
Rules of
Department of Economic
Development
Division 210—State Board of Optometry
Chapter 2—General Rules

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 210—State Board of Optometry
Chapter 2—General Rules**

4 CSR 210-2.010 Application for Licensure

PURPOSE: This rule states where to secure an application.

(1) Application for a Missouri certificate of registration as an optometrist must be made on the forms provided by the board. All applications must be complete prior to board consideration. All documents and transcripts which are necessary to complete the application, must be received in the board office prior to board consideration. An application more than one (1) year old must be updated prior to licensure.

(2) Application forms and a list of currently approved colleges may be obtained by writing the board's executive director at P.O. Box 672, Jefferson City, MO 65102-0672. A copy of the current statutory provisions and board rules regarding the practice of optometry shall be provided with the application form.

AUTHORITY: sections 336.040 and 336.160.1, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 13, 1980, effective June 12, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 12, 1985, effective Dec. 26, 1985. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed Jan. 13, 1992, effective May 14, 1992. Amended: Filed May 21, 1993 effective Nov. 8, 1993. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

**Original authority: 336.040, RSMo 1939, amended 1981 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981.*

4 CSR 210-2.011 Licensure by Reciprocity

PURPOSE: This rule states the requirements and procedures for obtaining a license by reciprocity.

(1) The board may issue a license to practice optometry by reciprocity and without examination to an individual licensed in another state which the board determines has licensing standards substantially equivalent to the

standards in Missouri. The applicant shall provide the following documentation to the board:

(A) A completed application with the application and license fees;

(B) Proof that the applicant has successfully completed an optometry licensure examination in any state of the United States substantially equivalent to the licensure examination required in Missouri;

(C) Proof that the applicant has been engaged in active clinical practice for at least three (3) years immediately preceding the application;

(D) Proof that the applicant is registered or certified in the state from which s/he is applying for reciprocity to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents under the guidelines established in that state for registration and/or certification;

(E) Certification from each state in which s/he is currently licensed verifying that the applicant is in good standing and has never had his/her license to practice in that state disciplined in any manner and that the applicant is not the subject of any pending complaints; and

(F) Such additional information as the board may request to determine eligibility for licensure by reciprocity.

(2) The board may require a reciprocity applicant to successfully complete an oral interview, an oral examination or a clinical examination if it is determined by the board that the licensing standards from the applicant's state of licensure are not substantially equivalent to the standards required in this state.

(3) All applicants for licensure by reciprocity shall satisfactorily complete a written open book examination on Missouri Optometric Law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

AUTHORITY: sections 336.090 and 336.160.1, RSMo 2000. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed April 13, 1982, effective July 11, 1982. Amended: Filed March 4, 1983, effective June 11, 1983. Amended: Filed May 31, 1991, effective Oct. 31, 1991. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed Aug. 11, 1992, effective Feb. 26, 1993. Amended: Filed April 18, 1996, effective Oct. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

**Original authority: 336.090, RSMo 1939, amended 1943, 1981 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981.*

4 CSR 210-2.020 Licensure by Examination

PURPOSE: This rule explains the examinations of the State Board of Optometry.

(1) Every person applying for licensure as a registered optometrist shall have been graduated from a school of optometry approved by the board prior to taking any practical examination required for licensure.

(2) The board currently approves those schools of optometry which are accredited by the Council on Optometric Education.

(3) All applicants must pay the application and licensing fees.

(4) All applicants for a certificate of registration shall pass all parts of the written examination administered by the National Board of Examiners in Optometry (NBEO) and shall pass the Clinical Skills and Patient Assessment and Management (PAM) examination known as the Clinical Skills/Patient Care examination administered by the NBEO in July 1991 or later. Each applicant also shall pass an examination on Missouri Optometric law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

(5) In addition to the above requirements, all applicants for a certificate of registration must be certified by the board as qualified to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents in accordance with the guidelines stated in 4 CSR 210-2.080 and 4 CSR 210-2.081.

AUTHORITY: sections 336.050, 336.160.1, and 336.220.1, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 10, 1976, effective March 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Amended: Filed March 13, 1980, effective June 12, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Feb. 8, 1983, effective May 12, 1983. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed May 31, 1991, effective Oct.*

31, 1991. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed Aug. II, 1992, effective Feb. 26, 1993. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002.

