

246 CMR 2.00: Examination and Licensure; Certification for Use of Diagnostic and Therapeutic Pharmaceutical Agents

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2.01: Licensure Provisions

(1) **Methods of Obtaining a License.** A Person may obtain a License to practice Optometry by either of the following methods:

- (a) ~~By~~ by clinical and written examination; or
- (b) ~~By~~ by reciprocity endorsement based upon a license issued by another ~~state or~~ jurisdiction recognized by the Association of Regulatory Boards of Optometry, ~~provided that the other jurisdiction would reciprocally admit a similarly qualified Person who has a License in Massachusetts.~~

(2) **Procedure for Issuing a License.**

(a) The procedure for issuing a License by clinical and written examination shall be as follows:

- ~~(a)~~ 1. A License Applicant shall submit to the Board a completed application form and fee.
- ~~(b)~~ 2. A License Applicant's completed application form and fee shall be accompanied by written proof satisfactory to the Board that the License Applicant:
 - a. ~~The License Applicant~~ is at least 18 years of age and of good moral character ~~as the term is defined in 246 CMR 2.01(3);~~ and
 - b. ~~The License Applicant~~ has graduated from a duly accredited School of Optometry School or College of Optometry ~~which meets the requirements of M.G.L. c. 112, § 68.~~

~~(c)~~ 3. As a prerequisite to the Board granting a License by examination, the License Applicant must have successfully completed the written and clinical examinations in theoretic and practical

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Optometry utilized by the Board, and a written examination on the statutes, rules and regulations governing the practice of Optometry in Massachusetts.

a. The requirement of completion of a written examination in theoretic and practical Optometry shall be satisfied by evidence of having successfully passed the examinations given by the National Board of Examiners in Optometry. The passing grade shall be set by the National Board of Examiners for that examination.

b. The requirement of completion of a ~~practical~~clinical examination in theoretic and practical Optometry shall be satisfied by the License Applicant demonstrating familiarity with optometric instrumentation, proficiency in optometric techniques and patient handling, pathology recognition, infection control techniques, and other areas that may be deemed appropriate from time to time by the Board.

c. The requirement of completion of a written examination on the statutes, rules and regulations governing the practice of Optometry in Massachusetts shall be satisfied by evidence that the License Applicant has successfully passed the examination on this subject.

~~(d)~~4. A License Applicant who fails to pass the clinical exam or the examination on the statutes, rules and regulations shall be entitled to take any subsequent regularly scheduled administration of that examination by proper re-application.

(b) The Procedure for issuing a License through endorsement shall be as follows:

1. A License Applicant shall submit to the Board a completed application form and fee.

2. A License Applicant's completed application form and fee shall be accompanied by written proof satisfactory to the Board that the License Applicant:

a. is at least 18 years of age and of good moral character;

b. holds a certificate of registration or license to practice Optometry in another jurisdiction recognized by the Association of Regulatory Boards of Optometry, which was issued to the applicant after examination where the requirements for such registration or license are, in the opinion of the Board, equivalent to those of the Commonwealth; and

c. meets all other requirements under M.G.L. c. 112, § 68, including continuous practice of optometry for not less than three years immediately preceding application.

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3. A License Applicant shall provide proof in a form satisfactory to the Board of successfully passing a written examination on the statutes, rules, and regulations governing the practice of Optometry in the Commonwealth.

~~(3) Good Moral Character Requirement.~~

~~(a) An application to practice as a Optometrist, whether by examination pursuant to 246 CMR 2.01(1)(a) or by reciprocity pursuant to 246 CMR 2.01(1)(b), shall be accompanied by such written documentation as the Board may reasonably require in order to determine whether the License Applicant is of "good moral character".~~

~~(b) If the Board receives information about a License Applicant for registration which reasonably raises a question about whether that License Applicant is of "good moral character", the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.~~

~~1. Determinations about whether a License Applicant for registration possesses the "good moral character" required for registration shall be made on an individualized basis.~~

~~2. If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the License Applicant to appear personally before the Board, and/or furnish additional written information to the extent permitted by applicable state or federal law.~~

~~(c) Conduct which reasonably raises a question about whether a License Applicant possesses the "good moral character" required for registration includes, but is not necessarily limited to, any of the following:~~

~~1. Conviction of a felony or misdemeanors, except a routine traffic violation;~~

~~2. Discipline taken against any professional license, registration or certification held by the License Applicant by the applicable governmental authority of any state, territory or political subdivision of the United States or Canada; or~~

~~3. Conduct which is not within the meaning of 246 CMR 2.01(3)(e)1. or 246 CMR 2.01(3)(e)2., but which nevertheless involves any of the following:~~

~~a. Failure to exercise proper regard for the License Applicant's own health, welfare or safety;~~

~~b. Failure to exercise proper regard for the health, welfare, safety or legal rights of another Person; or~~

~~c. Fraud, deception or lack of honesty or truthfulness.~~

~~(d) For purposes of 246 CMR 2.01(3)(e)1., the term "conviction" means any of the following:~~

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- ~~1. A final judgment entered after a jury verdict of guilty or a judicial finding of guilty;~~
- ~~2. A plea of guilty;~~
- ~~3. A plea of *nolo contendere* (no contest); or~~
- ~~4. Any other plea or finding which is treated by the court as a plea or finding of guilty.~~

~~246 CMR 2.01(3)(d)1. through 4. shall apply regardless of the law of the jurisdiction in which the disposition occurred.~~

~~(e) For purposes of 246 CMR 2.01(3)(c)2., the term "discipline" means any of the following:~~

- ~~1. Denial of or refusal to issue a license, registration or certification for any reason other than failure to meet the educational, experiential or examination requirements established by applicable law or regulation for that license, registration or certification;~~
- ~~2. Revocation or suspension of a license, registration or certification;~~
- ~~3. Placement of a license, registration or certification on probation;~~
- ~~4. Issuance of a letter of censure;~~
- ~~5. Issuance of a written reprimand; or~~
- ~~6. Any other adverse action against the License Applicant's license, registration or certification which constitutes "discipline" under the applicable laws and/or regulations of the jurisdiction in which that adverse action was taken.~~

~~(f) In determining whether an application for license should be denied because the License Applicant has been convicted of a criminal offense, within the meaning of 246 CMR 2.01(3)(c)1., or the License Applicant has been the subject of a discipline by the applicable governmental authority of another jurisdiction, within the meaning of 246 CMR 2.01(3)(c)2., the Board shall consider all of the relevant facts and circumstances, including but not limited to the following:~~

- ~~1. The nature of the criminal offense(s) or conduct which gave rise to the discipline;~~
- ~~2. The date of the criminal conviction(s) or date of the discipline;~~
- ~~3. The age of the License Applicant at the time of the criminal conviction(s) or age and level of professional experience at the time of the conduct which gave rise to the discipline;~~
- ~~4. The number of criminal conviction(s) or number of disciplines taken against the License Applicant;~~
- ~~5. The nature and severity of the sentence or sanction imposed for each criminal conviction or nature and severity of the disciplinary sanction(s) imposed;~~

