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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LI. Optometrists

Chapter 1. General Provisions

§101. Preamble

A. The Louisiana State Board of Optometry Examiners governs the practice of optometry in accordance with the Optometry Practice Act (the "Act"), R.S. 37:1041 et seq.

1. The Act is incorporated herein by references, as though copied in full.

2. The Act is the source of the board's authority. Primary reference should be made to the act in determining the rules governing the operation of the board. The following rules supplement and further the purposes of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:629 (April 2006).

§103. Rulemaking Procedure

A. The board shall be governed by the provisions of the Optometry Practice Act, R.S. 37:1041 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq., in adopting rules for the operation of the board and the practice of optometry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:629 (April 2006).

§105. Legislative History

A. The practice of optometry in Louisiana was initially governed by Act 193 of 1918, which was amended by Act 181 of 1920.

B. Act 172 of 1921 revised the law as it then existed.

C. In 1950, Louisiana adopted the revised statutes which codified existing legislation. The practice of optometry is currently governed by Chapter 12, Title 37 of the Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:629 (April 2006).

§107. Organization of the Board

A. Introduction. See the provision of the Act relative to the organization of the board, in particular, R.S. 37:1041-1048.

B. Definitions

1. As used in this Part, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

2. Masculine terms shall include the feminine and, when the context requires, shall include partnership and/or professional corporations.

3. Where the context requires, singular shall include the plural or plural shall include the singular.

Act—the Optometry Practice Act, R.S. 37:1041 et seq.

Board—the Louisiana State Board of Optometry Examiners.

Diagnostic and Therapeutic Pharmaceutical Agent—any prescription or nonprescription drug delivered by any route of administration, used or prescribed for the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, or those which may be used for such purposes, and certain approved narcotics, only when used in treatment of disorders or diseases of the eye and its adnexa. Licensed pharmacists of this state shall fill prescriptions for such pharmaceutical agents of licensed optometrists certified by the board to use such pharmaceutical agents.

i. Any *diagnostic and therapeutic pharmaceutical agent* as defined above listed in schedules III, IV and V of the uniform controlled dangerous substances law shall be limited to use or to be prescribed by a licensed optometrist for a maximum of 48 hours when used in treatment or disorders or diseases of the eye and its adnexa.

ii. *Diagnostic and therapeutic pharmaceutical agent* shall not include any drug or other substances listed in schedules I and II of the uniform controlled dangerous substances law provided in R.S. 40:963 and 964 which shall be prohibited from use by a licensed optometrist.

iii. A licensed optometrist may prescribe one additional 48-hour prescription only if warranted by a follow-up exam.

Licensed Optometrist—a person licensed and holding a certificate issued under the provisions of the Act.

Optometry—that practice in which a person employs primary eye care procedures including ophthalmic surgery such as YAG laser capsulotomy, laser peripheral iridotomy, and laser trabeculectomy, except for those surgery procedures specifically excluded in subsection D of section 1041 of the Optometry Practice Act; measures the power and range of vision of the human eye using subjective or objective means, including the use of lenses and prisms

before the eye and autorefractors or other automated testing devices to determine its accommodative and refractive state and general scope of function; and the adaptation of frames and lenses, in all their phases, including plano and zero power contact lenses, to overcome errors of refraction and restore as near as possible normal human vision, or for orthotic, prosthetic, therapeutic or cosmetic purposes with respect to contact lenses. *Optometry* also includes the examination and diagnosis, and treatment of abnormal conditions and pathology of the human eye and its adnexa, including the use or prescription of vision therapy, ocular exercises, rehabilitation therapy, subnormal vision therapy, ordering of appropriate diagnostic lab or imaging tests; the dispensing of samples to initiate treatment; and the use or prescription of diagnostic and therapeutic pharmaceutical agents. Optometrists shall issue prescriptions, directions and orders regarding medications and treatments which may be carried out by other health care personnel including optometrists, physicians, dentists, osteopaths, pharmacists, nurses, and others.

i. *Ophthalmic Surgery*—a procedure upon the human eye in which in vivo human tissue is injected, cut, burned, frozen, sutured, vaporized, coagulated, or photodisrupted by the use of surgical instrumentation such as, but not limited to, a scalpel, cryoprobe, laser, electric cautery, or ionizing radiation. Nothing in this Optometry Practice Act shall limit an optometrist's ability to use diagnostic or therapeutic instruments utilizing laser or ultrasound technology in the performance of primary eye care or limit an optometrist's ability to perform *ophthalmic surgery* procedures other than those specifically excluded in subsection D of section 1041 of the Optometry Practice Act. Only persons licensed to practice medicine by the Louisiana State Board of Medical Examiners under the laws of this state may perform the *ophthalmic surgery* procedures specified in subsection D of section 1041 of the Optometry Practice Act.

ii. *Authorized Ophthalmic Surgery Procedures*—any procedure upon the human eye or its adnexa in which in vivo human tissue is injected, cut, burned, frozen, vaporized, coagulated, photodisrupted, or otherwise altered by the use of surgical instrumentation such as, but not limited to, a scalpel, needle, cryoprobe, laser, cautery, ultrasound, or ionizing radiation, other than procedures listed in subsection D of section 1041 of the Optometry Practice Act.

iii. Nothing in the Optometry Practice Act shall prohibit the dilation and irrigation of lacrimal ducts, insertion and removal of lacrimal plugs, foreign body removal from superficial ocular tissue, suture removal, removal of eyelashes, drainage of superficial lesions of the eye and its adnexa, or corneal shaping with external ophthalmic devices such as contact lenses by optometrists, provided, however, no optometrist shall carry out any such procedures referenced in this Paragraph unless certified by the board to treat those abnormal conditions and pathology of the human eye and its adnexa.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:629 (April 2006), amended LR 34:872 (May 2008), LR 40:2249 (November 2014), repromulgated LR 40:2578 (December 2014).

§109. Employment Restrictions

A. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq. is prohibited from accepting employment as an optometrist from:

1. a corporation other than a professional optometric corporation or professional medical corporation organized pursuant to Title 12 of the Louisiana Revised Statutes and domiciled in the state of Louisiana;

2. a partnership or limited liability company, unless such partnership or limited liability company is domiciled in the state of Louisiana and each partner or member, as the case may be, is:

a. an optometrist or physician duly licensed as an optometrist or physician in the state of Louisiana; or

b. a professional optometric corporation or professional medical corporation described above in Paragraph A.1 of this Section; or

3. an individual, unless such individual is duly licensed as an optometrist or physician in the state of Louisiana.

B. An employer of an optometrist, whether a professional optometric or medical corporation, partnership, limited liability company or individual described above in Subsection A of this Section, shall exert no influence over the employee optometrist in regards to professional judgment, patient care, or any matter affecting the health and well being of the patient, or the ability of the optometrist to provide such care.

C. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., shall not enter into a contract, agreement or other arrangement with any individual or entity, other than an individual or entity described above in Section A of this §109, which allows such individual or entity to dictate to or influence the fees charged by the optometrist for patient care.

D. Violation of the provisions of this §109 by an optometrist shall be considered a violation of provisions of R.S. 37:1061, and as such the board may refuse to renew the license of any such optometrist on its annual renewal date of March 1 of each year (R.S. 37:1056) and/or subject such optometrist to suspension or revocation of his or her license to practice optometry upon due notice and hearing as provided in R.S. 37:1062.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended LR 35:1111 (June 2009).

§111. Prohibition of Fee-Splitting

A. An optometrist shall be prohibited from sharing or splitting fees with any person, corporation, partnership or other entity, other than through an affiliation with a person or entity described above in §109.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006).

§113. Referrals

A. No optometrist shall offer, make, solicit, or receive payment, directly or indirectly, overtly or covertly, in cash or in-kind, for referring or soliciting patients.

B. No optometrist shall make referrals outside the same group practice as that of the referring optometrist to any other health care provider, licensed health care facility, or provider of health care goods and services including but not limited to medical suppliers, and therapeutic services when the referring optometrist has a financial interest served by such referral, unless in advance of any such referral the referring optometrist, discloses to the patient, in writing, the existence of such financial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006).

§115. Patient Records

A. All medical records of a patient, including but not limited to prescriptions, files, patient records and business records, maintained in the office of an optometrist are the property and business records of the optometrist.