*Original authority: 336.050, RSMo 1939; 336.160.1, RSMo 1939, amended 1947, 1963, 1981; and 336.220.1, RSMo 1981, amended 1986, 1993, 1995.

4 CSR 210-2.030 License Renewal

PURPOSE: This rule clarifies the license renewal requirements and procedures.

- (1) Every registered optometrist shall notify the board of every change of address(es) at which s/he is practicing within thirty (30) days.
- (2) Every registered optometrist shall prominently display his/her certificate of renewal in his/her principal place of practice.
- (3) Whenever a registered optometrist has additional offices, s/he, in lieu of delivering a certificate of identification to each patient in his/her care, may display a duplicate certificate of registration and a duplicate renewal certificate in each additional office.
- (4) A period of sixty (60) days grace is established following the date by which every registered optometrist must renew his/her certificate of registration. The board shall cause a certificate to be renewed if the renewal is sought and fees are paid before the expiration of the grace period. No certificate shall be renewed after the grace period unless, within five (5) years, the holder submits the required reactivation fee plus satisfactory evidence of his/her attendance, for a minimum of twenty-four (24) hours, at education programs approved by the board.
- (5) Every optometrist currently licensed in Missouri shall obtain, during each continuing education reporting period, a minimum of sixteen (16) hours of approved continuing education (herein "C.E." credits) relevant to the practice of optometry. A licensee shall obtain no less than eight (8) hours of approved continuing education during the first year of the continuing education reporting period and no less than eight (8) hours of approved continuing education in the second year of the reporting period.
- (6) The continuing education reporting period shall begin on September 1 and end on August 31 of each even-numbered year. C.E. credits earned after August 31 of each even-numbered year shall apply to the next reporting cycle unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will provide a licensee with the ability to earn C.E. credits between September 1 and December 31 of that even-numbered year. In any odd-numbered year, C.E. credits earned between September 1 and December 31 of that year may apply to the first year of the continuing education reporting period if the licensee pays the continuing education penalty fee. A renewal license will not be issued until all renewal requirements have been met. If the licensee pays the continuing education penalty fee for C.E. credits earned late, those credits shall not be applied to the next reporting cycle.
- (7) Licensees shall report the number of C.E. credits earned during the continuing education reporting period on the renewal form provided by the board. The licensee shall not submit the record of C.E. attendance to the board except in the case of a board audit.
- (8) Every licensed optometrist shall maintain full and complete records of all approved C.E. credits earned for the two (2) previous reporting periods in addition to the current reporting period. The records shall document the titles of the courses taken, dates, locations, course sponsors, category of hours earned (general optometric study or glaucoma training) and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.
- (9) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of an optometrist depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required sixteen (16) hours of continuing education and engages in the active practice of optometry without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of optometry.
- (10) The following guidelines govern the attendance of educational optometric programs for license renewal:
- (A) Each speaker, lecturer or other participant in the presentation of the continuing education program must be recognized as possessing the requisite qualifications and as being expert in his/her field. The board will determine whether a speaker, lecturer or other person meets the requirements of this section;
- (B) Instruction courses sponsored for commercial purposes by individuals or institutions or programs in which the speaker advertises or urges the use of any particular ophthalmic product or appliance generally shall not be recognized for educational credit. Exceptions shall be made if the procedure in subsection (10)(D) is followed and the majority of the board votes to recognize the instruction course or program;
- (C) Educational programs that currently are approved, except as noted in subsection (10)(B), as meeting the minimum standards, include the following:
1. Educational meetings of the American Optometric Association (AOA);
 2. Educational meetings of the Missouri Optometric Association or any other state optometric association affiliated with the American Optometric Association;
 3. Scientific sections and continuing education courses of the American Academy of Optometry;
 4. Postgraduate courses offered at any accredited college of optometry;
 5. Educational meetings of the Southern Council of Optometrists;
 6. Educational meetings approved by the Council on Optometric Practitioner Education (COPE);
 7. Educational meetings of the North Central States Optometric Congress;
 8. Educational meetings of the Heart of America Optometric Congress and the Heart of America Contact Lens Society;
 9. Educational meetings of the College of Optometrists in Vision Development;
 10. Educational meetings of the Optometric Extension Program; and
 11. Optometric related meetings of any accredited school of medicine.
- (D) With the exception of any of the previously mentioned educational organizations, any other regularly organized group of optometrists that wishes to sponsor an educational program to meet the standard for license renewal in Missouri shall submit two (2) copies of the program schedule and outline to the board's executive director not fewer than sixty (60) days prior to the date of the program and shall pay the continuing education sponsor fee. The outline must indicate the program's subject matter, the number of hours required for its presentation and the