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- ~~6. Whether the conduct which gave rise to the criminal conviction or discipline demonstrates an intentional or deliberate disregard for the life, health, safety or welfare of others;~~
- ~~7. Whether the conduct which gave rise to the criminal conviction or discipline involved the commission of acts of physical or sexual violence or coercion against another Person;~~
- ~~8. Whether the conduct which gave rise to the criminal conviction or discipline otherwise poses a continued or continuing risk to the health, safety or welfare of the public;~~
- ~~9. Whether the conduct which gave rise to the criminal conviction or discipline involved trafficking in, or illegally manufacturing, controlled substances as defined by applicable state or federal law;~~
- ~~10. Whether the conduct which gave rise to the criminal conviction or discipline involves fraud, deception, a lack of honesty, a lack of truthfulness or veracity, or a lack of personal integrity or trustworthiness;~~
- ~~11. Whether there is a significant relationship between the conduct which gave rise to the criminal conviction or discipline and the nature of the activities which the License Applicant will be authorized to perform if the registration is granted;~~
- ~~12. Whether there is a significant relationship between the conduct which gave rise to the criminal conviction or discipline and the ability of the License Applicant to practice the profession with a reasonable degree of skill and safety;~~
- ~~13. Whether there is a significant relationship between the conduct which gave rise to the criminal conviction or discipline and the ability of the License Applicant to practice the profession in accordance with generally accepted standards of sound professional practice;~~
- ~~14. Evidence of rehabilitation of the License Applicant, including but not limited to successful completion of parole or court ordered probation; the making of restitution; satisfactory completion of court ordered community service; evidence that the License Applicant has subsequently taken actions to mitigate the consequences of his or her criminal conduct; evidence of remorse;~~
- ~~15. Evidence of satisfactory compliance with any terms or conditions of probation or other remedial measures included in the disciplinary sanction imposed; and,~~
- ~~16. Evidence that the License Applicant has subsequently taken other actions to mitigate the harmful consequences of the conduct which gave rise to the discipline and/or to prevent a recurrence of that conduct.~~

~~(g) In determining whether a License Applicant should be denied because he or she engaged in conduct which did not result in either a criminal conviction or a discipline, but which is within the meaning of 246 CMR 2.01(3)(c)3., the Board shall consider all of the relevant facts and circumstances, including but not limited to the following:~~

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- ~~1. The nature of the conduct in question;~~
- ~~2. The date(s) of the conduct in question;~~
- ~~3. The age of the License Applicant at the time of the conduct in question;~~
- ~~4. Whether the conduct demonstrates an intentional or deliberate disregard for the life, health, safety or welfare of others;~~
- ~~5. Whether the conduct involved the commission of acts of physical or sexual violence or coercion against another Person;~~
- ~~6. Whether the conduct otherwise poses a continued or continuing risk to the health, safety or welfare of the public;~~
- ~~7. Whether the conduct involved trafficking in, or illegally manufacturing, controlled substances;~~
- ~~8. Whether the conduct demonstrates fraud, deception, lack of honesty, a lack of truthfulness or veracity, or a lack of personal integrity or trustworthiness;~~
- ~~9. Whether there is a significant relationship between the conduct and the nature of the activities which the License Applicant will be authorized to perform if the License is granted;~~
- ~~10. Whether there is a significant relationship between the conduct and the ability of the License Applicant to practice the profession with a reasonable degree of skill and safety;~~
- ~~11. Whether there is a significant relationship between the conduct and the ability of the License Applicant to practice the profession in accordance with generally accepted standards of sound professional practice;~~
- ~~12. Evidence as to whether the License Applicant has engaged in remedial action which mitigates the consequences of the conduct in question; and~~
- ~~13. Evidence as to whether the conduct in question is characteristic of or representative of the License Applicant's conduct generally.~~

(4) Continuing Education Requirements.

(a) As a condition for maintaining licensure in Massachusetts, each Optometrist shall be required to maintain his or her professional competency by completing annually no less than 18 Continuing Education Hours related to Optometry where the Continuing Education Course has been approved by the Board or a Continuing Education Entity, of which:

1. No more than six Continuing Education Hours per renewal period will be credited for any combination of Continuing Education Courses taken in the following subject areas, provided however that no more than two Continuing Education Hours per renewal period will be credited for Continuing Education Courses in cardiopulmonary resuscitation:

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- a. Cardiopulmonary resuscitation;
- b. Child abuse recognition;
- c. Infection control;
- d. Practice management;
- e. Office procedures;
- f. Record keeping;
- g. Legislation; or
- h. Optometric statutes and regulations.

2. No more than ~~four~~six Continuing Education Hours per renewal period will be credited for distance based learning Continuing Education Courses.

3. At least two live Continuing Education Hours must be test-based.

~~2.4.~~

(b) Timely Completion.

