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**TITLE 852 INDIANA OPTOMETRY BOARD**

**Notice of First Public Comment Period**

LSA Document #23-737

**PURPOSE OF NOTICE**

The Indiana Optometry Board (board) is soliciting public comment on amending rules at [852 IAC 1](#) concerning application forms, examinations, and continuing education. The board seeks comment on the affected citations listed and any other provisions of Title 852 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [852 IAC 1-1.1-3](#); [852 IAC 1-1.1-4](#); [852 IAC 1-2.1-2](#); [852 IAC 1-3-1](#); [852 IAC 1-11-1](#); [852 IAC 1-12-1](#); [852 IAC 1-12-2](#); [852 IAC 1-12-5](#); [852 IAC 1-12-6](#); [852 IAC 1-14-1](#); [852 IAC 1-15-2](#); [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 1-16-7](#); [852 IAC 1-17-1](#)

**AUTHORITY:** [IC 25-24-1-1](#)

**OVERVIEW**

**Basic Purpose and Background**

The purpose of the amendments to rules at [852 IAC 1](#) is to update the existing rules and provide clarity. The optometry rules have not been updated since 2012. The rule updates include the number of additional hours allowed under self-study for continuing education, which are allowed to be completed virtually, as well as a more stringent number of times allowed to take the exam for licensure.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Toby Snell  
Board Director, Indiana Board of Optometry  
Professional Licensing Agency  
Indiana Government Center South  
402 West Washington Street, Room W072  
Indianapolis, IN 46204  
(317) 234-8817  
tobsnell@pla.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 650-0126  
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

**REQUEST FOR PUBLIC COMMENTS**

At this time, the board is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #23-737  
Toby Snell  
402 West Washington Street, Room W072  
Indianapolis, IN 46204

(2) By electronic mail to tobsnell@pla.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

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**COMMENT PERIOD DEADLINE**

All comments must be postmarked or time stamped not later than December 15, 2023.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the office of the Indiana Professional Licensing Agency.

If the board does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

**ADDITIONAL DOCUMENTS**

Regulatory Analysis DIN: [20231115-IR-852230737RAA](#)

Notice of Public Hearing DIN: [20231115-IR-852230737PHA](#)

**PROPOSED RULE**

SECTION 1. [852 IAC 1-1.1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[852 IAC 1-1.1-3](#) Application form**

**Authority:** [IC 25-24-1-1](#)

**Affected:** [IC 25-24-1-3](#)

Sec. 3. ~~The application shall~~ **An application must** be completed on a form furnished by the board and filed with the board as described in [IC 25-24-1-3](#).

*(Indiana Optometry Board; [852 IAC 1-1.1-3](#); filed Jul 29, 1980, 9:35 a.m.: 3 IR 1507; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1220; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-852070059RFA](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

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:

- (1) The application fee required by [852 IAC 1-10-1](#).
- (2) Official transcripts, certified by the **attended school or college of optometry**, recording courses, grades, certificates, and degrees earned in an ~~accredited~~ optometry school **accredited by the Accreditation Council on Optometric Education (ACOE)**.
- (3) The official score report from the National Board of Examiners in Optometry (**NBEO**), with passing scores in all parts **and examinations offered by the NBEO at the time of graduation from optometry school that test clinical optometric procedures taught in accredited schools and colleges of optometry**, including the Treatment and Management of Ocular Disease examination. **A failure in any part or examination of the NBEO is addressed in the following manner:**
  - (A) If an applicant has a total of four (4) failures in any or all parts or examinations of the NBEO, successful completion of additional training, evaluation, or testing may be required by the board prior to the granting of a license to practice.
  - (B) If an applicant has a failure in a NBEO part or examination that has not been retaken and passed within a two (2) year period from the failure, the board may require all NBEO parts, examinations, and tests be repeated and passed prior to the granting of a license to practice.
- (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 board adopts the procedures and standards of the ~~Accreditation Council on Optometric Education~~ **ACOE** 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.

