TITLE 852 INDIANA OPTOMETRY BOARD

Final Rule
LSA Document #12-164(F)

DIGEST

Adds 852 IAC 1-1.1-2.5 to establish the requirements concerning the applications and fees for issuance or renewal of an optometry license and optometric legend drug certificate. Amends 852 IAC 1-1.1-4 concerning the requirements for an optometry license. Amends 852 IAC 1-1.1-5 concerning the acceptance of a current certificate issued by the Association of Regulatory Boards (ARBO), Council on Endorsed Licensure Mobility for Optometrists (CELMO), in lieu of an official transcript. Amends 852 IAC 1-2.1-2 concerning the requirements for licensure by endorsement. Amends 852 IAC 1-2.1-4 concerning the jurisprudence examination covering Indiana law. Adds 852 IAC 1-2.1-6 to establish requirements for an optometric legend drug certificate. Amends 852 IAC 1-3-1 to delete the term "grossly incompetent". Amends 852 IAC 1-5.1-1 to add the expiration of a prescription for contact lenses. Amends 852 IAC 1-8-1 to add definitions for the terms "agency" and "COPE". Amends 852 IAC 1-10-1 to add fees for the application and renewal of an optometric legend drug certificate. Amends 852 IAC 1-10-2 concerning support fees to Indiana University for active and inactive licensees. Amends 852 IAC 1-11-1 to modify the term "optometric diagnosis" to "diagnosis". Amends 852 IAC 1-15-1 to correct the spelling of the term "hygienic". Amends 852 IAC 1-15-3 to add "governmental agency" as an entity with which an optometrist may contract to provide independent optometric services. Amends 852 IAC 1-16-1 regarding continuing education requirements to renew an optometry license. Adds 852 IAC 1-16-1.1 to establish continuing education requirements for renewal of an optometric legend drug certificate. Amends 852 IAC 1-16-2 regarding the licensee's responsibility to certify completion of continuing education to renew their optometry license and optometric legend drug certificate. Amends 852 IAC 1-16-3 regarding the requirements for approval of continuing education sponsor. Amends 852 IAC 1-16-4 regarding the standards for the approval of optometry continuing education. Adds 852 IAC 1-16-4.1 to establish the standards for the approval of optometric legend drug continuing education. Amends 852 IAC 1-16-5 regarding the penalty for noncompliance of a licensee who fails to comply with 852 IAC 1-16-1. Adds 852 IAC 1-16-6.5 to establish continuing education credit for optometrists who are speakers at continuing education programs. Amends 852 IAC 1-16-7 concerning the number of continuing education hours granted for self-study per renewal period. Amends 852 IAC 1-16-8 to add additional sponsors of continuing education programs deemed approved. Amends 852 IAC 1-17-1 regarding the requirements for a limited license. Amends 852 IAC 1-17-2 concerning the jurisprudence examination covering Indiana law for a limited license. Amends 852 IAC 1-17-3 regarding the required number of continuing education hours to renew a limited license. Amends 852 IAC 3-3-1 regarding the formulary of legend drugs. Repeals 852 IAC 1-8-5.1, 852 IAC 1-16-6, 852 IAC 2, 852 IAC 3-1-1, 852 IAC 3-1-2, 852 IAC 3-1-3, 852 IAC 3-2, and 852 IAC 3-3-2. Effective 30 days after filing with the Publisher.

852 IAC 1-1.1-2.5; 852 IAC 1-1.1-4; 852 IAC 1-1.1-5; 852 IAC 1-2.1-2; 852 IAC 1-2.1-4; 852 IAC 1-2.1-6; 852 IAC 1-3-1; 852 IAC 1-5.1-1; 852 IAC 1-8-1; 852 IAC 1-8-5.1; 852 IAC 1-10-1; 852 IAC 1-10-2; 852 IAC 1-11-1; 852 IAC 1-15-1; 852 IAC 1-15-3; 852 IAC 1-16-1; 852 IAC 1-16-1.1; 852 IAC 1-16-2; 852 IAC 1-16-3; 852 IAC 1-16-4; 852 IAC 1-16-4.1; 852 IAC 1-16-5; 852 IAC 1-16-6; 852 IAC 1-16-6.5; 852 IAC 1-16-7; 852 IAC 1-16-8; 852 IAC 1-17-1; 852 IAC 1-17-2; 852 IAC 1-17-3; 852 IAC 2; 852 IAC 3-1-1; 852 IAC 3-1-2; 852 IAC 3-1-3; 852 IAC 3-2; 852 IAC 3-3-1; 852 IAC 3-3-2

SECTION 1. 852 IAC 1-1.1-2.5 IS ADDED TO READ AS FOLLOWS:

Rule 1.1. Qualifications of Applicants for an Optometry License and Certificate for an Indiana Optometric Legend Drug Certificate

852 IAC 1-1.1-2.5 Applicability

Authority: IC 25-24-1-1; IC 25-24-3-10
Affected: IC 25-24-1-3; IC 25-24-3

Sec. 2.5. This rule establishes the requirements concerning the applications and fees for issuance or renewal of the following:
(1) Licenses for optometrists.
(2) Certificates for optometrists to administer, dispense, and prescribe legend drugs as provided for

under IC 25-24-3.