1. Credit toward renewal of an Optometrist's License in a particular renewal period shall be given only for Continuing Education Hours which were completed during the 12 months immediately preceding January 1st of the licensure year for which renewal of that License is sought.
2. The Board may extend the deadline for completion of such Continuing Education Hours for an Optometrist who submits written proof satisfactory to the Board that he or she was prevented from completing the required Continuing Education Hours on time due to illness or other unforeseeable emergency, extreme hardship, or other good and sufficient reason deemed adequate by the Board.

~~2.3.~~ An optometrist shall upon request by the Board submit evidence of completion of the continuing education requirements in 246 CMR 2.01(3) in a manner satisfactory to the Board.

(c) Criteria for Approval of Course ~~or~~ Program.

1. In determining whether to approve a ~~Continuing Education Course~~course, the Board shall consider only whether the proposed ~~program or~~ course contributes to the improvement,

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advancement and extension of an Optometrist's professional skill and knowledge to the benefit of the patients he or she serves.

2. The Board has approved ~~the following programs or courses:~~
 - a. ~~Courses or programs~~ approved by the Council on Optometric Practitioner Education (C.O.P.E).
 - b. ~~Those programs or courses that have been~~ specifically approved by the Board under 246 CMR 2.01(43)(d) or ~~those courses or programs~~ offered by a Continuing Education Entity 246 CMR 2.01(43)(e).

(d) Procedure for Approval of a Course ~~or Program~~.

1. To be considered, a course ~~or program provided provider~~ must submit an application for approval of a Continuing Education Course. The application must be:
 - a. received by the Board at least 60 days prior to the date of the course;
 - b. made in writing;
 - c. include the following information:
 - ~~i.~~ the name of the sponsor;
 - ~~ii.~~ the title of the course and synopsis of 35 words or less summarizing the material to be presented;
 - ~~iii.~~ a detailed outline of at least one page in length which describes the course content;
 - ~~iv.~~ the relevant course category;
 - ~~v.~~ the manner in which the course will be presented;
 - ~~vi.~~ the speaker's curriculum vitae;
 - ~~vii.~~ the time and location of the course; ~~and;~~
 - ~~viii.~~ provisions for adequate monitoring of attendance, and satisfactory assurances that the course is generally available to all Optometrists; ~~and~~
 - ~~ix.~~ disclosure of financial or proprietary interests in any of the companies, products, pharmaceuticals or services to be mentioned in the course.
 - d. verify that the course is:
 - i. less than or equal to four hours in length;
 - ii. to be conducted in person; and
 - iii. to be conducted within the state of Massachusetts.
2. The Board may request such other information as it deems appropriate before rendering its decision.

(e) Approval as ~~a~~ Continuing Education Entity.

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1. An entity may seek approval from the Board to become a Continuing Education Entity. No approval is required by the Board to receive continuing education credit for a course ~~or program~~ offered by ~~a~~ Continuing Education Entity if the Continuing Education Entity itself has approved the course or program for continuing education credit.
2. To become a Continuing Education Entity, the entity must submit the following:
 - a. evidence that it is a duly accredited school or college of medicine or optometry;
 - b. a signed agreement that the entity will adhere to 246 CMR and the Board's guidelines for course submissions; and
 - c. information pertaining to the course or program that the entity has approved for continuing education credit including:
 - i. name;
 - ii. sponsor ~~or of the course or program~~;
 - iii. hours of credit;
 - iv. course objective;
 - v. course outline;
 - vi. course format, such as lecture, workshop, panel, rapid fire, or grand rounds;
 - vii. instructor's biography which specifically identifies the speaker's qualifications to speak on the topic;
 - viii. date, time, and course ~~or program~~ location;
 - ix. the provisions used for adequate monitoring of attendance;
 - x. an assurance that the course is available to all Optometrists; and
 - xi. external support that will be used to underwrite the costs of the ~~program or~~ course.
3. A Continuing Education Entity must ensure that any external support used to underwrite the cost of the activity is disclosed in materials distributed to attendees.
4. The Continuing Education Entity must forward a written copy of the approved course to the Board within one month after the entity approves the course or program for continuing education credit.
5. The Board will maintain a list of Continuing Education Entities.

