

# NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

## NOTICE OF RULEMAKING DOCKET OPENING

### BOARD OF OPTOMETRY

*Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 2992.)*

[R14-180]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 21, Board of Optometry  
**Article and its heading:** 1, General Provisions  
2, Licensing Provisions  
3, Standards; Recordkeeping; Rehearing or Review of Board Decisions  
**Section numbers:** R4-21-101 through R4-21-103, R4-21-201 through R4-21-213, Table 1, R4-21-301 through R4-21-309 (*Additional Sections may be made, amended, or repealed as necessary*).
- 2. The subject matter of the proposed rule:**  
The proposed rules address changes resulting from Laws 2013, Chapter 186 and Laws 2014, Chapter 262. In addition this rulemaking will update language and terminology used in the rules to improve consistency and clarity as well as conform to statutes amended in the 2013 legislative session (50th Legislature, 1st Regular Session) and 2014 legislative session (51st Legislature, 2nd Regular Session). Anticipated changes include:

  - A. Repealing sections of rules no longer applicable or functional or pursuant to a change in statute no longer requiring a rule.
  - B. Adding new definitions for further clarification.
  - C. Minimal increase in license renewal fees; removal of contact lens registration fee due to amendment of statute.
  - D. Amending extension of time frame for response to deficiency notice or additional information request to conform to statute.
  - E. Requiring all continuing education courses to be approved by COPE, a standardized accrediting agency; mandate use of an online education tracking "(OE Tracker)" system for proof of attendance and 100% audit of continuing education "(CE)" for license renewal.
  - F. Adding new section regarding Cardiopulmonary Resuscitation "(CPR)" requirements.
  - G. Amending section on Jurisprudence exam to allow for exam to be taken at the National Board of Examiners in Optometry "(NBEO)" testing centers when taking any part of the NBEO or, for other applicants not taking the NBEO, at a proctored testing center.
  - H. Amend section to allow one hour of CE to be claimed for obtaining CPR certification and for attending a regular Board meeting; clarification of prorated CE hours upon application approval.
  - I. Repeal section R4-21-213 regarding Registration of Contact Lens dispensers; statute was amended in 2013 to remove this requirement.
  - J. Remove requirement for interpupillary distance measurement on prescriptions.
  - K. Additional and clarifying language regarding release of prescriptions.
  - L. Minor technical and conforming corrections as needed.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Margaret Whelan  
Address: Board of Optometry  
1400 W. Washington, Suite 230  
Phoenix, AZ 85007  
Telephone: (602) 542-8155  
Fax: (602) 542-3093  
E-mail: margaret.whelan@optometry.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may**

*Arizona Administrative Register / Secretary of State*  
**Notices of Rulemaking Docket Opening**

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**be made:**

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

State Board of Optometry  
1400 W. Washington, Suite 230  
Phoenix, AZ 85007

Oral comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

State Board of Optometry  
1400 W. Washington, Suite 230  
Phoenix, AZ 85007

Telephone: (602) 542-8155

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking