any licensee;

(b) Impose probation on any licensee;

(c) Limit the practice of any licensee; or

(d) Impose a civil penalty not to exceed \$1,000 for each offense upon any licensee or any unlicensed persons.

(2) The Board may take these actions where appropriate for the following reasons:

(a) Conviction of a felony or misdemeanor where such an offense bears a demonstrable relationship to the duties of a Doctor of Optometry. The record of conviction, or a copy thereof certified by the clerk of the court or by the judge shall be conclusive evidence of such conviction;

(b) Practicing optometry without a license;

(c) Securing a license by practicing fraud or deceit upon the Board;

(d) Unprofessional conduct, or gross ignorance or inefficiency in the practice of optometry;

(e) Failure to comply with the requirements of continuing education; or

(f) Any violation of the provisions of ORS Chapter 683.

(3) The Board shall inform all other optometric licensing jurisdictions within the United States and Canada of any disciplinary action that results in license revocation.

(4) The Board shall levy an additional fee of \$20 for each license renewal to cover the cost of carrying out ORS 683.140.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.270

Hist.: OE 2, f. 12-5-57; OE 14, f. 2-20-73, ef. 3-1-73; OE 1-1979, f. & ef. 3-8-79; OE 2-1982, f. & ef. 3-18-82; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 2-1992, f. & cert. ef. 10-21-92

## 852-010-0027

### Definition of Unprofessional Conduct

Unprofessional conduct within the meaning of ORS 683.140(3) includes, but is not limited to:

(1) Fraud, misrepresentation or dishonesty;

(2) Advertising optometric services, treatments, or advice in which untruthful, improbable, misleading, deceiving or impossible statements are made;

(3) Aiding an unlicensed person in the practice of optometry;

(4) Employing directly or indirectly any unlicensed person or suspended licensee to perform any work covered in this chapter;

(5) Permitting another person to use the licensee's certificate;

(6) Excessive use of intoxicants;

(7) Unlawful use of drugs or controlled substances;

(8) The use of threats or harassment or delay or obstruct any person in providing evidence in any investigation, disciplinary action, or other legal action instituted by the Board;

(9) The discharge of an employee based primarily on the employee's attempt to comply or aid in the compliance of the Board's rules;

(10) The use of threats, harassment, or any other conduct which obstructs or delays a member of the Board, a member of the Board's staff or a duly appointed agent of the Board in carrying out their functions under the Board's rules;

(11) Willfully deceiving or attempting to deceive the Board, an employee of the Board, or an agent of the Board in reference to any matter under investigation by the Board including the alteration or destruction of any records in order to obstruct or delay an investigation by the Board;

(12) Failing to respond in writing to a Board request for information as required;

(13) Failing to appear before the Board at a time and place designated by the Board for such appearance; or

(14) Violations of ORS 676.110(5) (use of titles), which states, in part, that any person practicing optometry who uses the title "doctor," or any contraction thereof, "clinic," "institute," "specialist" or any other assumed name or title in connection with the profession, in all advertisements, professional notices, or any written or printed matter must add the word "optometrist" or the words "Doctor of Optometry";

(15) Conduct which could be construed as moral turpitude; and

(16) Any conduct or practice contrary to recognized standards of ethics of the optometric profession which includes:

(a) Sexual Abuse — Comprises conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted or stipulated by the professional;

(b) Sexual Violation — Comprises professional-patient sex, whether initiated by the patient or not, and engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, including, but not limited to: Sexual intercourse; genital to genital contact; oral to genital contact; oral to anal contact; oral to oral contact except CPR; touching breasts, genitals, or any sex-

ualized body part for any purpose other than appropriate examination or treatment or where the patient has refused or has withdrawn consent; encouraging the patient to masturbate in the presence of the professional or masturbation by the professional while the patient is present;

(c) Sexual Impropriety — Comprises any behavior, gestures, or expressions that are seductive or sexually demeaning to a patient of normal sensibilities; inappropriate procedures, including, but not limited to, disrobing or draping practices that reflect a lack of respect for the patient's privacy; inappropriate comments about or to the patient, including, but not limited to, making sexual comments about a patient's body or underclothing, making sexualized or sexually demeaning comments to a patient, inappropriate comments on the patient's or professional's sexual orientation (homosexual or heterosexual or bisexual), making comments about potential sexual performance during an examination or consultation, requesting the details of sexual history or sexual likes or dislikes; initiation by the professional of conversation regarding the sexual problems, preferences or fantasies of the professional or the patient; kissing of a sexual nature.

