

4725-1-01

**Public notice rule.**

- (A) Prior to the adoption of any rule subject to the requirements of Chapter 119. of the Revised Code, the ~~state board of optometry~~state vision professionals board, shall give public notice of its intention to consider adoption, amendment or rescission of a rule at least thirty days prior to the date set for the public hearing. Notice shall be given by advertising in register of Ohio. The notice shall include:
- (1) A statement of the board's intention to consider adoption, amendment or rescission of a rule;
  - (2) A synopsis of the proposed rule, amendment, or rescission, or a general statement of the subject matter to which the proposed rule, amendment or rescission relates; and,
  - (3) The date, time and place set for the public hearing on the proposed action.
- (B) Notice of the board's intention to consider adoption, amendment or rescission of a rule will be sent by mail or by electronic means to each holder of a certificate of licensure to practice optometry, opticianry, or ophthalmology, and stakeholders, who requests such information at no cost to the licensee prior to the date set for the public hearing.
- (C) Notice of the board's intention to consider adoption, amendment or rescission of a rule shall be given prior to the date set for the public hearing to any person or entity who requests it and who supplies the board with stamped, preaddressed envelopes.
- (D) A notice of each regular and special meeting of the ~~Ohio vision professionals board~~state vision professionals board shall be filed forthwith by the executive director to the board, stating the time, place and purpose of each special meeting of the board. All meetings, committee meetings and sub-committee meetings of the ~~Ohio vision professionals board~~state vision professionals board shall be held in compliance with section 121.22 of the Revised Code (open meetings).
- (E) Any person may obtain reasonable advance written email notification of all meetings of the board at which any specific type of public business is to be discussed or may request to be placed upon a general subscription electronic mailing list. Any person may receive information concerning the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings by:
- (1) Sending a written request to the board at its business address, email address or by fax;

- (2) Calling the board at its business office during normal business hours;
- (3) Consulting the posting on the board's website; or,
- (4) Submitting press releases to the media.

4725-3-01

**Application for licensure.**

- (A) Each person who wishes to be considered for a certificate of licensure to practice must complete a formal application for such consideration by the board.
- (B) Each completed optometrist application must be accompanied by ~~one clear passport type photograph of the applicant, and~~ a credit card payment, in the amount of the current licensure fee.
- (C) Each optometrist applicant must cause the official final transcript and any partial credits from any accredited optometry school(s) to be forwarded directly to the board from the ~~schools~~school(s) attended.
- (D) The licensing examination for optometrists shall contain these required parts:
- (1) Part I of the licensing examination shall consist of basic science, human biology, ocular and visual biology, theoretical ophthalmic, and physiological optics and psychology.
  - (2) Part II of the licensing examination shall consist of clinical science, systemic conditions, the treatment and management of ocular disease, refractive, oculomotor, sensory integrative conditions, perceptual conditions, public health, and the legal issues regarding the clinical practice of optometry.
  - (3) Part III of the licensing examination shall consist of tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.
  - (4) All optometry candidates for licensure by examination must provide verification of passing all parts of the examinations with passing scores as determined by the national board of examiners in optometry and the state vision professionals board. The board may accept the examinations given by the national board of examiners in optometry or any equivalent examinations as determined by the board.
  - (5) In addition to the requirements of this rule, all applicants for licensure as an optometrist shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.121 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as an optometrist. The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation in accordance with this rule, the applicant requesting the criminal records check shall:

- (a) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name address for the state vision professionals board; and,
  - (b) Request that the bureau of criminal identification and investigation obtain from the federal bureau of investigation any information it has pertaining to the applicant.
  - (c) If an applicant for licensure submitted to the board remains incomplete for one year, the application shall be considered void.
  - (d) The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation.
  - (e) The appropriate certificate of licensure shall be issued electronically by the board after approval.
- (E) Any person seeking licensure as an optician from the state vision professionals board after having successfully passed the required examinations, shall make application in a manner prescribed by the board for such licensure within three years of the date of the exam that was taken and passed.
- (1) Optician applications shall be:
- (a) Accompanied by the non-refundable fee in a form established by the board and as prescribed in division (B) of section 4725.48 of the Revised Code; and,
  - (b) Accompanied by such evidence, statements, or documents as specified on the application form.
- (2) An applicant for initial licensure as a dispensing optician shall;
- (a) Be at least eighteen years of age;
  - (b) Be honest and trustworthy;
  - (c) Be a graduate of a secondary school recognized by the state department of education in this state, or similar educational agency in another state or has attained an educational equivalent such as proof of having successfully passed the general educational development (GED)

examination or a GED certificate of high school equivalency diploma.

(3) Has successfully completed either of the following:

(a) A two-year college level program in optical dispensing accredited by a regional accreditation organization that is recognized or approved by the United States department of education, but is not limited to, courses of study in:

(i) Mathematics;

(ii) Science;

(iii) English;

(iv) Anatomy and physiology of the eye;

(v) Applied optics;

(vi) Ophthalmic optics;

(vii) Measurement and inspection of lenses, lens grinding and edging;

(viii) Ophthalmic lens design;

(ix) Keratometry; and

(x) Fitting and adjusting of spectacle lenses, frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(b) ~~Two years of supervised experience of at least one~~ For a spectacle dispensing optician license, one thousand hours of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology. per year in optical dispensing as a registered apprentice under the direct supervision of the licensed optician registered with the board as the direct supervisor.

(c) ~~Two years of supervised experience~~ For a spectacle-contact lens dispensing optician license, one thousand five hundred hours of

supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology. ~~as an employee and under the direct supervision of an optometrist or physician engaged in the practice of ophthalmology. Not more than one year of such experience may be continuous, supervised optical laboratory experience of not less than thirty hours per week.~~

- (d) The board may grant a spectacle dispensing or spectacle-contact lens dispensing license with consideration of years of experience from an unlicensed state, employer recommendation letter(s) and other relevant documentation based on the successful completion of either the national qualifying exam or completion of the american board of opticianry practical or the national contact lens examiners practical exam.
- (e) Under section 4725.48 of the Revised Code, the board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.
- (F) The applicant has successfully completed the state board national qualifying examination for either the spectacle dispensing license, ~~the contact lens dispensing license~~ or ~~a combination of both examinations for~~ a spectacle-contact lens dispensing license.
- (G) In addition to the requirements of this rule, all applicants for licensure as a dispensing optician shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as a dispensing optician. The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation. In accordance with this rule, the applicant requesting the criminal records check shall:
  - (1) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the state vision professionals board; and,
  - (2) Request that the bureau of criminal identification and investigation obtain from the federal bureau of investigation any information it has pertaining to the applicant.
  - (3) If an application for licensure submitted to the board remains incomplete for one year, the application shall be considered void.

(4) The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation.

(5) The appropriate license and wall certificate shall be issued electronically by the board after approval.

~~(H) Initial applications for licensure as an ocularist shall be submitted to the board in a form designated by the board.~~

~~(1) Ocularist applications shall be:~~

~~(2) Accompanied by the non-refundable fee in a form established by the board and as prescribed in division (B) of section 4725.48 of the Revised Code; and,~~

~~(3) Accompanied by such evidence, statements, or documents as specified on the application form.~~

~~(I) An applicant for initial licensure as an ocularist shall:~~

~~(1) Be at least eighteen years of age;~~

~~(2) Be honest and trustworthy;~~

~~(3) Be a graduate of a secondary school recognized by the state department of education in this state, or similar educational agency in another state or has attained an education equivalent such as proof of having successfully passed the general educational development (GED) examination or a GED certificate of high school equivalency diploma.~~

~~(J) An applicant for initial licensure as an ocularist shall have successfully completed;~~

~~(1) A five-year apprenticeship under the direct supervision of a licensed ocularist as registered with the board or under the employment and direct supervision of an optometrist or physician engaged in the practice of ocularistry;~~

~~(2) A credentialing or a certification exam offered by a board approved by a national recognized certifying body. Said application for licensure shall be made within seventy-two months from the date of the examination that the applicant successfully completed.~~

~~(K) In addition to the requirements of this rule, all applicants for licensure as an ocularist shall submit to criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior~~

~~to the issuance of a license to practice as an ocularist. The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation. In accordance with this rule, the applicant requesting the criminal records check shall:~~

~~(1) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the state vision professionals board; and,~~

~~(2) Request that the bureau of criminal identification and investigation obtain from the federal bureau of investigation any information it has pertaining to the applicant.~~

~~(L)~~(H) If an application for licensure submitted to the board remains incomplete for one year, the application shall be considered void.

~~(M)~~(I) The appropriate license and wall certificate shall be issued upon approval by the board ~~no later than sixty days after approval by the board.~~

~~(N)~~(J) For purposes of Chapters 4725-1 to 4725-20 of the Administrative Code, and except as otherwise provided, the following definitions shall apply:

(1) "Active license" means the license held by a dispensing optician ~~or ocularist~~ who has fulfilled all requirements of the board for initial licensure or for licensure renewal.

(2) "Active registration" means the registration held by an apprentice who has fulfilled all requirements of the board for initial registration or for registration renewal.

(3) "Board" means the state vision professionals board.

(4) "Spectacle apprenticeship" means ~~a minimum of two~~ one thousand hours of supervised experience under a licensed optician, optometrist, or physician engaged in the practice of ophthalmology. ~~obtained within not less than two calendar years of supervised, structured learning experience of the registered spectacle apprentice while under the direct supervision of the licensed dispensing spectacle optician or under the supervision of the licensed dispensing spectacle/contact lens optician indicated on the registration form filed with the board.~~ Registration with the board is not required when the learning experience is gained under the direct supervision ~~and employment~~ of a licensed optometrist or physician engaged in the practice of ophthalmology. All learning experiences shall include, but is not limited to:



- (a) ~~A minimum of two~~One thousand hours ~~obtained within not less than two calendar years of direct supervision by the licensed spectacle or licensed spectacle/contact lens optician registered with the board as the direct supervisor of the registered apprentice including, of supervised~~experience under a licensed optician, optometrist, or physician engaged in the practice of ophthalmology, but not limited to:
- (i) Use and function of lensometer;
  - (ii) Use and function of pupilometer;
  - (iii) Use and function of lens clock, determination of curve and warpage;
  - (iv) Determination and purpose of pupillary distance;
  - (v) Determination and purpose of lens decentration;
  - (vi) Determination and purpose of vertex distance;
  - (vii) Determination of prism;
  - (viii) Determination of frame size to patient;
  - (ix) Determination of frame measurements;
  - (x) Determination of lens measurements;
  - (xi) Adjusting frames;
  - (xii) Anatomy and physiology of the eye;
  - (xiii) Interpretation, without altering, of a spectacle prescription;
  - (xiv) Ethical and professional conduct including confidentiality of patient information;
  - (xv) Appropriate documentation of the care provided to the patient;

- (xvi) Optical terminology;
- (xvii) Principles of patient education; and,
- (xviii) Verification of finished product to the current prescription.

(b) ~~Not more than one thousand hours of the required two thousand hours of learning experience may be laboratory experience under the direct supervision of a licensed spectacle or a licensed spectacle/contact lens dispensing optician.~~

(5) "Spectacle-Contact lens apprenticeship" means either:

(a) ~~A minimum of two thousand hours obtained within not less than two calendar years of structured, supervised learning experience of the registered apprentice under the direct supervision of the licensed dispensing spectacle/contact lens optician or a licensed contact lens optician indicated on the registration form filed with the board. Registration with the board is not required when the individual is engaged in the learning experience under the direct supervision and employment of a licensed optometrist or physician engaged in the practice of ophthalmology. One thousand five hundred hours of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology. Registration with the board is not required when the individual is engaged in the learning experience under the direct supervision of a licensed optometrist or physician engaged in the practice of ophthalmology.~~ All learning experiences shall include, but are not limited to:

- (i) Anatomy and physiology of the eye;
- (ii) Interpretation, without altering, of a contact lens prescription;
- (iii) Ethical and professional conduct including confidentiality of patient information;
- (iv) Appropriate documentation of the care provided;
- (v) Use and function of the keratometer;

- (vi) Use and function of the slit lamp;
  - (vii) Principles of proper lens selection;
  - (viii) Optical terminology
  - (ix) Use and function of the radiuscope;
  - (x) Use and function of the lensometer;
  - (xi) Selection of lens material and design based on patient assessment;
  - (xii) Diagnostic fit and evaluation;
  - (xiii) Principles of patient education;
  - (xiv) Verification of finished product to the current prescription; or,
- (b) ~~The one year~~ Five hundred hours of supervised ~~structured learning~~ experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology of ~~the~~<sup>a</sup> registered apprentice who is also currently licensed as a spectacle dispensing optician, ~~and consists of a minimum of one thousand hours of not less than one calendar year of direct supervision by a licensed dispensing contact lens or licensed dispensing spectacle/contact lens optician.~~ Registration with the board is not required when the individual is engaged in the learning experience under the direct supervision ~~and employment~~ of a licensed optometrist or physician engaged in the practice of ophthalmology. All learning experiences shall include, but not limited to:
- (i) Anatomy and physiology of the eye;
  - (ii) Interpretation, but not altering, of a contact lens prescription;
  - (iii) Ethical and professional conduct including confidentiality of patient information
  - (iv) Use and function of the keratometer;

- (v) Use and function of the slit lamp;
- (vi) Optical terminology;
- (vii) Principles of proper lens selection;
- (viii) Use and function of the radiuscope;
- (ix) Use and function of the lensometer;
- (x) Selection of lens material and design based on patient assessment;
- (xi) Diagnostic fit and evaluation;
- (xii) Principles of patient education;
- (xiii) Verification of finished product to current prescription.

~~(6) "Ocularist apprenticeship" means the ten thousand hours of supervised structured learning experience of the registered ocularist apprentice consisting of not less than five calendar years of direct supervision by an ocularist who is licensed by any state; or, the equivalent work experience as determined by the board, completed in a state not requiring licensure of an ocularist. Such learning experience includes but is not limited to:~~

- ~~(a) Fitting theory;~~
- ~~(b) Materials;~~
- ~~(c) Processing and fabrication techniques;~~
- ~~(d) Iris and sclera tinting;~~
- ~~(e) Orbital anatomy and physiology;~~
- ~~(f) Infection control including blood borne pathogens;~~
- ~~(g) Ethical and professional conduct, including confidentiality of patient information;~~
- ~~(h) Appropriate documentation of the care provided.~~

~~(7)~~(6) "Apprentice optician" means any person registered with the board for the purpose of engaging in the training and education in the practice of dispensing optical aids while under the direct supervision of the licensed dispensing opticians specified on the apprentice registration forms and as indicated on the current, valid registration cards issued by the board to the registered apprentice.

~~(8) "Apprentice ocularist" means any person registered with the board for the purpose of engaging in the training and education to engage in the practice of ocularistry while under the direct supervision of the licensed ocularist specified on the apprentice registration form and as indicated on the current, valid registration card issued by the board to the registered apprentice.~~

~~(9)~~(7) "Direct supervision" means initial and ongoing direction, procedural guidance, observation and evaluation, as appropriate, by a licensed optician ~~or licensed ocularist~~ who is registered with the board as the supervisor of the apprentice; and, who is always continually available in person within the optical ~~or ocularistry~~ area when the apprentice is engaged in optical dispensing ~~or the practice of ocularistry~~. The registered licensed dispensing optician ~~or ocularist~~ shall supervise a maximum of three apprentices.

~~(10)~~(8) "Educational equivalent" means the proof of having successfully passed the general education development (GED) examinations or a GED certificate of high school equivalency diploma.

~~(11)~~(9) "Free of contagious or infectious disease" means demonstrating no clinically evident illness that would impair the ability to provide safe opticianry care ~~or ocularistry care~~.

~~(12)~~(10) "~~Lapsed~~Expired license" means the status of the license of a dispensing optician ~~or ocularist~~ who has failed to fulfill all requirements of licensure renewal.

~~(13)~~(11) "~~Lapsed~~Expired registration" means the status of the registration of an apprentice who has failed to fulfill all requirements of apprentice registration renewal or upon removal from supervision by the registered supervisor.

~~(14)~~(12) "Licensed dispensing optician" means a person holding a current, valid license issued by the board that authorizes the person to engage in optical dispensing.

~~(15)~~(13) "Licensed spectacle dispensing optician" means a licensed dispensing

optician authorized to engage in the dispensing of optical aids other than contact lenses.

~~(16) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.~~

~~(17)~~(14) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

~~(18)~~(15) "~~Licensed ophthalmologist~~" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

~~(19)~~(16) "Optical aid" has the same meaning as division (A) of section 4725.40 of the Revised Code.

~~(20)~~(17) "Optical dispensing" has the same meaning as division (B) of section 4725.40 of the Revised Code.

~~(21)~~(18) "Optical ~~or ophthalmology~~ area" means the space reserved for the optical ~~or ophthalmology~~ department or the location where care is provided. This includes the lab area, fitting area, dispensing area, reception area and waiting area. This does not include areas of a larger company or building where the optical department or shop is leased or confined to its own space.

~~(22)~~(19) "Prescription" means the written or verbal directions or instructions as specified by a physician or licensed optometrist licensed by any state for preparing an optical aid for a patient.

~~(23)~~(20) "Endorsement" has the same meaning as "reciprocity" and means the process by which a license to practice as a dispensing optician is issued to an individual who is licensed in another state in accordance with rules of the board and after the following has occurred:

- (a) Verification of licensure in good standing received directly from the state of the current licensure at the time of application; and,
- (b) Receipt of completed application and fee in the form required by the board, and the criminal records check by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code.

- (c) "Registration" means meeting all requirements of the board for the authority to practice as an apprentice optician ~~or apprentice ocularist~~ under the direct supervision of a designated, licensed dispensing optician ~~or ocularist~~.

~~(24) "Registered" means:~~

- ~~(a) Having met the requirements of the board for the authority to practice as an apprentice optician or ocularist under the direct supervision of a designated licensed optician or ocularist; or,~~
- ~~(b) The equivalent of licensure in a state that does not require licensure to engage in the practice of opticianry or ocularistry.~~

~~(25) "Registration card" means the card issued by the board which authorizes an individual to practice as an apprentice optician under the direct supervision of a designated licensed optician or ocularist.~~

4725-3-08

**Requirements for licensure by endorsement, optometrist, dispensing optician ~~or ophthalmologist~~ educated outside the United States of America.**

~~The board will recognize for licensure by endorsement any optometrist meeting the requirements of section 4725.18 of the Revised Code who has an active license in good standing issued by another state board of optometry or a province in Canada.~~

~~The applicant for licensure by endorsement must meet the qualifications as set forth in divisions (A) and (B)(1) to (B)(4) of section 4725.12 of the Revised Code. The applicant must provide proof of being in an active practice of optometry including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding the application. The board may require that the applicant pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code if the board determines that testing is necessary to determine the applicants qualifications for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this paragraph.~~

~~If the applicant has not been involved in an active practice of optometry for the past three years the board may require additional testing as deemed necessary. The minimum requirement for such non-practicing applicants to be granted licensure by endorsement would be passing scores in the clinical skills section of the examination given by the national board of examiners in optometry or any equivalent examination as determined by the board.~~

~~Applicants licensed after May 19, 1992 must have passed the testing requirements of the national board of examiners in optometry as stated in the Ohio law. Applicants licensed prior to May 19, 1992 must have passed the national board of examiners in optometry examinations or a state test equivalent to the Ohio examination at the time the applicant was licensed in that state.~~

(A) Optometrist:

(1) The board will recognize for certificate of licensure by endorsement any optometrist meeting the requirements of section 4725.18 of the Revised Code who has an active license in good standing issued by another state board of optometry or a province in Canada.

(2) The applicant for licensure by endorsement must meet the qualifications as set forth in section 4725.12 of the Revised Code. The applicant must provide proof of being in an active practice of optometry for at least three years immediately preceding the application. The board may require that the applicant pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code if the board determines that testing is necessary to determine the applicants qualifications for issuance of a certificate of licensure.



(3) If the applicant has not been involved in an active practice of optometry for the past three years the board may require additional testing as deemed necessary. The minimum requirement for such non-practicing applicants to be granted licensure by endorsement would be passing scores in the clinical skills section of the examination given by the national board of examiners in optometry or any equivalent examination as determined by the board.

(4) The board may require copies of all testing given by the state or province from the state board or province in which the applicant was initially examined to determine that the test was equivalent to the Ohio examination at the time the applicant was licensed in that state or province.

~~(A)~~(B) Optician:

(1) The board will recognize for certificate of licensure by endorsement any dispensing optician meeting the requirements of section 4725.48 and 4725.57 of the Revised Code who has an active license or registration in good standing issued by another state board or educated outside the United States of America.

(2) All applications for initial certificate of licensure as a dispensing optician in Ohio by endorsement shall be submitted to the board in a form designated by the board.

(3) Applications shall be:

(a) Accompanied by the fee in a form established by the board; and,

(b) Accompanied by such evidence, statement, or documents as specified on the application form, including but not limited to:

(i) Verification of licensure in good standing received directly from the state of the current licensure or registration at the time of application; and,

(ii) Shall submit to criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as a dispensing optician. In accordance with this rule, the applicant requesting the criminal records check shall:

(a) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name

and address for the Ohio vision professionals board; and,

(b) Cause a records check to be conducted with the federal bureau of investigation regarding applicant.

(4) The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation.

(5) Be at least eighteen years of age;

(6) Be honest and trustworthy;

(7) Be a graduate of a secondary school recognized by the state department of education in this state, or similar educational agency in another state or has attained an educational equivalent such as proof of having successfully passed the general educational development (GED) examination or a GED certificate of high school equivalency diploma.

(8) Have successfully completed either of the following:

(a) A two-year college level program in optical dispensing approved by the board that includes, but is not limited to, courses of study in:

(i) Mathematics;

(ii) Science;

(iii) English;

(iv) Anatomy and physiology of the eye;

(v) Applied optics;

(vi) Measurement and inspection of lenses;

(vii) lens grinding and edging;

(viii) Ophthalmic optics;

(ix) Ophthalmic lens design;

(x) Keratometry; and,

(xi) Fitting and adjusting of spectacle lenses, frames and contact lenses, including methods of fitting lenses and post-fitting care; or,

(b) For a spectacle dispensing optician license, one thousand hours of

supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology; or,

(c) For a spectacle-contact lens dispensing optician license, one thousand five hundred hours of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology;

(9) The applicant has successfully completed the state board national qualifying examination for either the spectacle dispensing license, or combination of both examinations for a spectacle-contact lens dispensing license;

(10) If an application for licensure by endorsement submitted to the board remains incomplete for one year, the application shall be considered void;

(11) The appropriate license and wall certificate shall be issued electronically by the board after approval.

~~The board may require copies of all testing given by the state or province from the state board or province in which the applicant was initially examined to determine that the test was equivalent to the Ohio examination at the time the applicant was licensed in that state or province.~~

~~(B) All applications for initial licensure as a dispensing optician or ocularist in Ohio by endorsement shall be submitted to the board in a form designated by the board.~~

~~(C) Applications shall be:~~

~~(1) Accompanied by the fee in a form established by the board; and,~~

~~(2) Accompanied by such evidence, statement, or documents as specified on the application form, including but not limited to:~~

~~(a) Verification of licensure in good standing received directly from the state of the current licensure or registration at the time of application; and,~~

~~(b) Shall submit to criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as a dispensing optician. In accordance with this rule, the applicant requesting the criminal records check shall:~~

~~(i) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the Ohio vision professionals board; and,~~

- ~~(ii) Cause a records check to be conducted with the federal bureau of investigation regarding applicant.~~
- ~~(3) The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation.~~
- ~~(D) An applicant for initial licensure by endorsement as a dispensing optician shall:~~
  - ~~(1) Be at least eighteen years of age;~~
  - ~~(2) Be of good moral character;~~
  - ~~(3) Be a graduate of a secondary school recognized by the state department of education in this state, or similar educational agency in another state or has attained an educational equivalent such as proof of having successfully passed the general educational development (GED) examination or a GED certificate of high school equivalency diploma.~~
  - ~~(4) Have successfully completed either of the following:~~
    - ~~(a) A two-year college level program in optical dispensing approved by the board that includes, but is not limited to, courses of study in:
      - ~~(i) Mathematics;~~
      - ~~(ii) Science;~~
      - ~~(iii) English;~~
      - ~~(iv) Anatomy and physiology of the eye;~~
      - ~~(v) Applied optics;~~
      - ~~(vi) Measurement and inspection of lenses, lens grinding and edging;~~
      - ~~(vii) Ophthalmic optics;~~
      - ~~(viii) Ophthalmic lens design;~~
      - ~~(ix) Keratometry; and,~~
      - ~~(x) Fitting and adjusting of spectacle lenses, frames and contact lenses, including methods of fitting lenses and post-fitting care; or,~~~~
    - ~~(b) Two years of supervised experience of at least one thousand hours per year in optical dispensing as a registered apprentice under the direct~~

- ~~supervision of a licensed optician; or,~~
- ~~(c) Two years of supervised experience as an employee and under the direct supervision of an optometrist or physician engaged in the practice of ophthalmology.~~
- ~~(d) Not more than one year of such experience may be continuous, supervised optical laboratory experience of not less than thirty hours per week.~~
- ~~(5) The applicant has successfully completed the state board national qualifying examination for either the spectacle dispensing license, the contact lens dispensing license or combination of both examinations for a spectacle-contact lens dispensing license.~~
- ~~(E) If an application for licensure by endorsement submitted to the board remains incomplete for one year, the application shall be considered void.~~
- ~~(F) The appropriate license and wall certificate shall be issued by the board no later than sixty days after approval by the board.~~
- ~~(G) All applications for licensure as an optician or ocularist, educated outside the United States of America, shall be submitted to the board on the appropriate application as designated by the board.~~
- ~~(H) Applications shall be:~~
  - ~~(1) Accompanied by a non-refundable fee in a form established by the board and as prescribed in division (B) of section 4725.48 of the Revised Code; and,~~
  - ~~(2) Accompanied by such evidence, statements or documents as specified on the application form including but not limited to:~~
    - ~~(a) An official transcript in English from the education program submitted to the board directly by the program administrator or designee that includes information sufficient for the board to determine whether the program has educational content and requirements that are substantially similar to those set forth in rule 4725-3-01 of the Administrative Code; or,~~
    - ~~(b) Evidence satisfactory to the board of completion of an apprentice program that meets the requirements of section 4725.48 of the Revised Code.~~
    - ~~(c) Evidence satisfactory to the board that the applicant has successfully completed the appropriate state board national qualifying examination for the license sought.~~
- ~~(I) An applicant for licensure as a dispensing optician or ocularist, educated outside the~~