B. An optometrist shall furnish each patient, upon request of the patient, or his or her legal representative, a copy of any information related in any way to the patient which the optometrist has transmitted to any company, or any public or private agency, or any person in accordance with R.S. 40:1299.96.

C. A patient, or his or her legal representative, shall have a right to obtain a copy of any medical records relating to the patient's medical treatment, history, or condition, including but not limited to any unexpired prescription, in accordance with R.S. 40:1299.96, provided, however, a patient shall not be entitled to obtain business records of the optometrist.

D. A patient, or his or her legal representative, shall be entitled to obtain a copy of such patient's medical records in accordance with Subsections B and C of this Section, upon furnishing a signed authorization and upon payment of a reasonable copying charge, not to exceed \$1 per page for the first 25 pages, \$0.50 cents per page for 26 to 500 pages, and \$0.25 cents per page thereafter, a handling charge not to exceed \$5, and actual postage in accordance with R.S. 40:1299.96. A patient shall have a right to obtain copies of patient X-rays upon payment of reasonable reproduction costs.

E. In the event medical records furnished to a patient pursuant to this Section are not complete, the copy of the records furnished hereunder may indicate, through a stamp, coversheet, or otherwise, that the record is incomplete in accordance with R.S. 40:1299.96.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:631 (April 2006).

§117. Hearings and Investigations

A. The board may summon witnesses and compel the attendance of witnesses, as well as conduct hearings on proceedings to revoke, limit or suspend a license or certificate to practice optometry in Louisiana as provided in R.S. 37:1048.

B. Witnesses shall cooperate with the board in investigating any matter before the board and shall respond to any lawful demand for information, except for an openly expressed claim of a constitutional privilege.

C. Failure to cooperate with the board in investigating any matter before the board, or to respond to any lawful demand for information, except for an openly expressed claim of a constitutional privilege, may be considered a violation of R.S. 37:1063 and grounds for suspension or revocation of a Louisiana optometry license or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:631 (April 2006).

Chapter 3. License**§301. Continuing Education**

A. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry license holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 hours of continuing education courses, of which a minimum of 10 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners.

2. License holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of each calendar year at least 16 hours of continuing education courses, of which a minimum of 14 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners, and of which at least eight classroom hours shall consist of matters related to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease. Such certificate holders will be entitled to apply the CPR continuing education to their required annual continuing education, provided that such CPR continuing education shall not count toward the

required eight classroom hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than two hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods. The eight hours of continuing education relating to ocular and systemic pharmacology and/or current diagnosis and treatment of ocular disease shall be obtained solely from the following sources:

- a. the American Optometric Association;
- b. any state optometric association affiliated with the American Optometric Association;
- c. Great Western Council of Optometry, Mountain West Council of Optometrists, The New England Council of Optometrists, North Central States Optometric Council, North East Regional Council of Optometry, Optometric Council of the National Capital Region, Southern Council of Optometrists, and Southwest Council of Optometry;
- d. the American Academy of Optometry; or
- e. schools and colleges of Optometry accredited by the American Optometric Association Accreditation Council on Optometric Education.

3. All hours shall be computed on a 60 minute basis.

4. Failure to submit acceptable continuing education hours and pay the applicable annual renewal fee required by R.S. 37:1056(1).

a. On or before March 1 of each year shall require payment of the delinquency fee, in addition to the applicable annual renewal fee, set forth in §801.

b. On or before July 1 shall be cause for the temporary suspension of a Louisiana optometry license as provided below and shall require payment of the both the delinquency fee and reinstatement fee, in addition to the applicable annual renewal fee, as set forth in §801. Payment of the renewal fee, delinquency fee and reinstatement fee where the license has been suspended shall be accompanied by any costs or expenses, including attorney fees, which may be caused by the need for the institution of disciplinary or other proceedings, fines imposed in disciplinary or other proceedings, and all other applicable fees.

c. On or before January 1 of the year following the delinquency shall be cause for the board to revoke a Louisiana optometry license as provided below.