(17) Failing to make full payment to the Board of all Board assessed fees, fines and penalties.

Stat. Auth.: ORS 683.270(11)

Stats. Implemented: ORS 683.140 & ORS 683.270

Hist.: OP 1-1987, f. & ef. 4-30-87; OP 1-1991, f. & cert. ef. 4-12-91; OP 2-1992, f. & cert. ef. 10-21-92; OP 1-1993, f. & cert. ef. 2-10-93; OP 3-1993, f. & cert. ef. 10-27-93

## 852-010-0028

### Definition of Gross Ignorance or Inefficiency

In determining gross ignorance or inefficiency within the meaning of ORS 683.140(3) the Board may take into account relevant factors and practices, including but not limited to the standard of practice generally and currently followed and accepted by persons licensed to practice optometry in this state, the current teachings at accredited optometry schools, relevant technical reports published in recognized optometry journals, and the desirability of reasonable experimentation in the furtherance of the practice of optometry.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.270

Hist.: OP 1-1987, f. & ef. 4-30-87

## 852-010-0030

### Advertising

(1) No advertisement of ophthalmic goods or services shall be inconsistent with the Oregon Unlawful Trade Practices Act, ORS 646.605 et seq.

(2) The licensee whose practice is being advertised shall be responsible for the contents of each advertisement, unless the licensee is an employee of another Doctor of Optometry or professional corporation, in which case the employer shall be responsible.

(3) In any advertised price a licensee must include:

(a) The type of lenses being offered, whether single vision, multifocal, or other;

(b) Whether the price includes frames and lenses;

(c) Whether the price includes an eye examination; and

(d) Whether the price includes all dispensing fees.

(4) In the case of contact lenses, any statement of price shall specify the type of lenses, limits of care, and any additional materials provided.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 646.605, ORS 683.140 & ORS 683.270

Hist.: OE 2, f. 12-5-57; OE 8, f. 4-23-71, ef. 5-25-71; OE 11, f. 5-19-72, ef. 6-1-72; OE 17(Temp), f. & ef. 1-21-74; OE 19, f. 3-14-74, ef. 4-11-74; OE 21, f. 7-24-74, ef. 8-25-74; OE 1-1983, f. & ef. 1-27-83; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87

## 852-010-0035

### Agreements, Understandings and Contracts

(1) No licensee shall enter into or continue any agreement, understanding, or contract of any kind with any person or group of persons or pursue any course of conduct whereby said licensee:

(a) Expressly or impliedly agrees to refer said patient back to such person so referring for any service or purchase of materials; or

(b) Expressly or impliedly agrees that if patients are referred by said person, the licensee will not supply optometric materials to patients similar to the optometric material supplied by said referring person; or

(c) Expressly or impliedly agrees to give anything of value to said person or a person designated by the licensee as consideration for said referral.

(2) Nothing in this rule or ORS Chapter 683 shall be construed to affect the right of a licensee to become a member of a panel of a prepaid vision care plan and agree to any of the requirements thereof, provided said plan is organized on an actuarial basis and is lawfully organized and operated according to the appropriate statutes of the State of Oregon, and further provided that such plan permits all Doctors of Optometry licensed to practice in the state to become a member of such panel subject to the same or equivalent conditions.

(3) Nothing in this rule shall be construed to prohibit or affect referrals between persons authorized to practice medicine or optometry in the State of Oregon.