*(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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 3. [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:

- (1) The application fee required by [852 IAC 1-10-1](#)(a)(1).
- (2) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an optometry school accredited by the Accreditation Council on Optometric Education.
- (3) The official score report from the National Board of Examiners in Optometry (**NBEO**), with passing scores in all parts **and examinations offered by the NBEO at the time of graduation from optometry school that test clinical optometric procedures taught at accredited schools and colleges of optometry**, 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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 4. [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](#)

Sec. 1. (a) An optometrist ~~will~~ **shall** 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~~ **the optometrist** demonstrated proficiency and mastery in order to obtain a certificate and license to practice optometry in the state of Indiana.

(b) An optometrist ~~will~~ **shall** maintain adequate and detailed patient records to describe and document ~~his or~~

~~her~~ **the optometrist's** procedures, observations, and the disposition of the case.

(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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))

SECTION 5. [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~~ **their** 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~~ **the optometrist** exercises the reasonable care and diligence ordinarily exercised by members of ~~his or her~~ **their** 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 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 diagnosis to maintain comprehensive patient records including, but not limited to:

- (A) systemic and ocular health;
- (B) medications;
- (C) allergies;
- (D) family history;
- (E) prior eye care;
- (F) systemic and ocular problems;
- (G) examination results;
- (H) treatments;
- (I) drugs;
- (J) agents; or
- (K) other devices;

administered, prescribed, 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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))

SECTION 6. [852 IAC 1-12-1](#) IS AMENDED TO READ AS FOLLOWS:

### **[852 IAC 1-12-1](#) Duties of optometrist**

**Authority:** [IC 25-24-1-1](#)

**Affected:** [IC 25-24-1-3](#)

Sec. 1. An optometrist in the conduct of ~~his~~ **their** practice of optometry shall abide by, and comply with, the following standards of professional conduct:

~~(a)~~ **(1)** An optometrist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment, and prognosis, and of all records relating thereto, about which the optometrist may learn or otherwise be informed during the course of, or as a result of, the patient-optometrist relationship. Information about a patient shall be disclosed by an optometrist when required by law or when authorized by the patient or those responsible for the patient's care.

~~(b)~~ **(2)** An optometrist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or ~~to~~ those responsible for the patient's care, except where an optometrist reasonably determines that the information is or would be detrimental to the physical or mental health of the patient, or in the case of a minor or incompetent person, except where an optometrist reasonably determines that the information would be detrimental to the physical or mental health of those responsible for the patient's care.

~~(c)~~ ~~(1)~~ **(3)** An optometrist shall give reasonable written notice to an active patient or those responsible for

the patient's care when the optometrist withdraws from a case so that another optometrist may be employed by the patient or by those responsible for the patient's care. An optometrist shall not abandon a patient. As used in this section, "active patient" means a person whom the optometrist has examined, cared for, or otherwise consulted with during the two (2) year period prior to retirement, discontinuation of practice of optometry, or leaving or moving from the community.

(2) (4) An optometrist who withdraws from a case, except in emergency circumstances, shall, upon written request, make available to his a patient all:

- (A) records;
- (B) test results;
- (C) histories;
- (D) diagnoses;
- (E) files; and
- (F) information relating to said the patient;

which are in the optometrist's custody, possession, or control, or copies of such the documents hereinbefore described in clauses (A) through (F).

(d) (5) An optometrist shall exercise reasonable care and diligence in the diagnosis and treatment of patients based upon approved scientific principles, methods, treatments, professional theory, and practice.

(e) (6) An optometrist shall not represent, advertise, state, or indicate the possession of any a degree recognized as the basis for licensure to practice optometry unless the optometrist is actually licensed on the basis of such the degree in the state(s) state or states in which he the optometrist practices.

(f) (7) An optometrist shall obtain consultation whenever requested to do so by a patient or by those responsible for a patient's care.

(g) (8) An optometrist who has personal knowledge based upon a reasonable belief that another optometrist has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of optometry shall promptly report such that conduct to the board. Further, an optometrist who has personal knowledge of any a person engaged in, or attempting to engage in, the unauthorized practice of optometry shall promptly report such that conduct to the board.

