

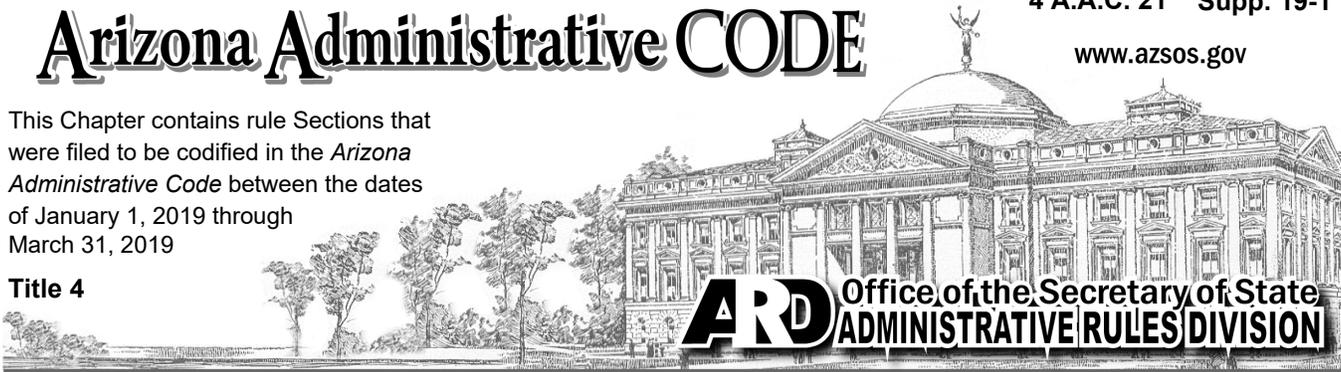
Arizona Administrative CODE

4 A.A.C. 21 Supp. 19-1

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This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, 2019 through March 31, 2019

Title 4



ARD Office of the Secretary of State
ADMINISTRATIVE RULES DIVISION

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 21. BOARD OF OPTOMETRY

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

R4-21-101.	Definitions	2	R4-21-211.	Audit of Compliance with Continuing Education Requirement	10
R4-21-209.	Continuing Education Requirement.....	9			
R4-21-210.	Approval of Continuing Education	9			

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The release of this Chapter in Supp. 19-1 replaces Supp. 16-1, 1-13 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.



Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 21. BOARD OF OPTOMETRY

(Authority: A.R.S. § 32-1701 et seq.)

Editor's Note: All former rules renumbered. Refer to Historical Notes following each rule (Supp. 86-1).

ARTICLE 1. GENERAL PROVISIONS

Section
R4-21-101. Definitions 2
R4-21-102. Fees and Other Charges 3
R4-21-103. Time-frames for Board Action 3
Table 1. Time-frames (in calendar days) 4

R4-21-304. Vision Examination Standards11
R4-21-305. Recordkeeping11
R4-21-306. Optometric Prescription Standards; Release to Patients12
R4-21-307. Vision Rehabilitation12
R4-21-308. Anaphylactic-related Supplies13
R4-21-309. Rehearing or Review of Board Decision13

ARTICLE 2. LICENSING PROVISIONS

Section
R4-21-201. Licensure by Examination 4
R4-21-202. Licensure by Endorsement 5
R4-21-203. Jurisprudence Examination 6
R4-21-204. License Issuance 6
R4-21-205. License Renewal 6
R4-21-205.1 Cardiopulmonary Resuscitation ("CPR") Requirements 7
R4-21-206. License Reinstatement; Application for Licensure following License Expiration 8
R4-21-207. Course of Study Approval 8
R4-21-208. Certificate of Special Qualification; Pharmaceutical Agent Number 8
R4-21-209. Continuing Education Requirement 9
R4-21-210. Approval of Continuing Education 9
R4-21-211. Audit of Compliance with Continuing Education Requirement 10
R4-21-212. Waiver of or Extension of Time to Complete Continuing Education Requirement 10
R4-21-213. Repealed 10
Table 1. Renumbered 10

ARTICLE 4. REPEALED

Article 4, consisting of Sections R4-21-401 thru R4-21-406, repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

Article 4, consisting of Sections R4-21-401 thru R4-21-406, adopted effective November 5, 1998 (Supp. 98-4).

Section
R4-21-401. Repealed13
R4-21-402. Repealed13
R4-21-403. Repealed13
R4-21-404. Repealed13
R4-21-405. Repealed13
R4-21-406. Repealed13

ARTICLE 5. REPEALED

Article 5, consisting of Sections R4-21-501 thru R4-21-504, repealed by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

Article 5, consisting of Sections R4-21-501 thru R4-21-504, made by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005. (Supp. 05-2).

