

BOARD OF OPTOMETRY

Rules Relating to the Profession

PART 1. GENERAL INFORMATION

1.1 THE BOARD'S PURPOSE

The State Board of Optometry (referred to as "the Board" in this Rule) has been created and given certain powers by Vermont law. The purpose of these powers is to protect the public health, safety, and welfare. The Board does this by setting standards, licensing applicants, and regulating licensed optometrists and their practices.

1.2 LAWS THAT GOVERN THE BOARD

The Board is governed by a specific state law that establishes its responsibilities for setting standards, issuing licenses and regulating the profession. The law is the Optometry Act 26 V.S.A. §§ 1701-1729. In addition, the Board is obligated to comply with several other state laws such as the Administrative Procedure Act 3V.S.A. §§ 801-849, the Open Meeting Law, 1 V.S.A. §§ 310-314, the Access to Public Records Law, 1 V.S.A. §§ 315-320, and the Law of Professional Regulation, 3 V.S.A. §§ 121-131. These laws set forth the rights of an applicant, license holder or member of the public.

The complete text of these laws is available at most libraries and town clerks' offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>.

1.3 RULEMAKING AUTHORITY

The Board is authorized to make these rules under 26 V.S.A. § 1708. They have the effect of law and govern Board proceedings.

PART 2. COMPLAINT PROCEDURE

The Board follows the procedure of the Office of Professional Regulation (Office) for receiving complaints, conducting investigations, and resolving charges of unprofessional conduct. Copies of the procedure are available from the Office, which is located at the same address as the Board (26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106; telephone 802-828-2373).

PART 3. INFORMATION FOR APPLICANTS

3.1 NEED FOR A LICENSE

According to the Optometry Act, 26 V.S.A. § 1712, No person may practice optometry in this state who is not licensed under this chapter, and no person may use the title "doctor of optometry," "optometrist" or any substantially equivalent title unless he or she is licensed by the Board.

3.2 APPLICATION

An application for a license or more information about the application process may be obtained by calling or writing the Office of Professional Regulation at 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106. Telephone 802-828-2373. The Board's Web site may be accessed at <http://www.vtprofessionals.org>.

An applicant must submit a completed application form with all supporting documentation and the fee to the Office. The Office reviews applications only after the supporting documentation is received, including evidence of a degree and examination results, as required in Rule 3.3, or evidence of a license in another jurisdiction and its licensing standards, as required in Rule 3.4.

3.3 QUALIFICATIONS FOR LICENSURE AS AN OPTOMETRIST

The qualifications for licensure are:

- (1) age of majority,
- (2) graduate of an optometric school or college accredited by a regional or professional accreditation organization approved by the Board, and
- (3) successful completion of the National Board of Examiners in Optometry Examination Parts I, II, III, and Treatment and Management of Ocular Disease (TMOD).

3.4 LICENSURE WITHOUT EXAMINATION

The Board may issue a license to an applicant who is licensed in another state, territory or district of the United States having license requirements which are substantially equivalent to Vermont's requirements, and who has been engaged in the licensed practice of optometry for at least 500 hours during each of the two years immediately preceding application.

3.5 RIGHT TO A WRITTEN DECISION

The Board will notify applicants in writing whether they are qualified for a license. If the Board denies an application, it will give specific reasons in writing and offer an opportunity for a hearing before the denial becomes final.

3.6 RIGHT TO APPEAL

A person who is not satisfied with a final decision of the Board may appeal to an appellate officer within 30 days of being sent notice of the Board's decision. The appellate process is governed by Vermont law, 3 V.S.A. § 130a, and has its own procedural rules. Information about the appellate process is available from the Office. The telephone number is 802-828-2373.

PART 4. INFORMATION FOR LICENSED OPTOMETRISTS

4.1 PROFESSIONAL ETHICS

The holder of an optometric license should present himself/herself in a manner similar to other health professionals. He/she should conduct his/her practice in an ethical and professional manner realizing that he/she is charged with the responsibility of caring for his/her patient's visual welfare.

4.2 RENEWING A LICENSE

Licenses renew on a fixed biennial schedule: August 1 of the even-numbered years. Initial licenses issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

Before the expiration date, the Office will mail a renewal application and notice of the renewal fee. A license will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

4.3 CONTINUING EDUCATION REQUIREMENTS

All persons licensed to practice optometry must earn a minimum of 20 hours of continuing education during the two-year renewal period and must report these hours at the time of license renewal. An applicant who holds a special license endorsement for the use of therapeutic drugs must complete at least an additional 20 hours for a total of at least **40** hours of continuing education during the two-year renewal period. At least 20 of the 40 hours must be related to the use of therapeutic drugs and treatment of ocular disease.

