

Table of Contents

24.10.01 - Rules of the State Board of Optometry

000. Legal Authority (Rule 0).	3
001. Title And Scope (Rule 1).	3
002. Written Interpretations (Rule 2).	3
003. Administrative Appeals (Rule 3).	3
004. Incorporation By Reference (Rule 4).	3
006. Public Records (Rule 6).	3
007. -- 009. (Reserved).	3
010. Definitions (Rule 10).	3
011. -- 099. (Reserved).	3
100. Nominations Of Board Members (Rule 100).	4
101. -- 124. (Reserved).	5
125. Submission Of Bills To State Auditor (Rule 125).	5
126. -- 149. (Reserved).	5
150. Meeting Of The Board (Rule 150).	6
151. -- 174. (Reserved).	6
175. Method Of Application-examination Of Applicants (Rule 175).	6
176. -- 199. (Reserved).	6
200. Approval Of Schools Of Optometry (Rule 200).	6
201. -- 224. (Reserved).	6
225. Approval Of Preliminary Education (Rule 225).	6
226. -- 249. (Reserved).	6
250. Licenses Canceled For Failure To Renew (Rule 250).	6
251. -- 274. (Reserved).	7
275. Endorsement (Rule 275).	7
276. -- 299. (Reserved).	7
300. Continuing Education In Optometry (Rule 300).	7
301. -- 324. (Reserved).	8
325. Code Of Ethics (Rule 325).	8
326. -- 424. (Reserved).	9
425. Rules Defining Gross Incompetence (Rule 425).	9
426. -- 449. (Reserved).	10
450. Contents Of Prescription (Rule 450).	10
451. -- 474. (Reserved).	11
475. Patients Records (Rule 475).	11
476. -- 499. (Reserved).	12
500. Preceptorship Program (Rule 500).	12
501. -- 524. (Reserved).	12
525. General Rules (Rule 525).	12
526. -- 574. (Reserved).	12
575. Fees (Rule 575).	12
576. -- 599. (Reserved).	12
600. Board Certification Of Optometrist Authorized To Obtain And Use Pharmaceutical Agents (Rule 600).	12
601. -- 624. (Reserved).	14

Table of Contents (cont'd)

625. Rulemaking History Prior To July, 1993 (Rule 625).	14
626. -- 999. (Reserved).	14

**IDAPA 24
TITLE 10
CHAPTER 01**

24.10.01 - RULES OF THE STATE BOARD OF OPTOMETRY

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the State Board of Optometry by the provisions of Section 54-1509, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.10.01, "Rules of the State Board of Optometry". (7-1-93)

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-15-02)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-15-02)

005. ADDRESS OF THE STATE BOARD OF OPTOMETRY (Rule 5).

The office of the State Board of Optometry is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ibol@ibol.state.id.us. The Board's official web site is at www2.state.id.us/ibol/opt. (3-15-02)

006. PUBLIC RECORDS (RULE 6).

The records associated with the State Board of Optometry are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-15-02)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The State Board of Optometry as prescribed in Section 54-1503, Idaho Code. (7-1-93)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-1509 and 67-2602, Idaho Code. (3-15-02)

03. Low Vision. Refer to Section 54-1501(5), Idaho Code, correcting defects may include low vision but is not limited to low vision rehabilitation. (7-1-97)

04. 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 hold 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. (7-1-97)

011. -- 099. (RESERVED).

100. NOMINATIONS OF BOARD MEMBERS (RULE 100).

01. Districts. In order to establish the districts from which a vacancy in the membership of the Board of Optometry shall be filled, the state is divided into the following three (3) districts by counties as follows:

a. North District.

North District	
Lemhi	Latah
Boundary	Clearwater
Bonner	Nez Perce
Kootenai	Valley
Shoshone	Idaho
Benewah	Adams
Lewis	Custer
Washington	Butte
Payette	Jefferson
Boise	Madison
Teton	Clark
Blaine	Fremont

(7-1-97)

b. Southwest District.

Southwest District	
Ada	Gem
Owhyee	Canyon
Elmore	

(7-1-97)

c. Southeast District.