(f) **Subsequent Review.** All ~~continuing education programs or courses~~ Board-approved Continuing Education Courses and ~~approved entities~~ Continuing Education Entities may be regularly reviewed by the Board to ensure that the ~~programs or courses~~ Continuing Education Courses adequately and reliably contribute to the professional competency of the Optometrist.

(~~§~~4) **Temporary Retirement or License Lapse.** An Optometrist may temporarily retire from practice in the Commonwealth upon first notifying the Board in writing of such retirement.

(a) **Temporary Retirement or License Lapse of Five Years or Less.** When the Optometrist is ready to return to optometric practice in the Commonwealth, provided the period of retirement or License lapse is five years or less, he or she may submit a request to the Board for reinstatement. The request for reinstatement shall include:

1. Payment of the lapsed annual License fees, provided however that such fees do not exceed the cost of the renewal fee for two missed renewal cycles;
2. An affidavit as to the facts of his or her temporary retirement from practice or License lapse;
3. Evidence satisfactory to the Board of having completed 18 hours of continuing education credit in courses or programs approved by the Board or an entity approved by the Board for each year the Optometrist has been in temporary retirement or lapsed License status; and
4. Any other information or documentation as requested by the Board.

(b) **Retirement or License Lapse of More Than Five Years.** Where the period of temporary retirement or License lapse exceeds five years, the Optometrist may submit a request to the Board for reinstatement. The request for reinstatement shall include:

1. Payment of ~~past-lapsed~~ annual licensing fees, provided however that such fees do not exceed the cost of the renewal fee for two missed renewal cycles;
2. An affidavit as to the facts of the temporary retirement from practice of License lapse;
3. Evidence satisfactory to the Board of having completed 18 hours of continuing education credit in courses or programs approved by the Board or an entity approved by the Board for each year the Optometrist has been in temporary retirement or lapsed License status;
4. Evidence of having successfully ~~sat for~~ passed a clinical proficiency examination within one year of applying for reinstatement, or satisfactory written proof to the Board that he or she has been licensed in good standing and actively practicing Optometry continuously in another jurisdiction recognized by the Association of Regulatory Boards of Optometry; and
5. Any other information or documentation as requested by the Board.

2.02: Certification for Use of Diagnostic Pharmaceutical Agents (DPAs)

(1) Methods of Obtaining a Certificate of Qualification in the Utilization of DPAs.

To obtain a certificate of qualification in the utilization of DPAs, licensees or applicants for licensure shall submit to the Board evidence of the completion of the education and examination required under M.G.L. c. 112, § 68A. Such evidence shall include, but not be limited to:

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(a) satisfactory proof of graduation from a School or College of Optometry after January 1, 1984; or

(b) satisfactory proof of licensure in another jurisdiction with equivalent licensure standards to those of the Commonwealth granting the licensee or applicant authority to utilize DPAs.

~~(a) **Optometrists Licensed Since January 1, 1984.** Any Optometrist qualified for licensure by examination under M.G.L. c. 112, § 68 and 246 CMR 2.01 subsequent to January 1, 1984, or qualified by meeting the requirements for licensure by reciprocity under M.G.L. c. 112, § 68 and 246 CMR 2.01 and having originally qualified for licensure in another state subsequent to January 1, 1984, shall be issued a certificate of qualification by the Board upon providing the Board with proof of the date on which the Optometrist was originally qualified for licensure by examination.~~

~~(b) **Optometrists Licensed Prior to January 1, 1984.**~~

~~1. Any Optometrist qualified for licensure by examination under M.G.L. c. 112, § 68 and 246 CMR 2.01 prior to January 1, 1984, or qualified for licensure by reciprocity under M.G.L. c. 112, § 68 and 246 CMR 2.01 and having originally qualified for licensure in another state prior to January 1, 1984, shall obtain a certificate of qualification as follows:~~

