

Statutes and Regulations **Optometrists**

October 2011

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 72.
OPTOMETRISTS.**

Article

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**ARTICLE 1.
BOARD OF EXAMINERS IN OPTOMETRY.**

Section

- 10. Creation and purpose of board**
- 20. Membership of board**
- 40. Qualifications**
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Sec. 08.72.010. Creation and purpose of board. There is created the Board of Examiners in Optometry to regulate and control the practice of optometry and to protect and promote the public health, welfare, and safety.

Sec. 08.72.020. Membership of board. The board consists of five persons.

Sec. 08.72.040. Qualifications. Four board members shall be licensed, practicing optometrists who have been residents for at least three years. One board member shall be a public member.

Sec. 08.72.050. Regulations. The board shall adopt regulations

- (1) necessary for the proper performance of its duties;
- (2) governing the applicants and applications for licensing;
- (3) for the licensing of optometrists;
- (4) necessary to govern the practice of optometry;
- (5) prescribing requirements that a person licensed under this chapter must meet to demonstrate continued professional competency.

Sec. 08.72.060. Miscellaneous powers and duties of board. (a) The board or a member designated by the board, may issue subpoenas, administer oaths, and take testimony concerning any matter within its jurisdiction.

(b) The board may

- (1) adopt a seal;
- (2) define professional conduct and adopt rules of professional conduct.

(c) The board shall

- (1) elect a chair and secretary from among its members;
- (2) order a licensee to submit to a reasonable physical examination if the licensee's physical capacity to practice safely is at issue.

**ARTICLE 2.
LICENSING.**

Section

- 110. License required**
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Sec. 08.72.110. License required. (a) A person may not practice, attempt to practice, or offer to practice optometry without first obtaining a license from the board.

(b) A person not licensed as an optometrist may not fit, sell, or dispose of or take, receive, or solicit an order for fitting, sale, or disposition of spectacles, eyeglasses, or lenses for the correction or relief of an optical or visual defect of the human eye or sell spectacles, eyeglasses, or lenses from house to house, or in the streets or highways. This chapter does not apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses, or complete ready-made spectacles and eyeglasses sold only as merchandise, or the sale or repair of eyeglass frames, or repair or replacement of lenses without pretense of adapting them to the eyes.

Sec. 08.72.140. Qualifications for licensure. An applicant for licensure as an optometrist

(1) shall be a graduate of a school or college of optometry recognized by the board;

(2) may not have committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed;

(3) may not have been disciplined by an optometry licensing entity in another jurisdiction and may not be the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure;

(4) shall have successfully completed

(A) the written and practical portions of an examination on ocular pharmacology approved by the board that tests the licensee's or applicant's knowledge of the characteristics, pharmacological effects, indications, contraindications, and emergency care associated with the prescription and use of pharmaceutical agents;

(B) a nontopical therapeutic pharmaceutical agent course of at least 23 hours approved by the board or an examination approved by the board on the treatment and management of ocular disease; and

(C) an optometry and nontopical therapeutic pharmaceutical agent injection course of at least seven hours approved by the board or equivalent training acceptable to the board; and

(5) shall meet other qualifications for licensure as established under this chapter and regulations adopted by the board under AS 08.72.050.

Sec. 08.72.150. Application for examination and issuance of license. An applicant shall apply for the examination by filing an application with the department together with the examination fee by the deadline established by the department in regulations. The department may require the applicant to submit a photograph of the applicant for its files; however, the photograph may not be forwarded with the application to the board for review. Upon successful completion of the examination by the applicant and payment of the license fee, the board shall issue a license to the successful applicant. The applicant may practice optometry in the state upon receipt of the license.

Sec. 08.72.160. Examination. (a) The examination must consist of two sections:

(1) all or part of a national or international examination designated by regulation by the board; and

(2) an examination approved by the board that is designed to test the applicant's knowledge of the laws of Alaska governing the practice of optometry and the regulations adopted under those laws.

(b) *[Repealed, § 9 ch 49 SLA 1988.]*

(c) An applicant who fails the examination may retake the examination upon payment of a fee established under AS 08.01.065.

