TITLE 852 INDIANA OPTOMETRY BOARD

NOTE: Originally adopted by the Indiana State Board of Registration and Examination in Optometry. Name changed by P.L.169-1985, SECTION 79, effective July 1, 1985.

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Educational Requirements (Repealed)

(Repealed by Indiana Optometry Board; filed Jul 29, 1980, 9:35 am: 3 IR 1509)

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

852 IAC 1-1.1-1 Requirements for taking examination (Repealed)

Sec. 1. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

852 IAC 1-1.1-2 Nonaccredited school graduates; admission to examination (Repealed)

Sec. 2. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

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)

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 be completed on a form furnished by the board and filed with the board. *(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)*

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 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 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. *(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)*

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.

(d) An application is abandoned without an action of the board, if the applicant does not complete the application within one (1) year 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 after the abandonment of an application 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)*

852 IAC 1-1.1-6 Failure to appear for examination; forfeiture of fees (Repealed)

Sec. 6. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

Rule 2. Reciprocity (Repealed)

(Repealed by Indiana Optometry Board; filed Jul 29, 1980, 9:35 am: 3 IR 1509)

Rule 2.1. Reciprocity

852 IAC 1-2.1-1 Requirements for license by reciprocity (Repealed)

Sec. 1. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

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 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)

852 IAC 1-2.1-3 Personal interview (Repealed)

Sec. 3. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

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 an examination covering Indiana law relating to the practice of optometry. 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)*

852 IAC 1-2.1-5 Failing examination; effect on license by reciprocity (Repealed)

Sec. 5. *(Repealed by Indiana Optometry Board; filed May 11, 1987, 9:00 am: 10 IR 1881)*

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)

Rule 3. Rules of Practice

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. *(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)*

Rule 4. Use of Assumed Name (Repealed)

(Repealed by Indiana Optometry Board; filed May 11, 1987, 9:00 am: 10 IR 1881)

Rule 5. Duty Concerning Prescriptions (Repealed)

(Repealed by Indiana Optometry Board; filed Dec 22, 1987, 2:35 pm: 11 IR 1606)

Rule 5.1. Duty Concerning Prescriptions in Optometric Practice

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.

(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.

(5) Verify that any optical materials 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.

(4) Release contact lens information to a patient in accordance with IC 16-39-1-1 and 16 CFR 315.

(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)

Rule 6. Professional Identification

852 IAC 1-6-1 Misleading identification as to license status

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

Sec. 1. With the exception of a not for profit corporation approved by the Board and/or optometric clinic operated in conjunction with and by an accredited optometry school approved by the Board, no optometrist shall practice in any office, location

or place of practice where any name, names or professional identification on or about the door, window, wall, directory, or any sign or listing whatsoever, or in any manner used in connection therewith, shall indicate or tend to indicate by location or otherwise or give the impression to the public that an optometrist is directly or indirectly employed by or connected with or indicates that such office, location, or place of practice is owned, operated, supervised, staffed, directed or attended by any firm, person or corporation not certified and licensed to practice optometry in the State of Indiana. *(Indiana Optometry Board; Rule 4; filed Nov 29, 1972, 3:00 pm: Rules and Regs. 1973, p. 686; 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)*

Rule 7. Continuing Education for Renewal of License

852 IAC 1-7-1 Establishment of number of hours required (Repealed)

Sec. 1. *(Repealed by Indiana Optometry Board; filed Jul 13, 1982, 9:38 am: 5 IR 1848)*

852 IAC 1-7-1.1 Number of hours required (Repealed)

Sec. 1.1. *(Repealed by Indiana Optometry Board; filed Jul 23, 1987, 9:15 am: 10 IR 2738)*

852 IAC 1-7-2 Recognition of certificate (Repealed)

Sec. 2. *(Repealed by Indiana Optometry Board; filed Jul 13, 1982, 9:38 am: 5 IR 1848)*

852 IAC 1-7-2.1 Verification of attendance by licensee on state form 2758; sponsor verification (Repealed)

Sec. 2.1. *(Repealed by Indiana Optometry Board; filed May 11, 1987, 9:00 am: 10 IR 1881)*