~~United States of America shall:~~

~~(1) Be at least eighteen years of age;~~

~~(2) Be of good moral character;~~

~~(3) Be a graduate of a secondary school substantially similar to a high school equivalency diploma.~~

~~(4) For a license as a dispensing optician, have completed the requirements as established in rule 4725-3-01 of the Administrative Code.~~

~~(5) For a license as an ocularist, have completed the requirements as established in rule 4725-3-01 of the Administrative Code.~~

~~(J) In addition to the requirements of this rule, all optician and ocularist applicants for licensure under this section, shall submit to criminal records checks completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code.~~

~~(K) If an application for licensure, under this section, by an optician or ocularist that is submitted to the board remains incomplete for one year, the application shall be considered void.~~

~~(L) The appropriate license and wall certificate shall be issued by the board no later than sixty days after approval by the board~~

4725-3-09

**Issuance of certificates, renewal procedures, records.**

- (A) The board shall prepare and provide to each new licensee an electronic certificate of licensure to practice optometry in the state of Ohio.
- (B) ~~Each year, after~~ After initial licensure, the licensed optometrist will receive ~~an electronic renewal card~~ a certificate of licensure sent electronically, in the manner prescribed by the board, bearing the name of the licensee, and the license number number(s) and the date of expiration.
- (C) Any ~~electronic~~ certificate ~~or electronic renewal card~~ of licensure issued by the board shall remain the property of the board and shall be surrendered to the board on demand.
- (D) The licensee shall not make any alteration on any type of certificate ~~or a renewal card~~ issued by the board nor shall permit any alterations to be made.
- (E) The terms defined in paragraphs (E)(1) to (E)(9) of this rule apply to opticians, ~~ocularists~~, and apprentices.
- (1) "Active license" means the status of the license held by an optician ~~or an ocularist~~ who has fulfilled all requirements of the board for initial licensure or for licensure renewal.
- (2) "Active registration" means the status of the apprentice registration held by an apprentice optician ~~or apprentice ocularist~~ who has fulfilled all requirements of the board for initial apprentice registration or for apprentice registration renewal.
- (3) "Extension" means the time beyond the ~~ninety~~thirty-day grace period granted by the board to allow a licensee an additional specified time to meet the continuing education requirements for licensure renewal without being required to re-take the national qualifying exam. All requests to the board for an extension must be submitted in writing to the board on or before December thirty-first. Extensions will be granted by the board on a case-by-case basis. Individuals may not engage in the practice of optical dispensing ~~or ocularistry~~ until all requirements for renewal have been met and a current, valid license is on display at the place of optical dispensing or ocularistry.
- ~~(4) "Grace period" means the period of ninety days from the expiration of a license in which the licensee may submit a renewal application, proof of meeting the continuing education requirements for renewal, and the lapsed fee without being required to re-take the national qualifying exam. Individuals may not~~

~~engage in the practice of optical dispensing or ocularisty, until all requirements for renewal have been met and the current, valid license is on display at the place of optical dispensing or ocularisty.~~

- (5)(4) "~~Lapsed~~Expired license" means the status of the license of a dispensing optician ~~or ocularist~~ who has failed to fulfill all requirements of licensure renewal.
- (6)(5) "~~Lapsed~~ Expired registration" means the status of the apprentice registration of an apprentice optician ~~or apprentice ocularist~~ who failed to fulfill all requirements of registration renewal.
- (7)(6) "~~Lapsed~~Late fee" or "penalty fee" means the fee required to restore a license that was not renewed prior to the expiration of the license.
- (8)(7) "~~Reporting~~CE audit period" means the first of January through the thirty-first of December.
- (9)(8) "Waiver" means the suspension granted by the board of the requirements for continuing education and/or ~~lapsed~~ late fees for the renewal of a license in accordance with rules of this chapter.
- (F) Each licensed optician ~~and each licensed ocularist~~ who has received a license to practice optical dispensing ~~or ocularisty~~ shall renew his/her respective license on a an annual biennial basis and pay a non-refundable fee in the amount and in the manner prescribed by the board, ~~on or before December thirty first of each year. Such renewal shall be made in a manner prescribed by the board. Each person who receives a license from the board shall renew that license prior to the first day of January following the date of issuance and shall renew the license prior to the first day of each January thereafter.~~
- (G) At least thirty days prior to the expiration of a license, the board shall send electronic notification of renewal to every licensee to whom a license was issued or renewed during the current period. Failure to receive the board's notification of renewal shall not excuse the licensee from the renewal requirements.
- (H) Each licensee shall complete the license renewal application and supply all information necessary to process the application. Upon receipt and acceptance of the renewal fee, renewal application, and the required proof of continuing education as outlined in this chapter, ~~the board shall provide a current, valid electronic license to the licensee no later than thirty days after acceptance.~~
- (I) Each spectacle licensed optician shall complete two hours of study in prepackaged



soft contact lens dispensing as described in section 4725.411 of the Revised Code for the first renewal. Spectacle; contact lens; ~~contact lens and ophthalmologist~~ licensees applying for their first initial renewal shall be exempt from reporting continuing education credit.

(J) Any incomplete renewal may not be processed. Renewal applications not received by the board, on or before December thirty-first of the renewal year, shall be placed on ~~lapsed~~expired status.

(K) Failure to meet all requirements for renewal of a license prior to January first results in the forfeiture of the licensee's right to practice optical dispensing ~~or ophthalmology~~ in the state of Ohio until all requirements for renewal are met and the current, valid license is on display at the place of optical dispensing ~~or ophthalmology~~. All requirements for licensure renewal must be completed within ~~ninety~~thirty days of the date of expiration ~~or the individual licensee will be required to take and successfully complete the national qualifying exam and reapply for licensure in accordance with division (B) of section 4725.51 of the Revised Code.~~

(L) Continuing education requirements for renewal of a current, valid license, except for those licensees applying for their first initial renewal, are as follows:

(1) Each licensed spectacle dispensing optician shall have completed during the biennial licensing period, ~~four~~eight hours of board-approved spectacle continuing education credit ~~between January first and December thirty-first of the year of the expiration date,~~ of which only ~~one~~two management hour may be used. Each spectacle licensed optician shall complete ~~two~~four hours of study in contact lens dispensing as described in section 4725.411 of the Revised Code.

~~(2) Each licensed contact lens dispensing optician shall have completed eight hours of board-approved contact lens continuing education credit between January first and December thirty-first of the year of the expiration date, of which only two management hours may be used.~~

~~(3)~~(2) Each licensed spectacle-contact lens dispensing optician shall have completed during the biennial licensing period ~~four~~eight spectacle hours of board-approved continuing credit ~~between January first and December thirty-first of the year of the expiration date,~~ ~~one~~two of which may be in a management hours, and sixteen ~~eight~~ contact lens hours, four ~~two~~ of which may be management hours, ~~obtained during the last preceding year.~~

~~(4) Each licensed ophthalmologist shall have completed four hours of board-approved continuing education credit between January first and December thirty-first of~~

~~the year of the expiration date. One hour of board-approved continuing education shall be on communicable diseases as they apply to the handling of ocular prostheses. Only one hour per year may be management credit. All other credit hours must pertain to the fitting and fabrication of ocular prostheses.~~

- ~~(5)(3)~~ Each optician ~~or ophthalmologist~~ who receives a license from the ~~state vision professionals~~ board shall renew that license ~~prior to the first day of January following the date of issuance and shall renew the license prior to the first day of each January thereafter.~~
- (M) Each registered apprentice optician who has received a registration card sent electronically ~~an electronic registration~~ to engage in the practice of opticianry ~~or ophthalmology~~ as an apprentice optician ~~or apprentice ophthalmologist~~ shall renew his/her respective apprenticeship on or before June thirtieth of each year and pay a non-refundable fee in a manner prescribed by the board.
- (N) At least thirty days prior to the expiration of the apprenticeship, the board shall send electronic notification of renewal to every registered apprentice to whom a registration was issued or renewed during the current period. Failure to receive the board's notification of renewal shall not excuse the apprentice from the renewal requirements.
- (O) Each registered apprentice shall complete the apprentice registration renewal application and supply all information necessary to process the application and the renewal processing fee. Upon receipt and acceptance of the renewal processing fee and the completed renewal application, the board shall provide a current electronic registration notice to the apprentice no later than thirty days after acceptance.
- (P) Failure to renew an apprentice registration results in the forfeiture of the apprentice's right to engage in the apprenticeship training process as an apprentice optician ~~or apprentice ophthalmologist~~ until all requirements for renewal are met and the current, valid registration card is on display at the place of the practice of optical dispensing ~~or ophthalmology~~ as an apprentice.
- (Q) The board shall maintain a record of all optician, ~~ophthalmologist~~, and apprentice applicants for, and holders of, licenses and registrations issued by the board under sections 4725.40 to 4725.99 of the Revised Code. The record shall be maintained in such format as determined by the board.
- (R) A change in name of an optician ~~or ophthalmologist~~ shall be submitted to the board in writing via email within thirty days of the change and shall be accompanied by a notarized form and any other records as required by the board, and the current

license or registration card.

- (S) A change of address and/or electronic mail address for an optician, ~~ocularist~~, and apprentice shall be submitted to the board within thirty days of the change. Notice of renewal will be sent to the last electronic mail address of record maintained at the board. Failure of the licensed optician, ~~licensed-ocularist~~ or registered apprentice to receive a renewal notice from the board does not excuse the license holder or the registered apprentice from renewing in a timely manner.
- (T) All fee payments shall be made in the form specified by the board. Fees are non-refundable.
- (U) Documents issued by the board as evidence of licensure or registrations may be photocopied by the individual to whom the document was issued.

4725-3-12

**Licensure for military members and spouses.**

- (A) A military member or whose spouse is ordered to active military duty in this state is eligible for a military license to practice as a licensed optometrist, optician ~~or an ophthalmologist~~ in accordance with Chapter 4725. of the Revised Code.
- (B) An application for a military license shall meet the requirements set forth in section 4743.041 of the Revised Code and include the following:
- (1) Proof that the applicant is an active duty service member of the uniformed services of the United States or is the spouse;
  - (2) Proof that the applicant holds a valid, unrestricted license to practice in the professions issued by another jurisdiction of the United States;
  - (3) Proof that the applicant or spouse is on military duty in Ohio; and
  - (4) The initial application fee will not be charged to an applicant who qualifies under this rule.
  - (5) Proof the applicant complied with Chapter 4776. of the Revised Code and has obtained a criminal records check, as prescribed by the board.
- (C) A military license shall not be valid for a period longer than six years, and is subject to renewal with proof of continued eligibility during the renewal cycle.
- (D) An individual who is ordered into active military duty in Ohio is eligible for a military license.
- (E) Definitions related to military service and veteran status:
- (1) "Military duty" has the same meaning as in section 4743.041 of the Revised Code.
  - (2) "Member" means any person who is serving in the military.
  - (3) "Veteran" means any person who has completed service in the military and who has been discharged under honorable conditions, or who has been transferred to the reserve with evidence of satisfactory service.
  - (4) "Active guard and reserve" has the meaning defined in 10 U.S.C. 101.

- (5) "Uniformed services" has the meaning defined in 10 U.S.C. 101.
- (F) The board shall, within twenty-four business hours after receiving the report under division (A) of section 4776.04 of the Revised Code, notify the applicant applying for an expedited license in accordance with this rule that the board has received the results of a criminal records check.
- (G) The board shall issue an expedited license to practice as a licensed optometrist;or optician,~~or ophthalmologist~~ under this rule, provided that the applicant meets the requirements of this section, within fourteen days of having received the results of a criminal records check.
- (H) The board shall deny an applicant the license or revoke the license under this section if any of the following circumstances occur:
- (1) The applicant's license issued by another state or jurisdiction expires or is revoked, or the individual is not in good standing.
  - (2) With respect to an applicant who was eligible for a license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution or annulment of the marriage; and
  - (3) The individual is in violation of section 4725.53 of the Revised Code or rules adopted thereunder.
- (I) License renewal
- (1) Licensed optometrists, opticians, ~~and ophthalmologists~~ serving in the military shall be exempted from the ~~annual~~biennial renewal fee provided written documentation is submitted to the board office evidencing that said licensee or the licensee's spouse, is on active duty in the military. Upon receipt of said documentation and submission of the required continuing education hours, the board shall waive the ~~annual~~biennial fee and renewal shall be issued to the licensee.
  - (2) Those licensees who had been actively engaged in the military during the ~~annual~~biennial period and submitted satisfactory evidence to the board of honorable discharge or separation under honorable conditions shall be exempt from the ~~annual~~biennial renewal fee for that year.
  - (3) ~~The licensee may submit an application to the board, stating that the licensee~~

~~requires an extension of the current continuing education reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of the active duty. Upon receiving the application and proper documentation, the board shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this rule, any portion of a month served on active duty shall be considered a full month.~~ The board shall waive the requirement of continuing optometric education for any optometrist who is serving on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state or who has received an initial certificate of licensure during the nine-month period which ended on the last day of December of an even-numbered year.