(Indiana Optometry Board; 852 IAC 1-1-2.5; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 2. 852 IAC 1-1.1-4 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-1.1-4 Applicant fees, transcripts, examination scores, and photographs for an optometry license

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 4. (a) Each applicant **for an optometry license** shall submit the following: ~~information:~~
(1) The ~~examination~~ **application** fee required by 852 IAC 1-10-1.
(2) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an accredited optometry school.
(3) The official score report from the National Board of Examiners in Optometry with passing scores in all parts, including the treatment and management of ocular disease examination.
(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application, dated and signed on the back in the applicant's handwriting, "I certify that this is a true photograph of me.".
(5) Proof of current certification in basic life support (BLS) or cardiopulmonary resuscitation (CPR) given by the American Heart Association, American Red Cross, or a provider approved by the board.

(b) The ~~Indiana optometry~~ board adopts the procedures and standards of the Accreditation Council on Optometric Education for approval of schools of optometry and will only accept graduates of optometry schools accredited by the council as applicants for licensure, provided all other requirements are met.

~~(c) The document entitled "Accreditation Manual: Professional Optometric Degree Programs", adopted by the Accreditation Council on Optometric Education (formerly known as the Council on Optometric Education of the American Optometric Association or COE), effective July 1, 1994, and updated January 1, 2000, is hereby incorporated by reference and made applicable to this title. A copy of the document may be purchased by contacting the Accreditation Council on Optometric Education, American Optometric Association, 243 North Lindbergh Boulevard, St. Louis, Missouri, 63141 or the bureau. The document is also available on the Internet at www.theaoa.org.~~

(Indiana Optometry Board; 852 IAC 1-1.1-4; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1507; filed Sep 1, 1981, 9:15 a.m.: 4 IR 2026; filed Feb 4, 1986, 2:22 p.m.: 9 IR 1373; errata, 9 IR 2064; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1220; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2333; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; filed Jan 16, 2003, 10:46 a.m.: 26 IR 1944; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 3. 852 IAC 1-1.1-5 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-1.1-5 Information not received; effect

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 5. (a) An application **for an optometry license** may be denied or deferred if any of the required information has not been received.

(b) An applicant who applies for licensure under IC 25-24-1-3 bears the burden of proving that the requirements of the state in which the applicant currently is licensed are equivalent to those requirements set forth in section 4 of this rule. The applicant shall submit documentation required by section 4 of this rule, as well as any other documentation required by the board, to make a determination as to whether the requirements of the other state are equivalent to those set forth in section 4 of this rule.

(c) If an applicant holds a current certificate issued by the Association of Regulatory Boards (ARBO), Council on Endorsed Licensure Mobility for Optometrists (CELMO), applicants will not be required to submit proof of education. The applicant will be required to submit verification of the certificate from ARBO.

~~(c)~~ **(d)** An application ~~shall be considered~~ **is** abandoned **without an action of the board,** if the applicant does not complete the ~~requirements for licensure~~ **application** within one (1) year ~~from~~ **after** the date on which the application was filed. **However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods.** An application submitted ~~subsequent to~~ **after the abandonment of** an ~~abandoned~~ application ~~shall be treated as~~ **is considered** a new application.

(Indiana Optometry Board; 852 IAC 1-1.1-5; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1507; filed Sep 21, 1992, 9:00 a.m.: 16 IR 724; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 4. 852 IAC 1-2.1-2 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-2.1-2 Application file; contents

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 2. An applicant for **an optometry** license by endorsement shall submit the following: ~~information:~~
(1) The **application** fee required by ~~852 IAC 1-10-1~~. **852 IAC 1-10-1(a)(1).**
(2) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an ~~accredited~~ optometry school **accredited by the Accreditation Council on Optometric Education.**
(3) The official score report from the National Board of Examiners in Optometry with passing scores in all parts, including the treatment and management of ocular disease examination.
(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application, dated and signed on the back in the applicant's handwriting, "I certify that this is a true photograph of me.".
(5) A statement from the appropriate agency in each state where the applicant has been licensed, certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.
(6) A statement from the appropriate agency in each state where the applicant has been licensed by examination, holds an active license, and from which the applicant is endorsing, certifying areas of examination, type of examination, pass-fail criteria, and the applicant's score in each area of examination.
(7) Proof of current certification in basic life support (BLS) or cardiopulmonary resuscitation (CPR) given by the American Heart Association, American Red Cross, or a provider approved by the board.