identity and qualifications of the speakers and instructors. The board shall review the schedule and outline. If the program meets the standards set out in subsections (10)(A)–(B), the board may grant approval. The board will not consider requests for approval of any program submitted following the meeting; and

(E) The board will consider requests for exemption from the educational requirements only if the request for exemption is filed with the board's executive director and actually approved by the board before the end of the reporting period. The request for exemption must be by sworn affidavit and must clearly set out the reasons asserted for noncompliance, including at least a listing of all other years for which the board has exempted the licensee and a listing of the dates upon which the licensee's reasons for exemption required his/her absence from active practice. In its discretion, the board may refuse to exempt a licensee from the required attendance, notwithstanding the existence of a valid reason, if the board determines that the licensee has or had other reasonable opportunities to meet the requirements of this rule.

(11) The license renewal period shall commence on November 1 and end on October 31 of each even-numbered year.

AUTHORITY: sections 336.080 and 336.160.1, RSMo 2000.* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Amended: Filed Sept. 12, 1980, effective Dec. 13, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Feb. 8, 1983, effective May 12, 1983. Amended: Filed Aug. 4, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 28, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed May 17, 1989, effective Aug. 24, 1989. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed May 21, 1993, effective Nov. 8, 1993. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 16, 1998, effective Dec. 30, 1998. Amended: Filed Dec. 14, 2001, effective June 30, 2002.

*Original authority: 336.080, RSMo 1939, amended 1943, 1963, 1981 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981.

4 CSR 210-2.040 Public Complaint Handling and Disposition

PURPOSE: This rule states how complaints should be filed with the board and the procedure for handling the complaints.

(1) The State Board of Optometry shall receive and process each complaint made against any licensee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 336, RSMo. Any member of the public or the profession or any federal, state or local official may make and file a complaint with the board. Complaints shall be received from sources without Missouri and processed in the same manner as those originating within Missouri. No member of the State Board of Optometry shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive secretary or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: State Board of Optometry, P.O. Box 672, Jefferson City, MO 65102-0672. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be made based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made on forms provided by the board and shall fully identify the affiant by name and address. Complaint forms will be provided by the board and are available upon request. Oral and telephone communications will not be considered or processed as complaints but the person making these communications will be provided with a complaint form and requested to complete it and return it to the board. Any member of the administrative staff or the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. The logbook shall

contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint was dismissed by the board or if informal charges were filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated and later, as to whether the complaint is being dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals, and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board. The provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered closed records and shall not be available for inspection by the general public. However, upon written request, a copy of the complaint and any attachments may be provided to any licensee who is the subject of that complaint or to his/her legal counsel.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the

professional licensing boards. This rule is not deemed to protect, or inure to the benefit of, those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 336, RSMo.

AUTHORITY: sections 336.160.1 and 610.010.15(6), RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Dec. 6, 1982, effective March 11, 1983. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

**Original authority: 336.160.1, RSMo 1939, amended 1947, 1963, 1981 and 610.010, RSMo 1973, amended 1977, 1978, 1982, 1987, 1993, 1998.*

4 CSR 210-2.050 Professional Optometric Corporations

PURPOSE: This rule governs professional optometric corporations.