5. The procedure for temporary suspension or revocation of a Louisiana license for failure to timely submit acceptable continuing education hours and pay the applicable renewal fee required by R.S. 37:1056(1) shall be as follows.

a. Before the board temporarily suspends or revokes any Louisiana optometry license, the board shall schedule a public hearing:

i. on or after July 1 in the case of a temporary suspension; or

ii. on or after January 1 of the year following the delinquency in the case of revocation.

b. The holder of a Louisiana optometry license shall be given written notice of the hearing at least 15 days prior to the date of the hearing, the date of which shall be specified in the written notice, and shall be given an opportunity to produce testimony in his or her favor and to cross examine any witnesses against him.

6. A holder of a Louisiana optometry license in good standing may voluntarily surrender his or her license or certificate without penalty upon acceptance of such voluntary surrender by the board, provided, however, a holder of a Louisiana optometry license may not surrender his or her license or certificate while such individual is under investigation or while charges are pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:631 (April 2006), amended LR 35:1111 (June 2009), LR 38:1590 (July 2012).

Chapter 5. Practicing Optometry

§501. Professional Conduct

A. The optometrist shall keep the visual welfare of the patient uppermost at all times, promote the best care of the visual needs of mankind, strive continuously to develop educational, professional, clinical and technical proficiency and keep informed as to the new developments within his profession.

B. The optometrist shall conduct his or her practice in a decorous, dignified and professional manner and in keeping with the rules, regulations and ethics as promulgated by this board.

C. Conduct which endangers the public health or renders the licensee unable to practice optometry with safety to the public, including inability to practice optometry with reasonable skill or safety to patients because of mental illness or deficiency or physical illness, including but not limited to deterioration through the aging process or loss of motor skills, shall be grounds for suspension or revocation of any optometry license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 35:1111 (June 2009).

§503. License to Practice Optometry

A. Introduction. See the provisions of the Act relative to the license to practice optometry, in particular, R.S. 37:1049 et seq.

B. Graduate of Approved School. Optometric educational programs that are duly accredited by the Accreditation Council of Optometric Education of the American Optometric Association and recommended to the board by the Association of Regulatory Boards of Optometry

as worthy of approval will meet the statutory requirement of R.S. 37:1049(3).

C.1. Application for Licensure by Endorsement. The waiver provided for by R.S. 37:1054 (endorsement) is within the discretion of the board. The board shall refer to the laws provided for the regulation of the practice of optometry, the public interest, the interest of licensed optometrists and the interest of the applicant in the exercise of this discretion.

2. The board may require satisfactory performance on the clinical/practical examination given by the board for licensure by endorsement pursuant to R.S. 37:1054.

D. Duplicate License. The secretary of the board, subject to prior board approval, may issue a duplicate certificate upon application of a licensed optometrist in good standing if all provisions of the Act applicable to the licensed optometrist have been satisfied and the applicant has paid the fee prescribed in §801.

E. Beginning Practice. Upon beginning practice, a licensee shall notify the secretary of the board as to the address of his office and the telephone number. If any time any office has relocated, the licensee involved shall notify the secretary of his new office address and telephone number. If, for any reason, he ceases to practice, he shall so notify the secretary.

F. Continuing Education. In order to qualify for the annual license renewal required by R.S. 37:1057, the following information shall be presented to the secretary of the board.

1. Written certification that the doctor requesting license renewal has completed 12 hours of continuing education between January 1 and December 31 of each year immediately preceding the March 1 renewal date set forth in R.S. 37:1057; by attendance and completion of courses approved by the Louisiana State Board of Optometry Examiners.

2. Education hours will not qualify unless they are completed within the above stated calendar period.

3. While the education hours shall be accomplished within the calendar dates set forth in Paragraph 1 hereof, the written evidence of attendance shall be submitted on or before the first day of March of each calendar year provided that same is in the office of the secretary of the board on or before the first day of March of each calendar year in which license renewal is sought.

4. The requirement shall only be waived in cases of certified illness, certification by the commanding officer of those in the military that due to his military assignment it was impossible for him to comply or upon evidence satisfactory to the board that the applicant for renewal was unable to meet the requirement because of undue hardship.

5. Pay to the board the annual renewal fee provided in R.S. 37:1058 and §801 herein on or before the first day of March of each year.

G. Certification to Use Diagnostic Drugs to Treat Ocular Pathology. An optometrist may be certified to use diagnostic and therapeutic pharmaceutical agents and to diagnose and treat ocular pathology. In order to obtain such certification, an optometrist shall comply with the following requirements.