(d) *[Repealed, § 7 ch 27 SLA 2010.]*

Sec. 08.72.170. Licensure by credentials. The board shall issue a license by credentials to an applicant who

(1) is a graduate of a school or college of optometry recognized by the board;

(2) has passed a written examination approved by the board that is designed to test the applicant's knowledge of the laws of Alaska governing the practice of optometry and the regulations adopted under those laws;

(3) holds a current license to practice optometry in another state or territory of the United States or in a province of Canada that has licensure requirements that the board determines are equivalent to those established under this chapter;

(4) at some time in the past, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the person to have passed the National Board of Examiners in Optometry examination to qualify for licensure;

(5) was engaged in the active licensed clinical practice of optometry in a state or territory of the United States or in a province of Canada for at least 3,120 hours during the 36 months preceding the date of application under this section;

(6) has not committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed; and

(7) has not been disciplined by an optometry licensing entity in another jurisdiction and is not the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure.

Sec. 08.72.175. License endorsement. *[Repealed, § 7 ch 27 SLA 2010.]*

Sec. 08.72.181. Renewal of license. (a) *[Repealed, § 49 ch 94 SLA 1987.]*

(b) An optometrist licensed in this state and serving in the military service of the United States, while in the discharge of official duties, may maintain eligibility to practice in this state without paying a renewal fee by registering the optometrist's name and place of residence with the department.

(c) An application for license renewal must contain the name, office and post office address, date and license number of the licensee, and other information the board considers necessary.

(d) Before a license may be renewed, the licensee shall submit to the board evidence that, in the four years preceding the application for renewal, the licensee has

(1) completed eight hours of continuing education, approved by the board, concerning the use and prescription of pharmaceutical agents;

(2) completed seven hours of continuing education, approved by the board, concerning the injection of nontopical therapeutic pharmaceutical agents; and

(3) met other continuing education requirements as may be prescribed by regulations of the board to ensure the continued protection of the public.

(e) Before a license may be renewed, the licensee shall provide evidence of continued professional competency in accordance with the regulations adopted by the board under AS 08.72.050(5).

Sec. 08.72.185. Retired license status. (a) On retiring from practice and on payment of an appropriate one-time fee, a licensee in good standing with the board may apply for the conversion of an active or inactive license to a retired status license. A person holding a retired status license may not practice optometry in the state. A retired status license is valid for the life of the license holder and does not require renewal. A person holding a retired status license is exempt from license renewal requirements of AS 08.72.181.

(b) A person with a retired status license may apply for active licensure. Before issuing an active license under this subsection, the board may require the applicant to meet reasonable criteria, as determined under regulations of the board.

Sec. 08.72.191. Fees. The department shall set fees under AS 08.01.065 for the following:

- (1) examination;
- (2) reexamination;
- (3) licensure by credentials;
- (4) license;
- (5) renewal.

Sec. 08.72.230. Fees and disbursements. The department shall collect all fees and keep a record of each transaction, and shall remit to the Department of Revenue all money received.

Sec. 08.72.240. Grounds for imposition of disciplinary sanctions. The board may impose disciplinary sanctions when the board finds after a hearing that a licensee

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or other crime which affects the licensee's ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee's supervision which does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of or use current professional theories or practices;

(C) addiction or severe dependency on alcohol or other drugs which impairs the licensee's ability to practice safely;

(D) physical or mental disability;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;

(9) failed to refer a patient to a physician after ascertaining the presence of ocular or systemic conditions requiring management by a physician.

Sec. 08.72.260. Revocation of license by court. A license may be revoked by the superior court upon proof of violation of law or for a cause for which the board may refuse admittance to its examination. The attorney general shall prosecute appropriate judicial proceedings upon request of a member of the board.

Sec. 08.72.270. Practice not at place of business. (a) A licensed optometrist, who temporarily practices optometry away from the optometrist's regular place of business, shall display a license and deliver to each patient or person fitted or supplied with glasses or contact lenses a receipt showing the optometrist's permanent place of business or post office address and the amount charged.

(b) This section may not be construed as permitting peddling or canvassing by licensed optometrists.

ARTICLE 3. MISCELLANEOUS PROVISIONS.

