

DEPARTMENT OF REGULATORY AGENCIES

State Board of Optometric Examiners

OPTOMETRIC EXAMINERS RULES AND REGULATIONS

4 CCR 728-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

BASIS

The authority for the promulgation of these rules and regulations by the Colorado State Board of Optometric Examiners ("Board") is set forth in Section 12-40-107(1)(g), C. R. S.

Purpose

These rules are adopted and revised to implement the Board's authority to license persons as optometrists and to set forth the requirements for being so licensed.

1.00 RENTAL OF SPACE.

If an optometrist rents space in which to practice optometry, the following requirements must be met:

- a. The practice must be owned by the optometrist and in every phase to be under his exclusive control.
- b. The prescription files and all patients' records must be in the sole property of the optometrist and free from any involvement with any unlicensed person.
- c. The leased space must be definite and apart from space occupied by other occupants of the premises, and devoted exclusively to the practice of optometry.
- d. No phase of the optometrist's practice shall be conducted as a department, branch or concession of any commercial or mercantile establishment, and there shall be no legend or signs such as "Optical Department," "Optometric Department," or others of similar import, displayed on any part of the premises or in any advertising.
- e. The optometrist shall not permit his/her name or his/her practice to be directly or indirectly used by the commercial or mercantile establishment in any advertising, displays, signs, or in any other manner.
- f. All credit accounts for patients shall be established initially with the optometrist and not the credit department of the commercial or mercantile establishment, but this shall not preclude the assigning or discounting of accounts receivable.
- g. Listings in telephone directories and telephone service and number shall be in the name of the licensed optometrist or in the name under which he/she practices and not under the name of any lesser, or any commercial or mercantile establishment.

2.00 EXAMINATION.

Colorado requires the national exam, the state jurisprudence exam and any other area of contemporary optometry the Board believes appropriate to insure public protection.

3.00 DISPLAY OF LICENSE.

For the purpose of §12-40-115, CRS, "office" shall be any area where the license is conspicuously displayed and where the license can be readily observed by the patient.

The reason for this regulation is to provide that the certificate be displayed in a portion of the office where optometry is actually practiced.

4.00 DISPLAY OF TITLE.

Only optometrists licensed and practicing optometry in Colorado may display their name and title on the entrance to the office where they practice.

5.00 USE OF TITLE.

An optometrist may use the title "Doctor," or "Dr.," before his/her name, but only if his/her name is followed by the word, "Optometrist," or he/she may place the letters, "OD" behind his/her name.

6.00 ADVERTISING.

An optometrist shall not use, participate in, or permit the use of any form of public communications having reference, directly or indirectly, to his or her professional services which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but is not limited to:

- a. Contains a misrepresentation of fact; or
- b. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- c. Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will, in fact, be charged; or
- d. Contains other representations or implications that in reasonable probability will cause an ordinary prudent person to misunderstand or be deceived.

7.00 ASSUMPTION OF PRACTICE OF A RETIRED OR DECEASED OPTOMETRIST (REPEALED).

8.00 RENEWALS AND REINSTATEMENT.

8.01 Renewals.

- a. The Board may prescribe renewal requirements, including compliance with the required continuing education.
- b. Pursuant to 24-34-102(8)(c), a licensee shall have a sixty-day grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license.
- c. Pursuant to 24-79.5-102(3), a delinquency fee shall be charged for late renewals.
- d. A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated. If the licensee practiced with an expired license, the Board may impose disciplinary actions.

8.02 Reinstatements

- a. An expired license may be reinstated by submitting a reinstatement application and paying a reinstatement fee.
- b. If the license has expired for more than two years, the licensee shall meet the following requirements:
 - (1) If the licensee is not currently licensed and in practice and good standing in another state or territory of the United States or a foreign country, the Board shall require the licensee to take and pass a Board-approved clinical examination;
 - or
 - (2) If the licensee has been actively practicing and in good standing in another state or territory of the United States or a foreign country, he or she may be issued a reinstated license without reexamination if the Board determines that he or she possesses the credentials and qualifications which are substantially equivalent to requirements in Colorado for current licensure by examination.

9.00 RELEASE OF CONTACT LENS AND EYEGLOSS PRESCRIPTIONS TO THE PATIENT.

9.01 The optometrist shall comply with eyeglasses prescription release requirements in the Federal Ophthalmic Practice Rules and with contact lens prescription release requirements in the Federal Fairness to Contact Lens Consumers Act.

9.02 A valid written contact lens prescription is an order by an optometrist to supply contact lens medical devices to a patient. It shall contain all of the following information:

- a. The patient's full name.
- b. The date.
- c. All usual and customary specifications, and manufacturer's name and manufacturer's trade or brand name necessary for an exact replacement contact lens.
- d. Repealed.
- e. The doctor's signature, name, license number, address and phone number.
- f. A reasonable limit on refills.
- g. An expiration date of one year from the issue date of the prescription, unless a shorter expiration date is warranted based on the medical judgment of the prescriber with respect to the ocular health of the patient.

9.03 References to contact lenses within the statutes and rules include, but are not limited to, plano contact lenses worn for the sole purpose of their cosmetic or decorative colors.

9.04 An optometrist's electronic signature on an eyeglass prescription or contact lens prescription shall be considered valid.