(4) The violation of this rule shall subject the violator to all of the penalties provided by the provisions of ORS 683.140.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.270

Hist.: OE 6, f. 5-11-64; OE 7, f. 2-3-69, ef. 2-25-69; OE 8, f. 4-23-71, ef. 5-25-71; OE 20, f. 7-24-74, ef. 8-25-74; OE 1-1983, f. & ef. 1-27-83; OE 2-84, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87

## 852-010-0051

### Records

(1) Doctors of optometry shall keep complete and accurate records for each patient, including, but not limited to, case histories, examinations, diagnostic and therapeutic services, prescriptions, instructions for home therapies, referral recommendations and any other information required to make the record complete. Patient records shall be sufficiently detailed and legible so that an appropriate provider could continue care without detriment to the patient. It shall be considered unprofessional conduct to keep incomplete or inaccurate records for a patient.

(2) A patient's records shall be kept by the doctor of optometry for a minimum of seven years from the date of the last office visit or pertinent clinical notation on the record. If a patient is a minor, the records shall be kept seven years or until the patient is 21 years of age, whichever is longer. When closing a practice or retiring, a doctor of optometry must retain patient records for the required amount of time or transfer the care of patient records to a doctor of optometry licensed and practicing optometry in Oregon. Transfer of patient records pursuant to this section of this rule shall be reported to the Board in writing immediately upon transfer.

(3) Doctors of optometry shall provide copies of records or detailed summaries of records to patients, or persons designated by patients, upon the appropriate written and signed request of the patient. Requested records shall be forwarded within 30 days of the request:

(a) Optometric records do not include personal office notes of the doctor of optometry or personal communications between referring or consulting physicians;

(b) Doctors of optometry shall preserve a patient's records from unauthorized disclosure and shall release them only upon the written and signed request of the patient or the patient's legal guardian;

(c) Doctors of optometry may establish a reasonable charge to the patient for copies of his/her patient records;

(d) Doctors of optometry must release copies of patient prescriptions without additional charges. Doctors of optometry may establish a reasonable charge to the patient for faxing prescriptions by long distance phone services, or for any unusual mailing or handling costs.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140(3) & ORS 683.270(1)(k)

Hist.: OP 2-1992, f. & cert. ef. 10-21-92; OP 2-1995, f. 10-31-95, cert. ef. 11-1-95

## DIVISION 50

### LICENSING

#### 852-050-0001

##### License Required

(1) All persons practicing optometry in the state of Oregon must possess a valid, unrevoked, active license EXCEPT those licensees who are:

- (a) Retired;
- (b) Disabled; or
- (c) Non-resident and not practicing in the state of Oregon.

(2) Retired, disabled, or non-resident licensees may hold an inactive license.

(3) Definitions of this rule:

(a) "Retired" means a licensee who is a resident of the state of Oregon, but is not practicing optometry.

(b) "Disabled" means a licensee who has ceased to practice, or is prevented from practicing, optometry by illness, disease or disability.

(c) "Non-resident" means a licensee who no longer resides in the state of Oregon or is on active duty with the uniformed services of the United States. (reference other residency).

(4) Those who have been granted an inactive license by the Board are exempt from ORS 683.270(g) and OAR 852-50-016 which require the licensee to report each place of business to the Board:

(a) Inactive licensees are still required to maintain a current mailing address with the Board.

(b) Inactive licensees failing to notify the Board in writing of address changes prior to moving may be subject to a fee of \$50 for the first failure; \$100 for the second failure; \$200 for each subsequent failure.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OP 3-1993, f. & cert. ef. 10-27-93; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

#### 852-050-0005

##### Certificate of Registration

(1) Upon the successful completion of the practical examination for licensure each licensee shall pay to the Oregon Board of Optometry a \$10 fee for the certificate of registration (wall certificate). Each licensee shall be required to pay a license renewal fee on or before the license renewal date established by the Board. The licensee will be given written notification of the license renewal period at the time of licensure. The license renewal period will remain the same for the licensee once established.

