# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## STATE BOARD OF OPTOMETRY

## 24.10.01 – Rules of the State Board of Optometry

**Who does this rule apply to**?
*This rule applies to applicants, and license holders for optometrists.*

**What is the purpose of this rule**?
*This rule governs the practice of optometry in Idaho to protect the public health, safety, and welfare. This rule establishes:*

- Minimum standards of competency and qualifications for applicants;
- Fees related to licensure;
- Continuing education for licensure;
- A preceptorship;
- Prescriptive authority; and
- Code of ethics and standards of practice

**What is the legal authority for the agency to promulgate this rule**?
*This rule implements the following statute passed by the Idaho Legislature:*

Professions, Vocations, and Businesses -
- 54-1501 through 54-1525, Idaho Code – Optometrists

**Who do I contact for more information on this rule**?

State Board of Optometry
Division of Occupational and Professional Licenses
8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except state holidays
11341 W Chinden Blvd, Bldg 4, Boise, ID 83714
Phone: (208) 334-3233
E-mail: DOPLboardsupport@dopl.idaho.gov
Website: https://dopl.idaho.gov/opt/

***This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.***

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**000. LEGAL AUTHORITY.**
These rules are promulgated pursuant to Section 54-1509, Idaho Code. (3-28-23)

**001. SCOPE.**
These rules govern the practice of optometry in Idaho. (3-28-23)

**002. DEFINITIONS.**

**01. Low Vision**. Refer to Section 54-1501(5), Idaho Code, correcting defects may include low vision but is not limited to low vision rehabilitation. (3-28-23)

**02. Opticianry**. The professional practice of filling prescriptions from a licensed optometrist or ophthalmologist for ophthalmic lenses, contact lenses, and any other ophthalmic device used to improve vision. Opticianry does not include prescriptive authority. (3-28-23)

**003. -- 099. (RESERVED)**

**100. LICENSURE AND REGISTRATION.**

**01. Method of Application- Examination of Applicants**. Applications for license shall be made on forms approved by the Board. (3-28-23)

**02. Application**. The application must be accompanied by the required fee, a complete transcript of credits from any college of optometry attended, a photocopy of any diplomas granted by any college of optometry, and a copy of certified results establishing successful passage of the required examinations. (3-28-23)

**03. Approved Exam**. The written and the practical portions of the Idaho examination shall be parts one through three (1-3) of the National Board of Examiners in Optometry Examination (NBEOE). A passing grade for the NBEOE shall be that established by the test provider. (3-28-23)

**04. Licensure by Endorsement**. The right to be granted a license to practice optometry in Idaho is subject to the following conditions set out below: (3-28-23)

**a.** The submission of a completed application meeting the requirements of Subsection 100.02 including the applicable fee. (3-28-23)

**b.** That the license or certificate of registration of the applicant shall be in good standing with any state or country or not subject to any pending or unresolved licensure action in any state or country. (3-28-23)

**c.** For those licensed in another state the applicant must document to the Board for approval, the education, training, and examination for diagnostic and therapeutic privileges in the other state. (3-28-23)

**05. Continuing Education In Optometry**. (3-28-23)

**a.** Hours Required. Each optometrist licensed by the state of Idaho shall attend in each calendar year prior to license renewal, a minimum of eighteen (18) full hours of approved optometric continuing education courses or meetings. Licensees are responsible for choosing quality continuing education programs that focus on protecting the health and safety of the public and/or contributing to their germane profession. (3-28-23)

**b.** Courses. The Board allows credits to be asynchronous and synchronous that are germane to the practice of optometry. No more than nine (9) hours of continuing education shall be asynchronous. (3-28-23)

**c.** Audit. The Board may conduct audits to confirm that the continuing education requirements have been met. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the license will not be renewed. (3-28-23)

**d.** Documentation of Attendance. It shall be necessary for each licensed Idaho optometrist to provide documentation verifying attendance or completion of continuing education by securing authorized signatures, documentation, or electronic verification from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided upon request by the Board or its agent. (3-28-23)

**101. -- 149. (RESERVED)**

**150. APPROVAL OF SCHOOLS OF OPTOMETRY.**
The State Board of Optometry recognizes as reputable and in good standing, the schools and colleges of optometry that have met the standards set by the Accreditation Council on Optometric Education, or its successor agency, a list of which may be obtained from the Division of Occupational and Professional Licenses website. (3-28-23)

**151. -- 199. (RESERVED)**

**200. PRACTICE STANDARDS.**

**01. Standards of Professional Conduct**. Licensees must comply with the following standards of professional conduct: (3-28-23)

**a.** Practicing optometry in a manner which meets the standard of optometric care provided by other qualified licensees in the same or similar community, taking into account education, training, and experience. (3-28-23)

**b.** Employing only those techniques or methods of practice in treating or prescribing to a patient for which the licensee has the necessary education, training, and experience. (3-28-23)

**c.** Referring a patient suffering from any apparent or suspected pathological condition to a person competent and licensed to properly treat or diagnose the condition. (3-28-23)

**d.** Verifying the specifications of all lenses provided to a patient and advising a patient of possible danger when a lens provided to the patient does not meet impact resistant standards set forth in 21 CFR 801.410. (3-28-23)