(Indiana Optometry Board; 852 IAC 1-2.1-2; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1507; filed Feb 4, 1986, 2:22 p.m.: 9 IR 1374; filed Dec 8, 1987, 9:45 a.m.: 11 IR 1292; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1220; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2334; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 5. 852 IAC 1-2.1-4 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-2.1-4 Jurisprudence examination

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 4. An applicant for **an optometry** license by **examination or** endorsement must pass ~~a written~~ **an** examination ~~on the~~ **covering** Indiana **law relating to the practice of** optometry. ~~statute (IC 25-24) and rules (852 IAC).~~ A score of **seventy-five** (75) or above is passing.

(Indiana Optometry Board; 852 IAC 1-2.1-4; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1508; filed Feb 4, 1986, 2:22 p.m.: 9 IR 1374; filed Dec 8, 1987, 9:45 a.m.: 11 IR 1293; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238;

readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 6. 852 IAC 1-2.1-6 IS ADDED TO READ AS FOLLOWS:

852 IAC 1-2.1-6 Requirements for an Indiana optometric legend drug certificate

Authority: IC 25-24-3-10
Affected: IC 25-24-3

Sec. 6. To obtain an Indiana optometric legend drug certificate, an optometrist shall submit the following:
(1) Submit the application fee required by 852 IAC 1-10-1(a)(8).
(2) Complete an Indiana optometric legend drug certificate application.
(3) Provide a score report certifying successful completion of the Treatment and Management of Ocular Disease (TMOD) examination administered by the National Board of Examiners in Optometry (NBEO).

(Indiana Optometry Board; 852 IAC 1-2.1-6; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 7. 852 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-3-1 Optometric procedures; patient records

Authority: IC 25-24-1-1
Affected: IC 25-24-1-15.1

Sec. 1. (a) An optometrist will utilize the usual and normal clinical optometric procedures taught in the accredited schools and colleges of optometry approved by the board and the clinical optometric procedures in which he **or she** demonstrated proficiency and mastery in order to obtain a certificate and license to practice optometry in the state of Indiana.

(b) An optometrist will maintain adequate and detailed patient records to describe and document his **or her** procedures, observations, and the disposition of the case.

~~(C) The term "Grossly incompetent" as used in IC 25-24-1, Sec. 15 shall include, but not be limited to, the failure to follow the procedures set forth in this rule, Rule No. 1, A and B, and shall also include any conduct or practice which does not provide for a comprehensive optometric examination of the patient in a conscientious and diligent manner.~~

(Indiana Optometry Board; Rule 1; filed Nov 29, 1972, 3:00 p.m.: Rules and Regs. 1973, p. 685; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 8. 852 IAC 1-5.1-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-5.1-1 General responsibilities

Authority: IC 25-24-1-1
Affected: IC 16-39-1-1; IC 25-24-1-1; IC 25-24-1-4

Sec. 1. (a) In the practice of optometry as defined by IC 25-24-1-4, an optometrist has a responsibility to **do the following:**
(1) Properly examine the patient to determine the patient's ophthalmic needs.
(2) Prepare a proper prescription when indicated to adequately fulfill the patient's needs.
(3) Determine the expiration of the prescription. The date of expiration of the prescription for a contact

lens prescription shall not exceed one (1) year from the date of issuance by the prescribing optometrist.

~~(3)~~ **(4)** Verify the optical materials resulting from the prescription in order to determine whether or not the optical materials meet the needs of the patient.

~~(4)~~ **(5)** Verify that any optical materials ~~which~~ **that** have been dispensed as a result of the prescription meet the needs of the patient.

(b) If an optometrist prescribes contact lenses for a patient, the optometrist has a responsibility to **do the following:**

(1) Perform all procedures required by subsection (a).

(2) Examine the patient and evaluate the contact lens with the contact lens on the eye.

(3) Be personally and directly involved with the follow-up care of the contact lens patient.