1. Certification to Use Diagnostic Drugs

a. In order to be approved as an optometrist authorized to use diagnostic drugs, as set forth in Act 123 of the 1975 Session of the Louisiana Legislature, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

i. evidence that the applicant is a licensed Louisiana optometrist, holding a current license in compliance with all license and renewal requirements of the Louisiana Optometry Practice Act for the year in which he applies for certification;

ii. transcript credits, in writing, evidencing that the applicant has completed a minimum of five university semester hours in pharmacology from an accredited university or college of optometry, subsequent to December 31, 1971. The pharmacology hours shall consist of a minimum of two hours in general pharmacology and a minimum of three hours in ocular pharmacology.

b. Upon submission of the above, the secretary shall present same to the board for approval at the next regular meeting. Upon approval by the board, the secretary shall cause to be issued to the optometrist a certificate indicating compliance with the legislative requirement and intent.

c. The certificate issued by the secretary shall be over the secretary's signature and bear a number identical to the number on the license originally issued by the board to the optometrist.

2. Certification to Treat Pathology and to Use and Prescribe Diagnostic and Therapeutic Pharmaceutical Agents

a. Definitions. For purposes of this Paragraph 2 the following definitions shall apply.

Application Date—the date the board receives in its office by certified mail an application for certification under this Paragraph 2.

Approved Educational Institution—an educational institution providing education in optometry that is approved by the board and is accredited by a regional or professional accrediting organization which is recognized or approved by the Council of Post-Secondary Accreditation of the United States Department of Education.

Board—the Louisiana State Board of Optometry Examiners.

Treatment and Management of Ocular Disease (TMOD)—test administered by the National Board of Examiners in Optometry.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

b. Requirements for Certification. In order to be approved as an optometrist authorized to treat pathology and use and prescribe diagnostic and therapeutic pharmaceutical agents, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

i. a certified transcript from an approved educational institution evidencing satisfaction of the educational prerequisites for certification to use diagnostic and therapeutic pharmaceutical agents as set forth in LAC 46:LI.503.G.1.a.ii or evidence of current certification by the board for the use of diagnostic and therapeutic pharmaceutical agents under LAC 46:LI.503.G.1; and

ii. certification from a source acceptable to the board evidencing current qualification to perform cardiopulmonary resuscitation (CPR) or basic life support, which certification shall be current as of the time of application to the board for certification to treat pathology and use and prescribe diagnostic and therapeutic pharmaceutical agents;

iii. a signed statement from the applicant stating that he or she possesses child and adult automatic epinephrine injector kits in every office location in which the applicant practices, which injector kits shall be operable and unexpired as of the date of application to the board for certification to treat pathology and use and prescribe diagnostic and therapeutic pharmaceutical agents;

iv. a certified transcript from an approved educational institution evidencing satisfactory completion after January 1, 1985 of the course requirements set forth in R.S. 37:1051(c), which include 46 clock hours of classroom education and 34 clock hours of supervised clinical training which are equivalent to at least five semester hours of postgraduate education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa. The board shall obtain such written certification as it deems appropriate to satisfy itself that the courses reflected on the transcript satisfy the statutory course requirements set forth in R.S. 37:1051(C). Inability of the board to obtain satisfactory written certification as set forth in the preceding sentence shall result in rejection of the optometrist's application under this Section, and:

(a) if the applicant's transcript reflects graduation from an accredited school of optometry and completion of the required five semester hours in the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and adnexa:

(i). between January 1, 1989 and December 31, 1992, the applicant shall also provide written evidence of satisfactory completion, within the previous year of the application date, of at least 12 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(ii). between January 1, 1985 and December 31, 1988, the applicant shall also provide written evidence of

satisfactory completion, within the previous year of the application date, of at least 20 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(b.) the applicant's transcript reflects graduation from an accredited school of optometry after January 1, 1993, the applicant shall be deemed to have met the educational requirements and upon submission of evidence of current CPR certification and possession of the appropriate epinephrine injector kits the applicant shall be certified; or

v. in lieu of the requirements of LAC 46:LI.503.G.2.b.iv above, written proof of having passed the TMOD and a certified transcript from an approved educational institution evidencing successful completion of 34 clock hours of supervised clinical training after January 1, 1985 which are equivalent to at least two semester hours of postgraduate clinical education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa.