Section

272. Use of pharmaceutical agents

273. Removal of foreign bodies

274. Exemption

275. Lenses and frames for eyeglasses and sunglasses

280. Prohibited acts

290. Criminal penalty

Sec. 08.72.272. Use of pharmaceutical agents. (a) A licensee may prescribe and use a pharmaceutical agent, including a controlled substance, in the practice of optometry if

(1) the pharmaceutical agent

(A) is prescribed and used for the treatment of ocular disease or conditions, ocular adnexal disease or conditions, or emergency anaphylaxis;

(B) is not a schedule IA, IIA, or VIA controlled substance;

(C) is prescribed in a quantity that does not exceed four days of prescribed use if it is a controlled substance;

(D) is not injected into the ocular globe of the eye; and

(E) is not a derivative of clostridium botulinum; and

(2) the licensee

(A) has a physician-patient relationship, as defined by the board in regulations adopted under this chapter, with the person to whom the pharmaceutical agent is prescribed; and

(B) has on file with the department the licensee's current federal Drug Enforcement Administration registration number that is valid for the controlled substance prescribed or used.

(b) *[Repealed, § 7 ch 27 SLA 2010.]*

(c) *[Repealed, § 7 ch 27 SLA 2010.]*

(d) In this section, "controlled substance" has the meaning given in AS 11.71.900.

Sec. 08.72.273. Removal of foreign bodies. A licensee may remove superficial foreign bodies from the eye and its appendages. This section is not intended to permit a licensee to perform invasive surgery.

Sec. 08.72.274. Exemption. Except for AS 08.72.275, this chapter and regulations adopted under this chapter do not limit the practice of an optician licensed under AS 08.71.

Sec. 08.72.275. Lenses and frames for eyeglasses and sunglasses. (a) A person may not fabricate, distribute, sell, exchange, deliver or possess with intent to distribute, sell, exchange or deliver eyeglasses or sunglasses unless they are fitted with plastic lenses, laminated lenses, heat-treated glass lenses, or glass lenses made impact resistant by other methods. All plastic and heat-treated glass lenses, before they are mounted in frames, shall be capable of withstanding the impact of a five-eighths inch steel ball dropped on the lens from a height of 50 inches. The impact test shall be conducted at room temperature, with the lens supported by a plastic tube one inch inside diameter, one and one-fourth inch outside diameter, with a one-eighth inch by one-eighth inch neoprene gasket on the top edge.

(b) A person may not fabricate, distribute, sell, exchange, deliver or possess with intent to distribute, sell, exchange or deliver eyeglasses or sunglasses having frames manufactured from cellulose nitrate or other highly flammable materials.

(c) A licensee may sell, exchange, or deliver eyeglasses or sunglasses that do not meet the requirements of (a) of this section if the sale, exchange, or delivery is authorized in a written request signed by the patient.

(d) A person who violates this section is punishable by a fine of not less than \$50 nor more than \$100.

Sec. 08.72.280. Prohibited acts. A person may not falsely personate a licensed optometrist, or buy, sell, or fraudulently obtain a license issued to another or advertise the practice of optometry in violation of regulations of the board. Practicing or offering to practice optometry without a license is sufficient evidence of a violation of this chapter.

Sec. 08.72.290. Criminal penalty. A person who violates this chapter is guilty of a misdemeanor and is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment for a term of not less than 10 days nor more than 90 days, or by both.

**ARTICLE 4.
GENERAL PROVISIONS.**

Section

300. Definitions

310. Short title

Sec. 08.72.300. Definitions. In this chapter

- (1) "board" means the Board of Examiners in Optometry;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "optometry" means the examination, diagnosis, and treatment of conditions of the human eyes and visual system, other than by use of laser, x-rays, surgery, or pharmaceutical agents, other than those permitted under AS 08.72.272; "optometry" includes the employment of methods that a person licensed under this chapter is educationally qualified to use, as established by the board;
- (4) "practicing optometry" means the performance of, or offer to perform, optometry for compensation;
- (5) "recognized school or college of optometry" means a school or college approved by the American Optometric Association or a committee of the American Optometric Association.

Sec. 08.72.310. Short title. This chapter may be cited as the Optometry Law.