(2) If a licensee engages in practice in more than one office or place of business, the licensee shall post a current license conspicuously in each office or place of business. For such purpose, upon written application of the licensee to the Administrator, the Board shall issue such number of licenses upon receipt of \$15 for each license. The licensee must renew each practice location on an annual basis during the license renewal period.

(3) If a licensee engages in practice at multiple temporary locations, the Board may issue upon written application to the Administrator and receipt of an additional \$30 fee, a license for practicing at multiple locations. This license shall be conspicuously displayed at each location prior to practicing there. It is the responsibility of the licensee to keep the Board informed of all practice locations.

(4) The licensee's status (active or inactive, DPA or TPA certified, etc.) shall be indicated directly upon the annual license form.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OE 11, f. 5-19-72, ef. 6-1-72; OE 14, f. 2-20-73, ef. 3-1-73; OE 2-1980, f. 12-23-80, ef. 12-29-80; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 1-1991, f. & cert. ef. 4-12-91; OP 2-1992, f. & cert. ef. 10-21-92; OP 2-1994, f. & cert. ef. 7-22-94; OP 2-1997, f. & cert. ef. 10-1-97; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

#### 852-050-0006

##### Annual Renewal of Active License

(1) Active licensees shall annually renew their license to practice optometry for the license period established by the Board. License year renewal periods are established by the Board based upon birth dates of licensees in order that expiration dates fall due each month of the year.

(a) If the licensee's date of birth is not available to the Board, a license renewal period will be established for the licensee.

(b) The Board will transition from the current calendar year license renewal period starting with license renewals beginning January 1, 1999. License renewals will include calendar year 1999, plus a pro-rated amount based upon the number of months until the licensee's new license renewal period in the year 2000. This will mean some licensees will initially renew for a 13 month period and others up to a 24-month period. After the initial license renewal period, license renewals will cover 12-month license periods based upon birth dates.

(2) License renewal applications are due in the Board's office on the first day of the month of license expiration (month of licensee's birth date).

(3) The license renewal application must include the following to be considered complete:

- (a) A completed license renewal form signed by the licensee;
- (b) Check or money order for the correct license renewal fees;

(c) Documentation of completion of the required continuing optometric education.

(4) The Board will, as a courtesy, send license year renewal forms to the licensees last address of record. The license renewal application is due and must be postmarked on or before the first day of the month of license expiration.

(5) A licensee who is not more than 30 days delinquent in renewing the license may renew the license upon payment to the Board of the required fee plus a delinquent fee. If a licensee is more than 30 days delinquent the license is automatically suspended upon 30-day notice given to the licensee.

(6) If a person is more than 60 days in renewing the license the person may be required to take an examination and pay the examination fee as required in ORS 683.060. The Board may, upon written application, waive the examination requirement when in its opinion it is in the best interest of the public to do so.

(7) The annual fee for the renewal of a license to practice optometry shall be \$90, plus an additional \$10 assessed for continuing education offerings and a \$30.00 disciplinary fee. License renewal fees for the first transition renewal beginning January 1, 1999 will include the fees for calendar year 1999 plus pro-rated fees based upon the number of months until the licensee's new license renewal period in the year 2000.

(8) Any licensee whose license renewal fee is postmarked after the first day of the month of license expiration shall be subject to a late payment fee of \$50 for the first failure; \$100 for the second failure; \$200 for each subsequent failure. This late payment fee must be received before the license will be issued.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OE 2-1982, f. & ef. 3-18-82; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 1-1988, f. & cert. ef. 6-28-88; OP 1-1989, f. 1-13-89, cert. ef. 1-16-89; OP 2-1992, f. & cert. ef. 10-21-92; OP 3-1993, f. & cert. ef. 10-27-93; OP 2-1997, f. & cert. ef. 10-1-97; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

#### 852-050-0012

##### Inactive Status License

(1) Eligible licensees may be granted an inactive status license by petitioning the board by letter.



