

GENERAL RULES OF THE MICHIGAN BOARD OF OPTOMETRY

(By authority conferred on the director of the department of community health by sections 16145(3) and 17401 of 1978 PA 368, MCL 333.16145(3) and 333.17401 and Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-18, MCL 330.3101, 445.2001 and 445.2011)

PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

R 338.241 Rescinded.

GENERAL RULES

R 338.251 Definitions.

Rule 1. As used in these rules and in the interpretation and administration of sections 17401, 17412, 17432, 17433, 17435, and 17749 of the code:

(a) "Adverse drug reaction" means an adverse physical or psychological reaction which is experienced by a person resulting from diagnostic pharmaceutical agents administered by an optometrist and which occurs within 24 hours after the drug is administered. An adverse drug reaction may be indicated by symptoms that include any of the following:

- (i) Red eye.
- (ii) Painful eye.
- (iii) Decrease in vision.
- (iv) Pale or red swelling of the periorcular or periorbital tissues.
- (v) Nausea.
- (vi) Vomiting.
- (vii) Fainting.
- (viii) Mental confusion.
- (ix) Cessation of respiration.

(b) "Board" means the board of optometry.

(c) "Code" means 1978 PA 368, MCL 333.1101 et seq.

(d) "Classroom hour" for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, means a 50-

to 60-minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a

laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour".

(e) "Course of study in general and clinical pharmacology" means a course of study which is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code. Not less than 30 of the 60 classroom hours of the course of study shall be allocated to ocular pharmacology and shall emphasize the systemic

effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.

(f) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study which is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, which is completed in a board-approved school or college, and which is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.

(g) "Department" means the Michigan department of consumer and industry services.

(h) "Emergency treatment plan for management and referral of patients who experience an adverse drug reaction" means a plan which is submitted to the board on a board-approved form and in which the optometrist agrees to do all of the following:

(i) Refer patients who notify the optometrist of an adverse drug reaction to an appropriate medical specialist or facility.

(ii) Routinely advise patients to immediately contact the optometrist if the patient experiences an adverse drug reaction.

(iii) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient and the date and time that any patient referral was made.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1975 MR 7, Eff. Aug. 1, 1985; 1995 MR 8, Eff. Sept. 6, 1995; 2003 MR 1, Eff. Jan. 17, 2003; 2009 MR 19, Eff. May 14, 2010.

R 338.252 Licensure by examination.

Rule 2. (1) An applicant for a Michigan optometry license by examination shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements under MCL 333.16174 and MCL 333.17411 of the code, an applicant shall satisfy the requirements of this rule.

(2) An applicant shall have graduated from a professional optometric degree program approved by the board, as provided in R 338.254, and hold the doctor of optometry degree.

(3) An applicant shall have achieved a score of pass on all parts of the examination given by the national board of examiners in optometry or its successor organization, or the testing agency currently recognized or endorsed by the association of regulatory boards of optometry or its successor organization.

(4) An applicant shall have achieved a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

History: 1944 AC; 1944 ACS 14; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1990 MR 6, Eff. June 30, 1990; 2003 MR 1, Eff. Jan. 17, 2003; 2009 MR 19, Eff. May 14, 2010.

R 338.253 Licensure by endorsement.

Rule 3. (1) An applicant for a Michigan optometry license by endorsement shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall have graduated from a professional optometric degree program approved by the board, as provided in R 338.254, and satisfy the requirements of this rule.

(2) An applicant shall be an optometrist who is engaged in the practice of optometry, holds a doctor of optometry degree, and is currently licensed at the highest level authorized in another state of the United States or province of Canada that has licensure requirements that are equivalent to those required in this state, as determined by the board. This subrule, however, shall not grant license authority that exceeds the level of privileges granted to individuals who are licensed under the code to engage in the practice of optometry.