CHAPTER 48.
BOARD OF EXAMINERS IN OPTOMETRY

Article

- 1. Application Requirements (12 AAC 48.010—12 AAC 48.030)**
- 2. Continuing Education (12 AAC 48.200—12 AAC 48.220)**
- 3. Standards of Practice (12 AAC 48.300—12 AAC 48.330)**
- 4. General Provisions (12 AAC 48.900—12 AAC 48.990)**

ARTICLE 1.
APPLICATION REQUIREMENTS.

Section

- 11. License by examination**
- 15. Examinations**
- 21. (Repealed)**
- 22. Restricted licenses**
- 25. (Repealed)**
- 26. Retired status license**

12 AAC 48.011. LICENSE BY EXAMINATION. (a) An applicant for a license by examination to practice optometry must submit

- (1) a completed and notarized application on a form provided by the department;
- (2) documentation showing that the applicant has passed, not earlier than the five years immediately preceding the date of application, all parts of the examinations required in 12 AAC 48.015(1) and (2) sent directly to the department from the NBEO; if one or more parts of the examination was passed by the applicant two years or more before the date of the application, the applicant must provide verification of the completion of 36 hours of approved continuing education taken not earlier than the two years immediately preceding the date of application, in ocular pharmacology or pathology;
- (3) official college transcripts verifying graduation from a recognized school or college of optometry;
- (4) if the applicant has been licensed in another jurisdiction, verification of licensure, including the disposition of any disciplinary action taken or pending against the applicant, from each licensing jurisdiction in which the applicant holds or has ever held an optometry license;
- (5) the applicable fees required by 12 AAC 02.300;
- (6) the completed Alaska State Optometry Law Examination required under 12 AAC 48.015; and
- (7) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist.

(b) The board will not review an application until the fees required by 12 AAC 02.300(1) – (2) and documents required in (a)(1) – (5) of this section have been received by the department.

(c) The board may request additional information from a licensing jurisdiction and other applicable sources if an applicant's license history received under (a)(4) of this section shows disciplinary action that the board determines needs further review.

Authority: AS 08.72.050 AS 08.72.140 AS 08.72.160
AS 08.72.110 AS 08.72.150 AS 08.72.170

12 AAC 48.015. EXAMINATIONS. (a) Except as provided in 12 AAC 48.020, to qualify for a license to practice optometry, an applicant must provide verification of having passed

- (1) not earlier than the five years immediately preceding the date of application, parts I, II, and III of the written and practical examination offered by the National Board of Examiners in Optometry (NBEO) with a minimum passing score as determined by the NBEO;
- (2) not earlier than the five years immediately preceding the date of application, the Treatment and Management of Ocular Disease (TMOD) examination offered by the National Board of Examiners in Optometry; and
- (3) the Alaska State Optometry Law examination covering the provisions of AS 08.72 and this chapter with a passing score of at least 90 percent.

(b) The Alaska State Optometry Law Examination is an open book examination. The examination and study materials will be mailed directly to each applicant. Completed examinations must be returned to the department within 30 days after mailing, as shown by the postmark dates.

Authority: AS 08.72.050 AS 08.72.160

12 AAC 48.020. LICENSE BY CREDENTIALS. (a) The board will issue a license by credentials to practice optometry to an applicant who meets the requirements of AS 08.72.140, AS 08.72.170, and this section.

(b) An applicant for a license under this section must submit

(1) a complete and notarized application on a form provided by the department;
(2) the applicable fees required by 12 AAC 02.300;
(3) an affidavit certifying at least 3,120 hours of active licensed clinical practice experience in optometry at the highest therapeutic level authorized by the licensing authority in their jurisdiction not earlier than the three years immediately preceding the date of application, signed by a licensed health care professional who is familiar with the applicant's practice; the board may require further documentation verifying the 3,120 hours of active licensed clinical practice;

(4) the completed Alaska State Optometry Law examination required in 12 AAC 48.015(3).

(c) In addition to the requirements of (b) of this section, an applicant for a license under this section shall arrange for and ensure the submission of the following:

(1) college transcripts verifying graduation from a recognized school or college of optometry, sent directly to the department from the institution;

(2) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice optometry, showing that the applicant's license has not been the subject of any disciplinary action and that there are no pending or unresolved actions against the applicant, sent directly to the department from the licensing jurisdiction;

(3) verification that the applicant has successfully completed all the requirements for, and, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the applicant to have passed the National Board of Examiners in Optometry (NBEO) examination, sent directly to the department from the licensing jurisdiction;

(4) verification from a licensing jurisdiction in another state or a territory of the United States or in a province of Canada showing that the applicant holds a current active license to practice optometry, sent directly to the department from the licensing jurisdiction;

(5) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist;

(6) verification of having passed the National Board of Examiners in Optometry (NBEO) examination, sent directly to the department from the NBEO.