(2) Inactive licensees shall annually renew their license to practice optometry for the license period established by the Board. License year renewal periods are established by the Board based upon birth dates of licensees in order that expiration dates fall due each month of the year. The Board will transition from the current calendar year license renewal period starting with license renewals beginning January 1, 1999. License renewals will include calendar year 1999, plus a pro-rated amount based upon the number of months until the licensee's new license renewal period in the year 2000. This will mean some licensees will initially renew for a 13-month period and others up to a 24-month period. After the initial license renewal period, license renewals will cover 12-month license periods based upon birth dates.

(3) License renewal applications are due in the Board's office on the first day of the month of license expiration (month of licensee's birth date).

(4) The license renewal application must include the following to be considered complete:

- (a) A completed license renewal form signed by the licensee;
- (b) Check or money order for the correct license renewal fees.

(5) The Board will, as a courtesy, send license year renewal forms to inactive status licensees last address of record. The license renewal application is due and must be postmarked on or before the first day of the month of license expiration.

(6) A licensee who is not more than 30 days delinquent in renewing the license may renew the license upon payment to the Board of the required fee plus a delinquent fee. If a licensee is more than 30 days delinquent the license is automatically suspended upon 30-day notice given to the licensee.

(7) If a person is more than 60 days in renewing the license the person may be required to take an examination and pay the examination fee as required in ORS 683.060. The Board may, upon written application, waive the examination requirement when in its opinion it is in the best interest of the public to do so.

(8) The renewal fee for inactive status licensees shall be \$90. License renewal fees for the first transition renewal beginning January 1, 1999 will include the fees for calendar year 1999 plus pro-rated fees based upon the number of months until the licensee's new license renewal period in the year 2000.

(9) Any licensee whose license renewal fee is postmarked after the first day of the month of license expiration shall be subject to a late payment fee of \$50 for the first failure; \$100 for the second failure; \$200 for each subsequent failure. This late payment fee must be received before the license will be issued.

(10) To reactivate a license to practice optometry in Oregon an inactive status licensee shall meet the following prior to the first day of practice in Oregon:

- (a) Pay the difference between the inactive and active status license renewal fees;
- (b) Submit continuing education hours equivalent to Oregon requirements for the previous license renewal period;
- (c) Submit the inactive license certificate issued during the current license renewal period;
- (d) Provide the Board's office with the current practice location in the State of Oregon; and
- (e) Submit written verification of good standing from state(s) licensed. This verification shall contain a statement to indicate the status of the licensee regarding past and/or present sanctioning or investigations for sanctioning.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 2-1992, f. & cert. ef. 10-21-92; OP 3-1993, f. & cert. ef. 10-27-93; OP 2-1997, f. & cert. ef. 10-1-97; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

#### 852-050-0013

##### Uniformed Services

(1) No fees will be assessed while any person holding a license to practice optometry in Oregon is on active duty with the Uniformed Services of the United States.

(2) Written notification to the Board is required within 60 days of the date of discharge in order to change the license to its former status without fee or penalty. If notification is received by the Board more than 60 days from the date of discharge, but within the calendar year in which the discharge becomes effective, the license may be changed to its former status by paying all fees and penalties appropriate for a license of that status.

(3) If a licensed doctor of optometry fails to notify the Board in writing of the change of status within 60 days from the date of discharge, or within the calendar year in which the discharge becomes effective, whichever is the longer period of time, that person shall be required to take an examination and pay the examination fee as required by ORS 683.060.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OP 1-1987, f. & ef. 4-30-87; OP 2-1992, f. & cert. ef. 10-21-92; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

#### 852-050-0016

##### Notice of Place of Practice

(1) In accordance with ORS 683.100, each Doctor of Optometry shall notify the board in writing of place or places of practice before engaging in practice at that location, and immediately upon termination of the practice at that location.