~~(c) Pursuant to IC 16-4-8-2(a), an optometrist must~~ **(4)** Release contact lens information to a patient ~~upon the patient's written request, but the information may be given in general terms. For the purposes of IC 16-4-8-2(a) general terms at the minimum means:~~ **in accordance with IC 16-39-1-1 and 16 CFR 315.**

~~(1) specifying whether the materials are rigid or soft materials;~~

~~(2) specifying the spectacle lens prescription.~~

(Indiana Optometry Board; 852 IAC 1-5.1-1; filed Dec 22, 1987, 2:35 p.m.: 11 IR 1605; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 9. 852 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-8-1 Definitions

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 1. (a) The definitions in this section apply throughout this ~~rule.~~ **title.**

(b) "Agency" means the Indiana professional licensing agency.

~~(b)~~ **(c)** "Board" means the Indiana optometry board.

(d) "COPE" means the Council on Optometric Practitioner Education.

~~(c)~~ **(e)** "Examination" means the examination for licensure ~~given~~ **required** by the board.

(Indiana Optometry Board; 852 IAC 1-8-1; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1508; filed Feb 4, 1986, 2:22 p.m.: 9 IR 1376; filed Nov 10, 1987, 9:33 a.m.: 11 IR 1293; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1221; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 10. 852 IAC 1-10-1 IS AMENDED TO READ AS FOLLOWS:

Rule 10. Fees and Renewal Requirements

852 IAC 1-10-1 Fees

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3; IC 25-24-2-3

Sec. 1. **(a)** The ~~following fees~~ **board** shall ~~apply to all licensed optometrists and candidates:~~ **charge the following fees related to the practice of optometry:**

(1) Application ~~Issuance~~ **for licensure:** $200

(2) License renewal: ~~(April 1 of each even-numbered year)~~ $100 biennially
(3) Inactive license renewal: ~~(April 1 of each even-numbered year)~~ $50 biennially
~~Renewal fees due Indiana~~ **(4)** University **support fee:** $34 biennially
(5) Verification of licensure: $10
~~Duplicate wall license $10~~
(6) Reinstatement of inactive license: $50
(7) Application for an optometric legend drug certificate: $20
(8) Optometric legend drug certificate renewal: $20

(b) The board shall renew the optometric legend drug certificate concurrently with the license of an optometrist to practice in Indiana.

(Indiana Optometry Board; 852 IAC 1-10-1; filed Jul 12, 1985, 3:48 p.m.: 8 IR 2038; filed May 11, 1987, 9:00 a.m.: 10 IR 1876; filed Oct 28, 1988, 2:10 p.m.: 12 IR 592; filed Apr 19, 1991, 3:05 p.m.: 14 IR 1728; filed May 20, 1996, 3:00 p.m.: 19 IR 2880; readopted filed Jan 7, 2002, 10:00 a.m.: 25 IR 1732; readopted filed Sep 26, 2008, 10:54 a.m.: 20081015-IR-852080345RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 11. 852 IAC 1-10-2 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-10-2 Fees for university support

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3; IC 25-24-2-3

Sec. 2. ~~Thirty-four dollars ($34) of the biennial renewal fee for an active and an inactive license is~~ **The university support fee in section 1 of this rule shall be** submitted by the ~~health professions bureau~~ **agency** to the Indiana University School of Optometry as provided by IC 25-24-2-3.

(Indiana Optometry Board; 852 IAC 1-10-2; filed Oct 28, 1988, 2:10 p.m.: 12 IR 592; readopted filed Dec 4, 2001, 10:15 a.m.: 25 IR 1732; readopted filed Sep 26, 2008, 10:54 a.m.: 20081015-IR-852080345RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 12. 852 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-11-1 Duties and responsibilities of optometrists

Authority: IC 25-24-1-1
Affected: IC 25-24-1-4

Sec. 1. An optometrist shall conduct his **or her** practice in accordance with the following standards, including, but not limited to:
(1) A licensed optometrist is professionally competent if in the practice of optometry, he **or** she exercises the reasonable care and diligence ordinarily exercised by members of his **or** her profession in similar cases under like conditions.
(2) A practitioner has a duty and responsibility to employ the necessary means in order to obtain a complete ~~optometric~~ diagnosis of the human eye, visual system, or associated structures as specified by IC 25-24-1-4.
(3) A practitioner has a duty and responsibility as part of a complete ~~optometric~~ diagnosis to maintain comprehensive patient records including, but not limited to, systemic and ocular health, medications, allergies, family history, prior eye care, systemic and ocular problems, examination results, ~~optometric~~ treatments, drugs, agents, or other devices administered, prescribed, ~~and~~ or dispensed, including all follow-up examinations and treatments.