Authority: AS 08.72.050 AS 08.72.110 AS 08.72.170

12 AAC 48.021. PHARMACEUTICAL AGENT USE ENDORSEMENT. *Repealed 10/16/2011.*

12 AAC 48.022. RESTRICTED LICENSES. (a) The board may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry, only to an optometrist who has been issued a license on or before June 2, 2010 but does not have a license endorsement under former AS 08.72.175 issued before June 2, 2010.

(b) The board may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry except for use of a drug topically applied to the human eye and its appendages as permitted under former AS 08.72.175(c) and former AS 08.72.272(c), only to an optometrist who has a license issued on or before June 2, 2010 and a license endorsement issued under former AS 08.72.175(c), as it read on the day before June 2, 2010.

(c) A restricted license issued under (a) or (b) of this section may be renewed under the same conditions that apply to other licenses issued under AS 08.72, except that

(1) the holder of a restricted license under (a) of this section is not required to comply with the continuing education requirements of AS 08.72.181(d)(1) and (2);

(2) the holder of a restricted license under (b) of this section is not required to comply with the continuing education requirements of AS 08.72.181(d)(2).

(d) The board may remove the restrictions on a license issued under this section if the licensee has met the requirements of AS 08.72.140(4). If restrictions on a license are removed, the licensee may not be issued a restricted license under this section on or after the date the restrictions are removed.

(e) A licensee holding a restricted license may not apply for or be granted a retired status license under AS 08.72.185.

(f) If a licensee holding a restricted license allows the license to lapse, the license is considered as permanently lapsed and may not be reinstated in restricted status. The former licensee under this section must apply for a new license under AS 08.72 and this chapter.

Authority: AS 08.72.050 AS 08.72.150 Sec. 8, ch. 27, SLA 2010
AS 08.72.110 AS 08.72.170 AS 08.72.181

12 AAC 48.025. PHARMACEUTICAL AGENT PRESCRIPTION AND USE ENDORSEMENT. *Repealed 10/16/2011.*

12 AAC 48.026. RETIRED STATUS LICENSE. (a) If the licensee holds an optometry license that is not restricted, the licensee may apply for a retired status license by submitting

- (1) a completed application on a form provided by the department;
- (2) the applicable fee established in 12 AAC 02.300.

(b) A person holding a retired status license may apply for an active license by showing documentation of satisfying the continuing education requirements under AS 08.72 and this chapter that would have been required to maintain an active license during the period the person held the retired status license.

Authority: AS 08.72.050 AS 08.72.150 AS 08.72.181
AS 08.72.110 AS 08.72.170

**ARTICLE 2.
CONTINUING EDUCATION.**

Section

- 200. License renewals and continuing education**
- 210. Hours of continuing education required**
- 220. Report of continuing education**
- 230. Exemption from continuing education requirements for active duty military service**

12 AAC 48.200. LICENSE RENEWALS AND CONTINUING EDUCATION. (a) In order to be approved by the board, an applicant for renewal of a license must pay the appropriate renewal fee and submit evidence of completing continuing education courses, related to the practice of optometry, as specified in (b) or (c) of this section within the two-year renewal period as specified in 12 AAC 48.210.

(b) The following continuing education courses, if related to the practice of optometry, are accepted by the board for renewal of a license to practice optometry:

- (1) education courses offered at the American Optometric Association (AOA) Convention or offered at any American Optometric Association affiliate state association convention;
- (2) seminars held by committees of the AOA or organized regional Optometric Extension Program Foundation seminars for educational purposes;
- (3) postgraduate courses offered by recognized schools or colleges of optometry;
- (4) postgraduate correspondence courses, except that no more than nine hours of continuing education credits may be claimed in a single licensing renewal period;
- (5) courses approved by the Council on Optometric Practitioner Education (COPE).