(1) No person registered under the provisions of Chapter 336, RSMo shall organize, form or, at any time, participate as incorporator, director, shareholder or officer of any corporation organized under the provisions of the Professional Corporation Law of Missouri, except—

(A) All incorporators, directors and officers, other than the secretary of the corporation, shall be registered under the provisions of Chapter 336, RSMo, shall have paid all fees due under that chapter and must be in good standing with the Missouri State Board of Optometry, except that, if more than one (1) type of professional service is practiced by the professional corporation pursuant to the provisions of subsection (1)(C), then the incorporators, directors and officers other than secretary of the corporation, shall be in good standing with the Missouri State Board of Registration for the Healing Arts and duly licensed to practice one (1) or more of the professional services referred to in subsection (1)(C);

(B) The proposed name of the corporation shall contain the surname of each registered practitioner within the corporation owning ten percent (10%) or more of the outstanding stock of the corporation; provided, however, that if there are more than three (3) registered practitioners, each of whom owns more than ten percent (10%) of the stock of the corporation, the proposed corporate name shall contain only the names of the three (3) prac-

tioners who own the greatest number of shares of stock of the proposed corporation. The proposed corporation shall end with the words Professional Corporation or P.C. The proposed name of the corporation shall contain the name of the profession to be practiced or the professional title of practitioners of that profession but no other words other than those previously specified. However, words other than those provided in this rule may be used in proposed corporate names where the words are found by a majority of the board at a regularly scheduled meeting to be in keeping with the ethical standards of the profession; and

(C) A professional corporation may be organized only for the purpose of rendering optometric service and its ancillary services except that a multiple purpose professional corporation may be organized to render optometric services in conjunction with any services that lawfully may be rendered by a physician, surgeon, doctor of medicine or doctor of osteopathy licensed under the provisions of a licensing law of this state.

AUTHORITY: section 336.160, RSMo 1986. This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 14, 1987, effective Sept. 11, 1987.*

**Original authority: 336.160, RSMo 1939, amended 1947, 1963, 1981.*

4 CSR 210-2.060 Professional Conduct Rules

PURPOSE: This rule explains the professional conduct required of licensed optometrists.

(1) Every registered optometrist whose name, office address, phone number or place of practice appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved and sanctioned the advertisement and shall be personally and professionally responsible for the content and character of the advertisement.

(2) The term advertising, as used in section 336.110, RSMo and this rule, shall include, but not be limited to, advertising by means of any of the following media:

(A) Newspapers, magazines, periodicals, programs, circulars, handbills, stationery or any other forms of printed, mimeographed, offset, typewritten or otherwise reproduced material;

(B) Motion pictures;

(C) Broadcasts by radio, television or public address systems; and

(D) Signs of every kind and description including billboards, posters, building signs, corridor signs, stair signs and window signs.

(3) No optometrist registered in this state shall use or employ deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact in connection with the advertisement of any ophthalmic goods or services.

(4) Advertisements which will be deemed to violate section (3) include, but shall not be limited to, those which:

(A) Use words that are apt to be misunderstood or qualifying references in smaller type which are apt to be overlooked by a casual reader;

(B) Exaggerate the quality of goods or services;

(C) Contain any promise of improved condition;

(D) Contain self-laudatory statements or claims of superiority over other licensed optometrists or other health care professionals or any reference to the quality of care provided; or

(E) Fail to identify the optometrist's profession by not including the word optometrist, doctor of optometry or O.D. following the optometrist's name if the advertisement must contain the name of the optometrist pursuant to subsection (4)(E).

(5) Advertising concerning the cost and availability of ophthalmic goods and services is deemed to be misleading unless it contains the following disclosures:

(A) Whether an advertised price includes single vision, multifocal lenses, or both;

(B) Whether an advertised price for contact lenses refers to soft or hard contact lenses, or both;

(C) Whether an advertised price for ophthalmic goods includes an eye examination;

(D) Whether an advertised price for ophthalmic goods includes all dispensing fees; and

(E) Whether an advertised price for eye-glasses includes both frames and lenses.

(6) Nothing in this section shall be construed to require that the optometrist advertise the price of particular goods or services.

(7) It shall be considered dishonesty in the practice of optometry for an optometrist to permit, allow or cause a person who is not a registered optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric findings to fit a contact lens upon a patient or member of the public.