(2) Failure to notify the Board in writing of address change(s) in accordance with (1) above may subject the licensee to a fee of \$50 for the first failure; \$100 for the second failure; \$200 for each subsequent failure.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.070, ORS 683.100, ORS 683.120 & ORS 683.270

Hist.: OP 2-1992, f. & cert. ef. 10-21-92; OP 3-1993, f. & cert. ef. 10-27-93; OP 1-1996, f. 6-27-96, cert. ef. 7-1-96; OPT 3-1998, f. 6-10-98, cert. ef. 7-1-98

### DIVISION 60

#### PROCEDURES FOR HANDLING COMPLAINTS

#### 852-060-0004

##### Processing of Complaints

The Board processes complaints in accordance with the requirements of ORS 676.160 to 676.180.

Stat. Auth.: ORS 683 & ORS 676.160 – ORS 676.180

Stats. Implemented: ORS 676.160 – ORS 676.180

Hist.: OPT 6-1998, f. 12-28-98, cert. ef. 1-1-99

### DIVISION 70

#### CONTINUING OPTOMETRIC EDUCATION

#### 852-070-0005

##### Definitions

"Hour" means clock hour of sixty minutes, plus or minus ten minutes.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OPT 2-1998, f. 6-10-98, cert. ef. 6-15-98

#### 852-070-0010

##### Requirement of Continuing Optometric Education

(1) Every licensed doctor of optometry shall complete not less than 15 hours of clinical optometric courses per license year as a condition of license renewal. Credit towards the 15 hours shall be allowed in a succeeding license year for excess hours taken in the preceding license year.

(a) Effective July 1, 1998 the Board will transition from the current biennial CE period to an annual continuing education period that conforms with the new licensing renewal period, based upon a licensee's birth date.

(b) Continuing education will be pro-rated from July 1, 1998, until the licensee's license renewal period in the year 2000. This will mean some licensees will initially report COE hours for 18

months (July 1, 1998, until December 31, 1999) and others up to 29 months (July 1, 1998, until November 30, 2000). After the initial license renewal period in the year 2000, continuing education hours will cover 12-month periods and be reported with license renewal applications.

(2) For doctors of optometry possessing TPA certification, 5 hours of the required 15 hours per license year shall be in the area of treatment and management of ocular disease.

(3) The required 15 hours of courses and lectures per license year shall be of different course content. When the Board determines that a licensee has submitted a course or lecture essentially identical to another presentation submitted in the same biennium, credit will be given for only one.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 1-1978, f. & ef. 1-25-78; OE 1-1984, f. & ef. 1-13-84; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 3-1993, f. & cert. ef. 10-27-93; OP 1-1994, f. 5-4-94, cert. ef. 5-9-94; OP 1-1996, f. 6-27-96, cert. ef. 7-1-96; OPT 2-1998, f. 6-10-98, cert. ef. 6-15-98

### 852-070-0016

#### Continuing Optometric Education Not Required for Inactive Licensees

(1) Those who meet the criteria and have been granted inactive status by the Board shall not be required to complete the continuing optometric education requirement in OAR 852-070-0010.

(2) If an inactive licensee petitions to change to active status, he or she must comply with OAR 852-070-0010 for the continuing education license year previous to the year in which active status is granted by the Board.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OP 3-1993, f. & cert. ef. 10-27-93; OPT 2-1998, f. 6-10-98, cert. ef. 6-15-98

### 852-070-0020

#### Application for Credit

Each continuing education offering must be approved by the Board in order for a Doctor of Optometry to obtain credit. Upon application the Board may:

(1) Grant credit, to the extent determined by it, for any course, or individual or group study deemed suitable to carry out the purposes of ORS 683.210. To be granted credit, any course offering must be open to all Doctors of Optometry licensed in Oregon;

(2) Grant credit, to the extent determined by it, for publication of articles and papers of scientific and educational interest published in recognized scientific publications; and

(3) Grant credit, to the extent determined by it, for courses that relate to the maintenance or advancement of professional skills and abilities, including communication skills. Courses that relate primarily to financial aspects of a practice shall not be granted credit.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 2-1979, f. & ef. 10-29-79; OE 2-1983, f. & ef. 2-22-83; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 1-1989, f. 1-13-89, cert. ef. 1-16-89