(c) Other continuing education courses not listed in (b) of this section, if related to the practice of optometry under this chapter and AS 08.72, may be approved by the board upon written request of the licensee. If pre-approval is requested for the continuing education course, the written request must be received by the department at least 60 days before commencement of the program. The request must include the following information:

- (1) name and address of organization sponsoring courses;
- (2) course title and outline of subject matter to be covered;
- (3) instructors name and credentials; and
- (4) location and dates of the course.

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED. (a) An applicant for renewal of a biennial optometry license, must document at least 36 contact hours of continuing education credit that meets the requirements of 12 AAC 48.200, and that was completed during the concluding licensing period.

(b) Continuing education credit received under (a) of this section must include at least 24 contact hours of ocular pathology or pharmacology.

(c) No more than three contact hours of credit in practice management is acceptable as continuing education credit under (a) of this section for each license period.

(d) An applicant for renewal of an optometry license must submit official verification of having successfully completed, in the four-year period immediately before the date of application for renewal

- (1) eight hours of continuing education in the use and prescription of pharmaceutical agents that meets the requirements of 12 AAC 48.200(b) or (c); and
- (2) seven hours of continuing education in the injection of nontopical therapeutic pharmaceutical agents that meets the requirements of 12 AAC 48.200(b) or (c); and
- (3) may include continuing education hours used to satisfy the requirements of this paragraph in the total continuing education hours required under (a) and (b) of this section for renewal of a license.

(e) An applicant for renewal of an optometry license for the first time must document completion of at least one-half of the continuing education requirements in this section for each complete calendar year that the applicant was licensed during the concluding license period.

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.220. REPORT OF CONTINUING EDUCATION. (a) An applicant for renewal of a license to practice optometry shall submit, on a form provided by the department, a statement of the continuing education instruction required by 12 AAC 48.200 – 12 AAC 48.220 that the applicant has completed during the concluding license period.

(b) Falsification of any written evidence submitted under this section or 12 AAC 02.960 is unprofessional conduct and constitutes grounds for license reprimand, revocation, or suspension.

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.230. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) An optometrist who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 48.200 – 12 AAC 48.220 as specified in this section for renewal of an optometrist license for the biennial licensing period immediately following a period of service by an optometrist during which an optometrist was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, an optometrist must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 48.210 if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 48.210 if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

ARTICLE 3. STANDARDS OF PRACTICE.

Section

- 300. When a practice is conveyed to another**
- 310. Visual analysis records**
- 320. (Repealed)**
- 330. Unprofessional conduct**

12 AAC 48.300. WHEN A PRACTICE IS CONVEYED TO ANOTHER. When an optometrist disposes of his established practice to a successor, the successor shall, within a reasonable time, remove from all signs, cards, stationery, and directories connected with the practice he has acquired or is acquiring, all words or phrases such as "successor to," "associate of," or words of like import. Under no circumstances may the use of these signs, cards, stationery or advertising continue for more than two years.

Authority: AS 08.72.050(4)

12 AAC 48.310. VISUAL ANALYSIS RECORDS. Every optometrist shall keep a record of examinations and visual analyses made and prescriptions issued and for whom the prescriptions were prepared. The record shall be preserved for a period of at least five years from the date services were rendered, except in the case of death of the patient.

Authority: AS 08.72.050(4)

12 AAC 48.320. ROUTINE VISION EXAMINATION. *Repealed 12/31/2005.*

12 AAC 48.330. UNPROFESSIONAL CONDUCT. (a) No optometrist may advertise professional services in a false or misleading manner. Conduct prohibited by this subsection includes

(1) using any false, deceptive, or misleading representation in connection with any advertising concerning ophthalmic products or optometric services; and

(2) lending, leasing, renting, or in any other manner placing a certificate of registration at the disposal of or in the service of a person not licensed to practice optometry in this state.

(b) *Repealed 3/12/86.*

(c) *Repealed 3/12/86.*

(d) No optometrist may represent himself or herself as a specialist in an optometric field unless the optometrist is certified

(1) as a diplomate of the American Academy of Optometry in contact lenses, binocular vision, geriatric care, or low vision; or

(2) as a fellow of the College of Vision Development in vision training or developmental vision.

(e) No optometrist required to be licensed under AS 08.72 may allow his or her professional conduct or judgement in the practice of optometry to be directed or controlled by a person who is not an optometrist licensed to practice optometry in Alaska.