**02. Vision Therapy**. Any person who assesses, diagnoses, treats, or prescribes treatment for conditions of the visual system or manages a patient with vision therapy, visual training, visual rehabilitation, orthoptics or eye exercises or who holds him/herself out as being able to do so for the rehabilitation and/or treatment of physical, physiological, sensorimotor, neuromuscular or perceptual anomalies of the eyes or vision system or who prescribes or utilizes lenses, prisms, filters, occlusion or other devices for the enhancement, rehabilitation and/or treatment of the visual system or prevention of visual dysfunctions, except under the supervision and management of a licensed optometrist, is engaged in the practice of optometry. (3-28-23)

**03. Prescriptions for Spectacles and Contact Lenses**. Eyeglasses and contact lenses, including plano or cosmetic contact lenses, may only be dispensed upon a current prescription issued by an optometrist or medical physician. Every prescription written or issued by an optometrist practicing in Idaho shall contain at least the following information: (3-28-23)

**a.** Prescription for Spectacles. Prescriptions for spectacles must contain the following: Sphere, cylinder, axis, prism power, and additional power, if applicable. The standard expiration date of the prescription must be at least one (1) year from the date the prescription was originally issued. (3-28-23)

**b.** All Prescriptions for Rigid/Soft Contact Lenses. All prescriptions for contact lenses must contain at least the following information: base curve, lens manufacturer or "brand" name, overall diameter, power; and the standard expiration date of the prescription must be at least one (1) year from date the prescription was originally issued. A shorter prescription period may be allowed when based upon a documented medical condition. (3-28-23)

**04. Expired Contact Lens Prescription**. A person may not fill an expired contact lens prescription. (3-28-23)

**05. Fitting and Dispensing Contact Lenses**. (3-28-23)

**a.** Contact lenses may be fitted only by an optometrist, or licensed physician. (3-28-23)

**b.** An ophthalmic dispenser may dispense contact lenses on a fully written contact lens prescription issued by an optometrist or licensed physician. (3-28-23)

**c.** Notwithstanding Subsection 200.05.b., an optometrist, or licensed physician who issues a contact lens prescription remains professionally responsible to the patient. (3-28-23)

**06. Preceptorship Program**. An optometrist may use a student of optometry in their office under their direct supervision for educational purposes. (3-28-23)

**07. The Right to Obtain and Use Pharmaceutical Agents**. The right to obtain and use pharmaceutical agents for use in diagnosis and/or treatment of another in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below: (3-28-23)

**a.** Optometrists can prescribe, administer, and dispense therapeutic pharmaceutical agents, and use only those listed below: (3-28-23)

i. All medications for use in the diagnosis of and/or conditions of the human eye and/or eyelid. (3-28-23)

ii. All over-the-counter agents. (3-28-23)

**b.** In order to prescribe, administer and dispense the therapeutic medications a person must meet the requirements set out below: (3-28-23)

i. License in good standing, and successful passage of the "Treatment and Management of Ocular Diseases" exam. (3-28-23)

**201. -- 299. (RESERVED)**

**300. DISCIPLINE.**
In addition to the grounds for discipline set forth in Idaho Code, every person licensed by the Board is subject to discipline upon any of the following grounds: (3-28-23)

**01. Gross Incompetence**. Engaging in practice or behavior which demonstrates a manifest inability or unreasonable lack of professional skill to practice his or her profession, including performing procedures without having successfully completed the necessary education, training, or certification. (3-28-23)

**02. Failing to Comply with Standards of Professional Conduct as set forth in these Rules**. (3-28-23)

**03. Failing to Maintain Adequate Records**. Adequate records mean legible records which contain, at a minimum, evidence of examination and treatment plan, copies of prescriptions issued to the patient or client and copies of statements of charges delivered or provided to the patient or client. Must be in compliance with the Health Insurance Portability and Accountability Act (HIPPA). (3-28-23)

**04. Illegal Prescription Sale, Administration, Distribution, or Use of Drugs**. Prescribing, selling, administering, distributing, giving, or using drugs legally classified as a controlled substance or as an addictive or dangerous drug for other than accepted diagnostic or therapeutic purposes. (3-28-23)

**05. Other Discipline**. Inability to obtain or renew a license or disciplinary action against a license to practice optometry by any other state or jurisdiction unless it can be shown that such action was not related to the competence of the person to practice optometry or to any conduct which constitutes grounds for discipline by the Board. (3-28-23)

**06. Confidentiality**. Failing to safeguard the confidentiality of patient records or other medical information pertaining to identifiable patients, except as required or authorized by law. (3-28-23)

**07. Prescription and Records**. Failure to release a spectacle or contact lens prescription to a patient or to transfer patient records to another provider when requested to do so by the patient or the patient's legally designated representative. (3-28-23)

**08. Failure to Cooperate**. Failing to cooperate with the Board during any investigation or disciplinary proceeding, even if such investigation or disciplinary proceeding does not personally concern the particular licensee. (3-28-23)

**301. -- 399. (RESERVED)**

**400. FEES.**

| FEE TYPE | AMOUNT (Not to Exceed) |
|---|---|
| License Application | $100 |
| Annual Fund | $75 |
| Annual Renewal | $75 |
| Reinstatement | As provided in Section 67-2614, Idaho Code |

(3-28-23)

**401. -- 999. (RESERVED)**