### 852-070-0025

#### Credit for Conducting Course or Presenting Material

Any Doctor of Optometry who presents material or conducts a course eligible for credit under this rule shall be entitled to credit hereunder for two hours for each hour spent in presenting this course, in addition to the hour actually spent in such presentation. No credit shall be given for repeat presentations unless application for credit has been filed in advance with the Board and appropriate evidence submitted that additional study or research was necessary for such additional presentation. The Board may then grant, to the extent deemed suitable by it, credit for the additional presentation.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 2-1984, f. & ef. 7-14-84

### 852-070-0030

#### Calculation of Credit

A Doctor of Optometry shall be required to meet the continuing optometric education requirement beginning with the second license year renewal period following the year of original licensure by the Board.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87; OP 2-1994, f. & cert. ef. 7-22-94; OPT 2-1998, f. 6-10-98, cert. ef. 6-15-98

### 852-070-0035

#### Responsibility to Notify Board

(1) It shall be the responsibility of each active licensee to notify the Board of Optometry in writing of completion of the required hours of approved continuing education credits as part of their license renewal.

(2) Notification for at least the total number of required hours shall be submitted at one time.

(3) If sufficient proof of continuing education is not received by the Board by the license year renewal period, the license will not be renewed until the continuing education deficiency is made up in a manner acceptable to and approved by the Board.

(4) It is the licensee's responsibility to assure that all continuing optometric education credits the licensee plans to submit have been approved by the Board prior to the license year renewal period deadline. Continuing optometric education credits which are not approved by the Board before the deadline will be considered late and may not be approved.

(5) Licensees relying on unapproved continuing optometric education program credits must submit sufficient program information to the Board for credit approval a minimum of one month previous to the license year renewal period in order to ensure consideration.

(6) Licensees must submit original certificates of attendance or other proof of attendance acceptable to the Board.

(7) Any licensee who has completed the required continuing optometric education course work by the license year renewal period but fails to meet the submission deadline shall be subject to a late fee of \$50 for the first failure; \$100 for the second failure; \$200 for each subsequent failure.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 16, f. 2-11-74, ef. 3-11-74; OE 1-1984, f. & ef. 1-13-84; OP 1-1987, f. & ef. 4-30-87; OP 3-1993, f. & cert. ef. 10-27-93; OPT 2-1998, f. 6-10-98, cert. ef. 6-15-98

### 852-070-0040

#### Fees

The Board shall assess a fee of \$10 for continuing education to each licensee upon application for renewal to carry out the provisions of ORS 683.210.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.210

Hist.: OE 2-1984, f. & ef. 7-14-84; OP 1-1987, f. & ef. 4-30-87

### 852-070-0045

#### Board Responsibility for Provision of Continuing Optometric Education

The Oregon Board of Optometry shall provide or approve education programs to fulfill the requirements of this section.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.210

Hist.: OP 1-1996, f. 6-27-96, cert. ef. 7-1-96

### 852-070-0050

#### Continuing Optometric Education Provided by the Board

The Board shall notify each active licensee of any continuing optometric education it provides at least 30 days before the activity commences.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.210

Hist.: OP 1-1987, f. & ef. 4-30-87; OP 1-1996, f. 6-27-96, cert. ef. 7-1-96



**852-070-0055****Continuing Optometric Education Provided by Others**

(1) All continuing optometric education provided by other organizations shall be submitted to the Board for approval. Approval or denial of the continuing optometric education shall be based on course or lecture content and the credentials of the presenter(s).

(2) The Board may accept continuing optometric education courses that have been approved by other organizations. This acceptance shall be in accordance with the standards set by the Board.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.210

Hist.: OP 1-1996, f. 6-27-96, cert. ef. 7-1-96

**852-070-0060****COPE Approved Continuing Optometric Education Courses**

(1) The Oregon Board of Optometry accepts courses related to the maintenance or advancement of professional skills and clinical abilities approved by COPE (Council on Optometric Practitioner Education). If such a course has been COPE approved, the Board shall accept the course as meeting its continuing education requirements for license renewal.