(Indiana Optometry Board; 852 IAC 1-11-1; filed May 11, 1987, 9:00 a.m.: 10 IR 1876; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 13. 852 IAC 1-15-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-15-1 Professional sign; notification of public; facility requirements

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 1. ~~(a)~~ A practitioner has a duty and responsibility in the establishment of an office for the practice of optometry to maintain **the following:**

(1) A sign clearly visible to the public indicating the name or names of all practitioners practicing at that location. The minimum requirements on the sign are **the** practitioner's name and O.D. or optometrist. The sign may contain information to identify the area of practice within optometry, including low vision, contact lenses, family practice optometry, pediatric optometry, geriatric optometry, sports vision, industrial vision, or other optometric specialties. A sign may not be misleading to the public as to the practitioner actually present and performing the services.

~~(b) A practitioner has a duty and responsibility in the establishment of an office for the practice of optometry to maintain~~ **(2)** A safe and ~~hygenic~~ **hygienic** facility adequately equipped to provide optometric services.

(Indiana Optometry Board; 852 IAC 1-15-1; filed May 11, 1987, 9:00 a.m.: 10 IR 1880; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 14. 852 IAC 1-15-3 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-15-3 Corporate practice; out of office

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 3. A practitioner may not be employed by a nonprofessional corporation for the purpose of practicing optometry but may contract with:

(1) a hospital;
(2) a school of optometry;
(3) a health maintenance organization;
(4) a licensed health care facility;
(5) a public health clinic;
(6) an industry;
(7) an educational facility; ~~or~~
(8) an insurance company; **or**
(9) a governmental agency;

to provide independent optometric services.

(Indiana Optometry Board; 852 IAC 1-15-3; filed May 11, 1987, 9:00 a.m.: 10 IR 1880; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 15. 852 IAC 1-16-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-1 Continuing education requirements for renewal of an optometry license

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14.1; IC 25-24-3

Sec. 1. (a) Twenty (20) hours of continuing education are required for ~~license~~ renewal **of an optometry license.**

(b) Effective for the license period ending April 1, 2014, and every license period thereafter, optometrists are required, as part of the twenty (20) hour requirement under subsection (a), to complete two (2) hours of continuing education in any of the following areas:

(1) Medical charting.
(2) Billing and coding.
(3) Health care compliance.
(4) Compliance with federal or Indiana state laws or regulations.

(c) Courses that are approved by the board or COPE in the area of jurisprudence and medical record keeping will be accepted under this section.

(d) Courses under subsection (b) are not considered practice management courses.

~~(b)~~ **(e)** Programs that have not been approved under this article will not be accepted as credit for license renewal.

~~(c) A licensee is not required to complete continuing education requirements for the year in which the initial license is issued.~~

(f) An optometrist initially licensed between April 1 of even-numbered years and March 31 of the following odd-numbered year shall be required to obtain ten (10) hours of continuing education for the initial renewal of the license. An optometrist initially licensed between April 1 of odd-numbered years and March 31 of the following even-numbered year shall not be required to obtain continuing education for the initial renewal of the license.

~~(d)~~ **(g)** Continuing education credit units or clock hours:
(1) must be obtained within the biennial renewal period; and
(2) may not be carried over from one (1) licensure period to another.
A course is eligible for credit only once in a renewal cycle regardless of the number of times it is attended.

~~(e)~~ **(h)** If a licensee is licensed in Indiana and any other state with a mandatory continuing education requirement, the ~~Indiana optometry~~ board will accept that requirement of the other state, provided the:
(1) number of clock hours or credit units; and
(2) quality;
of the continuing education equal or exceed the Indiana requirement.

~~(f)~~ **(i)** Any continuing education hours that are counted towards the renewal of a licensee's legend drug certificate issued under ~~IC 25-26-15~~ **IC 25-24-3** may not be counted towards the renewal of the licensee's optometry license. **Eligible credit hours earned in excess of the number of hours required to renew the optometric legend drug certificate may be counted toward the renewal of the licensee's optometry license.**

(Indiana Optometry Board; 852 IAC 1-16-1; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Feb 21, 1992, 4:00 p.m.: 15 IR 1221; filed Jan 26, 1995, 4:30 p.m.: 18 IR 1477; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1106; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238; filed Aug 8, 2006, 11:01 a.m.: 20060906-IR-852050325FRA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 16. 852 IAC 1-16-1.1 IS ADDED TO READ AS FOLLOWS:

852 IAC 1-16-1.1 Continuing education requirements for renewal of an optometric legend drug certificate

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3; IC 25-24-1-14

Sec. 1.1. (a) Twenty (20) hours of continuing education is required for renewal of an optometric legend drug certificate.

(b) Programs that have not been approved under this article will not be accepted as credit for renewal

of the certificate.

