

**246 CMR 1.00: Purpose, Authority and Definitions**

- 1.01: Purpose and Authority
- 1.02: Definitions

---

**1.01: Purpose and Authority**

246 CMR 1.00 *et seq.* is intended to establish standards and procedures for the licensure of optometrists and certification of such optometrists to use diagnostic and ~~Therapeutic-therapeutic~~ ~~Pharmaceutical-pharmaceutical~~ Agents-agents (TPAs); set standards of professional practice and conduct for optometrists; and govern disciplinary actions taken against Optometrists or License Applicants. 246 CMR 1.00 *et seq.* is adopted pursuant to the Board's authority under M.G.L. c. 112, § 67.

---

**1.02: Definitions**

For the purposes of 246 CMR 1.00 through 3.00, the following terms will have the following meanings.

**Board** - means the Massachusetts Board of Registration in Optometry, established pursuant to M.G.L. c. ~~442~~13, § ~~67~~16.

**Certificate of Qualification to Use ~~Diagnostic-Pharmaceutical~~ Agents (DPAs)** - means a certificate issued by the Board to an Optometrist who has met the requirements of 246 CMR 2.02, certifying that that Optometrist is properly qualified to use DPAs for the purpose of conducting an examination of the eye.

**Certificate of Qualification to Use TPAs** - means a certificate issued by the Board to an Optometrist who has met the requirements of 246 CMR 2.03, certifying that that Optometrist is properly qualified to use TPAs in the ~~diagnosis~~, prevention, correction, management and/or treatment of abnormal ocular conditions or diseases, except glaucoma.

**Continuing Education Course** - ~~means~~ ~~The completion of~~ a formal learning program with specific learning objectives relevant to the science or practice of Optometry.

246 CMR – DRAFT – 9/16/15

**Continuing Education Entity** - ~~means An an~~ entity authorized by the Board that may offer ~~continuing Continuing education Education courses Courses or programs~~ for continuing education credit, without obtaining prior approval from the Board for each course ~~or program~~ offered.

**Continuing Education Hour** - ~~means The the~~ unit of measurement for a Continuing Education Course lasting at least 50 consecutive minutes.

**Diagnostic Pharmaceutical Agent (DPA)** - means any topical anesthetic, mydriatic, or cyclopegic drug, except atropine and phenylephrine hydrochloride in 10% concentration, suitable for ocular examination procedures.

**License** - means a certificate of registration issued by the Board pursuant to 246 CMR 2.00 *et seq.* which authorizes a Person to engage in the practice of Optometry.

**License Applicant** - means an individual who has applied for licensure to practice Optometry in the Commonwealth of Massachusetts pursuant to 246 CMR 2.01, but who has not yet been granted such licensure.

**Optician** - means any Person who satisfies the definition of "dispensing optician" as set out at M.G.L. c. 112, § 73C and 235 CMR 2.02(2).

**Optometry** - means the practice of optometry as defined by M.G.L. c. 112, § 66.

~~Optometry School or School of Optometry means a legally chartered school of optometry approved by the Board and accredited by the Council on Optometric Education of the American Optometric Association (A.O.A.);~~

**Optometrist** - means a Person who has obtained a License from the Board and is therefore duly authorized to practice Optometry pursuant to M.G.L. c. 112, §§ 66 through 73B and 246 CMR 1.00 *et seq.*

**Person** - means an individual and does not mean an association of individuals or a legal entity.

**Qualifying Course of Study to Use DPAs** - means a course of study in the use of DPAs which is taken by an Optometrist after he or she has completed the educational requirements for licensure as an Optometrist set forth in M.G.L. c. 112, § 68; which meets the requirements of 246 CMR 2.02(2), including the requirements that the course is administered by a School or College

of Optometry or duly-accredited ~~School of Optometry or~~ school of medicine ~~and that~~ has been approved by the Board.

**Qualifying Course of Didactic ~~Therapeutic Pharmaceutical Agent (TPA) Study~~** - means a course of classroom instruction and study in the use of TPAs for the diagnosis, prevention, correction, management and/or treatment of abnormal ocular conditions or diseases, which is taken by an Optometrist after he or she has completed the educational requirements for licensure as an Optometrist set forth in M.G.L. c. 112, § 68; which meets the requirements of 246 CMR 2.03(2), including the requirements that the course is administered by a School or College of Optometry or duly-accredited ~~School of Optometry or~~ school of medicine ~~and that~~ has been approved by the Board.

**Qualifying Examination in the Use of TPAs** - means an examination, approved by the Board, which is given to an applicant for certification in the use of TPAs after completion of a Qualifying Course of Didactic TPA study for the purpose of evaluating that applicant's knowledge and skill in the proper use of TPAs. Said examinations may include, but shall not be limited to, any applicable portion of any examination administered by the National Board of Examiners in Optometry.

**Respondent** - means ~~an Optometrist or License Applicant~~ a person against whom a formal written complaint has been filed with the Board.

School or College of Optometry - means a legally chartered school of optometry approved by the Board and accredited by the Accreditation Council of Optometric Education.

**Supervised Course of Clinical TPA Practice** - means a course of supervised clinical practice in the use of TPAs which meets the requirements of 246 CMR 2.03(3), including the requirements that the course has been administered by a School or College of Optometry or duly-accredited ~~School of Optometry or~~ school of medicine ~~and that~~ has been approved by the Board.

**Therapeutic Pharmaceutical Agent (<sup>u</sup>TPA<sup>u</sup>)** - means those topical Schedule VI and non-legend pharmaceutical agents which are required or used for the ~~diagnosis,~~ prevention, correction, management or treatment of abnormal ocular conditions or diseases, except glaucoma, as defined in M.G.L. c. 112, §§ 66 and 66B.