(2) COPE course categories #0 — Practice Management and #8 - Jurisprudence are not approved by the Oregon Board of Optometry.

(3) It is the responsibility of the licensee to make sure that any continuing optometric education coursework submitted for credit has been approved by the Board or COPE.

(4) Previous to each continuing optometric education biennium the Oregon Board of Optometry will review the COPE criteria for course category definitions to determine if the process and categories are within the standards it has set. Those COPE category definitions not acceptable to the Board will be identified to COPE and listed in the Board's administrative rules.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.140 & ORS 683.210

Hist.: OP 1-1996, f. 6-27-96, cert. ef. 7-1-96; OP 2-1996, f. 10-30-96, cert. ef. 11-1-96

**DIVISION 80****PHARMACEUTICAL AGENTS****852-080-0020****Designation of Formulary**

Pursuant to ORS 683.270(j), doctors of optometry are qualified to use, administer, and prescribe topical pharmaceutical agents as designated by the Oregon Board of Optometry. The following formulary of pharmaceutical agents for topical use in the practice of optometry are designated, subject to the conditions in OAR 852-080-0030:

(1) Category 1 — Ocular lubricants, artificial tears, and irrigating solutions.

(2) Category 2 — Mydriatics.

(3) Category 3 — Cycloplegics.

(4) Category 4 — Anesthetics.

(5) Category 5 — Dyes.

(6) Category 6 — Miotics.

(7) Category 7 — Astringents and antiseptics.

(8) Category 8 — Antihistamines and decongestants.

(9) Category 9 — Anti-louse agents.

(10) Category 10 — Hyperosmotics.

(11) Category 11 — Anti-infectives (antibiotics, anti-virals, anti-fungals).

(12) Category 12 — Anti-glaucoma and ocular hypotensives.

(13) Category 13 — Anti-inflammatories.

(14) Category 14 — Any combination of the above agents.

(15) Category 15 — Other agents as approved by the Board.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.270

Hist.: OP 1-1994, f. 5-4-94, cert. ef. 5-9-94

**852-080-0030****Conditions of Formulary Application**

The following conditions apply to the designated formulary of pharmaceutical agents:

(1) Diagnostic Pharmaceutical Agents (DPA) and Therapeutic Pharmaceutical Agents (TPA) certified doctors of optometry may use, administer, and prescribe any and all over-the-counter pharmaceutical agents.

(2) Doctors of optometry certified for DPA use only, may use and administer pharmaceutical agents in Categories 2 through 5 for diagnostic purposes only. They may use Miotics (Category 6) for emergencies only.

(3) Doctors of optometry certified for TPA use may use, administer and prescribe topical agents in Categories 1-15.

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.270

Hist.: OP 1-1994, f. 5-4-94, cert. ef. 5-9-94; OPT 4-1998, f. 6-25-98, cert. ef. 7-1-98

**852-080-0040****Certification to Use Pharmaceutical Agents**

(1) DPA Certification — Prior to using diagnostic pharmaceutical agents as listed in this rule, any doctor of optometry licensed in Oregon must: Receive and prominently display a certificate from the Oregon Board of Optometry indicating "Certified to Use Diagnostic Pharmaceutical Agents."

(2) TPA Certification — Prior to using therapeutic pharmaceutical agents as listed in this rule, any doctor of optometry licensed in Oregon must:

(a) Pass the National Board of Examiners in Optometry's "Treatment and Management of Ocular Disease" (TMOD) or have passed, within five years of application to the Board for TPA certification, a 100 hour TPA course approved by the Board;

(b) Pay a \$50 TPA examination and licensure fee for TPA certification; and

(c) Receive and prominently display a certificate from the Oregon Board of Optometry indicating "Certified to Use Therapeutic Pharmaceutical Agents."

Stat. Auth.: ORS 683

Stats. Implemented: ORS 683.270

Hist.: OP 1-1994, f. 5-4-94, cert. ef. 5-9-94