3. Declaration of Certification. An optometrist shall not use the term "board certified" or "Board Certified" in connection with their title, name, business or practice except to reference certification by organizations approved by the Louisiana State Board of Optometry Examiners.

H. Qualifications for a Louisiana Licensed Optometrist to be Credentialed to Utilize and Perform Authorized Ophthalmic Surgery Procedures

1. Louisiana licensed optometrists shall be credentialed to perform authorized ophthalmic surgery procedures if:

a. the applicant provides proof of holding a Louisiana license to practice therapeutic optometry and is in good standing;

b. the applicant provides proof of satisfactory completion of a course of instruction approved by the board that may include:

i. the following didactic classroom instructions:

(a). laser physics, hazards, and safety;

(b). biophysics of lasers;

(c). laser application on clinical optometry;

(d). laser tissue interactions;

(e). laser indications, contraindications, and potential complications;

(f). gonioscopy;

(g). laser therapy for open angle glaucoma;

(h). laser therapy for angle closure glaucoma;

(i). posterior capsulotomy;

(j). common complications: lids, lashes, lacrimal system;

(k). medicolegal aspects of anterior segment procedures;

(l). peripheral iridotomy;

(m). laser trabeculoplasty;

(n). minor surgical procedures;

(o). overview of surgical instruments, asepsis, and O.S.H.A.;

(p). surgical anatomy of the eyelids;

(q). emergency surgical procedures;

(r). chalazion management;

(s). epiluminescence microscopy;

(t). local anesthesia: techniques and complications;

(u). anaphalaxis and other office emergencies;

(v). radiofrequency surgery;

(w). post-operative wound care;

c. the applicant satisfactorily completes a written test approved by the board on aspects of the Louisiana Optometry Practice Act pertaining to authorized ophthalmic surgery procedures.

2. A board approved course of instruction shall be:

a. provided by an accredited optometry, osteopathy or medical school;

b. a minimum of 32 clock hours in length; and

c. sponsored by an organization approved by the board.

3. Prohibitions and Referrals

a. Performing authorized ophthalmic surgery procedures without credentialing based upon the education requirements outlined in this administrative regulation shall be grounds for suspension or revocation of an optometry license and/or credentialing to perform authorized ophthalmic surgery procedures as per section 1061 of the Optometry Practice Act.

4. Outcomes Reporting

a. Every optometrist who has met the requirements for certification to perform authorized ophthalmic surgery procedures shall report to the board the outcome of authorized ophthalmic surgery procedures performed in such form as required or directed by the board.

5. Beginning with the graduating class of 2015 any optometrist who provides proof that he/she graduated from an optometry school whose program includes all of the training and testing requirements established by the board may be deemed to have met the requirements for certification to perform authorized ophthalmic surgery procedures.

6. Performance of authorized ophthalmic surgery procedures by any person without a valid and current certificate issued by the board to perform such procedures shall be considered a violation of section 1061(A)(1) of the Optometry Practice Act.

I. Prescriptions for Eyeglasses or Contact Lenses

1. Every written prescription shall contain an expiration date and the signature of the optometrist issuing the prescription. The expiration date may not exceed 18 months, unless the optometrist documents a valid medical reason in the chart for doing so.

2. Contact lenses may not be sold or dispensed without a written, signed, unexpired prescription. Every contact lens prescription shall contain information specifying the curvature, diameters, refractive power, pertinent measurement, and the number of lenses to be dispensed. An optometrist, when issuing a prescription for contact lenses, shall issue to the patient a notice that states the number of refills allowed and the expiration date of the prescription.

3. An optometrist, when filling a prescription for eyeglasses or contact lenses, shall be required to keep the original prescription. An optometrist may not refuse to release to a patient a copy of the patient's prescription if requested by the patient; provided, however, an optometrist shall not be required to release a prescription that has expired.

4. A spectacle prescription shall not be construed to be or substituted for a contact lens prescription nor shall a contact lens prescription be construed to be or substituted for a spectacle prescription.

J. Participation in Student Extern Program. An optometrist may participate in student extern programs in accordance with rules and regulations promulgated from time to time by the board.

1. The level of responsibility assigned to a student extern shall be at the discretion of the supervising optometrist who shall be ultimately responsible for the duties, actions or work performed by such student extern.