~~Such applicant shall:~~

- ~~a. Present proof to the Board of completion of the 97 hours of course work prescribed by M.G.L. c. 112, § 68A; and~~
- ~~b. Pass the examination pursuant to M.G.L. c. 112, § 68A.~~
- ~~2. Applicants who have met the requirements for licensure by reciprocity under M.G.L. c. 112, § 68 who were originally qualified for licensure before January 1, 1984, and have been certified to use DPAs in another state, may obtain DPA certification in the Commonwealth by presenting to the Board:~~
 - ~~a. Proof of successful completion of the 97 hours of course work prescribed by M.G.L. c. 112, § 68A or its equivalent;~~
 - ~~b. Official documentation that the applicant has been certified to use DPAs in another state; and~~
 - ~~c. Proof of passing the examination pursuant to M.G.L. c. 112, § 68A.~~

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~~In determining equivalency as provided for in 246 CMR 2.02(1)(b)2.a., the Board will take into consideration the clinical experience the applicant has had in the use of DPAs in the state of certification.~~

~~(e) The responsibility for all documentation under 246 CMR 2.02 shall be upon the applicant for certification in the use of DPAs.~~

~~Proof to the Board of completion of the required course work shall be:~~

- ~~1. In the form of a descriptive curriculum of the required courses from the institution or organization giving the courses; and~~
- ~~2. Accompanied by a transcript indicating the number of hours devoted to each topic and an indication of a passing grade or score.~~

~~(2) **Requirements for Qualifying Course of Study to Use DPAs.** A Qualifying Course of Study to Use DPAs shall be:~~

~~(a) Administered by a duly accredited school of Optometry or school of medicine; and~~

~~(b) Consist of at least 97 hours of study relating to the topical application to the eye of DPAs. The following areas shall be included:~~

~~1. **General Pharmacology:**~~

- ~~a. Four hours in biochemistry;~~
- ~~b. Eight hours in general physiology, two of which shall be in pediatric physiology;~~
- ~~c. Eight hours in pharmacology, three of which shall be in pediatric pharmacology; and~~
- ~~d. Ten hours in indications and ocular effects of commonly prescribed drugs, two of which shall be in indications of effects in pediatric situations;~~

~~2. **Ocular Pharmacology:**~~

- ~~a. Eight hours in ocular pharmacology; and~~
- ~~b. Eight hours in study of particular topically applied agents, including but not limited to, anesthetics, dyes, mydriatics, cycloplegics, and contact lens solutions;~~

~~3. **Interpretation and Patient Management:**~~

- ~~a. Six hours each in the study of anterior and posterior segment;~~
- ~~b. Two hours in pediatric eye diseases;~~
- ~~c. Two hours in glaucoma; and~~
- ~~d. One hour in ocular emergency;~~

~~4. **Cardiopulmonary Resuscitation:** four hours, including treatment of anaphylaxis; and~~

~~5. Supervised Clinical Practice: 30 hours, including six hours in pediatric practice.~~

~~(3) Reporting and Referral.~~

~~(a) Pursuant to M.G.L. c. 112, § 68, Anyany~~ Optometrist certified by the Board to use DPAs who observes a patient's adverse reaction to a DPA shall report said observation and comment thereon to the Board.

~~(b) If, during the course of examining a patient, an Optometrist certified by the Board to use DPAs determines the existence of:~~

- ~~1. ocular pressure greater than 24 MM;~~
- ~~2. any unexplained loss of visual field;~~
- ~~3. a failure on the part of the individual being examined to achieve 20/40 or better corrected vision in each eye; or~~
- ~~4. signs of disease;~~

~~the Optometrist shall refer the patient to a licensed physician, unless such condition has been previously evaluated by a physician or unless the Optometrist reports in writing that such referral is not warranted and documents the reasons therefore on the records of such patient.~~

2.03: Certification for Use of Therapeutic Pharmaceutical Agents (TPAs)

(1) Methods of Obtaining Certification for Use of TPA.