(8) It shall be considered misconduct in the practice of optometry to—

(A) Write or allow to be written any prescription for ophthalmic materials or pharmaceutical agents which does not legibly include on the face of the prescription the license number of the optometrist, the full name of the optometrist (printed or typed), the optometrist or the initials O.D. and the signature of the prescribing optometrist; or

(B) Verbally communicate or allow to be communicated to the individual or business who will be filling the prescription any prescription for ophthalmic materials or pharmaceutical agents without communicating or causing to be communicated the full name and license number of the prescribing optometrist.

(9) It shall be considered dishonesty in the practice of optometry for an optometrist to enter into an agreement or arrangement where s/he permits, allows or causes a person who is not a registered optometrist or a licensed physician or surgeon to do any of the following acts upon a patient or member of the public:

(A) Examine the eye to ascertain the presence of defects or abnormal conditions of the eye;

(B) Determine the corrective qualities to be incorporated in a contact or spectacle lens; or

(C) Adjust or fit a contact lens to the eye.

(10) Every registered optometrist providing optometric services prominently shall display his/her name at the entrance of his/her office(s) any times during which these services are offered. The registered optometrist so displaying his/her name shall identify his/her profession by including the word optometrist, doctor of optometry or O.D. following his/her name.

(11) An optometrist is associated in business if s/he is a partner or if s/he is an employee or the holder of ten percent (10%) or more of the stock in a corporation or an officer or director of a corporation, or is guaranteed, promised or paid a commission, repayment of expenses or other remuneration.

(12) An optometrist who is associated in business with a person, firm or corporation which deals in optometric goods shall disclose this business relationship to his/her patients prior to the formation of an expressed or implied contract for optometric services. This disclosure shall include the name of the employer of the optometrist or shall state the name of the business in which s/he holds an interest or of which s/he is a member, officer or director and shall take the

form of a sign posted in clear public view or a printed statement delivered to each patient in his/her care.

(13) Sections (11) and (12) of this rule shall not apply to an optometrist who is associated in business merely by being a member or an employee of a professional corporation law fully organized and registered pursuant to the provisions of Chapters 336 and 356, RSMo and the rules of the board applicable to those chapters, or by being a member or salaried employee of a health services corporation lawfully organized and registered in accordance with Chapter 354, RSMo.

(14) An optometrist who rents or leases office space on the premises of a business which deals in optometric goods and who is not associated with that business shall disclose that fact in the manner described in section (12) of this rule.

AUTHORITY: sections 336.110 and 336.160.1, RSMo 1986.* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 10, 1977, effective Aug. 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Oct. 27, 1983, effective March 11, 1984. Amended: Filed Aug. 4, 1986, effective Nov. 13, 1986. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992.

*Original authority: 336.110, RSMo 1939, amended 1947, 1978, 1981 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981.

Bresler v. Tietjen, 424 SW2d 65 (Mo. banc 1968). Rule promulgated by board defining “dishonorable conduct” to include affiliation with any person, firm, corporation or association of any kind which advertises for prescription eyeglasses or prescription eyeglass lenses without clearly stating in the advertisement that the prices do not include the cost of eye examination, a prescription or other optometric service, held invalid because it unreasonably goes beyond the scope of statute.

Rule promulgated by board defining “dishonorable conduct” to include entering into agreement with party who advertises prices for prescription eyeglasses or prescription eyeglass lenses which includes referrals held invalid because unreasonable and discriminatory in its application.

Portion of rule promulgated by board defining affiliation to include rental of office space from a prohibited party or association

held invalid because it was unreasonable and overly broad in application.

Portion of rule promulgated by board defining affiliation to include agreement to pay optometrist for performance of optometric services by prohibited party or association held invalid because it was unreasonable and overly broad in application.

Section 336.110, RSMo (1959) allowing board to determine who or what constitutes “procurers to obtain business” is not an unlawful delegation of legislative authority nor is it vague or indefinite. The sale of eyeglasses, whether or not on prescription, does not constitute the practice of optometry.

Ketring v. Sturges, 372 SW2d 104 (Mo. 1963). Board has authority to define in advance “dishonorable conduct” and the board’s judgment in such matters should be disturbed only if the rule is unreasonable.

Rule prohibiting advertising optometric services where name of one not a registered optometrist or physician or surgeon is given greater prominence than the individual name of optometrist held invalid because it went beyond the scope of statutory authority.