(c) An optometrist initially certified between April 1 of even-numbered years and March 31 of the following odd-numbered year shall be required to obtain ten (10) hours of continuing education for the initial renewal of the certificate. An optometrist initially certified between April 1 of odd-numbered years and March 31 of the following even-numbered year shall not be required to obtain continuing education for the initial renewal of the certificate.

(d) Continuing education credit units or clock hours:
(1) must be obtained within the biennial renewal period; and
(2) may not be carried over from one (1) licensure period to another.
A course is eligible for credit only once in a renewal cycle regardless of the number of times it is attended.

(e) Any continuing education hours that are counted towards the renewal of a licensee's optometry license issued under IC 25-24-1-3 may not be counted towards the renewal of the licensee's optometric legend drug certificate.

(Indiana Optometry Board; 852 IAC 1-16-1.1; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 17. 852 IAC 1-16-2 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-2 Responsibilities of licensees

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14.1

Sec. 2. A licensee must do the following:
(1) Certify completion of continuing education required by this rule at the time of **optometry** license **and optometric legend drug certificate** renewal.
(2) Retain verification of completion of continuing education required by this rule for three (3) years after the last renewal date.
(3) Present verification of completion of continuing education required by this rule at the request of the ~~Indiana optometry~~ board.

(Indiana Optometry Board; 852 IAC 1-16-2; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1106; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238; filed Aug 8, 2006, 11:01 a.m.: 20060906-IR-852050325FRA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 18. 852 IAC 1-16-3 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-3 Application for approval of continuing education sponsor

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14.1

Sec. 3. (a) The sponsoring organization ~~or the attendee~~ must file an application provided by the agency ~~sixty (60)~~ **not later than thirty (30)** days ~~before~~ **after** the **beginning** date **of** the program. ~~is given.~~ The application ~~may~~ **must** contain the following information:
(1) The name of the ~~lecturer.~~ **speaker.**
(2) The academic and professional background of the ~~lecturer.~~ **speaker.**
(3) A ~~brief summary~~ **thorough description** of the content of the program.
(4) The date and location of the program.
(5) The number of clock hours of continuing education requested.
(6) The name of the person or persons who will monitor attendance and the manner in which attendance will be monitored.
(7) Any other pertinent information required by the ~~Indiana optometry~~ board.

(b) As a condition to approval of programs, the sponsoring organization must agree to provide participants with a record of attendance. The record of attendance shall state the following:
(1) The name of the participant.
(2) The name of the sponsoring organization.
(3) The title of the program.
(4) The name of the speaker or speakers.
~~(4)~~ **(5)** The date of the program.
~~(5)~~ **(6)** The location of the program.
~~(6)~~ **(7)** The number **of clock hours and type** of continuing education hours ~~awarded.~~ **requested.**

(c) The sponsor shall retain records of attendance by participants for ~~four (4)~~ **three (3)** years from the date of the program.

(Indiana Optometry Board; 852 IAC 1-16-3; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Mar 26, 1993, 5:00 p.m.: 16 IR 1954; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238; filed Aug 8, 2006, 11:01 a.m.: 20060906-IR-852050325FRA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 19. 852 IAC 1-16-4 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-4 Standards for approval of optometry continuing education hours

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14.1

Sec. 4. **(a)** The board will approve a course if it determines that the course will make a significant contribution to the professional competency of optometrists who enroll.

(b) In determining if a course meets this standard, the board will consider whether the following requirements are met:
(1) The course has substantial content.
(2) The course content directly relates to the professional practice of optometry. Practice management courses will not be approved by the board.
(3) Each faculty member or ~~lecturer~~ **speaker** who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.
(4) The physical setting for the course is suitable.
(5) High quality written materials, including notes and outlines, are available to all optometrists who enroll at or prior to the time the course is offered.
(6) The course is of sufficient length to provide a substantial educational experience. Courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience.
(7) Appropriate educational methodology is used, including, but not limited to, the following:
(A) Prepared library packages.
(B) Courses of programmed instruction.
(C) Active participation and demonstration.
(D) Audio-visual materials.
(8) An adequate number of ~~instructors is~~ **faculty members or speakers are** provided for the course. If audio-visual ~~tapes~~ **media** are used as teaching materials, live presentations or discussion leaders must accompany the replaying of the ~~tapes.~~ **media presentation.**

(Indiana Optometry Board; 852 IAC 1-16-4; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1106; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 20. 852 IAC 1-16-4.1 IS ADDED TO READ AS FOLLOWS:

852 IAC 1-16-4.1 Standards for approval for optometric legend drug continuing education hours

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14.1

Sec. 4.1. (a) The board will approve a course for optometric legend drug continuing education if it determines that the course will make a significant contribution to the professional competency of optometrists who enroll.