Southeast District	
Bear Lake	Bonneville
Caribou	Camas
Bannock	Lincoln
Franklin	Twin Falls
Oneida	Minidoka
Power	Bingham

Southeast District	
Cassia	Gooding
Jerome	

(7-1-99)

02. Nomination Ballot. Upon the occurrence of a vacancy to be filled as provided by law, a nominating ballot is to be forwarded to each licensed optometrist residing in the state of Idaho pursuant to Section 54-1504, Idaho Code, and shall read as follows: (7-1-93)

**NOMINATING BALLOT FOR MEMBERS OF THE
IDAHO STATE BOARD OF OPTOMETRY**

List below any number of names between one (1) and six (6) of persons you wish to nominate for appointment by the Governor to the Idaho State Board of Optometry. In order to be appointed by the Governor, a nominee must be a licensed optometrist in the state of Idaho and shall have been a resident of and lawfully practicing optometry within the State of Idaho for a period of at least five (5) years next preceding his appointment as required by Section 54-1505, Idaho Code. At least one (1) person appointed by the Governor must reside in each of the three (3) districts which are set as follows:

North District - Counties of Lemhi, Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Idaho, Valley, Adams, Lewis, Washington, Jefferson, Payette, Madison, Boise, Teton, Custer, Blaine, Butte, Clark and Fremont.

Southwest District - Counties of Ada, Elmore, Gem, Canyon and Owyhee.

Southeast District - Counties of Bear Lake, Caribou, Bannock, Franklin, Oneida, Power, Cassia, Minidoka, Bonneville, Camas, Lincoln, Bingham, Gooding, Jerome, and Twin Falls.

MY NOMINATIONS ARE:

READ CAREFULLY

Instructions for return of the nominating ballot.

Do not sign or otherwise identify yourself on the foregoing ballot itself.

Do place the completed ballot in the envelope marked "Ballot", seal the ballot envelope, and sign and print your name on the outside of the envelope.

Do place the ballot envelope in an envelope addressed to Chief of the Occupational License Bureau, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702 on or before _____.

Ballot envelopes will first be verified to determine if the person returning the ballot is eligible to vote, the ballot envelope will be opened and the ballots themselves will be counted and the results tabulated and sent to the Governor as required by law. Ballot envelopes which cannot be verified will be set aside and the names listed therein not recorded. (7-1-99)

101. -- 124. (RESERVED).

125. SUBMISSION OF BILLS TO STATE AUDITOR (RULE 125).

All vouchers to be submitted to the State Auditor for payment out of the State Board of Optometry fund shall be approved by the Board and verified by the Secretary as authorized by the Board. (7-1-93)

126. -- 149. (RESERVED).

150. MEETING OF THE BOARD (RULE 150).

Notice of all meetings not having been announced at the preceding meeting shall be given to each member of the Board by the secretary two (2) weeks in advance of such meeting. Such notice shall be in writing informing each member as to the time, place, and purpose of the meeting. In the event that written notice cannot be given two (2) weeks in advance, the chairman may instruct the secretary to notify each member of the Board either by telephone or telegraph as to the time, place and purpose of the meeting and any Board member who attends or participates in the meeting shall be deemed to have waived any objection to any notice required by the rules. (7-1-93)

151. -- 174. (RESERVED).

175. METHOD OF APPLICATION-EXAMINATION OF APPLICANTS (RULE 175).

Applications for license shall be made on forms approved by the Board of Examiners which may be obtained and which must be filed in the office of Occupational License Bureau at Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. (3-30-01)

01. Application Fee. The application fee must be accompanied by: (7-1-93)

a. The required fee. (7-1-93)

b. An unmounted photograph three inches by three inches (3" x 3"), head and shoulders only, taken within one (1) year prior to the date of making the application. (7-1-93)

c. A complete transcript of credits from any college of optometry attended. (7-1-93)

d. A photocopy of any diplomas granted by any college of optometry. (7-1-93)

e. A copy of certified results establishing successful passage of the required examinations. (3-30-01)

02. Application Review. Only fully completed applications accompanied by appropriate documents shall be reviewed for licensure. (3-30-01)

03. Exam Content. The written and the practical portions of the Idaho examination shall be all parts of the National Board of Examiners in Optometry Examination and the "Treatment and Management of Ocular Diseases" examination approved by the Association of Regulatory Boards of Optometry, Inc. (ARBO). A passing grade on both examinations shall be necessary before obtaining a license to practice Optometry in Idaho. (3-30-01)

176. -- 199. (RESERVED).