852 IAC 1-7-3 Exemptions (Repealed)

Sec. 3. *(Repealed by Indiana Optometry Board; filed Jul 13, 1982, 9:38 am: 5 IR 1848)*

852 IAC 1-7-3.1 Deadline for reporting credits by licensee (Repealed)

Sec. 3.1. *(Repealed by Indiana Optometry Board; filed Jul 23, 1987, 9:15 am: 10 IR 2738)*

852 IAC 1-7-4 Approval of programs (Repealed)

Sec. 4. *(Repealed by Indiana Optometry Board; filed Jul 23, 1987, 9:15 am: 10 IR 2738)*

852 IAC 1-7-5 Penalty for noncompliance (Repealed)

Sec. 5. *(Repealed by Indiana Optometry Board; filed Jul 23, 1987, 9:15 am: 10 IR 2738)*

Rule 8. Board Examination

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 title.

(b) "Agency" means the Indiana professional licensing agency.
(c) "Board" means the Indiana optometry board.
(d) "COPE" means the Council on Optometric Practitioner Education.
(e) "Examination" means the examination for licensure 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)*

852 IAC 1-8-2 Written board examination; contents (Repealed)

Sec. 2. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

852 IAC 1-8-3 Clinical board examination; contents (Repealed)

Sec. 3. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

852 IAC 1-8-4 Interview (Repealed)

Sec. 4. *(Repealed by Indiana Optometry Board; filed Sep 1, 1981, 9:15 am: 4 IR 2027)*

852 IAC 1-8-5 Written examination; passing score (Repealed)

Sec. 5. *(Repealed by Indiana Optometry Board; filed Feb 4, 1986, 2:22 pm: 9 IR 1377)*

852 IAC 1-8-5.1 Written examination; passing score (Repealed)

Sec. 5.1. *(Repealed by Indiana Optometry Board; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)*

852 IAC 1-8-6 Examination; passing score; failure for second time; fee (Repealed)

Sec. 6. *(Repealed by Indiana Optometry Board; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1221)*

852 IAC 1-8-7 Appeals (Repealed)

Sec. 7. *(Repealed by Indiana Optometry Board; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1221)*

Rule 9. Notification of Practice Location (Repealed)

(Repealed by Indiana Optometry Board; filed May 11, 1987, 9:00 am: 10 IR 1881)

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 board shall charge the following fees related to the practice of optometry:
(1) Application for licensure: $200
(2) License renewal: $100 biennially
(3) Inactive license renewal: $50 biennially

(4) University support fee: $34 biennially
(5) Verification of licensure: $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)*

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. The university support fee in section 1 of this rule shall be submitted by the 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)*

Rule 11. Competent Practice of Optometry; Standards

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 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, systemic and ocular health, medications, allergies, family history, prior eye care, systemic and ocular problems, examination results, treatments, drugs, agents, or 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)

Rule 12. Professional Conduct; Standards

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 practice of optometry shall abide by, and comply with, the following standards of professional conduct: (a) 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) 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) The 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-year period prior to retirement, discontinuation of practice of optometry, or leaving or moving from the community.

(2) An optometrist who withdraws from a case, except in emergency circumstances, shall, upon written request, make available to his patient all records, test results, histories, diagnoses, files and information relating to said patient which are in the optometrist's custody, possession or control, or copies of such documents hereinbefore described.

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

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

(g) 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 conduct to the board. Further, an optometrist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of optometry shall promptly report such conduct to the board. *(Indiana Optometry Board; 852 IAC 1-12-1; filed May 11, 1987, 9:00 am: 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)*

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 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 am: 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)*

852 IAC 1-12-3 Responsibility for employees

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

Sec. 3. An optometrist shall be responsible for the conduct of each and every person employed by the optometrist for every action or failure to act by said employee or employees in the course of said employee(s) relationship with said optometrist; provided, however, that an optometrist shall not be responsible for the action of persons he may employ whose employment by the optometrist does not relate directly to the optometrist's practice of optometry. *(Indiana Optometry Board; 852 IAC 1-12-3; filed May 11, 1987, 9:00 am: 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)*