"Continuing education" means the direct participation of an optometrist in a structured educational format. Continuing education credits are calculated in the following manner:

- one contact hour equals one continuing education credit.
- one semester credit equals fifteen continuing education credits.
- one quarter credit equals ten continuing education credits.
- one workshop hour equals one continuing education credit.

Every licensed optometrist must complete at least 20 continuing education credits (at least 40 continuing education credits for licensees holding a special license endorsement for use of therapeutic drugs) in a two-year renewal period in order to renew licensure. The continuing education requirement does not apply for the renewal period during which a person initially obtained licensure. It will begin with the first full two-year renewal period following initial licensure.

The Office will provide a form upon which all credits must be recorded. The name and date of the activity, the number of credits requested, and the name of the instructors and sponsor must be clearly indicated on the form. The form must be submitted with the biennial renewal forms.

Credits will be granted only for actual time spent as a learner. Breaks and lunches must be deducted.

Credits cannot be granted for time spent in activities as an instructor, presenter, or supervisor.

Each licensee must maintain records showing attendance and participation in the continuing education activities claimed, such as pamphlets, certificates of attendance received during the instruction, receipt of registration, program announcement, signature of facilitator or brief summary of the work content. Those records are subject to inspection and verification by the Office upon request during reasonable business hours.

The Board may require a licensee who cannot produce satisfactory documentation of continuing education, as set forth above, to develop and complete a specific corrective action plan within 90 days. The Office will extend the license during the 90-day corrective period but will not renew it if the licensee fails to complete the plan.

4.4 CONTINUING EDUCATION PROGRAM APPROVAL

An educational activity shall be eligible for approval as satisfying the continuing education requirements of these rules if it has significant intellectual and practical content directed at increasing the professional competence of optometrists and the activity consists of classroom style instruction or educational seminars with substantial written material available, whether conducted by live speakers, lecturers, panel members, video or audio tape presentation, in a classroom setting with a group of not fewer than three individuals.

The activity may be approved by the Board upon filing an application form. The name of the activity, the number of credits requested and the name of the instructors and sponsors must be clearly indicated on the form. Application may be filed by the sponsoring agency or group or by any participant.

Application for advance approval must be filed 90 days before the educational activity has commenced. All applications for approval must be filed within 30 days after the activity is completed.

The Board shall assign a maximum number of credit hours to each approved activity.

The Board may refuse to approve any activity which it finds is not eligible for accreditation pursuant to the first or second paragraphs of this section, or which it finds is sponsored by a group or individual lacking the ability or intention to produce a continuing optometric activity of the kind proposed of sufficiently high quality to improve or maintain an optometrist's professional competence, or which it finds is not offered in a sufficiently organized fashion or under otherwise adequate circumstances to fulfill the objectives of these rules.

When the Board has approved an activity, the sponsor may so state, including the number of credits for which the activity has been approved.

4.5 REINSTATING A LICENSE

A lapsed or inactive license may be renewed within 180 days of the expiration date by submitting a renewal application, renewal fee, verification of continuing education, and late fee. After 180 days, a licensee must apply for reinstatement and file a reinstatement application. The Board may require the applicant to demonstrate continuing ability to perform licensed tasks. Depending on the length of time that the license has lapsed, the extent of continuing education taken or intervening experience or other factors, the Board may require the applicant to take specific courses and/or to retake the examination as conditions of license reinstatement.

4.6 CHANGE OF NAME OR ADDRESS

A licensee is responsible for notifying the Office promptly if he or she changes name, mailing address, or business address. Acceptable documentation of change of name includes a notarized copy of a marriage certificate, instrument of change of name from a probate court, or other court order. Acceptable documentation of change of name also includes a notarized copy of current identification, such as a driver's license or Social Security card, in both the former and present names. The Office may require additional documentation at its discretion.

4.7 UNPROFESSIONAL CONDUCT

A licensee or applicant may be disciplined for unprofessional conduct on any of the grounds listed in 26 V.S.A. § 1719 and 3 V.S.A. § 129a.

Effective date: September 1, 2000