

R156. Commerce, Occupational and Professional Licensing.

R156-16a. Optometry Practice Act Rule.

R156-16a-101. Title.

This rule is known as the "Optometry Practice Act Rule".

R156-16a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 16a, as used in Title 58, Chapters 1 and 16a or this rule:

(1) "Practitioner" means any person or individual licensed in this state as a physician and surgeon, osteopathic physician and surgeon, physician assistant, nurse practitioner or an optometric physician.

(2) "Verbal order" as used in Subsection 58-16a-102(3)(a), means that the attending optometrist ordered the contact lens prescription by telephone, or that an individual acting under the supervision and direction of the attending optometrist ordered the contact lens prescription by telephone.

R156-16a-103. Authority - Purpose.

This rule is adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 16a.

R156-16a-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-16a-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsection 58-16a-302(1)(e), the course of study satisfactory to the division and the board shall consist of:

- (1) 100 clock hours of General and Ocular Pharmacology in a recognized accredited optometry school; and
- (2) one of the following courses in Emergency Medical Care:
 - (a) Cardiopulmonary Resuscitation (CPR); or
 - (b) Basic Life Support (BCLS).

R156-16a-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-16a-302(1)(f), the examinations which must be successfully passed by applicants for licensure as an optometrist are:

- (1) the National Board of Examiners in Optometry examinations to include the following sections:
 - (a) Part I (Basic Science);
 - (b) Part II (Clinical Science and the Treatment and Management of Ocular Disease (TMOD));
 - (c) Part III (Patient Care); and
 - (d) The stand-alone TMOD if licensed prior to 1993.

R156-16a-302c. Licensure by Endorsement.

In accordance with Subsection 58-16a-302(2)(b), optometry practice that is "consistent with the legal practice of optometry in this state" means that the licensed optometrist has lawfully engaged in therapeutic optometry for not less than 3200 hours in the past two years.

R156-16a-304. Continuing Education.

In accordance with Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education are as follows:

(1) Except for the special courses and volunteer hours described in Subsections R156-16a-304(2), (3) and (4), all qualified continuing professional education must be:

- (a) courses approved by the Council on Professional Education (COPE); or
- (b) optometry-related courses approved by the Council on Medical Education.

(2) A maximum of two hours of continuing professional education may be courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS).

(3) A maximum of two hours of continuing professional education may come from the Division of Occupational and Professional Licensing for training regarding the use of the Utah Controlled Substance Database.

(4) Licensees may fulfill up to 15% of their continuing education requirement by providing volunteer services within the scope of their license at a qualified location, in accordance with Section 58-13-3. For every four documents hours of volunteer services, the licensee may earn one hour of continuing education.

(5) Qualified continuing professional education hours for licensees who have not been licensed for the entire two-year renewal cycle will be prorated from the date of licensure.

(6) A licensee shall maintain competent records of completed qualified continuing professional education for a period of four years after close of the two-year licensure period to which the records pertain. It is the responsibility of the licensee to demonstrate that their continuing professional education meets the requirements of this section.

(7) Hours in excess of the 30 hours obtained in one two-year licensure cycle cannot be transferred to the next renewal cycle.

(8) A licensee who has a serious health problem or who has left the United States for an extended period of time, which may prevent the licensee from being able to comply with the professional continuing education requirements established under this section, may be excused from completing some or all of the requirements established under this section by submitting a written request to the Division and receiving Division approval.

(9) Additional continuing professional education hours required for controlled substance prescribers shall be in accordance with Section 58-37-6.5 and Section R156-37-402.

R156-16a-307. Licenses Held on Effective Date - Scope of Practice Defined.

(1) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist without certification on May 5, 1997 is clarified as follows.

(a) An optometrist without certification:

(i) shall not engage in the treatment of eye disease or injury, the administration or prescribing of diagnostic or therapeutic prescription drugs, or over the counter medicines, the removal of any foreign body from the eye, or treatment of any condition of the eye except those which can be corrected by the use of lenses, prisms, contact lenses, or ocular exercises; and

(ii) may use, dispense, or recommend over-the-counter contact lens solutions.

(iii) upon finding any eye disease or injury requiring therapeutic treatment, shall refer the patient to a qualified practitioner.

(2) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist with diagnostic certification on May 5, 1997 is clarified as follows.

(a) An optometrist with diagnostic certification:

(i) shall not engage in the treatment of eye disease or injury, the administration or prescribing of therapeutic prescription drugs, or therapeutic over the counter medicines, the removal of any foreign body from the eye, or treatment of any condition of the eye except those which can be corrected by the use of lenses, prisms, contact lenses, or ocular exercises;

(ii) may use, dispense, or recommend over-the-counter contact lens solutions;

(iii) may administer diagnostic prescription drugs or over the counter medicines to include the categories of anesthetics, myotics, mydriatics, or cyclopegics; and

(iv) upon finding any eye disease or injury requiring therapeutic treatment, shall refer the patient to a qualified practitioner.

(3) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist with therapeutic certification on May 5, 1997 shall be consistent with the scope of practice set forth in Section 58-16a-601.

R156-16a-502. Unprofessional Conduct.

In addition to Title 58, Chapters 1 and 16a, and in accordance with Subsection 58-1-203(5), unprofessional conduct is further defined to include:

(1) engaging in optometry beyond the scope of practice pursuant to Section R156-16a-307 and Section 58-16a-601.

KEY: optometrists, licensing

Date of Last Change: February 21, 2017

Notice of Continuation: January 25, 2022

Authorizing, and Implemented or Interpreted Law: 58-16a-101; 58-1-106(1)(a); 58-1-202(1)(a)