

246 CMR: BOARD OF REGISTRATION IN OPTOMETRY

246 CMR 2.00: EXAMINATION AND LICENSURE; CERTIFICATION FOR USE OF DIAGNOSTIC AND THERAPEUTIC PHARMACEUTICAL AGENTS

Section

2.01: Licensure Provisions

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

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

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 clinical and written examination; or
- (b) by endorsement based upon a license issued by another jurisdiction recognized by the Association of Regulatory Boards of Optometry.

(2) Procedure for Issuing a License.

(a) The procedure for issuing a License by clinical and written examination 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 18 years of age or older and of good moral character; and
 - b. has graduated from a School or College of Optometry.
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 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 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.
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 18 years of age or older 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

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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.

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.

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(3) 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:

- 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 six Continuing Education Hours per renewal period will be credited for distance based learning Continuing Education Courses.

(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.

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.

1. In determining whether to approve a course, the Board shall consider only whether the proposed course contributes to the improvement, 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 courses:

- a. approved by the Council on Optometric Practitioner Education (C.O.P.E).
- b. specifically approved by the Board under 246 CMR 2.01(3)(d) or offered by a Continuing Education Entity 246 CMR 2.01(3)(e).

(d) Procedure for Approval of a Course.

1. To be considered, a course 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;

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- 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;

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- 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.
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 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 of the course;
 - 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 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 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 Board-approved Continuing Education Courses and Continuing Education Entities may be regularly reviewed by the Board to ensure that the 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:

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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.

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(b) Temporary 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 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 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;
4. Evidence of having successfully 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:

- (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.

(2) Reporting and Referral. Pursuant to M.G.L. c. 112, § 68, any 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.

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

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(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.

(2) 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.*

(3) 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;

(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.

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(4) 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 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.

REGULATORY AUTHORITY

246 CMR 2.00: M.G.L. c. 112, §§ 66 through 73B.