(b) In determining if a course meets the requirements of this section, the board will consider whether the following requirements are met:
(1) The course has substantial content.
(2) The course content directly relates to ocular pharmacology or ocular therapeutics.
(3) Each faculty member or speaker who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.
(4) The physical setting for the course is suitable.
(5) High quality materials, including notes and outlines, are available to all optometrists in either print or electronic format.
(6) The course is of sufficient length to provide a substantial educational experience.
(7) Appropriate educational methodology is used, including, but not limited to, the following:
(A) Prepared library packages.
(B) Courses of programmed instruction.
(C) Active participation and demonstration.
(D) Audio-visual materials.
(8) An adequate number of faculty members or speakers are provided for the course. If audio-visual media are used as teaching materials, live presentations or discussion leaders must accompany the replaying of the media.

(c) Courses that are approved by COPE in the areas of ocular pharmacology or ocular therapeutics are acceptable and no approval by the board is required. Automatic approval of COPE approved courses will cease immediately upon notice from COPE that approval of the course has been discontinued for any reason.

(d) Courses approved by COPE in the following areas are automatically approved for optometric legend drug continuing education:
(1) Glaucoma (GL).
(2) Perioperative management of ophthalmic surgery (PO).
(3) Refractive surgery management (RS).
(4) Treatment and management of ocular disease: anterior segment (AS).
(5) Treatment and management of ocular disease: posterior segment (PS).
(6) Pharmacology (PH).
(7) Systemic and ocular disease (SD).
(8) Oral pharmaceutical (OP).
(9) Other COPE courses approved by the board.

(Indiana Optometry Board; 852 IAC 1-16-4.1; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 21. 852 IAC 1-16-5 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-5 Penalty for noncompliance

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14; IC 25-24-1-14.1

Sec. 5. The board will not issue a ~~renewal~~ **renewed optometry** license to a licensee who fails to comply with ~~852 IAC 1-16~~, **852 IAC 1-16-1,** except for an inactive license as provided by IC 25-24-1-14.

(Indiana Optometry Board; 852 IAC 1-16-5; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2738; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-852070059RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 22. 852 IAC 1-16-6.5 IS ADDED TO READ AS FOLLOWS:

852 IAC 1-16-6.5 Continuing education for speakers

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14; IC 25-24-1-14.1

Sec. 6.5. (a) An optometrist who acts as a speaker, lecturer, or other presenter may be awarded one (1) hour of continuing education credit for each hour of the continuing education course taught.

(b) Not more than four (4) hours per renewal period will be awarded.

(c) The following conditions must be met:
(1) The presentation is eligible for credit only once regardless of the number of times it is presented.
(2) The optometrist maintains a record for the time, place, and date of the presentation.
(3) The presentation is sponsored by an approved organization or is approved by the board.

(Indiana Optometry Board; 852 IAC 1-16-6.5; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 23. 852 IAC 1-16-7 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-7 Self-study

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14; IC 25-24-1-14.1

Sec. 7. (a) Self-study shall include the following:
(1) Journals and books.
(2) Audiotapes.
(3) Films and videotapes.
(4) Internet online.
(5) Closed circuit television.
(6) Satellite broadcasts.
(7) Correspondence courses.
(8) CD-ROM.
(9) DVD.
(10) Teleconferencing.
(11) Videoconferencing.
(12) Distance learning.

(b) In order to be accepted as continuing education for **an optometry** license **and optometric legend drug certificate** renewal, self-study methods of presentation must include a written examination or postevaluation.

(c) Self-study continuing education **for an optometry license and optometric legend drug certificate renewal** shall be limited to ~~three (3)~~ **a total of eight (8)** hours biennially. ~~unless the practitioner provides evidence to the Indiana optometry board that:~~
~~(1) such a limitation poses an undue burden upon the practitioner; or~~
~~(2) the practitioner may not otherwise satisfy his or her continuing education requirements.~~

(Indiana Optometry Board; 852 IAC 1-16-7; filed Aug 8, 2006, 11:01 a.m.: 20060906-IR-852050325FRA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 24. 852 IAC 1-16-8 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-16-8 Continuing education programs deemed approved

Authority: IC 25-24-1-1
Affected: IC 25-24-1-14; IC 25-24-1-14.1

Sec. 8. Notwithstanding section 4 of this rule, continuing education programs for optometrists, but not practice management courses, sponsored by the following are deemed approved and no approval by the board shall be required:

(1) The Indiana Optometric Association and its affiliates.
(2) The American Optometric Association (AOA).
(3) ~~The Council on Optometric Practitioner Education~~ COPE.
~~(4) The American Academy of Ophthalmologists and its affiliate organizations.~~
~~(5)~~ **(4)** The American Academy of ~~Optometrists~~ **Optometry** and its affiliate organizations.
(5) A national or regional organization accredited as a provider of ophthalmic continuing medical education (CME) by the Accreditation Council For Continuing Medical Education (ACCME).
(6) Other state optometric associations and their affiliate local societies.
(7) Regional optometric associations.
(8) Postgraduate courses offered at any accredited school of optometry.
(9) Completion of a basic life support (BLS) or cardiopulmonary resuscitation (CPR) course approved by the American Heart Association, the American Red Cross, or a provider approved by the board will be granted up to two (2) hours of continuing education credit per renewal period.

(Indiana Optometry Board; 852 IAC 1-16-8; filed Aug 8, 2006, 11:01 a.m.: 20060906-IR-852050325FRA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 25. 852 IAC 1-17-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-17-1 Application file; contents

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3.2

Sec. 1. (a) An applicant for a limited license shall submit the following:
(1) An application filed on a form prescribed by the ~~Indiana optometry~~ board and provided by the ~~health professions bureau.~~ **agency.**
(2) The fee required by 852 IAC 1-10-1.
(3) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an ~~accredited~~ optometry school **accredited by the Accreditation Council on Optometric Education.** If not in English, the applicant must provide an official translation.
(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application, dated and signed on the back in the applicant's handwriting, "I certify that this is a true photograph of me.".
(5) A copy of the applicant's curriculum vitae.
(6) A statement from the dean at Indiana University ~~which~~ **that** shall include the date of faculty appointment and subject or subjects being taught.
(7) Verification of licensure status provided to the board directly by the appropriate agency in each state or country where the applicant holds or has held a license to practice optometry.
(8) An applicant must provide verification of licensure directly from the appropriate agency in the state or country where the applicant holds a current license to practice optometry.
~~(8)~~ **(9)** Verification of areas of examination, type of examination, pass-fail criteria, and the applicant's score in each area of the examination provided to the board directly by the state or country in which the applicant took the examination.

(b) The dean at Indiana University School of Optometry may be contacted in order to validate the suitability of the applicant for a limited license.

(Indiana Optometry Board; 852 IAC 1-17-1; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 26. 852 IAC 1-17-2 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-17-2 Jurisprudence examination

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 2. An applicant for a limited license must pass ~~a written~~ **an** examination ~~on the~~ **covering** Indiana **law relating to the practice of** optometry. ~~statute (IC 25-24) and rules (this title).~~ A score of seventy-five (75) or above is ~~required.~~ **passing.**

(Indiana Optometry Board; 852 IAC 1-17-2; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 27. 852 IAC 1-17-3 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-17-3 Renewal of a limited license

Authority: IC 25-24-1-1
Affected: IC 25-24-1-3

Sec. 3. All limited license holders are required to complete ~~thirty (30)~~ **twenty (20)** hours of continuing education every biennium as specified in 852 IAC 1-16-1.

(Indiana Optometry Board; 852 IAC 1-17-3; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)

SECTION 28. 852 IAC 3-3-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 3-3-1 Formulary of legend drugs

Authority: IC 25-24-3-10
Affected: IC 25-24-3-16; IC 35-48-1

Sec.1. (a) **The formulary of legend drugs established under IC 25-24-3-10(1)(A) is** any legend drug for the treatment of the eye or associated structures of the eye.

(b) All formulary drugs may be independently prescribed by an optometrist.

~~(b)~~ **(c)** Controlled substances as defined in IC 35-48-1 are prohibited from use by an optometrist.

(Indiana Optometry Board; 852 IAC 3-3-1; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1099; filed Jun 30, 1999, 2:45 p.m.: 22 IR 3414; readopted filed Apr 24, 2001, 10:21 a.m.: 24 IR 2896; filed Nov 25, 2002, 10:30 a.m.: 26 IR 1104; readopted filed Sep 26, 2008, 10:54 a.m.: 20081015-IR-852080345RFA; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA) NOTE: Transferred from the Indiana Optometric Legend Drug Prescription Advisory Committee (857 IAC 2-3-16) to the Indiana Optometry Board (852 IAC 3-3-1) by P.L.157-2006, SECTION 77, effective July 1, 2006.

SECTION 29. THE FOLLOWING ARE REPEALED: 852 IAC 1-8-5.1; 852 IAC 1-16-6; 852 IAC 2; 852 IAC 3-1-1; 852 IAC 3-1-2; 852 IAC 3-1-3; 852 IAC 3-2; 852 IAC 3-3-2.

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