## Rules of
Department of Insurance, Financial Institutions and Professional Registration
Division 2210—State Board of Optometry
Chapter 2—General Rules

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20 CSR 2210-2.010 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.


20 CSR 2210-2.011 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;

(F) Proof of submission of fingerprints to the Missouri State Highway Patrol’s approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and

(G) 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.


(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 20 CSR 2210-2.080.


20 CSR 2210-2.030 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 National Optometric Association (NOA);

3. Educational meetings of the Missouri Optometric Association or any other state optometric association affiliated with the American Optometric Association;

4. Scientific sections and continuing education courses of the American Academy of Optometry;

...
5. Postgraduate courses offered at any accredited college of optometry;
6. Educational meetings of the Southern Council of Optometrists;
7. Educational meetings approved by the Council on Optometric Practitioner Education (COPE);
8. Educational meetings of the North Central States Optometric Council;
9. Educational meetings of the Heart of America Optometric Congress and the Heart of America Contact Lens Society;
10. Educational meetings of the College of Optometrists in Vision Development;
11. Educational meetings of the Optometric Extension Program; and
12. 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;

(E) Licensees who present Council on Optometric Practitioner Education (COPE) approved continuing education will be allowed one (1) hour of continuing education credit for each hour of the continuing education program presented. Each COPE numbered course may be used one time for continuing education credit during the reporting period;

(F) Licensees who are enrolled in a postgraduate residency program accredited by the Council on Optometric Education will receive eight (8) hours of continuing education credit to satisfy one (1) year of the two (2)-year reporting period; and

(G) 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.


20 CSR 2210-2.040 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, rectifying 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 com-
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.


(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 eyeglasses 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 ophthalmic 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 lawfully 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.


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 any person, firm, corporation or association of any kind which advertises 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 eye-glasses, whether or not on prescription, does not constitute the practice of optometry.

**Keating 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 not 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.

**20 CSR 2210-2.070 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 $225*
- (B) Missouri Law Exam Fee $50**
- (C) Biennial Renewal Fee $150
- (D) Late Fee $100
- (E) Reactivation Fee $350
- (F) Duplicate Certificate Fee $20
- (G) Certification of Corporation Fee $20
- (H) Reciprocity Certification Fee $20
- (I) Computer Print-Out of Licensees Fee $20
- (J) Pharmaceutical Certification Fee (for certification to use DPA and therapeutic pharmaceutical agents) $75
- (K) Uncollectible Fee (uncollectible check or other uncollectible financial instrument) $25
- (L) Law Book Requests Fee $5***
- (M) Biennial Continuing Education Sponsor Fee $25
- (N) Continuing Education Penalty Fee (reporting continuing education hours obtained after the end of the reporting period) $50
- (O) Fingerprinting Fee (amount determined by the Missouri State Highway Patrol)

*This fee also includes the license fee and 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.


**20 CSR 2210-2.080 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 board as qualified to use those pharmaceutical agents in the practice of optometry.

(2) All applications for pharmaceutical certification must be made on forms provided by the board and must be accompanied by the pharmaceutical certification fee. The application must be accompanied by proof that the...
(3) 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 and/or transcripts showing successful completion of 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; and

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

(4) The board may not accept any documentation required by subsection (3)(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. 

(5) Applicants certified to use 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.

(6) 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.