2. The duties, actions and work performed by a student extern in accordance with the provisions of this §503 and §603 shall not be considered the practice of optometry without a license as set forth in R.S. 37:1061(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 34:873 (May 2008), LR 38:1590 (July 2012), LR 40:2250 (November 2014), repromulgated LR 40:2580 (December 2014).

Chapter 6. Dispensation of Medication

§601. Scope of Chapter

A. The Sections of this Chapter govern the prescription and dispensation of drugs, chemicals, and medications by optometrists. These Sections are not intended to alter or modify the effect or applicability of state and federal laws and regulations governing the acquisition, possession, maintenance, prescription, dispensation, or administration of, or accounting for, legally controlled substances and other drugs and medications, but are complimentary and supplementary to such laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:634 (April 2006).

§603. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

Administer—with respect to a medication provided or dispensed by an optometrist for use by a patient, the term *administered* means directly or through an agent to give, provide, or supply for immediate oral ingestion, insertion, or topical application by the patient, or to insert or apply topically.

Board—the Louisiana State Board of Optometry Examiners.

Controlled Substance—any medication or other substance which is defined, enumerated or designated as a controlled substance and regulated as such under Louisiana or federal statute or regulations 21 CFR §§1308.11-15 or R.S. 40:964, or any substance hereafter designated as a controlled substance by amendment or supplementation of such regulations and statute.

Drug—synonymous with medication, as defined herein.

Medication—any chemical, potion, compound, mixture, suspension, solution, or other substance or material, natural or synthetic, recognized and listed in the official United States Pharmacopoeia, which is lawfully produced, manufactured, sold, or provided and intended and approved for medical, diagnostic, therapeutic, or preventative use in and by humans.

Optometrist—a person lawfully entitled to engage in the practice of optometry in the state of Louisiana, as evidenced by a current license or permit duly issued by the board.

Student Extern—a student extern is a person who is a regular student at an optometry school or program approved by the board pursuant to §503 who is performing duties or actions assigned by his or her instructors or as part of his or her curriculum, which must be under the direct supervision of an optometrist licensed by the board as defined in this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:634 (April 2006), amended LR 38:1591 (July 2012).

§605. Prohibitions

A. No optometrist shall prescribe, dispense, administer, supply, sell, give or otherwise use for the purpose of treating a patient, any controlled substance or other medication, except in strict compliance with the Louisiana and federal law and regulations applicable thereto and with the rules of this Chapter.

B. No optometrist shall prescribe, dispense or administer any medication except in the usual and ordinary course of his optometry practice for a legitimate medical purpose.

C. No optometrist shall dispense any medication upon the prescription of another practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006).

§607. Use of Controlled Substances; Limitations

A. Requisite Prior Conditions. In utilizing any controlled substances, an optometrist shall comply with the following.

1. Evaluation of the Patient. Evaluation of the patient shall initially include a full history, including complete medical, pain, alcohol and substance abuse histories.

2. Medical Diagnosis. A medical diagnosis shall be established and fully documented in the patient's medical record, which indicates the nature of the underlying disease, presence of pain and pain mechanism if such are determinable.

3. Treatment of Pain. An individual treatment plan shall be formulated and documented in the patient's medical record, which includes medical justification for controlled substance therapy.

4. Patient Information. An optometrist shall ensure that the patient and/or his guardian is informed of the benefits and risks of controlled substance therapy.

B. Controlled Substance Therapy. Upon completion and satisfaction of the conditions prescribed in §607.A, and upon an optometrist's judgment that the prescription of a controlled substance is medically warranted, an optometrist shall adhere to the following.

1. Treatment Records. An optometrist shall document and maintain in the patient's medical record, accurate and complete records of all history, physical and other examinations and evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, controlled substance and other medication therapy, informed consents, periodic assessments and reviews.

2. Any optometrist qualified to prescribe controlled substances shall maintain complete records on any

controlled substances he or she prescribes, which records shall clearly identify the controlled substances prescribed, the individual to whom each controlled substance was prescribed, the date of each prescription and the amount of the controlled substance prescribed.

3. An optometrist shall not dispense or administer controlled substances in their optometry practice and shall not keep an inventory of controlled substances on hand for purposes of dispensation or administration by an optometrist in their optometry practice.