(4) The board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces of the United States or reserve components thereof, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or the national guard of any other state in determining whether a licensee has fulfilled required continuing education. In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the education and experience requirements for a license as a:

(a) Dispensing spectacle or spectacle-contact lens optician.

(i) Military programs of training.

(ii) Tri-service optician school, (TOPS), a division of the naval ophthalmic support and training activity is substantially equivalent to the education requirements for licensure as a spectacle dispensing optician.

(b) Military primary specialties.

(i) Army: optical laboratory specialist (MOS-6th);

(ii) Navy: optician (HM-8463); and

(iii) Air force: optometry (4V0X1).

(c) Lengths of service.

(5) The applicants will have met the experience requirements for licensure if the applicant has completed the training program listed in paragraph (J)(4)(a) of this rule and has served for a minimum of eighteen months in one of the military specialties listed in paragraph (J)(4)(b) of this rule.

(J) Prepare a report on the number and type of licenses or registrations issued during the fiscal year under this rule. The report shall be provided to the director of veteran's services not later than thirty days after the end of the fiscal year.

4725-3-13

~~Apprentice, new and renewal fees~~ Fees.

~~Apprentice registration and apprentice renewal fees are twenty dollars each. All fees are nonrefundable.~~

(A) The state vision professionals board fees are nonrefundable.

(1) Optometrist:

(a) Three hundred fifty dollars for application for a certificate of licensure to practice optometry;

(b) Three hundred fifty dollars for renewal of a certificate to practice optometry;

(c) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;

(d) One hundred twenty-five dollars for late renewal of a certificate of licensure that has expired;

(e) Three hundred fifty dollars for reinstatement of application of certificate of licensure.

(2) Optician:

(a) One hundred ninety-five dollars for application in optical dispensing;

(b) One hundred ninety-five dollars for renewal application in optical dispensing;

(c) Seventy-five dollars for late renewal of a certificate of licensure that has expired;

(d) Five-dollar duplicate fee of certificate of licensure.

(3) Apprentice:

(a) Twenty dollars for each initial registration;

(b) No charge to renew the registration.

(B) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.



(C) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.

(D) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

4725-5-05

**Code of ethics.**

Licensed optometrists, opticians, ~~and ophthalmologists~~ and registered apprentices shall have codes of ethical practice as stated in 4725.66 of the Revised Code for all licensees and registrants.

- (A) "Unprofessional conduct" means any departure from or failure to conform to the minimal standards of acceptable and prevailing practice and shall also include, but not be limited to the provision of professional services which are detrimental to person(s) being served. The obtaining of any fee by fraud or misrepresentation or filing any claim forms without providing the service represented constitutes "dishonesty and unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.
- (B) "Dual relationship" means when more than one role occurs between the licensee and person(s) being served professionally. A dual relationship is prohibited when the relationship between the licensee and person(s) being professionally served involves a sexual or intimate relationship or other conduct that constitutes a conflict of interest.
- (C) "Patient" means a person for whom the licensee has provided health care services, whether provided by mutual consent or implied consent, or provided without consent pursuant to a court order. Once a licensee-patient relationship is established, a person remains a patient until the relationship is terminated. Patient includes any of the following:
- (1) ~~"Client" as referred to in ORC 4725.33. A person who is receiving or has received health care services from the licensee without termination of the licensee-patient relationship; or~~
  - (2) A person who is receiving or has received health care services from the licensee without termination of the licensee-patient relationship; or
  - ~~(2)~~(3) A person who meets the criteria of a key third party, as that term is defined in paragraph (D) of this rule.
- (D) "Key third party" means an individual closely involved in the patient's decision-making regarding health care services, including but not limited to, the patient's spouse or partner, parents, child, sibling, or guardian. For purposes of this chapter, an individual's status as a key third party ceases upon the termination of the licensee-patient relationship or upon termination of the individual's relationship with the patient.
- (E) "Chaperone" means a third person who, with the patient's consent, is present during a

medical examination.

(F) "Former patient" means one of the following:

- (1) A person for whom the licensee has not rendered health care services since the licensee-patient relationship was terminated; or
- (2) A person who has otherwise been admitted, discharged, or referred to another licensee for care subsequent to receipt of health care services by a licensee in an emergency setting or on an episodic basis, and such action has been recorded in the person's medical record or chart.

(G) "Sexual misconduct" means conduct that exploits the licensee-patient relationship in a sexual way, whether verbal or physical, committed without consent, by force, intimidation, coercion or manipulation and may include the expression of thoughts, feelings, or gestures that are sexual or that reasonably may be construed by a patient as sexual. Sexual abuse or misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders. Sexual misconduct includes sexual impropriety, sexual contact or sexual interaction as follows:

- (1) "Sexual impropriety" means conduct by the licensee that is seductive, sexually suggestive, disrespectful of patient privacy, or sexually demeaning to a patient, including but not limited to, the following:
  - (a) Making comments that are not clinically relevant about or to the patient, including but not limited to, making sexual comments about a patient's body or underclothing, making sexualized or sexually demeaning comments to a patient, criticizing the patient's sexual orientation, or making comments about potential sexual performance;
  - (b) Soliciting a date or romantic relationship with a patient;
  - (c) Participation by the licensee in conversation regarding the sexual problems, sexual preferences, or sexual fantasies of the licensee; and
  - (d) Requesting details of the patient's sexual history, sexual problems, sexual preferences, or sexual fantasies.

(2) "Sexual contact" includes, but is not limited to, the following:

- (a) Touching a breast or any body part that has sexual connotation for the licensee or patient, for any purpose; and
  - (b) Touching of the patient's genitals.
- (3) "Sexual interaction" means conduct between a licensee and patient, whether or not initiated by, consented to, or participated in by a patient, that is sexual or may be reasonably interpreted as sexual, including but not limited to, the following:
- (a) Sexual intercourse, genital to genital contact;
  - (b) Kissing in a romantic or sexual manner; and
  - (c) Offering to provide health care services, ~~such as~~ and or drugs, in exchange for sexual favors.
- (H) "Board" means the state vision professionals board.
- (I) "Conduct" includes, but is not limited to the following:
- (1) Behaviors, gestures, or expressions, whether verbal or physical that is committed without consent, by force, intimidation, coercion, or manipulation; or
  - (2) The creation, receipt, exchange, saving, or sending of images or communications, whether verbal or written, via a telecommunications device; or
  - (3) The exploitation of a ~~client~~ patient means to take unfair advantage of a person(s) being professionally served; or the violating of client confidentiality with a failure to protect and keep confidential any personal health information without the authorization or consent of person(s) professionally served or where prohibited by law; or
  - (4) The conflict of interest means personal, financial, or other considerations influenced or compromised professional judgment and objectivity to person(s) professionally served; or
  - (5) The informed consent means authorization by persons served, research

participants engaged, or parents and/or guardians of persons served to a proposed course of action after the communication of adequate information regarding expected outcomes and potential risks. Informed consent may be verbal unless written consent is required; or

(6) To protect the public confidence, public behavior shall reflect a high level of moral and ethical behaviors; or

(7) When making public statements, licensees shall:

(a) Provide information about professional services and products that do not contain misrepresentations or claims that are false, deceptive, or misleading;

(b) Provide accurate information about the nature and management of communicative disorders, the professions, and services rendered to persons served, supervised professionally or participants in research; and

(c) Announce services in a manner consonant with the highest professional standards.

(8) Licensees shall subscribe to these principles and the code of ethics adopted by the board and agree to abide by the rules of the board and Chapter 4725. of the Revised Code.

(9) Licensees shall report to the board any violation of the board rules or any breach of the code of ethics that a licensee becomes aware.

(10) Licensees who have knowledge that a colleague is unable to provide professional services with reasonable skill and safety shall report the information to the appropriate authority, internally if a mechanism exists and, otherwise, externally.

(11) Licensees shall notify the board in writing of a conviction; been found guilty; or entered a plea of guilty or nolo contendere to any felony or misdemeanor convictions, other than minor traffic violations, including the case number and the court, within thirty days from the date of the conviction, plea, or finding of guilt.

(12) Individuals who have been publicly sanctioned or denied a license or a

professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the board in writing of the final action or disposition and shall provide a copy of the final action, sanction or disposition within thirty days.

(J) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(1) Licensees shall maintain professional behavior.

(a) Licensees shall not engage in dishonesty, fraud, deceit, misrepresentation, or other illegal conduct that adversely reflects on the profession or the individual.

(b) Individuals shall work collaboratively, when appropriate, with members of one's own profession and/or members of other professions to deliver the highest quality of care.

(c) Licensees shall maintain a professional relationship with the board.

(i) Licensees shall conduct the practice according to Chapter 4725: of the Revised Code and ~~agency~~ 4725 of the Administrative Code.

(ii) Licensees shall cooperate with all lawful requests of the board within thirty calendar days.

(iii) The denial or revocation of licensure in another state, or from another board in this state, may result in denial or revocation of licensure by the board.

(2) Licensees shall maintain records and keep confidentiality of person(s) served, including:

(a) Maintaining adequate and timely records of professional services rendered.

(b) Providing appropriate access to records of person(s) served professionally.

(c) Not disclosing to unauthorized persons any confidential information obtained from any person(s) served, supervised professionally, or

participants in research without the written consent of person(s) served or his/her legal guardian unless required by law.

(d) Being compliant with all state and federal laws and regulations relating to records keeping, records access and patient confidentiality.

(3) Licensees shall exhibit professional behavior in the delivery of services by:

(a) Accurately representing his/her education, training, credentials and competence.

(b) Providing only services for which licensee is properly trained.

(c) Continuing professional development to enhance licensee professional competence and expertise throughout licensee's career.

(d) Providing reasonable notice and information about alternatives for obtaining care in the event that the licensee can no longer provide professional services.

(e) Accepting for treatment, persons:

(i) Who can reasonably be expected to benefit from services and continue with treatment when there is reasonable expectation of further benefit.

(ii) Following the exercise of independent professional and evidence-based judgment, regardless of referral source or prescription, and keeping paramount the best interests of patient being served.

(f) Ensuring that all equipment used in the provision of services or conduct of research is in proper working order and is properly calibrated.

(g) A guarantee of services of any sort, express or implied, oral or written, is contrary to professional ethics.

(h) Using every resource available, including referrals to other specialists as needed, to effect maximum improvement in person(s) served. Licensees shall:

- (i) Identify competent, dependable referral sources for person(s) served professionally;
  - (ii) Be compliant with all state and federal laws and regulations governing the scope of practice of optometry, opticianry ~~and ophthalmology~~ and the dispensing and selling of products; and
  - (iii) Make use of equipment, technology and instrumentation consistent with accepted professional guidelines in their areas of practice.
- (4) Licensees supervising apprentices shall prohibit anyone under licensee supervision from engaging in any practice that violates Chapter 4725- of the Revised Code ~~and or agency~~ 4725 of the Administrative Code including the code of ethics.
  - (a) Supervisors shall:
    - (i) Provide direct and indirect supervision; and
    - (ii) Maintain adequate records of direct and indirect supervision rendered.
  - (b) Licensees shall:
    - (i) Not delegate any service requiring the professional competence of a licensed optician to anyone unqualified; and
    - (ii) Ensure opticians do not represent to the public as an optometrist and apprentices do not represent to the public as an optician.
- (5) Business practices shall be compliant with regional, state and federal laws.
  - (a) Licensees shall:
    - (i) Charge fees commensurate with services rendered;
    - (ii) Not charge for services not rendered;
    - (iii) Abide by federal, state and regional laws regarding billing for



services and products rendered; and

- (iv) Not enter into relationships, which pose a conflict of interest and shall not engage in commercial or professional activities that conflict with the licensees' responsibilities to the person served.
- (b) Licensees who present or participate at meetings and/or consultants who provide instruction shall disclose to participants potential conflicts of interest.
- (c) Licensees shall be compliant with state and federal laws and regulations regarding business practices, sales practices, including safe harbor and antitrust laws.
- (d) Licensees owning stock or having financial interests in a company whose products the licensee sells, dispenses or recommends shall disclose to person(s) served the relationship and financial or consultative interest.

4725-5-06

**Splitting of fees.**

Accepting any payment except from the holder of a certificate of licensure, a not for profit corporation or foundation or a professional corporation as defined in Chapter 1785.02 of the Revised Code is prohibited.

An optometrist cannot work for an unlicensed individual or an optician except in a not for profit corporation or foundation. An optometrist working in a ~~general~~professional corporation or sole proprietorship or individual setting with an unlicensed individual cannot be paid by the hour, on a percentage basis or by splitting the examination fee paid by the patient.

The professional fee paid for services rendered, either by private pay or through a third party, must go to the optometrist. A ~~general~~professional corporation or individual owner cannot supplement the fees of the optometrist either hourly, per patient, or in any manner.