852 IAC 1-12-4 Referral

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

Sec. 4. An optometrist may, whenever the optometrist believes it to be beneficial to the patient, send or refer a patient to a qualified specific health care provider. Prior to any such referral, however, the optometrist shall examine and/or consult with the patient to reasonably determine that a condition exists in the patient which would be within the scope of practice of the specific health care provider to whom the patient is referred. *(Indiana Optometry Board; 852 IAC 1-12-4; filed May 11, 1987, 9:00 am: 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)*

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 retirement or upon discontinuation of the practice of optometry, or upon leaving or moving from a community, shall notify all of his active patients in writing, or by publication once a week for three (3) consecutive weeks, in a newspaper of general circulation in the community, that he intends to discontinue his practice of optometry in the community, and shall encourage his patients to seek the services of another licensed practitioner. The optometrist discontinuing his practice shall make reasonable arrangements with his active patients for the transfer of his records, or copies, thereof, 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 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 am: 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)*

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, a partner, associate, 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, 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, a telephone directory, optometrists' directory, newspaper or other periodical, radio or television, or through a written communication not involving personal contact.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the optometrist, and a recording and transcript of the actual transmission shall 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 ophthalmic material, service, treatment, consultation, examination, or other procedure, the optometrist must provide that ophthalmic material, service, or procedure for no 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 bound by any representation made therein 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 bound by any representation made therein 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 has no fixed date for publication for a succeeding issue shall be bound by any representation made therein 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 bound by any representation made therein for a period of ninety (90) days after such broadcast.

(g) An optometrist who places an advertisement using a corporation name or tradename 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 am: 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)*

852 IAC 1-12-7 Failure to comply

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

Sec. 7. Failure to comply with the standards of professional conduct and competent practice of optometry specified in 852 IAC 1-11 and 852 IAC 1-12 may result in disciplinary proceedings against the offending optometrist. All optometrists licensed in Indiana shall be responsible for having knowledge of the standards of conduct and competent practice established by IC 25-24 and 852 IAC 1. *(Indiana Optometry Board; 852 IAC 1-12-7; filed May 11, 1987, 9:00 am: 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)*

Rule 13. Revocation or Suspension of License

852 IAC 1-13-1 License revocation; duties of licensees

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

Sec. 1. In any case where a practitioner's license has been revoked, said person shall do the following:

(1) Promptly notify, or cause to be notified in the manner and method specified by the board, all patients then in the care of the practitioner, or those persons responsible for the patient's care, of the revocation and of the practitioner's consequent inability to act for or on their behalf in the practitioner's professional capacity. Such notice shall advise all patients to seek the services of another practitioner in good standing of their own choice.

(2) Promptly notify, or cause to be notified, all health care facilities where such practitioner has privileges, of the revocation accompanied by a list of all patients then in the care of such practitioner.

(3) Notify in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:

(A) Indiana family and social services administration.

(B) Social Security Administration.

(C) The boards or equivalent agency of each state in which the person is licensed to practice optometry.

(D) The Association of Regulatory Boards of Optometry.

(4) Make reasonable arrangements with said practitioner's active patients for the transfer of all patient records, studies, and test results, or copies thereof, to a succeeding practitioner employed by the patient or by those responsible for the patient's care.

(5) Within thirty (30) days after the date of license revocation, the practitioner shall file an affidavit with the board showing

compliance with the provisions of the revocation order and with this rule, which time may be extended by the board. Such affidavit shall also state all other jurisdictions in which the practitioner is still licensed.

(6) Proof of compliance with this section shall be a condition precedent to filing any application for licensure.

(Indiana Optometry Board; 852 IAC 1-13-1; filed May 11, 1987, 9:00 a.m.: 10 IR 1878; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; filed Feb 10, 2003, 3:30 p.m.: 26 IR 2373; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; readopted filed Nov 22, 2016, 12:17 p.m.: 20161221-IR-852160319RFA)

852 IAC 1-13-2 License suspension; duties of licensees

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

Sec. 2. (a) In any case where a person's license has been suspended, said person shall, within thirty (30) days from the date of the order of suspension, file with the board an affidavit that confirms the following:

(1) All active patients then under the practitioner's care have been notified in the manner and method specified by the board of the practitioner's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another practitioner of good standing of their own choice.