4. The controlled substances records required by this Chapter shall be readily retrievable and available for examination, inspection, copying, and verification of accuracy, currency and completeness by the board or its designated employee or agent, immediately upon the request of the board, its agents, or employees, at any reasonable time, but without the necessity of prior notice by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006).

§609. Action against Optometry License

A. Violation or failure to comply with the provisions set forth in §§605 or 607, or providing false or misleading statements in connection with any application required by this Chapter, shall be deemed to constitute just cause for the suspension, revocation, refusal to issue, or the imposition of probationary or other restrictions on any license or permit to practice optometry in the state of Louisiana held or applied for by an optometrist culpable of such violation, or for other administrative action as the board may in its discretion determine to be necessary or appropriate, under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006).

Chapter 7. Examinations

§701. Written Examination

A. A graduate of an approved school or college of optometry may, in lieu of taking the written examination administered by the Louisiana State Board of Optometry Examiners, submit evidence of having reached the recommended levels of acceptable performance on all written parts designated as required by the board of the examination administered by the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his or her application to take the clinical-practicum examination administered by the board; provided, however, applicants who graduated from an approved school or college of optometry prior to 1989 or who have not reached the recommended levels of performance on all written parts designated as required by the board may, in the

discretion of the board, be given a written examination by the board.

B. Beginning with the graduating classes of 1989, every new graduate of an approved school or college of optometry making application to this board for examination and licensure shall submit evidence of having reached the recommended levels of acceptable performance on all written parts designated as required by the board of the examination administered by the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his or her application to take the clinical-practicum examination administered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006).

Chapter 8. Fees and Expenses

§801. Fees

A. The board shall charge and collect the following fees, consistent with R.S. 37:1058.

1. Application for Examination—\$100
2. Original License Fee—\$150
3. Duplicate License Fee—\$50
4. Annual License Renewal Fee—\$100
5. License Delinquency Fee—\$150
6. License Reinstatement Fee—\$150
7. Original Therapeutic Pharmaceutical Agent Certificate Fee—\$150
8. Duplicate Therapeutic Pharmaceutical Agent Certificate Fee—\$50
9. Therapeutic Pharmaceutical Agent Certificate renewal Fee—\$100
10. Therapeutic Pharmaceutical Agent Certificate delinquency Fee—\$150
11. Therapeutic Pharmaceutical Agent Certificate reinstatement Fee—\$150
12. Original Authorized Ophthalmic Surgery Procedures Certificate—\$50
13. Authorized Ophthalmic Surgery Procedures Certificate renewal fee—\$50
14. Authorized Ophthalmic Surgery Procedures Certificate delinquency fee—\$50
15. Authorized Ophthalmic Surgery Procedures Certificate reinstatement fee—\$50

PROFESSIONAL AND OCCUPATIONAL STANDARDS

B. Notwithstanding the foregoing, the board may, by a majority vote, reduce the amount of and/or waive the collection of any such fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:636 (April 2006), amended LR 40:2252 (November 2014), repromulgated LR 40:2580 (December 2014).

§803. Expenses

A. Prior to issuance of a subpoena to any witness, the board shall require that the party (other than the board) who wishes to subpoena such witness deposit a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671 in accordance with R.S. 49:956.

B. The board shall have discretion, but shall not be required, to pay any witness compelled by the board (and not another party) to attend a hearing conducted by the board fees or expenses pursuant to R.S. 49:956, and shall further have the discretion to pay any witness fees and expenses in

excess of the amount required pursuant to R.S. 49:956; provided, however, no party who wishes to subpoena a witness shall be required to pay fees or expenses in excess of the amount required to be paid to a witness in a civil case pursuant to R.S. 13:3661 and R.S. 13:3671 in accordance with R.S. 49:956.

C. Each member of the board shall be reimbursed when actually in attendance of a board meeting or when required to travel for the official authorized business of the board, not more than \$75 per day, plus actual expenses unlimited by any rate or reimbursement set by the Division of Administration, as well as mileage to and from their domicile to the place of the meeting, provided, however, mileage shall be reimbursed at the same rate of reimbursement set by the division of administration for state employees under the provisions of R.S. 39:231.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:636 (April 2006).