If an optometrist leases space from a ~~general~~professional corporation or an unlicensed individual, the optometrist shall do so on a flat rate basis. The board may request copies of written leases from licensees working within ~~general~~professional corporations and with individual owners. The licensee is responsible for negotiating and maintaining a proper lease relationship with unlicensed entities. The intent of this rule is to maintain the licensee's professional autonomy from the corporation or individual owner. This ensures that corporation and individual ownership objectives do not influence clinical decisions and the licensee's primary responsibilities to the patient.

For the purposes of this rule, a nonprofit corporation or foundation must be approved as so by the Ohio secretary of state and must be primarily funded by federal grants, state grants, and/or endowments.

The splitting, dividing or accepting payment of any fee with any person or entity other than expressly permitted constitutes "dishonesty and unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

4725-5-10

**Practicing under unlicensed control.**

The performance of optometric services for the public while in the employ of or while under the direct or indirect control of any person or entity of any kind other than a holder of a certificate of optometric licensure, a corporation of holders of certificates of optometric licensure, a not for profit charitable corporation or foundation, or a professional corporation as defined in Chapter 1785. of the Revised Code, of holders of certificates of licensure constitutes "dishonesty and unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

For the purposes of this rule, nonprofit charitable corporations or foundations that are primarily financed by federal grants, state grants, and/or endowments, such as "Prevent Blindness Ohio" and low vision centers, may employ licensed optometrists as long as no control is exerted over optometric procedures that are deemed necessary by licensed optometrists working at these locations.

4725-5-11

**Keeping of records.**

The release of confidential records regarding the treatment of a patient or physical condition of that patient is a matter within the control of the patient. The patient may request a copy of the records or waive the privilege of confidentiality for the records to be furnished to a third party.

The examining optometrist is responsible for providing a copy of the records upon a proper request either directly to the patient or to a designated third party. If records are to be sent to a third party the optometrist may require that the patient sign a record release or waiver form.

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 [as defined in 3701.741](#) 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.

The failure to timely release patient records upon a proper request or to notify current patients of a change of location where their records are maintained constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

All patient records must be maintained by the examining optometrist for seven years unless released to another optometrist for custody. Patient records include examinations, furnishing legend therapeutic agents and for whom optical accessories have been dispensed. Records may be maintained as paper or electronic files. If records are maintained electronically, a backup file will be maintained off site. The computer will also be keyed to record the time and date of any records transactions or alterations.

The failure to keep for a period of at least seven years a complete record of all patients examined or furnished legend therapeutic agents and of all patients for whom optical accessories have been adapted constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

4725-5-14

**Procedures for reporting clinically induced reactions.**

An optometrist shall notify the optometry board office within seventy-two hours of the occurrence of any instance of a clinically significant drug-induced side effect in a patient resulting from the optometrist administering, employing, applying, or furnishing such topical ocular or therapeutic pharmaceutical agent to or for the patient.

A report form, which will be provided by the optometry board to the reporting optometrist, shall be completed and forwarded to the ~~optometry~~[state vision professionals](#) board office within ten days of receipt to provide the required information to comply with section 4725.31 of the Revised Code. The report form will include, but is not limited to, the presenting problem, diagnosis, agent administered, benefits achieved, problems encountered, and the action taken on the part of the administering optometrist to alleviate the patient problem. This report will not include the name or any other identifying information on the patient. This report will not be filed in the reporting optometrist's file but in a separate file designated by the board to retain this information for a period of two years.

A clinically significant drug-induced side effect means an unexpected reaction by a person resulting from topical ocular or therapeutic pharmaceutical agents administered by an optometrist which occurs within twenty four hours after the drug is administered and requires either referral to a medical doctor for treatment or hospitalization of the individual.

Failure to comply with all or part of this reporting procedure constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

4725-5-15

**Notification of primary practice location, identification of license holder.**

Each optometrist who holds a current licensure certificate shall notify the board of the primary address where the optometrist is in practice and wherein the certificate of licensure is displayed.

The holder of a licensure certificate shall notify the board of any change of address of primary practice wherein the certificate is displayed. The license holder will take whatever steps are necessary to see that patients are informed of the new location of the optometrist or the location of the patient's records.

Prescriptions written for therapeutic pharmaceutical agents shall contain the optometrist's name, address of the location wherein their ~~therapeutic~~ certificate [of licensure](#) is displayed, ~~and the identification number of the therapeutic pharmaceutical agents certificate the optometrist holds.~~

The failure clearly to show to the public both the name of the holder of a certificate of licensure and the fact that the holder is an optometrist constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

Failure to place the required information on prescriptions for therapeutic pharmaceutical agents or to notify the board of address change within thirty days constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

4725-5-16

**Display of name, ~~optometric~~and office requirements, ~~standards of practice for opticians and ocularists.~~**

The name or all names of optometrists practicing at a location must be prominently displayed to the public. The minimum requirement is the licensee's name and O.D., or optometrist or doctor of optometry.

If optometrists are employed by another optometrist, the minimum requirement is to display the name of the employing optometrist responsible for the administration of examinations at each such location with the names of examining optometrists posted at the entrances to exam rooms.

The provisions outlined in the above two paragraphs are not required if an optometrist is in practice at a health maintenance organization, public health clinic, clinic affiliated with a school of optometry, a hospital, licensed health care facility, or as a consultant to industry or an educational facility. In these locations the optometrist will wear an identifying name ~~plate~~badge which contains the designation of the licensee when in direct patient contact and give the patient a prescription with the required identifying information.

An optometrist has the responsibility to establish and maintain a safe and hygienic office adequately equipped to provide full optometric services within the scope of the licensure of the practitioner. The board requires the following minimum equipment needed to provide a full scope examination which shall include, but not be limited to, tonometer, slit lamp, and instrumentation to examine the retina and to perform visual fields. All optometric examination locations shall be equipped with adequate hand washing facilities on location for use by optometrists and patients.

(A) For purposes of this section, the following definitions shall apply to opticians, ~~ocularists~~, and registered apprentices:

(1) "Licensed dispensing optician" means an optician who has met the requirements of sections 4725.47 to 4725.51 of the Revised Code and who holds a current valid license issued by the board.

~~(2) "Licensed ocularist" means an ocularist who has met the requirements of sections 4725.47 to 4725.51 of the Revised Code and who holds a current valid license issued by the board.~~

~~(3)~~(2) "Patient" means any recipient of optical ~~or ocularistry~~ care provided by a licensed dispensing optician, ~~licensed ocularist~~, apprentice optician ~~or apprentice ocularist~~.

~~(4)~~(3) "Apprentice" "registered apprentice" means a person registered with the

board to engage in a learning experience under the direct supervision of the registered supervisor.

~~(5)~~(4) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

~~(6)~~(5) "Registered supervisor" means the licensed dispensing optician ~~or ophthalmologist~~ registered with the board as the supervising licensed optician ~~or the supervising ophthalmologist~~, as appropriate, for the registered apprentice optician, ~~or the registered apprentice ophthalmologist~~

(B) A licensed dispensing optician shall provide opticianry care within the scope of practice of optical dispensing as set forth in division (B)(C) of section 4725.40 of the Revised Code and the rules of the board.

(C) A licensed dispensing optician shall maintain current knowledge of the duties, responsibilities and accountabilities for safe opticianry care.

(D) A licensed optician shall demonstrate competence and accountability in all areas of practice in which the licensed dispensing optician is engaged, which includes, but is not limited to, the following:

(1) Consistent performance of all aspects of opticianry care; and

(2) When the opticianry care to be provided is in accordance with division (H) of section 4725.40 of the Revised Code, the licensed dispensing optician has a specific current prescription from a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(E) A licensed dispensing optician shall:

Clarify and implement any appropriately authorized prescription for a patient when the licensed dispensing optician has reason to believe the prescription is:

(1) Inaccurate;

(2) Not properly authorized;

(3) Not current or valid; or



- (4) Contraindicated by other documented information.
  - (5) A licensed dispensing optician shall maintain the confidentiality of patient information.
- (F) At all times when a licensed dispensing optician ~~or ophthalmologist~~ is ~~are~~ providing care to a patient all licensees shall:
- (1) Wear an identifying badge with ~~his/her~~ first name and designation of licensee;
  - (2) Cause any apprentices under his/her supervision to wear an identifying badge with the name of the apprentice and the designation of apprentice licensee
  - (3) Appropriately document the care provided;
  - (4) Not falsify any client record or any other document prepared or utilized in the course of, or in conjunction with, opticianry ~~or ophthalmology practice~~;
  - (5) Treat each patient with courtesy, respect, and with full recognition of dignity and individuality; and
  - (6) Provide the appropriate direction, supervision and evaluation of all tasks performed by the apprentices registered under the licensee.
- (G) When opticianry practice, as set forth in section 4725.40 of the Revised Code, is supervised, only a licensed dispensing optician shall supervise the practice of other licensed dispensing opticians or registered dispensing apprentices.
- (H) A licensed dispensing optician shall not submit or cause to be submitted any false, misleading, or deceptive statement, information, or documentation to the board, to current employers, or to any future employers for positions requiring a license as a dispensing optician.
- (I) A licensed dispensing optician, when functioning in a supervisory role, shall assure that:
- (1) Each dispensing optician under the supervising licensed dispensing optician has a current, valid license and wall certificate to practice as a licensed dispensing optician, and that the license and wall certificate are displayed in a conspicuous place at the place of the practice of opticianry;

- (2) Each apprentice optician has a current valid registration that is displayed in a conspicuous place at the place of the practice of apprentice opticianry; and
- (3) Each dispensing optician and each apprentice optician under the supervising licensed dispensing optician wears an identifying badge with the licensed optician's, ~~licensed ocularist's~~ or apprentice optician's ~~or apprentice ocularist's~~ name and the designation of either licensed dispensing optician, apprentice optician, ~~licensed ocularist or apprentice ocularist~~ as appropriate.
- ~~(J) A licensed ocularist shall provide ocularistry care within the scope of practice of ocularistry as set forth in division (J) of section 4725.40 of the Revised Code and the rules of the board.~~
- ~~(K) A licensed ocularist shall maintain current knowledge of the duties, responsibilities and accountabilities for safe ocularistry care.~~
- ~~(L) A licensed ocularist shall demonstrate competence and accountability in all area of practice in which the licensed ocularist is engaged, which includes, but is not limited to, the consistent performance of all aspects of ocularistry care.~~
- ~~(M) A licensed ocularist shall:
  - (1) Clarify and implement any appropriately authorized prescription for a patient when the licensed ocularist has reason to believe the prescription is:
    - (a) Inaccurate;
    - (b) Not properly authorized;
    - (c) Not current or valid; or
    - (d) Contraindicated by other documented information.
  - (2) When clarifying a prescription, the licensed ocularist in a timely manner shall:
    - (a) Consult with the appropriate licensed practitioner; and
    - (b) Document that the licensed practitioner has been consulted and notified.~~
- ~~(N) A licensed ocularist shall maintain the confidentiality of patient information.~~
- ~~(O) When ocularistry practice, as set forth in section 4725.40 of the Revised Code, is supervised or evaluated, only a licensed ocularist shall supervise the practice of ocularistry by other licensed ocularists or registered apprentice ocularists.~~

~~(P) A licensed ocularist, when functioning in a supervising role, shall assure that adequate procedures are in place and implemented to verify that:~~

~~(1) Each ocularist under the supervising ocularist has a current, valid license and wall certificate to practice as a licensed ocularist and that the wall certificate and license are displayed in a conspicuous place at the place of the practice of ocularistry; and~~

~~(2) Each apprentice ocularist has a current valid registration that is displayed in a conspicuous place at the place of practice of the practice of apprentice ocularistry.~~

4725-5-17

**Notification of examination services to patient.**

- (A) Each optometrist who conducts an eye examination for a patient shall be responsible for providing the patient with certain information prior to and during the course of the examination to permit the patient to make informed decisions.
- (B) The usual and customary fees for an eye examination will be defined for the patient, which will include the cost of an examination for spectacles and/ or ~~for~~ contact lenses. The professional fees for a contact lens examination will include all procedures, tests and fitting requirements that are customarily required in a standard examination to obtain all information needed to produce a valid contact lens prescription.
- (C) No licensed optometrist will conduct a spectacle examination and write on the spectacle prescription "approved for contact lens" or any other similar wording.
- (D) In conducting a standard eye examination, the use of dilating agents or topical ocular pharmaceutical agents will be included in the usual and customary fee and not identified as a separate or additional cost. This in no way limits or prohibits the charge of an additional fee to a patient for extended tests or procedures which require the use of these agents and are deemed necessary as a result of the standard eye examination. The use of dilating agents or topical ocular pharmaceutical agents in conducting an eye examination will be at the professional judgment of the examining optometrist.
- (E) In advertising the price of an eye examination for contact lenses, the advertisement will include full information on the usual and customary fees normally required to provide the patient with a valid prescription and any requirements on the part of the patient. This in no way prohibits charging additional fees required for extended tests, procedures or visits found necessary as the result of the standard examination. Any additional tests or procedures performed will be included in the patient's medical records.
- (F) Failure to disclose the required information on providing professional services to the patient or in advertising eye examinations constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

4725-5-18

**Delegation by a licensed optometrist of duties to ancillary personnel.**

(A) Definitions:

- (1) "Delegation" means the transfer of authority for the performance of a selected optometric activity or task from a licensed optometrist authorized to perform the activity or task to ancillary personnel who do not have the authority to perform the activity or task independently. Delegation to ancillary personnel shall be performed under direct, general or administrative supervision of a licensed optometrist. Ancillary personnel need not be employees of the responsible licensed optometrist.
  - (2) "Direct supervision" means the responsible licensed optometrist must be on the premises both while the procedure is being performed by the ancillary personnel and to interpret the data upon completion of the task.
  - (3) "General supervision" means that the licensed optometrist assumes responsibility for the activities and tasks performed by ancillary personnel, but need not be present while they are performed. The licensed optometrist must be available for consultation and direction ~~except if involved in a personal emergency which makes them temporarily unavailable.~~
  - (4) "Administrative supervision" means supervision to an extent that the responsible licensed optometrist need not be present, but must give proper instruction on procedures and assumes responsibility for the actions of ancillary personnel. The licensed optometrist shall not be required to be available for immediate contact.
  - (5) "Ancillary personnel" means any person or persons working under the direct, general or administrative supervision of a licensed optometrist. Ancillary personnel may be delegated to perform ministerial duties, tasks and functions as assigned to them by the licensed optometrist.
- (B) Ancillary personnel may not, under any circumstances, be delegated diagnosis or treatment duties, refractions or interpretation of testing that requires optometric judgment.
- (C) Ancillary personnel may administer dilation and therapeutic drops into the eyes per the responsible licensed optometrist's instructions and may instruct patients on the proper protocol on self administration of topical ocular pharmaceutical agents. These tasks must be performed under the direct supervision of a licensed optometrist.