(3) An applicant shall have successfully completed in the state of the United States or province of Canada of his or her initial licensure an examination that includes an assessment of his or her knowledge on the diagnosis, treatment, and management of ocular diseases with pharmaceutical agents.

(4) An applicant who was first licensed in another state of the United States or province of Canada is presumed to have met the requirements of section 16186(1)(a) and (b) of the code, if he or she meets all of the following requirements:

(a) Verifies that he or she has engaged in the practice of optometry for a minimum of 3 of the last 4 years before the date of filing an application for a Michigan optometrist license. An applicant shall submit either of the following as verification:

(i) Documentation of having practiced optometry for the period of time specified under subdivision (a) of this subrule.

(ii) A current certificate issued by the council on endorsed licensure mobility for optometrists (celmo) or its successor organization as determined by the board.

(b) Provides for verification of his or her license, on a form provided by the department, by the licensing agency of another state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(c) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

(5) An applicant who was first licensed in another state of the United States or province of Canada, but who does not meet the requirements of subrule (4)(a) of this rule, shall satisfy the following requirements:

(a) Achieves a score of pass on all parts of the examination given by the national board of examiners in optometry or its successor organization, or the testing agency currently recognized or endorsed by the association of regulatory boards of optometry or its successor organization.

(b) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

(c) Provides verification of his or her license, on a form provided by the department, by the licensing agency of any state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(6) An applicant shall hold a license granting therapeutic prescriptive certification at the highest level authorized in any state of the United States or province of Canada where he or she currently practices.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1990 MR 6, Eff. June 30, 1990; 2003 MR 1, Eff. Jan. 17, 2003; 2009 MR 19, Eff. May 14, 2010.

R 338.254 Professional optometric degree program; approval standards.

Rule 4. (1) The board approves and adopts by reference in these rules the standards of the accreditation council on optometric education set forth in the publication entitled "Accreditation Manual: Professional Optometric Degree Programs" revised June 2004, which provide for the accreditation of professional optometric degree programs.

(2) A professional optometric degree program accredited by the accreditation council on optometric education may be approved by the board.

(3) A professional optometric degree program that is not accredited by the accreditation council on optometry education may be approved by the board if it meets the standards in subrule (1) of this rule.

(4) Copies of the accreditation manual of the accreditation council on optometric education are available free of charge from the American Optometric Association, 243 N. Lindbergh Blvd., St. Louis, MO 63141 or from the association's website at <http://www.aoa.org>. Printed copies also are available for inspection and distribution at cost from the Department of Community Health, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 2003 MR 1, Eff. Jan. 17, 2003; 2009 MR 19, Eff. May 14, 2010.

R 338.255 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1990 MR 6, Eff. June 30, 1990; 2003 MR 1, Eff. Jan. 17, 2003; 2009 MR 19, Eff. May 14, 2010.

R 338.256 Continuing education.

Rule 6. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 40 hours of board-approved continuing education.

(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall accumulate not less

than 20 hours of board-approved continuing education in pharmacological management of ocular conditions.

(3) An applicant for license renewal shall complete in each renewal period at least 1 continuing education hour in pain and symptom management. Continuing education hours may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.

(4) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. The optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1995 MR 8, Eff. Sept. 6, 1995; 1998 MR 4, Eff. April 22, 1998; 2005 MR 1, Eff. Jan. 20, 2005.

R 338.256a Acceptable continuing education; limitations.

Rule 6a. (1) The board shall consider any of the following as board-approved continuing education:

(a) Successful completion of a course or courses offered for credit in an optometry school approved by the board under R 338.254, without limitation.

(b) Successful completion of a continuing education program offered by an optometry school approved by the board under R 338.254, without limitation.

(c) Attendance at a continuing education program approved by the board under R 338.256b, without limitation.

(d) One continuing education contact hour may be granted for each 50 to 60 minutes of program attendance, without limitation, at a continuing education program that has been granted approval by another state board of optometry.

(e) One hour of continuing education may be earned for each hour involved in the presentation of a continuing education program approved by the board.

