



Optometrist Frequently Asked Questions

Question: *As I am newly licensed Optometrist in Ohio, I have a question about the legality of patient records. I have requested records from another providers office who is refusing to send them because the patient has a balance in their office. I am not requesting the prescription to sell them glasses or contacts, but rather need the medical records to compare to what I was finding due to optic nerve edema.*

Answer: Research shows that the previous attending doctor should release the medical portion of the examination. This would be for the benefit of the patient, and the health of the patient's eyes. The prescription portion may be withheld until payment is rendered in accordance with the Ohio Administrative Code [4725-7-06, Prescription release](#).

Question: *I am writing for clarification on minors presenting for eye exams without parents present. We were under the impression that a minor may not be seen for examination, and medicated eye drops may not be instilled into a minor without parent/guardian's permission. Is there any written material or confirmation from the board that we may use to educate parents/patients?*

Answer: There is not a specific policy that the VPB has in this regard. There are probably several variables that need to be considered... 7-year-old vs. 17-year-old, new vs. established patient, dilated vs. non-dilated, patient driving or not, etc.? It would be suggested that the doctor consider a standard form that a parent/guardian can sign in advance giving the doctor permission to examine the patient. It should include what permissions are being granted: evaluation, treatment, dilation, selecting frames and lenses, contact lens fitting, ongoing contact lens care, financial (including payment of out-of-pocket expenses) for example.



Question: *Do you have information on what an Optometrist must do if he decides to retire? Notifying patients, etc.*

Answer: In accordance with the Ohio Administrative Code [4725-5-11, Keeping of Records](#), Upon retirement or termination of practice, patient records may be transferred to another optometrist for custody. A written custody agreement must be executed, signed, and retained by both parties. Patients should be notified of the transfer of records and also informed that the records can be forwarded to an optometrist of their choice. A reasonable charge may be made for copying patient records. If the optometrist chooses to retain patient records, current patients must be notified of the location of their records. An optometrist departing from a practice at a leased location may transfer records to another optometrist for custody. The optometrist may allow copies of patient prescriptions to remain at the leased location but is prohibited from releasing full patient records to any non-licensed individual unless the patient provides written authorization to the optometrist. All patient records must be maintained by the examining optometrist for seven years unless released to another optometrist for custody.

Question: *Can an optometric practice in Ohio be owned, or partially owned, by someone who is not an optometrist?*

Answer: Ohio Laws and Rules prevent an unlicensed individual, which is considered a general corporation, i.e., Walmart, Lens crafters, etc., to employ an optometrist. They can only work for them on a flat rate lease basis. A professional corporation can employ an optometrist, but it must be with another licensed professional spelled out in our law. Ohio Administrative Code(s) [4725-5-06 Splitting of fees](#), [4725-5-10 Practicing under unlicensed control](#), and Ohio Revised Code [4725.33 Offering services through authorized business entity](#).

Question: Optometrist's performing Intense Pulse Light procedures for dry eye in the state of Ohio?



Ohio Vision Professionals Board

Mike DeWine, Governor
Jon Husted, Lt. Governor

Adela Lopez-Wellman, Interim Executive Director

Answer: The Ohio Vision Professionals Board ruled in September 2016 that Optometrist may use intense pulse light procedures to treat dry eye in the state of Ohio. However, Optometrists may not use intense pulse light procedures to treat any kind of dermatological conditions.

Question: *Can an Optometrist condense their receipt of contact lens prescription forms with other forms the Optometrist has when a person signs off on services received?*

Answer: According to the Ohio Administrative Code [4725-7-06, Section \(D\), Prescription Release](#), which states a patient cannot be required to sign a waiver or disclaimer to receive their prescription in which they are legally entitled.

The Optometrist may condense the patient's receipt of contact lens prescription with other forms, as long as the Optometrist makes the patient aware the receipt is part of the condensed forms, and is not requiring the patient to sign a disclaimer or waiver to receive their prescription.

Question: *Can an Optometrist prescribe Latisse?*

Answer: Latisse, (Allergan) has received FDA approval for use to promote eyelash growth. Ohio therapeutic optometrists may treat *abnormal conditions* of the visual system, so the board has determined the use of Latisse is appropriate for the treatment of hypotrichosis. Diagnosis must be documented in the patient's chart. Prescribing of Latisse for cosmetic reasons is PROHIBITED.