- (D) Ancillary personnel may perform ministerial duties, tasks and functions assigned to them by and performed under the general supervision of a licensed optometrist. This includes obtaining demographic information that allows the office to better serve the patients. Tasks and functions that may be performed shall include, but not be limited to, data gathering, preliminary testing, performing prescribed vision therapy and low vision therapy, delivery of eyeglasses, and selection of frames. Ancillary personnel shall not alter, or change in any manner, a patient's prescription without express, written instructions by the licensed optometrist.
- (E) Ancillary personnel may perform tasks and duties assigned to them under the administrative supervision of a licensed optometrist including, but not limited to, sorting and cataloguing of patient records, while maintaining confidentiality. Ancillary personnel may respond to other healthcare professionals concerning patient records.
- (F) Ancillary personnel must demonstrate skill and ability prior to being delegated to do assigned tasks. A written policy must outline what procedures can be done and by whom. The policy must also state that no ~~professional judgments or~~ interpretation of data are allowed in any situation.
- (G) Direct supervision is required when delegation of ancillary personnel occurs in a health care facility or other institutions offering health care except for routine administration of topical agents, delivery of eyeglasses, and selection of frames.
- (H) If in the performance of any delegated task the ancillary personnel becomes aware that the patient has a problem that limits the patient's ability to respond, the task will be immediately stopped. The supervising licensed optometrist will be advised of the situation before continuing.

4725-5-19

**Utilizing controlled substances for self and family members.**

- (A) Accepted and prevailing standards of care presuppose a professional relationship between a patient and a licensed optometrist when the licensed optometrist is prescribing controlled substances. By definition, a licensed optometrist may never have such a relationship with himself or herself. Thus, a licensed optometrist ~~may~~shall not self-prescribe or self-administer controlled substances.
- (B) Accepted and prevailing standards of care require that a licensed optometrist maintain detached professional judgment when utilizing controlled substances in the treatment of family members. A licensed optometrist shall utilize controlled substances when treating a family member only in an ocular emergency situation which shall be documented in the patient's record.
- (C) For purposes of this rule, "family member" means a spouse, parent, child, sibling or other individual in relation to whom a licensed optometrist's personal or emotional involvement may render that licensed optometrist unable to exercise detached professional judgment in reaching diagnostic or therapeutic decisions.
- (D) Failure to comply with all or part of this rule constitutes a violation of ~~divisions (B)(3), (B)(9) and/or (B)(13)~~ of section 4725.19 of the Revised Code.

4725-7-01

**Prescription specifications.**

A licensed optometrist ~~shall~~may include at least the following specifications in the writing of a prescription for contact lenses:

(A) Rigid contact lenses

- (1) Base curve
- (2) Peripheral curve or curves, including curvature and width
- (3) Overall diameter
- (4) Optical zone diameter
- (5) Power
- (6) Center thickness
- (7) Material
- (8) Name of patient
- (9) Date of examination
- (10) Issue date and expiration of prescription
- (11) Name, postal address and telephone number of prescriber.
- (12) In the case of a private label contact lens, name of manufacturer, trade name of private label brand and, if applicable, trade name of equivalent brand name.

(B) Soft contact lenses

- (1) Manufacturer and lens type
- (2) Power
- (3) Base curve



- (4) Overall diameter
- (5) Name of patient
- (6) Date of examination
- (7) Issue date and expiration of prescription
- (8) Name, postal address and telephone number of prescriber.
- (9) In the case of a private label contact lens, name of manufacturer, trade name of private label brand and, if applicable, trade name of equivalent brand name.

4725-7-05

**Not permitted.**

A licensed optometrist shall not permit any ancillary personnel, including licensed opticians ~~or ophthalmologists~~, to perform the following duties in the optometric practice:

- (A) Make the determination as to whether or not a patient may safely and comfortably wear contact lenses.
- (B) Use a phoropter or hand-held lenses of any type for the purpose of determining the prescription or change in the prescription necessary for any optical accessory.
- (C) Use a spectacle prescription or a prescription determined through the use of a lensometer, or its equivalent, on a pair of spectacles as a basis for designing, manufacturing or duplicating a new contact lens.
- (D) Prescribe a schedule of wearing time for a patient.
- (E) In any way attempt to exercise professional judgment or exercise professional skills which constitute the practice of optometry.

4725-7-06

**Prescription release.**

A licensed optometrist will provide the patient on completion of the examination and diagnosis a copy of the prescription for any vision correcting item, device or procedure unless there are significant medical reasons which would prohibit the immediate release. The medical conditions restricting any release of the prescription must be documented in the patient's records.

- (A) Diagnosis for determining the contact lens prescription shall be considered a review of the proposed contact lens(es) in the eye(s) of the patient after an appropriate wearing period following the initial examination. The diagnosis review may be waived at the discretion of the examining licensed optometrist. Patients who have successfully been wearing contact lenses whereby the examination does not require any major change in prescription or type of lens are ~~be~~ eligible for the issuance of the prescription at the completion of the examination.
- (B) The examining licensed optometrist may expire a contact lens prescription at the end of one year after the eye examination and completed diagnosis under normal circumstances. The prescription may be expired in less than one year based on the medical judgment of the examining licensed optometrist with respect to the ocular health of the patient. The specific medical judgment must be documented in the patient's records.
- (C) The examining licensed optometrist may expire a spectacle prescription at the end of two years after the eye examination and completed diagnosis under normal circumstances. The prescription may be expired in less than two years based on the medical judgment of the examining licensed optometrist with respect to the ocular health of the patient. The specific medical judgment must be documented in the patient's records.
- (D) The patient cannot be required to sign any disclaimer or waiver in order to obtain a copy of the prescription to which the patient is legally entitled. The payment of the professional fee for the eye examination may be required prior to the issuance of any prescription. The acceptance of insurance, including medicaid or medicare ~~cards~~ or any required copayments, co-insurance or contact lens evaluation fees is considered the payment of professional fees.

Failure to release a copy of the prescription to the patient as required constitutes a violation of section 4725.28 of the Revised Code. A licensed optometrist does not have to release an expired prescription.

4725-9-02

**Approved optometrist education programs, [optician education program definitions, and](#) approval of a college level program of opticianry.**

- (A) Approved optometry educational programs include, but are not limited to meeting the conditions in section 4725.10 of the Revised Code.
- (B) Prior to approval of a college level program of opticianry, the board will consider the following information provided by the program which includes, but is not limited to:
- (1) The mission statement of the program which is appropriate for opticianry;
  - (2) The learning objectives of the program which are competency based, clearly stated and appropriate for opticianry;
  - (3) The goals of the program which define the end results that students must achieve for graduation.
  - (4) The written policies for, but not limited to, the following:
    - (a) Grading and completion requirements;
    - (b) Maintenance of student records;
    - (c) Grievance and appeal procedures; and,
    - (d) Competency-based student clinical practice.
- (C) Applicants shall have completed an optical dispensing program at an institution accredited by [an regional](#) accreditation organization that is recognized or approved by the United States department of education.
- (D) The minimal length of the program for opticianry program shall be two academic years or equivalent and must follow an educationally sound and sequenced plan which documents:
- (1) A structured curriculum with a clearly written course syllabi which describe competencies and student learning objectives. The curriculum shall include, but is not limited to courses of study in:
    - (a) Mathematics;

- (b) Science;
  - (c) English;
  - (d) Anatomy and physiology of the eye;
  - (e) Applied optics;
  - (f) Ophthalmic optics;
  - (g) Measurement and inspection of lenses,
  - (h) Lens grinding and edging;
  - (i) Ophthalmic lens design;
  - (j) Keratometry; and,
  - (k) Fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.
- (2) The curriculum may include, but is not limited to, general education content such as:
- (a) Behavioral science;
  - (b) Computer technology;
  - (c) Business management;
  - (d) Fabrication techniques;
  - (e) Dispensing theory;
  - (f) Ophthalmic terminology;
  - (g) Prescription analysis;

- (h) Production and quality control;
  - (i) Safety and environmental health; and,
  - (j) Ethical and legal parameters of practice.
- (E) The board may require reports from an approved program of opticianry on a regular basis as determined by the board. The reports shall include, but are not limited to:
- (1) The number of students enrolled in the program;
  - (2) Graduation rates;
  - (3) Changes in curriculum or faculty;
  - (4) Other information as required by the board.
- (F) Approval of a college level program of opticianry may be withdrawn by the board for the following reasons:
- (1) The opticianry program does not continue to meet the minimum curriculum as described in this rule;
  - (2) The institution/program of opticianry requests withdrawal of approval;
  - (3) There are no students in the program for two consecutive years; or,
  - (4) For any valid reason as determined by the board.
- (G) For purposes of an approval of an accredited ~~college level~~ program of opticianry, the following definitions apply:
- (1) "Board" means the state vision professionals board.
  - (2) "Competency-based clinical practice" means a supervised practicum of learning experiences in a setting modeled after a retail/professional optical dispensary including a contact lens dispensary.
  - (3) "Structured curriculum" means a set of courses in opticianry leading to a degree

in opticianry.

4725-9-03

**Board approval of continuing education.**

Continuing education programs must meet the following requirements in order to receive board approval and credit.

(A) Optometrists:

- (1) Programs shall relate to the practice of optometry that will contribute to the advancement, extension and enhancement of professional skill, clinical and scientific knowledge of the participants and enable them to render continuously better and more comprehensive optometric service to the recipients of their care.
- (2) Speakers, lecturers and others participating in the presentation of the programs must be recognized as possessing requisite qualifications and being expert and of recognized repute in their area of instruction.
- (3) Programs shall be available to all Ohio optometrists. Limitations may be necessary based on space, time or format of presentation and must be so noted on application. Any program that is too restrictive may be denied approval.
- (4) Programs cannot be used to market the sponsor's/presenter's products or services.
- (5) The board will not approve for continuing education credit for articles written by the optometrist requesting the credit.
- (6) The board, in its discretion, may approve a sponsor's continuing education documentation for a presenter to receive continuing education credit.
- (7) The presenter's credit will be the same number of hours as the actual continuing education course. The maximum number of continuing education credits earned per ~~annual~~biennial CE year is ~~six~~twelve hours. The continuing education credit earned shall be only one time per course with no exceptions.
- (8) Practice management and/or ethics jurisprudence courses are approved for a maximum of ~~two~~four hours continuing education credit. ~~in any one compliance year.~~
- (9) Public health courses are approved for a maximum of three hours continuing education credit in any one compliance year.



- (10) Written home study or electronic media (internet, webinars) courses will receive credit when the board is provided a record showing results of tests given on the course which is graded by an accredited optometric college or institution as approved by the board. No more than ~~fifteen~~thirty hours credit will be granted in this category ~~in any one year unless the optometrist can document inability to attend live in person on site courses~~. This does not preclude a presenter from using electronic media programs in conjunction with their presentation.
- (11) One hour of credit requires at least fifty minutes of instruction.
- (12) Cardiopulmonary resuscitation refresher training is acceptable for up to three hours credit for any one continuing education period once every two years. The three hours can be utilized for pharmacology, continuing education compliance.
- (13) Grand rounds, surgery observation, and other procedure oriented methods may be approved for continuing education credit. No more than ~~eight~~sixteen hours credit will be granted in this category ~~in any one year~~.
- (14) Licensees may be granted up to no more than ~~eight~~sixteen hours credit each CE study year by providing volunteer health care services to indigent and uninsured persons at a rate of one credit hour for each sixty minutes spent providing volunteer health care services in accordance with section 4745.04 of the Revised Code. These services shall be performed without receiving any compensation or other form of remuneration. Hours will not apply towards the ~~ten~~twenty pharmacology hour requirement.
- (15) Approved educational programs include, but are not limited to, those hereinafter listed. Approval is based on past performances and continued maintenance of acceptable standards and must meet the applicable criteria set forth in rule of the Administrative Code.
  - (a) Educational courses and meetings of a nationally accredited college of optometry.
  - (b) Educational courses and meetings that are accredited by the accreditation council for continuing medical education.
  - (c) Educational courses and meetings approved by the council on optometric practitioner education (COPE).