Authority: AS 08.72.050 AS 08.72.060(b) AS 08.72.240

ARTICLE 4. GENERAL PROVISIONS.

Section

900. Reinstatement of a lapsed license

905. (Repealed)

910. Display of certificate

920. Prescription requirements

990. Definitions

12 AAC 48.900. REINSTATEMENT OF A LAPSED LICENSE. (a) If a license lapses for any reason, the lapsed license holder is prohibited under AS 08.72.110 from the practice of optometry in Alaska until the license is reinstated by the board.

(b) A license that has been lapsed for less than two years will be reinstated by the board upon submission of

(1) the required fees established in 12 AAC 02.105 and 12 AAC 02.300; and

(2) documentation that all continuing education requirements of 12 AAC 48.200--12 AAC 48.220 have been met.

(c) A license that has been lapsed for two years but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) a new, completed application as required by 12 AAC 48.011;

(2) the fees required by 12 AAC 02.105 and 12 AAC 02.300 for the entire period the license has been lapsed;

(3) evidence of completion of all continuing educational requirements in 12 AAC 48.200--12 AAC 48.220 that would have been required to maintain a current license for the entire period the license has been lapsed;

(4) a statement of the dates and places of employment after the license lapsed;

(5) verification of all optometry licenses held in other states, if any, for the entire period the Alaska license has been lapsed, and a signed statement from a licensing official from each of those states which verifies that no restrictions have been placed on the license and that no disciplinary sanctions have been taken against the licensee; and

(6) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist.

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed, and the former licensee must apply for a new license under AS 08.72 and this chapter.

Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

12 AAC 48.905. REINSTATEMENT OF A LAPSED LICENSE ENDORSEMENT. *Repealed 10/16/2011.*

12 AAC 48.910. DISPLAY OF CERTIFICATE. A licensee's registration and renewal certificate must be displayed in the office in which the holder practices optometry. Every licensee, whenever requested, shall exhibit the certificate to a member of the board or an employee of the department and shall notify the department and the board of his or her address and changes of his or her address within five days after any change.

Authority: AS 08.72.050(4)

12 AAC 48.920. PRESCRIPTION REQUIREMENTS. (a) As used in AS 08.72 and this chapter, “prescription” means a written formula by a person licensed under AS 08.72 that contains the issue date of the prescription, the name and office location, and contact information of the prescriber, the name of the patient, and, for

- (1) eyeglasses, the
 - (A) dioptric power of spheres, cylinders, and prisms;
 - (B) axis of cylinders and position of prism base;
 - (C) designation of inter-pupillary distances; and
 - (D) expiration date;
- (2) soft contact lenses, the
 - (A) base curve;
 - (B) diameter;
 - (C) power;
 - (D) manufacturer;
 - (E) tint, if indicated; and
 - (F) expiration date;
- (3) rigid contact lenses, the
 - (A) material;
 - (B) base curve;
 - (C) power;
 - (D) diameter;
 - (E) center thickness;
 - (F) optical zone diameter;
 - (G) peripheral curves;
 - (H) tint, if indicated; and
 - (I) expiration date.

(b) The expiration date under (a)(2) and (3) of this subsection may not be less than one year from the issue date of the prescription, unless the prescriber determines the ocular health of the patient requires an expiration date of less than one year.

Authority: AS 08.72.050

12 AAC 48.990. DEFINITIONS. (a) In this chapter

(1) “ophthalmic prosthetic products” means a device used for or incident to correction of a visual anomaly including eye glasses, lenses, contact lenses, frames, or any component of them;

(2) “board” means the Alaska Board of Examiners in Optometry;

(3) “contact hour” means a minimum of 50 minutes of instruction;

(4) “department” means the Department of Commerce, Community, and Economic Development;

(5) *deleted 11/9/2006.*

(b) In AS 08.72.272(a)(2), “physician-patient relationship” means that

(1) a person, or someone on the person's behalf, has sought optometric examination or treatment of the person;

(2) the optometrist has accepted the person as a patient and conducted an optometric examination and evaluation of the patient; and

(3) the professional relationship between the optometrist and the patient has not been terminated.

Authority: AS 08.72.050