To obtain a certificate of qualification in the utilization of TPAs, licensees or applicants for licensure shall submit to the Board evidence of the completion of the education and examination required under M.G.L. c. 112, § 68B. Such evidence shall include, but not be limited to:

(a) Satisfactory proof of graduation from a School or College of Optometry after January 1, 1994; or

(b) Satisfactory proof of licensure in another jurisdiction with equivalent licensure standards to those of the Commonwealth granting the licensee or applicant authority to utilize TPAs.

~~(a) **Optometrists Originally Licensed by Examination in Massachusetts after January 1, 1994.** Any Optometrist whose first License to practice Optometry was obtained in Massachusetts~~

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by examination pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(a) after January 1, 1994 shall be issued a certificate of qualification to use TPAs if he or she submits to the Board satisfactory written proof of the date on which he or she received his or her original licensure to practice Optometry in Massachusetts.

~~(b) Optometrists Originally Licensed in Other States by Examination after January 1, 1994 and Licensed in Massachusetts by Reciprocity.~~ Any Optometrist whose first license to practice Optometry was obtained by examination in a state other than Massachusetts after January 1, 1994, and who subsequently obtained a License in Massachusetts by reciprocity pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(b), shall be issued a certificate of qualification to use TPAs if he or she submits to the Board satisfactory written proof of the date on which he or she was issued his or her first license to practice by that other state.

~~(c) Optometrists Originally Licensed in Massachusetts by Examination Prior to January 1, 1994 And Who Do Not Possess TPA Certification in Any State.~~ Any Optometrist whose first License to practice Optometry was obtained in Massachusetts by examination pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(a) prior to January 1, 1994, and who has not yet obtained authorization to use TPAs in any state, shall be issued a certificate of qualification to use TPAs in Massachusetts if he or she submits to the Board all of the following:

- ~~1. Satisfactory written proof that he or she is currently certified by the Board for the use of DPAs in Massachusetts; and~~
- ~~2. Satisfactory written proof that he or she has:~~
 - ~~a. Completed a Qualifying Course of Didactic TPA study which meets the requirements of 246 CMR 2.03(2), which includes the requirements that the course be 90 hours or more and has been approved by the Board;~~
 - ~~b. Passed a Qualifying Examination in the Use of TPAs which has been approved by the Board; and~~
 - ~~c. Completed a supervised course of clinical TPA practice which meets the requirements of 246 CMR 2.03(3), which includes the requirements that the course be 30 hours or more and has been approved by the Board.~~

~~Proof of an applicant's completion of the required qualifying course of didactic TPA study and the required supervised course of clinical TPA practice shall be in the form of a transcript, affidavit or certificate issued by the school of Optometry or school of medicine administering the course indicating the number of hours of instruction devoted to each topic and an indication that the applicant received a passing grade or score.~~

~~(d) **Optometrists Originally Licensed in Massachusetts by Examination Prior to January 1, 1994 and Who Possess TPA Certification Issued by Another State.** Any Optometrist whose first License to practice Optometry was obtained in Massachusetts by examination pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(a) prior to January 1, 1994, and who has subsequently obtained authorization to use TPAs in another state, shall be issued a certificate of qualification to use TPAs in Massachusetts if he or she submits to the Board all of the following:~~

- ~~1. Satisfactory written proof that he or she is currently certified by the Board for the use of DPAs in Massachusetts; and~~
- ~~2. Satisfactory written proof that he or she possesses a current, valid certificate of qualification to use TPAs issued by another state where the requirements for that certificate of qualification are equivalent to, or exceed, the requirements of 246 CMR 2.03(1)(e)2. Where the applicant holds a current, valid certificate of qualification to use TPAs issued by another state, but the requirements for issuance of that TPA certification are not equivalent to the requirements of 246 CMR 2.03(1)(e)2., the applicant shall also submit satisfactory written proof that he or she has completed additional didactic instruction in the use of TPAs, completed additional supervised clinical TPA practice, and/or passed a qualifying examination approved by the Board, in the manner and to the extent necessary to meet the requirements of 246 CMR 2.03(1)(e)2.~~