(Indiana Optometry Board; [852 IAC 1-12-1](#); 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](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 26, 2019, 3:44 p.m.: [20191225-IR-852190188RFA](#))

SECTION 7. [852 IAC 1-12-2](#) IS AMENDED TO READ AS FOLLOWS:

### [852 IAC 1-12-2](#) Fees for services

Authority: [IC 25-24-1-1](#)

Affected: [IC 25-24-1-3](#)

Sec. 2. (a) Fees charged by an optometrist for his their professional services shall compensate the optometrist only for the services actually rendered.

(b) An optometrist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:

- (1) the patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and
- (2) the division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

(c) An optometrist shall not pay or accept compensation from a practitioner for referral of a patient.

(Indiana Optometry Board; [852 IAC 1-12-2](#); filed May 11, 1987, 9:00 a.m.: 10 IR 1877; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-852070059RFA](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 26, 2019, 3:44 p.m.: [20191225-IR-852190188RFA](#))

SECTION 8. [852 IAC 1-12-5](#) IS AMENDED TO READ AS FOLLOWS:

### [852 IAC 1-12-5](#) Discontinuation of practice

Authority: [IC 25-24-1-1](#)

Affected: [IC 25-24-1-3](#)

Sec. 5. (a) An optometrist, upon ~~his~~ **their** retirement, ~~or upon~~ discontinuation of the practice of optometry, or ~~upon~~ leaving or moving from a community, shall notify all of ~~his~~ **their** active patients in writing, **by electronic media**, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that ~~he intends~~ **they intend** to discontinue ~~his~~ **their** practice of optometry in the community, and ~~shall~~ encourage ~~his~~ **their** patients to seek the services of another licensed practitioner. The optometrist discontinuing ~~his~~ **their** practice shall make reasonable arrangements with ~~his~~ **their** active patients for the transfer of ~~his~~ **the patients'** records, or copies thereof, **of the records**, to the succeeding practitioner or an optometric association approved by the board.

(b) Nothing provided in this section shall preclude, prohibit, or prevent an optometrist from selling, conveying, or transferring for valuable consideration the optometrist's patient records to another licensed practitioner who is assuming ~~his~~ **the optometrist's** practice, provided that written notice is given to patients as provided in this section.

*(Indiana Optometry Board; [852 IAC 1-12-5](#); filed May 11, 1987, 9:00 a.m.: 10 IR 1877; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-852070059RFA](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 26, 2019, 3:44 p.m.: [20191225-IR-852190188RFA](#))*

SECTION 9. [852 IAC 1-12-6](#) IS AMENDED TO READ AS FOLLOWS:

### **[852 IAC 1-12-6 Advertising](#)**

Authority: [IC 25-24-1-1](#)

Affected: [IC 25-24-1-3](#)

Sec. 6. (a) An optometrist shall not, on behalf of ~~himself~~ **the optometrist**, a partner, **an** associate, a shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the optometrist, use, or participate in the use of, any form of public communication containing a false, fraudulent, materially misleading, **or** deceptive statement or claim.

(b) In order to facilitate the process of informed selection of an optometrist by the public, an optometrist may advertise services through the public media including, but not limited to, **the following**:

- (1) A telephone directory.
- (2) **An** optometrists' directory.
- (3) **A** newspaper or other periodical.
- (4) Radio or television. ~~or through~~
- (5) A written communication not involving personal contact.

(c) If the advertisement is communicated to the public by radio, cable, or television, it ~~shall~~ **must** be prerecorded, approved for broadcast by the optometrist, and a recording and transcript of the actual transmission ~~shall~~ **must** be retained by the optometrist for a period of three (3) years from the last date of broadcast.

(d) If the optometrist advertises a fee for:

- (1) ophthalmic material;
- (2) service;
- (3) treatment;
- (4) consultation;
- (5) examination; or
- (6) **any** other procedure;

the optometrist must provide that ophthalmic material, service, or procedure for ~~no~~ **not** more than the fee advertised.