(f) A maximum of 8 credit hours per renewal period may be earned for programs related to optometric topics approved for category 1 continuing education by the Michigan boards of medicine or osteopathic medicine and surgery.

(g) A maximum of 8 credit hours per renewal period may be earned for programs related to optometric pharmacological topics approved for continuing education by the board of pharmacy.

(2) The board shall consider requests for approval of continuing education programs by sponsors who submit applications on a form provided by the department. The board may evaluate applications for approval based upon all of the following:

(a) Program content as it relates to the practice of optometry.

(b) Instructor credentials for conducting the specific program.

(c) The number of lecture hours of the program, with a minimum of 1 hour being submitted for consideration.

(d) Attendance monitoring plan.

(3) A total maximum of 29 hours may be granted in board-approved programs in either of the following areas:

(a) A maximum of 9 hours relating to practice management.

(b) A maximum of 20 hours relating to self-evaluation journal tests and multimedia education, including online continuing education.

History: 1998 MR 4, Eff. April 22, 1998; 2005 MR 1, Eff. Jan. 20, 2005.

R 338.256b Adoption of standards and criteria by reference.

Rule 6b. (1) The board approves and adopts by reference the standards and criteria of the council on optometric practitioner education (cope) that are set forth in the publication entitled "Information and Application for Course Qualification", July 2003. A copy of the publication may be obtained at no cost from the Council on Optometric Practitioner Education, 1750 S. Brentwood Boulevard, Suite 503, St. Louis, MO 63144 or from the council's website at <http://www.arbo.org>. Printed copies also are available for inspection and distribution at cost from the Department of Community Health, Bureau of Health Professions, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) A continuing education program that has been approved by cope is considered approved by the board.

History: 1998 MR 4, Eff. April 22, 1998; 2005 MR 1, Eff. Jan. 20, 2005; 2009 MR 19, Eff. May 14, 2010.

R 338.257 Relicensure.

Rule 7. (1) An individual whose license has lapsed may be relicensed upon satisfying all of the following requirements:

(a) Submitting the application and fees.

(b) Submitting 40 hours of continuing education in programs approved by the Board, as provided in R 338.256b, that have been earned within the 2-year period immediately preceding the date of the application. If an individual is certified to administer therapeutic pharmaceutical agents, as provided in R 338.275, at least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.

(c) Achieving a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1998 MR 4, Eff. April 22, 1998; 2005 MR 1, Eff. Jan. 20, 2005; 2009 MR 19, Eff. May 14, 2010.

R 338.258 Limited licenses.

Rule 8. (1) The board may issue an educational limited license, as provided under section 16182(2)(a) of the act, to an individual who has graduated from a board-approved professional optometric degree program, or who will graduate from the program not more than 3 months after applying for an educational limited license, and who is enrolled in a postgraduate course of study or participates in a residency program that is offered by the United States department of veteran affairs or a board-approved institution.

(2) The board may issue a clinical academic limited license, as provided under section 16182(2)(c) of the act, to an individual who is a graduate of a board-approved professional optometric degree program and who is employed

as a faculty member at a board-approved professional optometric degree program. An optometrist who is licensed under this subrule may perform procedures upon patients while employed as a faculty member at a board-approved professional optometric degree program, if these procedures are performed under the general supervision of a faculty member who is fully licensed as an optometrist. An individual who is licensed under this subrule shall not do either of the following:

(a) Hold himself or herself out to the public as being engaged in the practice of optometry other than as a faculty member.

(b) Provide optometric services outside of his or her employment as a faculty member.

(3) An individual who applies for a limited license under section 16182(2)(a) or (c) of the act shall meet all of the following requirements:

(a) Comply with section 16174 of the act.

(b) Submit proof of graduation from an accredited professional optometric degree program that is approved by the board or from a non-accredited professional optometric degree program that is approved by the board, as provided in R 338.254.