(2) All health care facilities where such practitioner has privileges have been informed of the suspension order.

(3) Reasonable arrangements were made for the transfer of patient records, studies, and test results, or copies thereof, to a succeeding practitioner employed by the patient or those responsible for the patient's care.

(4) The following organizations and governmental agencies have been notified in writing, by first class mail, of the suspension of the practitioner's license:

(A) Indiana family and social services administration.

(B) Social Security Administration.

(C) The boards or equivalent agency of each state in which the person is licensed to practice optometry.

(D) The Association of Regulatory Boards of Optometry.

(b) Proof of compliance with this section shall be a condition precedent to reinstatement. *(Indiana Optometry Board; 852 IAC 1-13-2; filed May 11, 1987, 9:00 a.m.: 10 IR 1879; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; filed Feb 10, 2003, 3:30 p.m.: 26 IR 2374; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-852090781RFA; readopted filed Jun 16, 2010, 12:14 p.m.: 20100630-IR-852090781RFA; readopted filed Nov 22, 2016, 12:17 p.m.: 20161221-IR-852160319RFA)*

Rule 14. Reinstatement

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 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 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 holding such license as had been suspended and the person can be reasonably expected to conduct himself in conformity with such 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 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;

(9) the person has successfully taken and completed such written examinations and tests as may be required by the board, and has completed such 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 am: 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)

852 IAC 1-14-2 Petitions for reinstatement; filing fee

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

Sec. 2. (a) Any person whose license has been suspended may apply for reinstatement by filing with the board a petition stating that the requirements of 852 IAC 1-14-1 have been satisfied or complied with. Ten (10) copies of such petition shall be filed with the board together with a filing fee of four hundred dollars ($400).

(b) Upon the filing of such petition and payment of the filing fee, the board shall schedule a hearing. After the hearing, the board shall determine whether the petitioner has met the requirements set forth in the disciplinary order, and shall determine whether, as a condition to reinstatement, disciplinary or corrective measures, including, but not limited to, reexamination, additional training or postgraduate education, or a preceptorship, should be imposed. The board shall thereafter, upon satisfactory compliance with 852 IAC 1-12-1 and of any and all disciplinary and corrective measures which may be imposed, enter an order continuing the suspension or reinstating the license to the petitioner.

(c) Any person filing for reinstatement shall be responsible for the payment of any and all costs incurred by the board in conducting a hearing upon said petition for reinstatement which exceed the amount of the filing fee. Any such costs shall be paid by the petitioner within fifteen (15) days of the receipt of a statement therefor from the board. In no event will there be any refund or rebate of any part of the filing fee. *(Indiana Optometry Board; 852 IAC 1-14-2; filed May 11, 1987, 9:00 am: 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)*

Rule 15. Notification of Practice Location

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 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.

(2) A safe and 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)

852 IAC 1-15-2 Notification to board of practice location

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

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 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 office or other location reported to the board whenever the best interests of the 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 am: 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)*

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;
(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)*

Rule 16. Continuing Education for Renewal of License

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, 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 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.

(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 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 the renewal of a licensee's legend drug certificate issued under 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)*

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)*

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 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)

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.

(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 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.

(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)

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.

(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)

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)

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 renewed optometry license to a licensee who fails to comply with 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)*

852 IAC 1-16-6 Continuing education sources (Repealed)

Sec. 6. *(Repealed by Indiana Optometry Board; filed Aug 30, 2012, 2:03 p.m.: 20120926-IR-852120164FRA)*

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)

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 a total of eight (8) 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)*

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) COPE.
(4) The American Academy of 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)

Rule 17. Limited License

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 school, recording courses, grades, certificates, and degrees earned in an 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 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.
(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)

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 an examination covering Indiana law relating to the practice of optometry. A score of seventy-five (75) or above is 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)*

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 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)*

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