(e) Unless otherwise conspicuously specified in the advertisement, an optometrist who publishes or communicates fee information in a publication that is published more than one (1) time per month ~~shall be~~ **is**

bound by any representation made ~~therein~~ **in the publication** for a period of thirty (30) days after the publication date. An optometrist who publishes or communicates fee information in a publication that is published once a month or less frequently ~~shall be~~ **is** bound by any representation made ~~therein~~ **in the publication** until the publication of the succeeding issue, unless a shorter time is conspicuously specified in the advertisement. An optometrist who publishes or communicates fee information in a publication ~~which~~ **that** has no fixed date for publication for a succeeding issue ~~shall be~~ **is** bound by any representation made ~~therein~~ **in the publication** for one (1) year, unless a shorter period of time is conspicuously specified in the advertisement.

(f) Unless otherwise specified in the advertisement, an optometrist who broadcasts fee information by radio, cable, or television ~~shall be~~ **is** bound by any representation made ~~therein~~ **in the advertisement** for a period of ninety (90) days after ~~such~~ **the** broadcast.

(g) An optometrist who places an advertisement using a corporation name or trade name is required to identify the location or locations at which the optometric service will be provided. The name of the optometrist who will provide the optometric services must be identified at that location.

*(Indiana Optometry Board; [852 IAC 1-12-6](#); filed May 11, 1987, 9:00 a.m.: 10 IR 1878; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-852070059RFA](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 26, 2019, 3:44 p.m.: [20191225-IR-852190188RFA](#))*

SECTION 10. [852 IAC 1-14-1](#) IS AMENDED TO READ AS FOLLOWS:

### **[852 IAC 1-14-1](#) Reinstatement**

**Authority:** [IC 25-24-1-1](#)

**Affected:** [IC 25-24-1-3](#)

Sec. 1. No person whose license to practice optometry in Indiana has been suspended ~~shall be~~ **is** eligible for reinstatement unless that person establishes by clear and convincing evidence before the board that:

- (1) the person desires in good faith to obtain restoration of ~~such~~ **the** license;
- (2) the term of suspension prescribed in the order of suspension has elapsed or seven (7) years have elapsed since the revocation;
- (3) the person has not engaged in the practice of optometry or has attempted to do so from the date discipline was imposed;
- (4) the person has complied fully with the terms, if any, of the order for suspension or revocation;
- (5) the person's attitude with regard to the misconduct, violation of law or rule, or incompetent practice for which the person was disciplined is one of genuine remorse;
- (6) the person has a proper understanding of an attitude toward the standards that are imposed by statute or rule upon ~~persons~~ **a person** holding ~~such~~ **a** license as had been suspended and the person can be reasonably expected to conduct ~~himself~~ **themselves** in conformity with ~~such~~ **those** standards;
- (7) the person can be safely recommended to the public and applicable profession as a person fit to be reinstated, and is able to practice ~~his profession~~ **optometry** with reasonable skill and safety to patients;
- (8) the disability has been removed, corrected, or otherwise brought under control if the suspension or revocation was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs; **and**
- (9) the person has successfully taken and completed ~~such~~ **the** written examinations and tests as ~~may be~~ required by the board, and ~~has~~ completed ~~such~~ **the** professional training or education under a preceptorship as ~~may be~~ required.

*(Indiana Optometry Board; [852 IAC 1-14-1](#); filed May 11, 1987, 9:00 a.m.: 10 IR 1879; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-852070059RFA](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 26, 2019, 3:44 p.m.: [20191225-IR-852190188RFA](#))*

SECTION 11. [852 IAC 1-15-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[852 IAC 1-15-2](#) Notification to board of practice location**

**Authority:** [IC 25-24-1-1](#)

Sec. 2. (a) A practitioner has a duty and responsibility to notify the board within thirty (30) days of the establishment or discontinuation of an office for the practice of optometry. An office will be considered any location where the practitioner regularly provides optometric services or any location where ~~his~~ **the optometrist's** name is presented to the public as practicing optometry.

(b) A practitioner may practice optometry in a hospital, health maintenance organization, licensed health care facility, public health clinic, clinic affiliated with a school of optometry, or as a consultant to industry or educational facilities without the display of a professional sign, provided the practitioner has notified the board within thirty (30) days of initiating ~~such~~ services.

(c) A practitioner may provide optometric services outside ~~his~~ **their** office or other location reported to the board whenever the best interests of ~~the a~~ patient require services which cannot be delivered at a previously designated location. When services are regularly delivered at the same location, it must be reported to the board as a practice location.