(c) Submit proof of appointment to either of the following, as applicable:

(i) A postgraduate course of study or a residency program, as provided in subrule (1) of this rule.

(ii) A faculty position at a board-approved professional optometric degree program, as provided in subrule (2) of this rule.

(4) Limited licenses, as described in subrules (1) and (2) of this rule, shall be renewed annually at the discretion of the board.

(5) Applicants for renewal of a clinical academic limited license shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions required for the year.

History: 1944 AC; 154 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 2009 MR 19, Eff. May 14, 2010.

R 338.259 Patient records; referral of patients for care.

Rule 9. (1) Patient records shall contain all of the following information:

(a) The name of the examining optometrist.

(b) The chief complaint or reason for the examination.

(c) The results of each procedure performed.

(d) The assessment of findings.

(e) The management disposition, including a referral recommendation, if appropriate.

(2) The records shall be retained by the licensee or assignee for not less than 7 years.

(3) If, in the course of the examination of a patient, an optometrist, in his or her professional judgment, determines the presence of a condition that requires evaluation or treatment which is outside the scope of practice of optometry, then it is the professional responsibility of the optometrist to refer the patient for further care.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 1994 MR 4, Eff. May 14, 1994; 2009 MR 19, Eff. May 14, 2010.

R 338.260 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; rescinded 1995 MR 8, Eff. Sept. 6, 1995.

R 338.261 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; 1979 ACS 16, Eff. Dec. 1, 1983; 2009 MR 19, Eff. May 14, 2010.

R 338.262 – R 338. 264 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1979 ACS 16, Eff. Dec. 1, 1983.

R 338.265 Rescinded.

History: 1944 AC; 1954 AC; 1954 ACS 1, Eff. Mar. 1, 1955; 1979 AC; rescinded 1998 MR 4, Eff. April 22, 1998.

R 338.266 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1979 ACS 16, Eff. Dec. 1, 1983.

R 338.267 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1998 MR 4, Eff. April 22, 1998.

R 338.268 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1979 ACS 16 Eff. Dec. 1, 1983.

R 338.269 Rescinded.

History: 1944 AC; 1954 AC; 1979 AC; rescinded 1998 MR 4, Eff. April 22, 1998.

R 338.270 Signage; name of optometrist.

Rule 20. Whenever professional services are offered by any entity that maintains an optometric department or employs a licensed optometrist, the name of the optometrist providing services must appear in sufficiently large type and in a prominent place so as to afford the public the opportunity of easily ascertaining it.

History: 1944 AC; 1954 AC; 1979 AC; 2009 MR 19, Eff. May 14, 2010.

R 338.271 – R 338.273 Rescinded.

History: 1944 ACS 2; 1954 AC; 1979 AC; rescinded 1979 ACS 16, Eff. Dec. 1, 1983.

R 338.274 Emergency treatment plan.

Rule 24. (1) An emergency treatment plan for the management and referral of patients who experience an adverse drug reaction shall include the names of not less than 3 physicians, physician clinics, or hospitals to which the optometrist

agrees to refer patients who experience an adverse drug reaction. At least 1 of the physicians shall be skilled in the diagnosis and treatment of diseases of the eye or the named physician, clinic or hospital shall specialize in the diagnosis and treatment of diseases of the eye. An optometrist may substitute the patient's primary care physician for a physician named in the plan, but shall not substitute the patient's primary care physician for a physician named in the plan who specializes in the diagnosis and treatment of diseases of the eye.

(2) A licensee shall not be certified as qualified to administer topical ocular diagnostic pharmaceutical agents or to administer and prescribe therapeutic pharmaceutical agents unless the plan is approved by the board.

History: 1985 MR 7, Eff. Aug. 1, 1985; 1995 MR 8, Eff. Sept. 6, 1995.

R 338.275 Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards.