200. APPROVAL OF SCHOOLS OF OPTOMETRY (RULE 200).

The State Board of Optometry recognizes as reputable and in good standing the schools and colleges of optometry which have met the standards set by the Council on Optometric Education of the American Optometric Association, a list of which may be obtained from the secretary of the Board or from the office of the Bureau of Occupational Licenses in Boise. (7-1-93)

201. -- 224. (RESERVED).

225. APPROVAL OF PRELIMINARY EDUCATION (RULE 225).

The State Board of Optometry recognizes the preliminary education prerequisites for entry into a school, college or university of optometry approved by the Council on Optometric Education of the American Optometric Association as adequate preliminary education prerequisites for licensing in Idaho. (7-1-93)

226. -- 249. (RESERVED).

250. LICENSES CANCELED FOR FAILURE TO RENEW (RULE 250).

Any person whose license has been canceled for failure to renew for a period of less than five (5) years may be reinstated upon payment of the renewal fee for each year the license was lapsed, payment of a one hundred fifty

dollars (\$150) reinstatement fee, and upon providing documentation of having met the continuing education requirement for each year their license was lapsed. Any person whose license to practice optometry has been canceled for failure to renew for a period in excess of five (5) years may be reinstated in accordance with the requirements of Section 67-2614, Idaho Code, subject to examination by the State Board of Examiners of the State Board of Optometry at its discretion. (3-15-02)

251. -- 274. (RESERVED).

275. ENDORSEMENT (RULE 275).

01. Endorsement. Any person who presents to the Board of Optometry a certified copy of a certificate or license of registration which he holds in good standing in another state or a foreign country, which state or foreign country has similar requirements for licensing or registration as is provided for new applicants in Idaho (including therapeutic privileges), may apply to the Board for the issuance of a license to practice optometry in the state of Idaho. (4-5-00)

02. Conditions to be Granted a License. The right to be granted a license to practice optometry in Idaho is also subject to the following conditions set out below: (7-1-93)

a. The submission of a completed application meeting the requirements of Subsection 175.01 including the applicable fee. (4-5-00)

b. That the license or certificate of registration of the applicant shall not have been suspended or revoked by any state or country or subject to any pending or unresolved licensure action in any state or country. That the applicant must not have committed any act which would constitute a violation of the Optometry Act or Board Rules. (4-5-00)

c. That for those licensed in another state after January 1, 1986 the applicant has successfully passed the "Treatment and Management of Ocular Disease Examination" administered by the Association of Regulatory Boards of Optometry and completed and returned the state of Idaho law examination. For those licensed in another state before January 1, 1986 the applicant must document to the Board for approval, the education, training, and examination for therapeutic privileges in the other state and return the state of Idaho law examination. (3-20-04)

d. That the applicant has been engaged in the practice of optometry continuously for not less than the last five (5) years. (4-5-00)

276. -- 299. (RESERVED).

300. CONTINUING EDUCATION IN OPTOMETRY (RULE 300).

01. Hours Required, Advance Approval. Each optometrist licensed by the state of Idaho shall attend in each twelve (12) month period preceding the renewal of a license to practice optometry in Idaho, a minimum of twelve (12) full hours of post-graduate optometric education courses or meetings approved in advance by the Board of Optometry or post-graduate study sessions or seminars at an accredited school or college of optometry. In addition, all Council on Optometric Practitioners Education (COPE) approved courses would be approved for continuing education credit. If an optometrist attends or plans to attend a course of study or seminar which has not been approved in advance, he may petition the Board for approval of that educational course of study, setting forth a description of the course. The Board may, in its discretion, approve the course upon review of the material submitted either in advance or after completion of the course. (8-24-94)

02. Additional Hours Required to Use Therapeutic Pharmaceutical Agents. Each optometrist licensed by the state of Idaho to use therapeutic pharmaceutical agents shall attend in each twelve (12) month period preceding the renewal of a license to practice optometry in Idaho, a minimum of six (6) additional full hours of post-graduate optometric courses or meetings approved in advance by the Board of Optometry or post-graduate study sessions or seminars at an accredited school or college of optometry. This six (6) hours of continuing education must be in courses involving ocular pharmacology and/or advanced ocular disease and are in addition to the twelve (12) hours of continuing education required under Subsection 300.01. (7-1-93)