- (d) Educational courses and meetings certified/approved by a Canadian province or state optometry board or its equivalent.
- (e) Educational course and meetings provided for licensed optometrist serving in the active guard, or reserve components of the uniformed services of the United States. Approval shall be based on receipt of a letter from the commanding officer certifying the training meets the applicable requirements in rule of the Administrative Code.
- (f) Other educational courses and meetings that are approved by the board as meeting the applicable criteria in rule of the Administrative Code, after submission of one copy of the application for optometric continuing education credit. Requests for approval of continuing education must be submitted by the sponsor and will not be considered if submitted by an individual attendee.

(B) Opticians ~~and ocularists~~:

- (1) Applications for approval of optician ~~and ocularistry~~ continuing education not currently approved by a nationally recognized agency for credentialing of continuing education such as American board of opticianry, national contact lens examiners, ~~National examining board of ocularists~~ shall be submitted on a form as designated by the board not less than ~~sixty~~thirty days prior to the date of the proposed program. The application shall include, but is not limited to:
  - (a) Sponsor name and sponsor contact information;
  - (b) Registration information;
  - (c) Speaker credentials indicating that the speaker or presenter possesses requisite qualifications and expertise in the area of instruction;
  - (d) Course start and end times;
  - (e) Summary of the types of hours requested;
  - (f) Presentation format and course outline;
  - (g) A copy of the proof of completion certificate, which includes the

following information:

- (i) Space for the printed name and signature of the licensee and license number;
  - (ii) Title and date of the program;
  - (iii) Name of the provider; and,
  - (iv) The number and type of hours earned.
- (2) All continuing education shall relate to the practice of opticianry ~~or ophthalmology~~ as applicable and in accordance with rules of this chapter.
  - (3) Continuing education related to practice management, office procedures, social legislation and any other courses not directly relating to optical dispensing ~~or ophthalmology~~ may be considered for management credit.
  - (4) Programs shall be made available to any Ohio licensed dispensing optician ~~or licensed ophthalmologist~~.
  - (5) Credit shall be awarded on the basis of an academic hour. To receive an hour credit, one must attend one full academic hour. No fractional hour shall be awarded.
  - (6) The board, in its discretion, may approve a sponsor's continuing education documentation for a presenter to receive continuing education credit.
  - (7) The presenter's credit will be the same number of hours as the actual continuing education course. The maximum number of continuing education credits earned per ~~annual~~ biennial CE year is ~~three~~ six hours. The continuing education credit earned shall be only one time per course with no exceptions.
  - (8) Any of the following may be used by a licensed optician ~~or licensed ophthalmologist~~ to satisfy the continuing education requirements set forth in section 4725.51 of the Revised Code and this chapter of the Administrative Code:
    - (a) A continuing education activity which has been approved by the board;
    - (b) A continuing education activity which has been approved by a nationally

recognized accreditation system of continuing education for opticians ~~or ophthalmologists~~, such as, but not limited to:

(i) American board of opticianry (ABO);

(ii) National contact lens examiners (NCLE);

~~(iii) National examining board of ophthalmologists (NEBO); and~~

~~(iv)~~(iii) Educational courses and meetings that are accredited by a Canadian province or state opticianry ~~or ophthalmology~~ board or its equivalent.

(9) The following activities shall not be used by a licensed optician ~~or licensed ophthalmologist~~ to satisfy the continuing education requirements of section 4725.51 of the Revised Code and this chapter:

(a) Repetition of any education activity with identical content and course objectives within a single ~~reporting~~biennial period;

(b) An agency specific orientation or in-service program;

(c) A self-directed independent study such as reading of texts or journal articles which have not been approved by the board as an independent study;

(d) Participation in clinical practice which is not part of an approved continuing education activity;

(e) A personal development activity;

(f) Professional meetings or conventions except for those portions designated as a board-approved continuing education activity;

(g) Community service or volunteer practice;

(h) Continuing education ordered by the board pursuant to disciplinary action;

(i) Membership in an opticianry ~~or ophthalmology~~ organization; or

(j) Any other as determined by the board.

(10) Continuing education program definitions for opticians ~~and ophthalmologists~~:

- (a) "Academic hour" means fifty to sixty minutes of continuing education.
- (b) "Conference" or "seminar" means a meeting of eyecare professionals for discussing matters of common concern and an exchange of views and information for the purpose of exploring a subject.
- (c) "Continuing education" means a planned learning activity that builds upon a licensee's pre-licensure education and apprenticeship which enables the license holder to acquire or improve skills, knowledge, or behavior that promotes professional and technical development and advances the licensee's career goals.
- (d) "Program" means the presentation of the approved content of individual courses of a seminar/conference.
- (e) "Proof of completion" means a legible copy of the continuing education certificate which verifies that the licensee has satisfactorily completed approved continuing education or an electronic listing from a provider with licensee name, proper format of license number, date completed, course title, type of course, number of continuing education hours, and approved organization.
- (f) "Sponsor" means the planner of the conference, seminar or program.

4725-9-04

**Exemption from compliance.**

- (A) A licensed optometrist requesting exemption from compliance with the continuing education requirement for a study compliance year because of illness or undo hardship shall include documentation required by the board with valid reasons prior to the renewal of any certificate of licensure.
- (B) The board may grant a waiver of continuing education and/or ~~lapsed~~late fees for opticians ~~and ophthalmologists~~, only for the following reasons:
- (1) Hardship;
  - (2) Illness; or
  - (3) Military service.
- (C) Each optician ~~or ophthalmologist~~ who holds a current, valid license and is actively serving in the armed forces of the United States may apply to the board on or before December thirty-first for an extension of the grace period by sending a written request for the extension along with the following:
- (1) The renewal fee specified by the board in the form designated by the board;
  - (2) A copy of the orders mobilizing the licensee to active duty; and
  - (3) Orders indicating the length of active duty.
- (D) Upon receipt and review by the board or its designee of the documents as described in paragraph (B) of this rule, the board shall extend the current reporting period for proof of continuing education by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period in accordance with division (B) of section 5903.12 of the Revised Code.
- (E) The board maintains the right to grant or refuse requests for an extension or for a waiver on a case-by-case basis.
- (F) Denial of an application for licensure or examination or any proposed action against a license shall be in accordance with Chapter 119. of the Revised Code.
- (1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the board within thirty days of the mailing of the notice of opportunity for a hearing.

- (2) If a request for an administrative hearing is not received by the board within thirty days of the mailing of the notice of opportunity for a hearing, the board upon consideration of the charges cited, may take appropriate action in the absence of the applicant or licensee.
- (G) The board may refuse to grant a license, suspend or revoke the license of any person or impose a fine or order restitution for violation of any provision of sections 4725.40 to 4725.59 of the Revised Code or any lawful order of the board.
- (H) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of sections 4725.40 to 4725.59 of the Revised Code allegedly occurs, shall take charge of and conduct the prosecution in accordance with division (B) of section 4725.54 of the Revised Code.
- (I) In addition to any other remedy provided in sections 4725.40 to 4725.59 of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of sections 4725.40 to 4725.59 of the Revised Code and in accordance with section 4725.54 of the Revised Code. On a showing that a person has violated or is about to violate sections 4725.40 to 4725.59 of the Revised Code, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties provided in sections 4725.40 to 4725.99 of the Revised Code.

4725-9-05

**Certificate of attendance; application for approval of continuing education courses.**

Certificate of attendance at continuing education courses shall be submitted by every licensed optometrist prior to renewal of any certificate of licensure or the licensee may utilize the OE tracker, or equivalent approved program and request the board staff conduct an online continuing education audit without submitting the course certificate. Certificate shall be provided by the sponsor to each licensed optometrist upon request at the completion of the course and must contain the following information at a minimum:

- (A) Name of attendee;
- (B) License number in the proper format;
- (C) Name of sponsoring organization;
- (D) Subject of educational program;
- (E) Number of clock hours in attendance;
- (F) Date of program;
- (G) Board approval number or the council on optometric continuing education (COPE) approval number;
- (H) Either the original certificate or a digital copy ~~is acceptable~~; and
- (I) Or such other evidence of attendance as the board deems appropriate and necessary or to meet technological advances for documentation purposes.

The use of the board's application for optometric continuing education credit is required when submitting courses for approval. Such forms shall be available through the board office and shall be submitted not less than thirty days prior to the date of the program.



4725-11-04

**Duties of executive director.**

The board shall designate an executive director who shall serve at the pleasure of the board and ~~may~~shall be directly responsible to the president of the board.

- (A) The executive director will conduct and care for all correspondence in the name of the board and will keep appropriate records. The executive director will keep and file a record of all applications for licensure, certificates of licensure, examinations, continuing education, administrative hearings, and actions against licensure. The executive director will annually prepare a list of the names and addresses of all persons licensed by the board, including a list of every person whose licensure has been suspended or revoked in the past year.
- (B) The executive director shall give bond in the sum of two thousand dollars as indicated in section 4725.05 of the Revised Code. The executive director will be responsible for receiving and accounting for all monies and transfer the monies to the state treasurer into the appropriate fund. Included in these responsibilities will be the preparation of the board budget for approval by the board. All reports, financial and annual, required by the revised code will be filed by the executive director as well as those others specifically directed by the board.
- (C) The executive director will have the authority to sign for actions as directed by and with the approval of the board. The executive director will perform other duties as required by the board in order to fulfill the goals and objectives of the board's responsibilities under the Revised Code.
- (D) The executive director with the approval and authority of the board, will train, evaluate, and supervise the staff and be responsible for working conditions; staff relations, public relations, and professional ethics.

4725-13-01

**Personal information systems.**

- (A) The ~~Ohio~~state vision professionals board shall appoint one employee to be directly responsible for the custody and security of each personal information system maintained by the board. Said employee shall:
- (1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and
  - (2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and
  - (3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute, ordinance, code or rule; and
  - (4) Provide a person, who is asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of the other agencies or organizations that have access to the information in the system; and
  - (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
    - (a) Inform the person of any personal information in the system of which he/she is the subject;
    - (b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;
    - (c) Inform the person of the uses made of the personal information and identify other users who have access to the system;
    - (d) Allow a person who wishes to exercise his/her rights as provided by this rule to be accompanied by one individual of his/her choice; and
    - (e) Provide, for a reasonable charge, copies of any personal information the

person is authorized to inspect.

- (6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule; and
  - (7) Take all reasonable precautions to protect personal information maintained by the [Ohio](#)state vision professionals board from unauthorized modification, destruction, use or disclosure.
- (B) The [Ohio](#)state vision professionals board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.
- (C) The [Ohio](#)state vision professionals board shall monitor its personal information system by:
- (1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and,
  - (2) Eliminating unnecessary information from the system.
- (D) The [Ohio](#)state vision professionals board shall investigate upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,
- (1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,
  - (2) Delete any information that the board cannot verify or finds to be inaccurate; and,
  - (3) Permit the disputant, if he/she is not satisfied with the determination made by the board to include within the system:

- (a) A brief statement of his/her position on the disputed information, such statement being limited to one hundred words with the board's executive secretary assisting the disputant to write a clear summary of the dispute; or
  - (b) A notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete; with the [Ohio](#)state vision professionals board maintaining a copy of the disputant's statement of the dispute.
- (E) The [Ohio](#)state vision professionals board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (F) The [Ohio](#)state vision professionals board shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.
- (G) For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:
- (1) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive;
  - (2) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code;
  - (3) "Board" means the [Ohio](#)state vision professionals board;
  - (4) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment;
  - (5) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by

rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential;

- (6) "Employee of the state board" means each employee of a state board regardless of whether he/she holds an elected or appointed office or position within the state board. "Employee of the state board" is limited to the specific employing state board;
- (7) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact;
- (8) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian;
- (9) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system;
- (10) "Person" means a natural person;
- (11) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code;
- (12) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems;
- (13) "Research" means a methodical investigation into a subject;
- (14) "Routine" means common place, regular, habitual, or ordinary;
- (15) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees and maintained by the board for internal administrative and human resource purposes;
- (16) "System" has the same meaning as defined by division (F) of section 1347.01

of the Revised Code; and

(17) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

(H) For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(1) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(I) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(J) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

(a) "Investigation" as used in the above paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(K) Appointment of a data privacy point of contact. The board director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and rules adopted pursuant to the authority provided by that chapter.

(L) Completion of a privacy impact assessment. The Board director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

(M) Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised

Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system.