Rule 25. An applicant for certification to administer a topical ocular diagnostic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Successfully complete a course of study in general and clinical pharmacology. The applicant shall be considered to have successfully completed the required course of study upon being granted the credit hours designated for the course of study by the teaching institution where the course is offered.

(b) Establish a board-approved emergency treatment plan for the management and referral of patients who experience any adverse drug reaction.

(c) Successfully complete a course in basic life support that is offered by an organization or institution approved by the board, as required under section 17412(2)(c) of the code. The board approves and adopts by reference the standards for credentialing in basic and advanced life support by the American heart association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers set forth in the "2005 American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" that was published in the AHA journal "Circulation", Volume 112, Issue 22 Supplement, November 29, 2005. A copy of the guidelines may be obtained at no cost from the American Heart Association's website at http://circ.ahajournals.org/content/vol112/22_suppl/. A copy of the guidelines is available for inspection and distribution to the public at cost from the Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, MI 48909.

History: 1985 MR 7, Eff. Aug. 1, 1985; 1995 MR 8, Eff. Sept. 6, 1995; 2005 MR 1, Eff. Jan. 20, 2005; 2009 MR 19, Eff. May 14, 2010.

R 338.276 Administering diagnostic pharmaceutical agents without certification by board prohibited.

Rule 26. A licensed optometrist shall not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer topical ocular diagnostic pharmaceutical agents.

History: 1985 MR 7, Eff. Aug. 1, 1985; 1995 MR 8, Eff. Sept. 6, 1995.

R 338.277 Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications.

Rule 27. An applicant for certification to administer and prescribe a therapeutic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Meet the certification requirements to administer diagnostic pharmaceutical agents under R 338.275.

(b) Successfully complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents.

(c) Establish a board-approved management plan that is in compliance with R 338.251(h) and R 338.274.

History: 1995 MR 8, Eff. Sept. 6, 1995.

R 338.278 Administering and prescribing of therapeutic pharmaceutical agents without certification by board prohibited.

Rule 28. A licensed optometrist shall not administer or prescribe therapeutic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents.

History: 1979 ACS 16, Eff. Dec. 1, 1983.

R 338.279 Rescission.

Rule 29. R 338.292 of the Michigan Administrative Code, appearing on pages 2410 and 2411 of the 1979 Michigan Administrative Code, is rescinded.

History: 1979 ACS 16, Eff. Dec. 1, 1983.

ADMINISTRATIVE HEARINGS**R 338.281 Rescinded.**

History: 1944 ACS 37, 1954 AC; 1979 AC; 1979 ACS 4, Eff. Dec. 9, 1980; rescinded 1996 MR 11, Eff. Dec. 5, 1996.

R 338.282 – R 338.288 Rescinded.

History: 1944 ACS 37; 1954 AC; 1979 AC; rescinded 1979 ACS 4, Eff. Dec. 9, 1980.

UNETHICAL AND ETHICAL CONDUCT**R 338.291 Unethical and ethical conduct.**

Rule 1. Unethical conduct is conduct contrary to the ethics of the optometric profession. Ethical conduct consists of an optometrist's compliance with all of the following provisions:

(a) Advising a patient if consultations with an optometric colleague or reference for other professional care seems advisable.

(b) Avoiding holding himself or herself out in a manner that carries any intimation that the optometrist has superior skill or equipment or is superior to other optometrists.

History: 1954 ACS 9, Eff. Feb. 4, 1957; 1979 AC; 1998 MR 4, Eff. April 22, 1998; 2009 MR 19, Eff. May 14, 2010.

ONE-DAY EDUCATIONAL PROGRAMS**R 338.292 Rescinded.**

History: 1954 ACS 31, Eff. Aug. 14, 1962; 1954 ACS 57, Eff. Feb. 14, 1969; 1979 AC; rescinded 1979 ACS 16, Eff. Dec. 1, 1983

ADMINISTRATIVE RULES
of the
MICHIGAN
BOARD OF OPTOMETRY

Rule Revisions Effective 5/14/2010