*(Indiana Optometry Board; [852 IAC 1-15-2](#); 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](#); readopted filed Nov 25, 2013, 9:21 a.m.: [20131225-IR-852130281RFA](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 12. [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 renewal of an optometry license.

(b) ~~Effective for the license period ending April 1, 2014, and every license period thereafter, Optometrists are required~~ **may receive** 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.

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

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

(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.

(h) If a licensee **an optometrist** is licensed in Indiana and any other state with a mandatory continuing education requirement, the 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.

(i) ~~Any~~ Continuing education hours that are counted ~~towards~~ **toward** the renewal of a licensee's legend drug certificate issued under [IC 25-24-3](#) may not be counted ~~towards~~ **toward** the renewal of ~~the licensee's an~~ 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 an~~ optometry license.

**(j) Continuing education credit for interoffice, hospital, or surgery center observation of another practitioner in the provision of optometric or ophthalmological procedures, as approved under section 4(c) of this rule, is limited to eight (8) hours per license renewal period. The practitioner receiving the educational experience shall keep a log of experiences and attest to hours and experiences upon request by the board.**

*(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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 13. [852 IAC 1-16-1.1](#) IS AMENDED 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~~ **are** 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 **an** even-numbered ~~years~~ **year** and March 31 of the following odd-numbered year ~~shall be~~ **is** required to obtain ten (10) hours of continuing education for the initial renewal of the certificate. An optometrist initially certified between April 1 of **an** odd-numbered ~~years~~ **year** and March 31 of the following even-numbered year ~~shall~~ **is** 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~~ **toward** the renewal of a licensee's **an** optometry license issued under [IC 25-24-1-3](#) may not be counted ~~towards~~ **toward** the renewal of ~~the licensee's an~~ optometric legend drug certificate.

*(Indiana Optometry Board; [852 IAC 1-16-1.1](#); filed Aug 30, 2012, 2:03 p.m.: [20120926-IR-852120164FRA](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 14. [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 **An optometrist** 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 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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 15. [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 must file an application provided by the agency not later than thirty (30) days after the beginning date of the program. The application must contain the following information:

- (1) The name of the speaker.
- (2) The academic and professional background of the speaker.
- (3) A thorough description of the content of the program **and a copy of the presentation or printed materials.**
- (4) The date and location of the program.
- (5) The number of clock hours of **and whether it is optometric or optometric legend drug** 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 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.
- (5) The date of the program.
- (6) The location of the program.
- (7) The number of clock hours and type of continuing education hours requested.

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

**(d) The board may audit a sponsor's records or program to ensure compliance, quality, and the type of continuing education provided.**

*(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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 16. [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 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 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 presentation.

**(c) Continuing education credit for interoffice, hospital, or surgery center observation of another practitioner in the provision of optometric or ophthalmological procedures may also be granted, subject to board approval. Submissions for continuing education credit must be submitted within thirty (30) days after the event and contain a sponsor-provided extensive outline and timeline of patients observed or participatory procedures.**

*(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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

SECTION 17. [852 IAC 1-16-4.1](#) IS AMENDED 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 **not** 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 **or therapeutic** 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) Injection skills (IS).**
- (10) Laser procedures (LP).**
- (11) Surgery procedures (SP).**
- ~~(9)~~ **(12) 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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))

SECTION 18. [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~~ **includes** 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 **the passing of** a written examination or postevaluation, **with the passing score determined by the continuing education provider.**

(c) Self-study continuing education for an optometry license and optometric legend drug certificate renewal ~~shall be is~~ limited to a total of ~~eight (8)~~ **fifteen (15)** hours biennially.

(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](#); readopted filed Nov 29, 2018, 10:35 a.m.:

SECTION 19. [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 board and provided by the agency.

(2) The fee required by [852 IAC 1-10-1](#).

(3) Official transcripts, certified by the **optometry** school **attended**, recording courses, grades, certificates, and **degrees a Doctor of Optometry degree** earned in an optometry school **or college** 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 that ~~shall include~~ **includes** 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.

(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 **the** 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](#); readopted filed Nov 29, 2018, 10:35 a.m.: [20181226-IR-852180403RFA](#))*

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