03. Correspondence/Home Study Courses. No more than six (6) hours of continuing education shall be permitted each year in correspondence courses or other continuing education obtained through the mail or from "home study" courses. (8-24-94)

04. Waiver of Requirements. The Board of Optometry shall waive the continuing education requirement for the first license renewal after initial licensure. The Board of Optometry may, upon application, waive the requirements of this rule in cases involving illness, unusual circumstances interfering with the optometrist's ability to practice or inability to conform to the rules due to military duty. (3-15-02)

05. Renewal Application Form. Each licensed Idaho optometrist will be furnished a license renewal application form by the State Board of Optometry on which each optometrist shall attest on their annual license renewal application that they have satisfied the continuing education requirements. False attestation of satisfaction of the continuing education requirements on a renewal application shall subject the licensee to disciplinary action. (3-20-04)

06. 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. (3-20-04)

07. 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 or other documentation 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. (3-20-04)

301. -- 324. (RESERVED).

325. CODE OF ETHICS (RULE 325).

01. Patient's Visual Welfare. The licensed optometrist shall keep the patient's visual welfare uppermost in his consideration at all times and promote the best methods of care for the visual needs of mankind. (7-1-93)

02. Confidentiality. The optometrist shall preserve information concerning his patients in confidence and not release that information unless authorized by the patient. An optometrist may, however, supply information of an otherwise confidential or privileged nature when lawfully subpoenaed to testify at a deposition or hearing in any proceeding before the Board of Optometry, or at any other time and place ordered by a court of law. (7-1-93)

03. Conduct of Practice. The optometrist shall conduct his practice in a dignified and professional manner and in keeping with the mode of practice of a professional person entrusted with the care of the health of citizens of this state and shall abide by the rulings of the Board of Optometry. (7-1-93)

04. Unprofessional Conduct. In order to define what constitutes unprofessional conduct, the board hereafter lists and sets forth certain prohibited actions. In conducting his practice, an optometrist must not: (7-1-93)

a. Practice optometry in any manner other than as a professional person in an individual capacity, or in partnership with or associate with other licensed health care professionals, under his own name and not as a corporation or officer or agent of a corporation or other business entity. An optometrist may be a stock holder in and practice as a member of a professional service corporation with other licensed health care professionals as authorized by Title 54, Chapter 15, Idaho Code, but the optometrist must list his individual name as well as any name selected for the professional service corporation on any letterheads, telephone directories, office or building directories, or other places where the general public might be advised of the fact that the individual is practicing optometry, as required by these rules. (3-15-02)

b. Use either "Cappers" or "Steerers" or accept a split or divided fee for the purpose of obtaining patients or use solicitors or agents for the purpose of securing patients or conducting eye examinations or furnishing

optometric services. (7-1-93)

c. Make or conspire to make any arrangement, agreement, or engage in any practice whereby a supplier of ophthalmic materials shall: (7-1-93)

i. Provide office space for an optometrist. (7-1-93)

ii. Pay rent upon the office space occupied by an optometrist. (7-1-93)

iii. Pay the professional fees of an optometrist. (7-1-93)

iv. Pay for the advertising for an optometrist. (7-1-93)

v. Pay commissions to an optometrist upon ophthalmic materials furnished by such optometrist to his patients. (7-1-93)

iv. Consistently refer prospective purchasers of ophthalmic materials to an optometrist in violation of the law. (7-1-93)

d. Allow his prescription files and records to be used by any unlicensed person, firm, or corporation for the practice of optometry. (7-1-93)

e. As a regular pattern of practice, accept referrals from retail optical outlets that violate section 54-1525, Idaho Code, pertaining to referral of patients, or which are located in close proximity to the optometrist's office for the purpose of inducing consistent patronage of his services because of location of office rather than professional reputation. (7-1-93)

f. Fail to perform services for which fees have been received. (7-1-93)

g. File false reports of services performed or fees rendered. (7-1-93)

h. Permit the use of his name or professional title by or in conjunction with any person not an optometrist, or any firm, company, corporation or military association which illegally practices or in any manner holds himself or itself out to the public as being entitled to practice the profession of optometry when not licensed to do so under the law of Idaho or which uses the title "Optometric Services" in such a manner in advertising as to convey to the public the impression that the individual or corporation is entitled to practice optometry or furnish optometric advice or services when not so authorized by law. (7-1-93)

i. Enter into or continue in a contract, agreement, or understanding of any kind, or engage in any course of conduct with any person, firm or corporation, or their agents, whereby said optometrist expressly or impliedly agrees: (7-1-93)

i. To refer the patient back to said person, firm, or corporation referring the patient for any subsequent service or receipt of ophthalmic material. (7-1-93)

ii. That if any patient is referred by any person, firm or corporation to the optometrist, the optometrist will refrain from supplying to the patient any ophthalmic materials. (7-1-93)

j. Directly or indirectly give any person, association, firm or corporation, or their agents, anything of pecuniary benefit or value as consideration for the referral of any patient to said optometrist. (7-1-93)

326. -- 424. (RESERVED).

425. RULES DEFINING GROSS INCOMPETENCE (RULE 425).

In order to protect the public, the Board of Optometry defines as "gross incompetence" any behavior or practice on the part of the licensed optometrist which demonstrates a lack of competence with respect to discharging professional obligations or duties which might result in injury or damage to a patient whether such injury or damage actually

occurs or not and in particular, the Board defines as “gross incompetence” any of the following: (11-6-93)

01. Failure to Meet Prevailing Standards. Failure to meet prevailing standards, or willful rendering of substandard care, either individually or as part of a third party reimbursement agreement or by other agreement. (7-1-97)

02. Failure to Meet Prevailing Standards in the Referral of Any Patient Who Is Suffering From Any Apparent or Suspected Pathological Condition. A failure to meet prevailing standards in the referral of any patient who is suffering from any apparent or suspected pathological condition to a person competent and licensed to properly treat or diagnose the condition. (7-1-93)

03. Employment of Techniques or Methods of Practice. Employment of techniques or methods of practice in treating or prescribing for a patient when he does not have proper training in the technique or methods of practice. (7-1-93)

04. Failure to Advise Patient of Possible Danger When a Lens Not Meeting Impact Resistance Standards of F.D.A. Failure to advise his patient of possible danger when a lens not meeting impact resistance standards of F.D.A. Regulation, Sec. 3.84,21 CFR., is provided for the patient. (7-1-93)

05. Failure to Provide Follow-Up Care. Failure to provide follow-up care according to prevailing standards. (11-6-93)

06. Displaying Gross Ignorance or Demonstrating Gross Inefficiency. Displaying gross ignorance or demonstrating gross inefficiency in the care of a patient. (7-1-93)

07. Failure to Verify the Specifications of All Lenses. Failure to verify the specifications of all lenses provided by him. (11-6-93)

08. Failing to Perform Tests and Record Findings. In the course of an examination of a patient, failure to perform tests and record findings in a manner consistent with prevailing standards of optometric care. (11-6-93)

09. Using Pharmaceutical Agents. Using pharmaceutical agents in the practice of optometry without having attended sufficient training programs or schools and acquiring the knowledge necessary to use the drugs in a competent manner. (11-6-93)

10. Illegal Prescription Sale, Administration, Distribution, or Use of Drugs. Prescribing, selling, administering, distributing, giving, or using drugs legally classified. 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. (7-1-97)

11. Disciplinary Action or Sanctions. Disciplinary action or sanctions taken by another state, jurisdiction, peer review body or a professional association or society against an optometrist for acts or conduct similar to acts or conduct which would constitute grounds for action as defined under “Rules of the Idaho Board of Optometry”. (7-1-97)

12. Sanitary Office. Has failed to maintain sanitary office conditions, equipment, and use appropriate techniques and procedures. (7-1-97)

13. Failure to Release Prescription. Failure to release spectacle prescription as required by Federal law. (7-1-97)

426. -- 449. (RESERVED).