~~(e) **Optometrists Originally Licensed in Other States by Examination Prior to January 1, 1994, Subsequently Licensed in Massachusetts, and Who Are Not Authorized to Use TPAs in Any State.** Any Optometrist whose first license to practice Optometry was obtained by examination in a state other than Massachusetts prior to January 1, 1994, who was subsequently obtained a License in Massachusetts pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(b), and who has not yet obtained authorization to use TPAs in any state, shall be issued a certificate of qualification to use TPAs in Massachusetts if he or she submits to the Board evidence that he or she has met the requirements under 246 CMR 2.03(1)(e).~~

~~(f) **Optometrists Originally Licensed in Other States by Examination Prior to January 1, 1994, Subsequently Licensed in Massachusetts, and Who Possess TPA Certification Issued by Another State.** Any Optometrist whose first license to practice Optometry was obtained by examination in a state other than Massachusetts prior to January 1, 1994, and who was subsequently obtained a License in Massachusetts pursuant to M.G.L. c. 112, § 68 and 246 CMR 2.01(1)(b), and who holds a certificate of qualification to use TPAs issued by another state, shall~~

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be issued a certificate of qualification to use TPAs in Massachusetts if he or she submits to the Board evidence that he or she has met the requirements of 246 CMR 2.03(1)(d).

~~(2) Requirements for Approval of a Qualifying Course of Didactic TPA Study.~~ A Qualifying Course of Didactic TPA study shall be approved by the Board only if it meets all of the following requirements:

~~(a) The course is administered by a duly accredited School of Optometry or school of medicine;~~

~~(b) The course consists of at least 90 hours of classroom instruction in the appropriate use of TPAs for the diagnosis, prevention, correction, management and/or treatment of abnormal ocular conditions or diseases, including:~~

- ~~1. Not less than 24 hours of classroom instruction in physiology and pharmacology;~~
- ~~2. Not less than 24 hours of classroom instruction in diagnosis, correction, prevention, management and/or treatment of anterior segment diseases or conditions; and~~
- ~~3. Not less than 24 hours of classroom instruction in diagnosis, correction, prevention, management and/or treatment of posterior segment diseases or conditions.~~

~~(3) Requirements for Approval of a Supervised Course of Clinical TPA Practice.~~ A supervised course of clinical TPA practice shall be approved by the Board only if it meets the requirements in 246 CMR 2.03(3)(a) and (b):

~~(a) The course includes 30 hours of supervised clinical practice in the use of TPAs, wherein six hours are in pediatric practice; and~~

~~(b) The course is administered by a duly accredited School of Optometry or school of medicine.~~

~~(4) Other Requirements for the use of TPA.~~ Optometrists who are certified by the Board in the use of TPA agents must comply with the statutes and the Massachusetts Department of Public Health regulations governing the distribution of controlled substances, including the registration, written prescription, and documentation requirements under 105 CMR 700.00: *Implementation of M.G.L. c. 94C.*

~~(5) Restrictions on Use of TPAs.~~ Nothing in M.G.L. c. 112, §§ 66 through 73B or 246 CMR 1.00 *et seq.* shall be construed as authorizing any Optometrist to:

(a) Use any TPA which is listed, pursuant to Title 21, section 812 of the United States Code or M.G.L. c. 94C, as a controlled substance in Schedules II through V;

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- (b) Use any pharmaceutical agent which is administered by means of subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection;
- (c) Use any pharmaceutical agent for the specific treatment of systemic disease; or
- (d) Perform any invasive surgical procedure.

(64) Mandatory Referral of Patients to Physicians or Other Qualified Providers. Pursuant to [M.G.L. c. 112, § 66B, #if](#), during the course of examining or treating a patient with the aid of a [diagnostic-DPA](#) or TPA, an Optometrist, in the reasonable exercise of his or her professional judgment, determines the existence of signs of previously unevaluated disease which would require treatment which is not within the scope of optometric practice as defined in M.G.L. c. 112, § 66, that Optometrist shall refer the patient to a licensed physician or other qualified health care practitioner for appropriate evaluation and/or treatment.