Advertisement “Single Vision Lens \$15.00” held not to violate sections 336.110 and 336.120, RSMo (1959), prohibiting advertisement of prices or terms for optometric services.

Op. Atty. Gen. No. 77, Warreck (7-25-67). Prescription glasses may be sold or dispensed to the individual who will wear the glasses or anyone of his/her choosing and wholesale optical suppliers or manufacturers are not required to furnish the glasses pursuant to an individual prescription only to licensed optometrists and physicians. Preparing a prescription for corrective glasses constitutes the practice of optometry as defined in section 336.010, RSMo (1959) and the prescription may not be altered or changed in any manner that would affect the corrective properties of the lens by anyone other than a licensed optometrist or physician.

Op. Atty. Gen. No. 68, Mo. State Board of Optometry (4-19-54). It is unlawful for an osteopath to advertise as a “registered optometrist” when not duly licensed by the State Board of Optometry to practice optometry in this state.

Op. Atty. Gen. No. 10, Bockhorst (6-8-50). An optometrist is forbidden by law to advertise, directly or indirectly, prices or terms for optometric services.

4 CSR 210-2.070 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 336, RSMo.

(1) The following fees are established by the State Board of Optometry:

(A) Application Fee	\$125*
(B) Missouri Law Exam Fee	\$ 50**
(C) License Fee	\$100
(D) Biennial Renewal Fee	\$220
(E) Late Fee	\$100
(F) Reactivation Fee	\$350
(G) Duplicate Certificate Fee	\$ 20
(H) Certification of Corporation Fee	\$ 20
(I) Reciprocity Certification Fee	\$ 20
(J) Computer Print-Out of Licensees Fee	\$ 20
(K) Pharmaceutical Certification Fee (for certification to use DPA and therapeutic pharmaceutical agents)	\$ 75
(L) Uncollectible Fee (uncollectible check or other uncollectible financial instrument)	\$ 25
(M) Law Book Requests Fee	\$ 5***
(N) Biennial Continuing Education Sponsor Fee	\$ 25
(O) Continuing Education Penalty Fee (reporting continuing education hours obtained after the end of the reporting period)	\$ 50

*This fee also includes the pharmaceutical certification fee.

**When administered separately from the National Board of Examiners in Optometry (NBEO) Patient Assessment and Management (PAM) exam.

***This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure or to accredited schools of optometry. Furthermore, this fee will not be charged to licensees or any other individual for additions or corrections to the law book after the initial copy is mailed.

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 336.160, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. Amended: Filed June 3, 1985, effective Aug. 26, 1985. Amended: Filed Aug. 1, 1985, effective Nov. 11, 1985. Amended: Filed Feb. 3, 1986, effective April 25, 1986. Amended: Filed Sept. 30, 1986, effective Feb. 28, 1987. Amended: Filed May 15, 1987, effective Sept. 11, 1987. Amended: Filed June 1, 1988, effective Aug. 26, 1988. Amended: Filed July 18, 1989, effective Nov. 26, 1989. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Dec. 14, 1992, effective Aug. 9, 1993. Amended: Filed Sept. 24, 1993, effective May 9, 1994. Amended: Filed Jan. 23, 1996, effective July 30, 1996. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed March 30, 1998, effective Sept. 30, 1998. Amended: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

**Original authority: 336.160, RSMo 1939, amended 1947, 1963, 1981.*

4 CSR 210-2.071 Transitional Renewal Fee
(Rescinded May 28, 1987)

AUTHORITY: section 336.160, RSMo Supp. 1981. Original rule filed Feb. 9, 1982, effective May 13, 1982. Rescinded: Filed March 2, 1987, effective May 28, 1987.

4 CSR 210-2.080 Certification of Optometrists to Use Pharmaceutical Agents

PURPOSE: This rule sets out the requirements and procedures for the certification of optometrists to use pharmaceutical agents.

(1) No optometrist licensed in this state may use pharmaceutical agents in the practice of optometry unless that optometrist has been certified by the State Board of Optometry as qualified to use those pharmaceutical agents in the practice of optometry.