450. CONTENTS OF PRESCRIPTION (RULE 450).

Every prescription written or issued by an optometrist practicing in Idaho shall contain at least the following information: (7-1-93)

- 01. Prescription for Spectacles.** Prescriptions for spectacles shall contain the following: (7-1-93)
- a.** Sphere, cylinder, axis, prism power and additional power, if applicable; (7-1-93)
 - b.** Position of optical center or interpupillary distance; (7-1-93)
 - c.** Seg type; and (7-1-93)
 - d.** Expiration date of the prescription. (7-1-93)
- 02. All Prescriptions for Rigid Contact Lenses.** All prescriptions for rigid contact lenses shall contain at least the following information: (7-1-93)
- a.** Base curve; (7-1-93)
 - b.** Peripheral curve or curves including width; (7-1-93)
 - c.** Overall diameter; (7-1-93)
 - d.** Optical zone diameter; (7-1-93)
 - e.** Power; (7-1-93)
 - f.** Center thickness; (7-1-93)
 - g.** Color; and (7-1-93)
 - h.** Expiration date of the prescription. (7-1-93)
- 03. All Prescriptions for Soft Contact Lenses.** All prescriptions for soft contact lenses shall contain at least the following information: (7-1-93)
- a.** Lens manufacturer or “brand” name; (7-1-93)
 - b.** Series or base curve; (7-1-93)
 - c.** Power; (7-1-93)
 - d.** Diameter, if applicable; (7-1-93)
 - e.** Color, if applicable; and (7-1-93)
 - f.** Expiration date of the prescription. (7-1-93)

451. -- 474. (RESERVED).

475. PATIENTS RECORDS (RULE 475).

01. Optometrist Shall Keep a Complete Record of All Patients Examined. Every optometrist practicing in the state of Idaho shall keep a complete record of all patients examined by him or for whom he has adapted optical accessories, including copies of prescriptions issued to the patient and copies of statements of charges delivered or provided to the patient. All such records shall be maintained in an orderly and accessible manner and place and shall be maintained for at least five (5) years following the optometrist’s last professional contact with the patient. Failure to maintain such records is deemed to be unprofessional conduct and constitutes gross incompetence in the handling of the patient’s affairs. (7-1-93)

02. Prescription Files. The prescription files and all records pertaining to the practice of optometry shall be maintained as the sole property of the optometrist and not be distributed to any unlicensed person except as required by law or when lawfully subpoenaed in a criminal or civil proceeding in court, or subpoenaed for presentation at a deposition or hearing authorized by the Board of Optometry. (7-1-93)

476. -- 499. (RESERVED).

500. PRECEPTORSHIP PROGRAM (RULE 500).

An optometrist may use a student of optometry in his office under his direct supervision for educational purposes. (7-1-93)

501. -- 524. (RESERVED).

525. GENERAL RULES (RULE 525).

01. Engaging as an Advisor or Staff Optometrist. An optometrist may be engaged as an advisor for or be engaged as a staff optometrist for an administrator for: (7-1-93)

- a.** Industrial plants where industrial vision programs are being, or have been instituted. (7-1-93)
- b.** Health programs sponsored or funded by any agency or municipal county, state or federal government. (7-1-93)
- c.** Research organizations or educational institutions. (7-1-93)
- d.** Insurance companies. (7-1-93)
- e.** Hospitals. (7-1-93)
- f.** Ophthalmologists. (7-1-93)
- g.** Corporations where the optometrist's full time is engaged by the corporation to care for the visual needs of the employees of such corporation and their families. (7-1-93)

02. Professional Responsibilities. Provided, however, that in acting in the capacity of consultant, advisor, or staff optometrists, the optometrist shall at all times remain cognizant of his professional responsibilities and shall with demeanor, decorum and determination retain his right of independent professional judgment and title in all situations and circumstances and in a manner similar to that which he would exercise if he were engaged in practice in his own office. (7-1-93)

526. -- 574. (RESERVED).

575. FEES (RULE 575).

- 01. Annual Renewal Fee.** Annual renewal fee for license - seventy-five dollars (\$75). (7-1-97)
- 02. Annual Optometry Fund Fee.** Annual optometry fund fee - seventy-five dollars (\$75). (7-1-97)
- 03. License Application Fee.** License application fee - one hundred dollars (\$100). (7-1-93)
- 04. Certificate to Obtain and Use Pharmaceutical Agents Fee.** Certificate to obtain and use pharmaceutical agents fee - ten dollars (\$10). (3-30-01)

576. -- 599. (RESERVED).