10.00 LICENSURE BY EXAMINATION.

- a. Colorado requires expanded scope of practice certification by all optometrists seeking licensure. This includes diagnostic certification, therapeutic certification and advanced ocular training for the treatment of glaucoma and uveitis. These certifications must be gained either through an optometric graduate degree program, or by additional educational training to meet certification

standards. The advanced therapeutic certification requires evidence of training for glaucoma and anterior uveitis.

b. The education for such certification is as follows:

- (1) 55 classroom hours of study in general ocular and clinical pharmacology at an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council on Postsecondary Education or the United States Department of Education for the Diagnostic Certification Requirements;
- (2) 60 classroom hours of study in ocular pharmacology, clinical pharmacology, therapeutics and anterior segment disease; and sixty hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and its appendages. This training must be from an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council of Postsecondary Education or the United States Department of Education.
- (3) 60 hours of Board approved glaucoma and anterior uveitis education, which shall include 44 didactic and 16 clinical hours consisting of the treatment of glaucoma and anterior uveitis, including pharmacological, systemic and laser management of these conditions. * The coursework shall be obtained at an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Commission on Recognition of Accreditation or the United States Department of Education.
- (4) If requirement b(2) is completed within the 24 months immediately preceding application for licensure, only an additional 16 hours of Board-approved glaucoma and anterior uveitis education is required.
- (5) Applicants with optometric degrees granted in 1993, or more recently, are considered to have satisfied the education requirements of b(1) (2) and (3) in the course of their optometric degree programs.
- (6) In addition, the applicant for licensure must successfully complete a course in cardiopulmonary resuscitation within twenty-four months preceding the application for licensure.
- (7) The applicant must meet all other requirements of CRS 12-40-108 (2002).

*** Note – Colorado optometrists:**

Colorado optometrists who currently hold therapeutic certification must provide the Board with proof of the coursework as set forth in subsection b(3) in order to receive the advanced therapeutic certification. Successful completion of the advanced ocular treatment course offered in April of 1994 by the Colorado Optometrists Association satisfies 44 hours of the requirement; an additional 16 hours of glaucoma and anterior uveitis course curriculum is still required to meet the requirements.

Colorado optometrists who do not hold therapeutic certification must meet the requirements in subsections b(1) and (2) above, and also provide evidence of successful completion of 16 additional hours of glaucoma and anterior uveitis course curriculum to the Board prior to certification.

11.00 ENDORSEMENT.

A licensed optometrist may endorse his/her license into Colorado if he meets the following standards:

- a. He has a current license to practice optometry in another state or jurisdiction that is in good standing;

and

- b. He has met all requirements for advanced therapeutic certification as set forth in rule 10, either through an educational degree program or other study approved by the Board as substantially equivalent; and
- c. He has been actively engaged in the practice of optometry for 24 months immediately preceding the application for licensure by Endorsement.

12.00 NATIONAL BOARD SCORES AND RETENTION.

All examination results forwarded to the Board by the National Board of Examiners shall be kept on file for a period of two (2) years. After two (2) years, any applicant seeking a license in Colorado shall AGAIN have the examination results forwarded to the Board.

13.00 EXPANDED SCOPE OF PRACTICE CERTIFICATION (REPEALED).

14.00 Reporting Convictions, Malpractice Judgments, Disciplinary Actions, Settlements or Arbitration Awards

The purpose of this rule is to clarify the procedures for reporting convictions, malpractice judgments, settlements and disciplinary actions pursuant to Sections 12-40-118(1)(r), (t) and (gg), C.R.S.

- A. The conviction of the licensee of a felony under the laws of any state or of the United States, as described in Section 12-40-118(1)(t), C.R.S.
 - 1. For purposes of this rule, a "conviction" includes: a guilty verdict; an entry of a plea of guilty accepted by the court; an entry of a plea of nolo contendere (no contest) accepted by the court, or the imposition of a deferred sentence.
- B. A licensee, as defined under this Article 40 Section 12, C.R.S., shall inform the Board, in the manner set forth within thirty (30) days of any of the following occurrences:
 - 1. Any judgment, award or settlement of a civil action or arbitration proceeding in which the licensee was a party, if the action or proceeding included any allegation of optometrist malpractice as described in Section 12-40-118(1)(r), C.R.S.
 - 2. A disciplinary action imposed upon the licensee by another jurisdiction that licenses optometrists as described in Section 12-40-118(1)(gg), C.R.S.
- C. The licensee shall inform the Board of the following information within forty-five (45) days of each such occurrence:
 - 1. The imposition of sentence for the felony conviction, settlement or arbitration award.
 - 2. The completion of all terms of the imposition of a sentence for the felony conviction.
- D. The licensee notifying the Board may submit a written statement with any notice under this rule to be included in the licensee's records.
 - 1. The notice to the Board shall include the following information:
 - a. The court, agency, arbitrator or demand award;
 - b. The jurisdiction;

- c. The case name;
- d. The case number;
- e. A description of the matter, a copy of the indictment or charges or complaint or arbitration award.

E. This rule shall apply to any conviction, judgment or disciplinary action as described in paragraphs B and C of this rule that occurs on or after the effective date of this rule.

15.00 BOARD REVIEW OF INITIAL DECISIONS (REPEALED).

Editor's Notes

History

Rules 14, 15 eff. 08/01/2009.

Rules 9, 14, 15 eff. 01/01/2010.

Rule 15 repealed eff. 09/30/2010.