(N) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure or eligibility for examination processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Monitoring of disciplinary cases and/or impairment program;
- (14) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);



- (15) Complying with an executive order or policy;
  - (16) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
  - (17) Complying with a collective bargaining agreement provision.
- (O) The following federal statutes or regulations or state statutes make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:
- (1) Social security numbers: 5 U.S.C. 552 a, unless the individual was told that the number would be disclosed;
  - (2) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code;
  - (3) Medical records: Health Insurance Portability and Accountability Act, Title II 45 CFR 160, 42 USC 1320;
  - (4) Confidential information obtained during an investigation. Division (C) of section 4725.23 of the Revised Code;
  - (5) The Family Education Right to Privacy Act (FERPA), 20 U.S.C. 1232 g; and
  - (6) Ohio Public Records Act. Section 149.43 of the Revised Code.
- (P) For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:
- (1) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure;
  - (2) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system; and

- (3) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (Q) Logging requirements regarding confidential personal information in existing computer systems.
- (1) The agency shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.
  - (2) Access to confidential information is not required to be entered into the log under the following circumstances:
    - (a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals;
    - (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals;
    - (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals; or
    - (d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
      - (i) The individual request confidential personal information about himself/herself; or
      - (ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal

information is required in order to consider or process that request.

- (3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(R) Log management. The board shall issue a policy that specifies the following:

- (1) Who shall maintain the log;
- (2) What information shall be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.
- (5) Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

4725-16-03

**Prescribing controlled substances.**

A licensed optometrist, who holds a ~~therapeutic pharmaceutical agents certificate and a~~ valid DEA license number is authorized to employ, apply, administer and prescribe controlled substances that are determined to be appropriate for use in the practice of optometry pursuant to the following:

- (A) A preparation used for the treatment of pain that contains not more than sixty mg of codeine per dosage unit and also contains other active nonnarcotic ingredients (e.g. acetaminophen or aspirin) in a recognized therapeutic amount;
- (B) A preparation used for the treatment of pain that contains not more than 7.5 mg of hydrocodone per dosage unit and also contains other active nonnarcotic ingredients (e.g. acetaminophen, aspirin, ibuprofen) in a recognized therapeutic amount;
- (C) The total quantity prescribed shall not exceed a single four-day supply of controlled substances per episode of illness, injury and/or treatment; and
- (D) The product contains or consists of a drug or dangerous drug that was an analgesic included in the practice of optometry ~~under a therapeutic pharmaceutical agents certificate~~ immediately prior to the effective date of this amendment, was not a controlled substance at that time, and subsequently becomes a schedule II, III, IV, or V controlled substance. Controlled substances may only be prescribed by a licensed optometrist if the product's FDA approved labeling contains an indication for pain.

The failure to comply with all or part of this rule constitutes a violation of ~~divisions (B)(3), (B)(9), and/or (B)(13)~~ of section 4725.19 of the Revised Code.

(A) ~~Definitions.~~ In this chapter, the following terms have the meaning indicated:

~~In this chapter, the following terms have the meaning indicated:~~

- (1) ~~"Asynchronous" means recorded data and information from health evaluations submitted for later review.~~ "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional licensed in Ohio, within the professional's scope of practice, who is located at a site other than the site where the patient is receiving the services or the site where another health care professional with whom the provider of the services is formally consulting regarding the patient is located.
- (2) ~~"Board" means the state vision professionals board.~~ "Synchronous communication technology" means audio and/or video technology that permits two-way, interactive, real-time electronic communication between the health care professional and the patient or between the health care professional and the consulting health care professional regarding the patient.
- (3) ~~"Patient" means a consumer of telehealth services.~~ "Asynchronous communication technology", also called store and forward technology, has the same meaning as asynchronous store and forward technologies as that term is defined in 42 C.F.R. 410.78 (effective January 1, 2022).
- (4) ~~"Provider" means a licensed optometrist who holds a valid therapeutic pharmaceutical certificate who provides telehealth services.~~ "Remote monitoring device" means a medical device cleared, approved, or authorized by the United States food and drug administration for the specific purpose which the health care professional is using it and which reliably transmits data electronically and automatically.
- (5) ~~"Service delivery model" means the method of providing telehealth services.~~ "Health care professional" means an optometrist licensed under Chapter 4725 of the Revised Code.
- (6) ~~"Site" means the patient location for receiving telehealth services.~~ "Consent for telehealth treatment" means a process of communication between a patient or, if applicable, the patient's legal representative and the health care professional discussing the risks and benefits of, and alternatives to, treatment through a remote evaluation that results in the agreement to treatment that is documented in the medical record or signed authorization for the patient to be treated through an evaluation conducted through appropriate technology, as

specified in this rule, when the health care professional is in a location remote from the patient.

- (7) ~~"Stored clinical data" means video clips, sound / audio files, photo images, electronic records, and written records that may be available for transmission via telehealth communications.~~ "Formal consultation" means when a health care professional seeks the professional opinion of another health care professional regarding the diagnosis or treatment recommended for the patient's medical condition presented, transfers the relevant portions of the patient's medical record to the consulting health care professional, and documents the formal consultation in the patient's medical record.
  - (8) ~~"Synchronous" means services occurring via telehealth applications using real time use of interactive audio, video or other telecommunications or electronic technology.~~ "Health care facility" means a hospital; clinic; office of a health care professional, associated group of health care professionals, or associated group of health care professionals and individuals licensed under Chapter 4731 and 4725 of the Revised Code; training institution for health care professionals; and a free clinic or other nonprofit shelter or health care facility.
  - (9) ~~"Telehealth" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.~~ "Remote Site" means the location where a health care professional provides health care services through a telehealth system.
  - (10) "Originating site" means the location where a patient receives health care services through a telehealth system.
  - (11) "Ocular Health Emergency" is a serious, unexpected and potentially dangerous situation requiring immediate action for an infection, sudden threat of vision loss, or is potentially life threatening.
- (B) ~~Service delivery models.~~ A health care professional may provide telehealth services to a patient located in a health care facility in this state. The health care professional shall comply with all of the following requirements:
- (1) ~~Telehealth may be delivered in a variety of ways, including, but not limited to, those models listed in this rule.~~ The standard of care for a telehealth visit is the same as the standard of care for an in-person visit.
  - (2) ~~Store and forward model / electronic transmission is an asynchronous electronic~~

~~transmission of stored clinical data from one location to another.~~ The health care professional shall follow all standard of care requirements which include but are not limited to the standard of care requirements in paragraph (C) of this rule.

(3) ~~Synchronous is a real time interaction between the provider and patient that may occur via encrypted audio and video transmission over telecommunication links including, but not limited to, videoconferencing.~~ The health care professional may provide the telehealth services through the use of synchronous or asynchronous communication technology provided that the standard of care for an in-person visit can be met for the patient and the patient's medical condition through the use of the technology selected. Telephone calls, as a synchronous communication technology, may only be used for telehealth services when all of the elements of a bona fide health care visit meeting the standard of care are performed. Telephone calls that are routine or simply involve communication of information do not constitute a telehealth service.

(4) That in the absence of an existing doctor-patient relationship, a health care professional shall not provide telehealth services which offer a prescription for glasses or contact lenses without including all the elements of a comprehensive eye exam; however, such doctor-patient relationship may be established by telehealth protocols.

(5) If a patient is experiencing a potential ocular health emergency, a health care professional may provide telehealth services to that patient regardless of where the patient is located.

~~(4)(6) Live versus stored data refers to the actual data transmitted during the course of telehealth services. Both live, real time and stored clinical data may be included as part of telehealth services.~~ If a health care professional determines at any time during the provision of telehealth services that a telehealth visit will not meet the standard of care for the medical condition of the patient or if additional in-person care is necessary, the health care professional shall see the patient in-person within a reasonable timeframe or make the appropriate referral to another health care professional to meet the standard of care.

(a) If the patient needs emergency care, the health care professional shall assist the patient in obtaining emergency care by doing one of the following:

(i) If the patient is experiencing an ocular health emergency, alert a health care professional located at the originating site to assist, if available;





protected health information required by the law of this state and federal law. Also, the health care professional shall ensure that any username or password information and any electronic communications between the health care professional and the patient are securely transmitted and stored;

- (4) ~~A provider shall only utilize technology with which they are competent to use as part of their telehealth services.~~If applicable, the health care professional shall forward the medical record to the patient's primary care provider, other health care provider, or to an appropriate health care provider to whom the patient is referred as provided in paragraph (B)(4) of this rule;
- (5) ~~Equipment used for telehealth services shall be maintained in appropriate operational status to provide appropriate quality of services.~~The health care professional shall maintain a copy of the patient's medical record at the remote site and the originating site and make the medical record of the visit available to the patient or if applicable, the patient's legal representative, upon request.
- (6) ~~The provider shall be responsible for assessing the patient's candidacy for telehealth, including behavioral, physical, and cognitive abilities to participate in services provided via telecommunications.~~The health care professional shall ensure that any ancillary personnel involved the provision of telehealth services and/or located at the originating site be properly supervised in accordance with the provisions of 4725-5-18.
- (7) ~~A provider shall be aware of the patient's level of comfort with the technology being used as part of the telehealth services and only accept for treatment via telecommunications patients who can reasonably be expected to benefit from a service delivery model in paragraph (B) of this rule and continue with such treatment when there is reasonable expectation of further benefit.~~The health care professional shall have access to a health care facility in the state to provide in-person care to a patient, if necessary.
- (8) ~~Providers shall be held to the same standards of practice as if the telehealth services were provided in person.~~The health care professional shall ensure and warrant that any equipment utilized during the provision of telehealth services is maintained in appropriate operational status to provide appropriate quality of services.
- (9) ~~A provider should be sensitive to cultural and linguistic variables that affect the identification, assessment, treatment, and management of the clients.~~
- (10) ~~Telehealth providers shall comply with all laws, rules, and regulations~~

~~governing the maintenance of patient records, including patient confidentiality requirements.~~

~~(11) Notification of telehealth services should be provided to the patient, the guardian, the caregiver, and the multi-disciplinary team, if appropriate.~~

~~(12) A provider shall promptly refer patients for in office care, when necessary.~~

(D) ~~Limitations of telehealth services include, but not limited to the following:~~A health care professional shall comply with all of the following clinical requirements necessary to provide telehealth services to a patient which meet the standard of care including, but not limited to:

(1) ~~The inability to have direct, physical contact with the patient is a primary difference between telehealth and direct in person service delivery;~~ The health care professional shall, through interaction with the patient, complete a medical evaluation that is appropriate for the patient and the condition with which the patient presents and that meets the minimal standards of care for an in-person visit;

(2) ~~The inability to establish new provider-patient relationships via telehealth services, except in emergency situations;~~The health care professional shall establish or confirm, as applicable, a diagnosis and treatment plan. The diagnosis and treatment plan shall include the identification of any underlying conditions or contraindications to the recommended treatment;

(3) ~~The inability of conducting online refractions, creation or renewal of an eye glass or contact lens prescription for a patient who has not received the appropriate in person refractive care; and~~The health care professional shall promptly document in the patient's medical record the patient's or, if applicable, the patient's legal representative, consent for telehealth treatment, pertinent history, evaluation, diagnosis, treatment plan, underlying conditions, any contraindications, and any referrals to appropriate health care providers, including primary care providers or health care facilities;

(4) ~~The quality of transmitted data may affect the quality of services provided by the provider.~~The health care professional shall provide appropriate follow-up care or recommend follow-up care with the patient's primary care provider, other appropriate health care provider, or health care facility in accordance with the minimal standards of care;

(E) ~~Requirements of personnel providing telehealth services.~~A health care professional shall comply with the following requirements to provide telehealth services that involve a formal consultation with another health care professional:

- (1) ~~A provider of telehealth services who practices in the state shall be licensed by the board.~~ The health care professional who seeks a formal consultation shall document the acknowledgement of the patient or if applicable, the patient's legal representative, before seeking the telehealth services formal consultation with the consulting health care professional;
  - (2) ~~A provider of telehealth services shall be competent in both the type of services provided and the methodology and equipment used to provide the service.~~ The consulting health care professional shall meet the licensure or certification requirements in division (C) of section 4743.09 of the Revised Code; and
  - (3) ~~A provider of telehealth services who resides out of state and who provides services for Ohio residents shall be licensed by the board.~~ The health care professional who seeks a formal consultation shall send the medical records relevant to the patient's medical condition to the consulting health care professional who shall review the medical records of the patient relevant to the medical condition which is the subject of the consultation before the formal consultation occurs, unless this is not possible due to an emergency situation.
- (F) While providing telehealth services, a health care professional may only prescribe, personally furnish, otherwise provide, or cause to be provided a prescription drug that is not a controlled substance to a patient through the provision of telehealth services by complying with all requirements of this rule;
- (G) A health care professional may provide telehealth services through the use of remote monitoring devices for the purpose of data acquisition, patient communication, confirmation of expected therapeutic results, confirmation of stability/or homeostasis, and assessing changes in previously diagnosed chronic conditions, provided that:
- (1) The patient or, if applicable, the patient's legal representative, gives consent to the use of remote monitoring devices;
  - (2) The medical devices that enable remote monitoring have been cleared, approved, or authorized by the United States food and drug administration for the specific purpose for which the physician or physician assistant are using it for the patient, and the remote monitoring devices otherwise comply with all federal requirements.
- (H) Upon request, a health care professional providing telehealth services shall make available to the Board a list of all originating and remote sites in which the health care professional provides or provided telehealth services and shall make such sites which are in use open to inspection to ensure compliance with this chapter.