600. BOARD CERTIFICATION OF OPTOMETRIST AUTHORIZED TO OBTAIN AND USE PHARMACEUTICAL AGENTS (RULE 600).

01. The Right to Obtain and Use Topically Applied Diagnostic Pharmaceutical Agents. The right to obtain and use topically applied diagnostic pharmaceutical agents for use in diagnosis of another in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below: (7-1-93)

a. Optometrists who have obtained a certificate from the Board of Optometry authorizing them to obtain and use topically applied diagnostic pharmaceutical agents shall obtain, from pharmacists licensed by the state of Idaho, or from any other source, and use only those agents listed below: (7-1-93)

i. Anesthetics: (7-1-93)

(1) Proparacaine 0.5%; (7-1-93)

(2) Tetracaine 0.5%; (7-1-93)

(3) Benoxinate 0.4% c fluorescein. (7-1-93)

ii. Cycloplegics: (7-1-93)

(1) Tropicamide 0.5%; (7-1-93)

(2) Cyclopentolate 0.5%; (7-1-93)

(3) Atropine 0.5%. (7-1-93)

iii. Mydriasis Reversal Agents: (7-1-93)

(1) Dapiprazole HCl 0.5%. (7-1-93)

b. The Board of Optometry shall issue a certificate to obtain and use the diagnostic drugs specifically identified and listed in this rule to any optometrist licensed to practice in Idaho who complies with both the minimum educational requirements in the subject of general and ocular pharmacology and the minimum continuing educational requirements set out below: (7-1-93)

i. Each optometrist certified to obtain and use topically applied pharmaceutical agents shall have completed courses totaling fifty-five (55) hours of actual classroom instruction in general and ocular pharmacology and emergency medical care given by an institution approved by the Council on Post Secondary Accreditation of the U.S. Department of Education or an instructor accredited and employed by such institution and which have been approved by the Board of Optometry. (7-1-93)

ii. Each optometrist certified to obtain and use topically applied pharmaceutical agents shall also have completed a refresher course in cardiopulmonary resuscitation (CPR), emergency medical care provided by the Emergency Medical Services Bureau, or equivalent program either approved or provided by the Board of Optometry, within a two (2) year period preceding issuance of the certificate by the Board of Optometry. (7-1-93)

iii. In order to maintain the certificate issued by the Board, each certified optometrist must complete a refresher course in emergency medical care described in Subsection 600.01.b.ii. above once during each two (2) year period following certification and shall list and describe the course attended and the dates of attendance upon a license renewal application form filed pursuant to Section 300. (7-1-93)

c. In order to implement this rule, the Board of Optometry may designate and approve courses of instruction given by those institutions or instructors described in Subsection 600.01.b.i. above which may be necessary to provide practicing optometrists who have received less than fifty-five (55) hours of actual classroom instruction in general and ocular pharmacology in optometry school with the opportunity to meet the requirements of this rule. (7-1-93)

02. The Right to Prescribe, Administer and Dispense Therapeutic Pharmaceutical Agents. The

right to prescribe, administer and dispense therapeutic pharmaceutical agents in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below: (11-6-93)

a. Optometrists who have obtained a certificate from the Board of Optometry authorizing them to prescribe, administer and dispense therapeutic pharmaceutical agents shall obtain, from pharmacists licensed by the State of Idaho, or from any other source, and use only those agents listed below: (11-6-93)

i. All medications for use in the treatment of the human eye and/or eyelid. (7-1-97)

ii. All over-the-counter agents. (11-6-93)

iii. Such other therapeutic pharmaceutical agents as may be approved by the Board of Optometry. (11-6-93)

b. The Board of Optometry shall issue a certificate to prescribe, administer and dispense the therapeutic medications to any optometrist licensed to practice in Idaho who complies with Subsection 600.01 and both the minimum educational and clinical experience requirements in the subject of ocular pharmacology and therapeutics and the minimum continuing educational requirements set out below: (7-1-97)

i. Completion of a minimum of one hundred (100) hours of actual classroom and clinical instruction in ocular pharmacology and therapeutics courses given by an institution or organization approved by the Council on Post-Secondary Accreditation of the U.S. Department of Education, or an Instructor employed by such institution, which have been approved by the Board of Optometry. (7-1-93)

ii. Successful passage of the "Treatment and Management of Ocular Diseases" section of the optometrist examination approved by the Association of Regulatory Boards of Optometry, Inc. (ARBO). (3-30-01)

601. -- 624. (RESERVED).

625. RULEMAKING HISTORY PRIOR TO JULY, 1993 (RULE 625).

As Amended July 30, 1978
As Amended March 16, 1981
As Amended January 7, 1982
As Amended February 1, 1985
Effective February 20, 1985
As Amended March 13, 1987
Effective March 30, 1987
Subsection 600.02. Adopted Emergency Effective September 1, 1987
Readopted January 11, 1988
Adopted by Emergency February 25, 1991, Effective March 18, 1991
As Amended February 21, 1992
Effective March 12, 1992 (7-1-93)

626. -- 999. (RESERVED).

Subject Index

- A**
Additional Hours Required to Use
Therapeutic Pharmaceutical Agents,
Continuing Education 7
All Prescriptions for Rigid Contact
Lenses, Contents of Prescription 11
All Prescriptions for Soft Contact
Lenses, Contents of Prescription 11
Annual Optometry Fund Fee 12
Annual Renewal Fee 12
Application Fee 6
Application Review 6
Approval Of Preliminary Education 6
Approval Of Schools Of Optometry 6
- B**
Board 3
Board Certification Of Optometrist
Authorized To Obtain & Use
Topically Applied Pharmaceutical
Agents 12
- C**
Certificate to Obtain & Use
Pharmaceutical Agents Fee 12
Code Of Ethics 8
Conditions to be Granted A License 7
Conduct of Practice 8
Confidentiality 8
Contents Of Prescription 10
Continuing Education In Optometry 7
Correspondence/Home Study Courses,
Continuing Education 8
- D**
Definitions, IDAPA 24.10.01, Rules Of
The State Board Of Optometry 3
Disciplinary Action or Sanctions, Gross
Incompetence 10
Displaying Gross Ignorance or
Demonstrating Gross Inefficiency,
Gross Incompetence 10
Districts 4
Documentation of Attendance 8
- E**
Employment of Techniques or Methods
of Practice, Gross Incompetence 10
Endorsement 7
Engaging as an Advisor or Staff
Optometrist 12
Exam Content 6
- F**
Failing to Perform Tests & Record
Findings, Gross Incompetence 10
Failure to Advise Patient of Possible
Danger When a Lens Not Meeting
Impact Resistance Standards of
F.D.A, Gross Incompetence 10
Failure to Meet Prevailing Standards in
the Referral of Any Patient Who is
Suffering From Any Apparent or
Suspected Pathological Condition,
Gross Incompetence 10
Failure to Meet Prevailing Standards,
Defining Gross Incompetence 10
Failure to Provide Follow-Up Care,
Gross Incompetence 10
Failure to Release Prescription, Gross
Incompetence 10
Failure to Verify the Specifications of
All Lenses, Gross Incompetence 10
Fees 12
- G**
General Rules 12
- H**
Hours Required, Advance Approval,
Continuing Education 7
- I**
Illegal Prescription Sale,
Administration, Distribution, or Use
of Drugs, Gross Incompetence 10
- L**
License Application Fee 12
Licenses Canceled For Failure To
Renew 6
Low Vision 3
- M**
Meeting Of The Board 6
Method Of Application-Examination Of
Applicants 6
- N**
Nomination Ballot 5
Nominations Of Board Members 4
- O**
Optometrist Shall Keep a Complete
Record of All Patients Examined 11
- P**
Patients Records 11
Patient's Visual Welfare 8
Preceptorship Program 12
Prescription Files 12
Prescription for Spectacles, Contents of
Prescription 11
Professional Responsibilities 12
- R**
Renewal Application Form, Continuing
Education 8
Rules Defining Gross Incompetence 9
- S**
Sanitary Office, Gross
Incompetence 10
Submission Of Bills To State
Auditor 5
- T**
The Right to Obtain & Use Topically
Applied Diagnostic Pharmaceutical
Agents 13
The Right to Prescribe, Administer &
Dispense Therapeutic Pharmaceutical
Agents 13
- U**
Unprofessional Conduct 8
Using Pharmaceutical Agents, Gross
Incompetence 10
- V**
Vision Therapy 3
- W**
Waiver of Requirements, Continuing
Education 8