(2) The board will certify optometrists currently licensed in this state as qualified to use pharmaceutical agents in the practice of optometry in accordance with the following guidelines:

(A) All applicants for certification must present official documentation transcripts showing successful completion of at least six (6)-credit (ninety-six (96) classroom) hours of study in general and ocular pharmacology and at least one hundred (100) hours of approved, supervised, clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa in a program supervised by a board-certified ophthalmologist. The board cannot approve any credit hours unless they were taught by an institution having facilities for both the didactic and clinical instruction in pharmacology, which is approved by the board and which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education or its successors. No applicant will be admitted to the examination until the documentation required in this rule has been received and approved by the board;

(B) All applicants for certification must pass the written examination in pharmacology administered or approved by the board; and

(C) All applications for certification (see 4 CSR 210-2.081) must be submitted on the forms provided by the board and must be accompanied by the application fee.

(3) The board may not accept any documentation required by subsection (2)(A) of this rule unless the course of studies it reflects is certified by the institution as being comparable in content to those courses in general and ocular pharmacology required by other licensing boards whose licensees or registrants are permitted the use of pharmaceutical agents in the course of their professional practice.

(4) Use of oral analgesic agents shall be limited to those specific uses as follows:

(A) Prior to the administration of oral analgesic therapy, a complete and careful history of current medications and past drug allergies and sensitivities must be documented in the record, with particular attention to interaction

of analgesics with other systemic medications. Optometrists using these agents must be thoroughly familiar with the interactions of these drugs with other systemic medications;

(B) Prescription strength oral analgesic agents and particularly controlled substances are rarely required for the relief of pain in ocular conditions. Therefore, they may be used only for pain of which *the etiology can be clearly demonstrated* and in which, in the judgment of the optometrist, sufficient relief would not be obtained with noncontrolled substances;

(C) Ocular pain may not be treated with controlled substances over forty-eight (48) hours without referral or consultation with a physician skilled in the treatment of the eye unless marked improvement in the underlying condition can be demonstrated;

(D) When prescribing oral analgesic agents which are categorized as controlled substances, only scheduled oral agents that have been shown to be effective for ocular pain may be prescribed;

(E) Prescriptions for controlled substances *may not* exceed in number the recommended analgesic dosage for the duration of the prescription;

(F) Prescriptions for controlled substances *may not* be refilled without further examination and follow-up care; and

(G) Optometrists may not maintain inventories of controlled substances for dispensing or administering.

AUTHORITY: section 336.220, RSMo Supp. 1996. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed March 14, 1982, effective June 11, 1982. Amended: Filed Aug. 4, 1986, effective Nov. 13, 1986. Amended: Filed Nov. 15, 1989, effective March 11, 1990. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 15, 1996, effective April 30, 1997.*

**Original authority: 336.220, RSMo 1981, amended 1986, 1993, 1995.*

4 CSR 210-2.081 Examinations of Optometrists for Certification to Use Pharmaceutical Agents

PURPOSE: This rule establishes the examinations which are approved by the board to meet the examination requirement for certification to use pharmaceutical agents.

(1) All applications for pharmaceutical certification must be made on forms provided by the board. The application must be accompa-

nied by proof that the applicant has passed an examination approved by the board.

(A) For licensees who are certified to use diagnostic pharmaceutical agents (DPA certified) in Missouri, an examination which meets the following criteria will be approved by the board. The examination must be—

1. Given as a comprehensive final examination;

2. Designed to test competence in the use of therapeutic pharmaceutical agents; and

3. Administered as part of a course of instruction which qualifies an applicant for certification under 4 CSR 210-2.080.

(B) For any licensee, the examination on the Treatment and Management of Ocular Disease (TMOD) which is administered by the National Board of Examiners in Optometry (NBEO) will be approved by the board for pharmaceutical certification.

(2) Applicants certified to use therapeutic pharmaceutical agents in another state whose requirements for certification are substantially equivalent as those required in this state may be granted a certification to use pharmaceutical agents in Missouri without examination.

AUTHORITY: sections 336.160.1, and 336.220, RSMo 2000. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed May 15, 1987, effective Sept. 11, 1987. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed May 26, 1993, effective Nov. 8, 1993. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

**Original authority: 336.160.1, RSMo 1939, amended 1947, 1963, 1981 and 336.220, RSMo 1981, amended 1986, 1993, 1995.*