ARTICLE 3. STANDARDS; RECORDKEEPING; REHEARING OR REVIEW OF BOARD DECISION

Section
R4-21-301. Display of License; Surrender of License 11
R4-21-302. Advertising 11
R4-21-303. Affirmative Disclosures Required 11

Section
R4-21-501. Repealed14
R4-21-502. Repealed14
R4-21-503. Repealed14
R4-21-504. Repealed14

CHAPTER 21. BOARD OF OPTOMETRY

ARTICLE 1. GENERAL PROVISIONS**R4-21-101. Definitions**

In addition to the definitions in A.R.S. §§ 32-1701, the following apply to this Chapter:

“Accredited” means approved by the ACOE.

“ACCME” means Accreditation Council for Continuing Medical Education

“ACOE” means the Accreditation Council on Optometric Education.

“Active license” means a license that is current and has not expired.

“Advertisement” means a written, oral, or electronic communication that an ordinary person would perceive is designed to influence, directly or indirectly, a decision regarding ophthalmic goods or optometric services.

“Applicant” means:

An individual who applies to the Board under A.R.S. §§ 32-1722 or 32-1723, R4-21-201 or R4-21-202 for a license to practice the profession of optometry, but has not been granted the license;

A licensee who applies under A.R.S. § 32-1726 and R4-21-205 for license renewal;

A licensee who applies under A.R.S. § 32-1728 and R4-21-208 for a pharmaceutical agent number;

A licensee or provider of continuing education that applies for approval of a continuing education under R4-21-210.

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.

“Approved continuing education” means a planned educational experience relevant to the practice of the profession of optometry that the Board determines meets the criteria at R4-21-210.

“ARBO” means Association of Regulatory Boards of Optometry.

“Audit” means the selection of licensees and process of reviewing documents for verification of satisfactory completion of Continuing Education requirements during a specified time period.

“CPR” means Cardiopulmonary Resuscitation.

“CELMO” means the Council on Endorsed Licensure Mobility for Optometrists.

“Certificate of special qualification” means a document that specifies whether the holder, who was licensed by the Board before July 1, 2000, and has not completed a course of study approved by the Board, may prescribe, administer, and dispense a pharmaceutical agent and if so, whether the holder may prescribe, administer, and dispense:

A topical diagnostic pharmaceutical agent only, or

Topical diagnostic and topical therapeutic pharmaceutical agents.

“Continuing Education” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice,

education, or theory development to improve the safety and welfare of the public.

“Continuing Education Report” means an online education report used to electronically track Continuing Education hours taken by a licensee.

“COPE” means Council on Optometric Practitioner Education.

“Course of study,” as used in A.R.S. § 32-1722, means education approved by the Board under R4-21-207 that qualifies an optometrist to prescribe, administer, and dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents.

“DEA” means The Drug Enforcement Administration.

“Drug Enforcement Administration” means the Drug Enforcement Administration in the Department of Justice.

“DEA Controlled Substance Registration” means registration required and permitted by 21 U.S.C. 823 of the Controlled Substances Act.

“Injectable Epinephrine” means an intramuscular dose of epinephrine used for emergency treatment of an allergic reaction and delivered by a spring-loaded syringe.

“Good cause” means a reason that is substantial enough to afford a legal excuse.

“Hour of Continuing Education” means no less than 50 minutes of learning in one hour of time.

“Incompetence,” as used in A.R.S. § 32-1701(8), means lack of professional skill, fidelity, or physical or mental fitness, or substandard examination or treatment while practicing the profession of optometry.

“Low vision” means chronic impairment to vision that significantly interferes with daily routine activities and cannot be adequately corrected with medical, surgical, or therapeutic means or conventional eyewear or contact lenses.

“Low-vision rehabilitation” means use of optical and non-optical devices, adaptive techniques, and community resources to assist an individual to compensate for low vision in performing daily routine activities.

“Negligence,” as used in A.R.S. § 32-1701(8), means conduct that falls below the standard of care for the protection of patients and the public against unreasonable risk of harm and that is a departure from the conduct expected of a reasonably prudent licensee under the circumstances.

“OE Tracker” means the ARBO Online Education Tracker used to electronically track Continuing Education hours taken by a licensee.

“Opiate” or “Opioid” means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

“Oral pharmaceutical agent,” as used in A.R.S. § 32-1728, means an ingested prescription or non-prescription substance used to examine, diagnose, or treat disease of the eye and its adnexa.

“Party” has the same meaning as prescribed in A.R.S. §41-1001.

“Plano lenses” means contact lenses that have cosmetic function only.

CHAPTER 21. BOARD OF OPTOMETRY

“Practice management” means the study of management of the affairs of optometric practice.

“Self-instructed media” means educational material in a printed, audio, video, electronic or distance learning format.

“Topical diagnostic pharmaceutical agent,” as used in A.R.S. § 32-1728, means an externally applied prescription or non-prescription substance used to examine and diagnose disease and conditions of the eye and its adnexa.

“Topical therapeutic pharmaceutical agent,” as used in A.R.S. § 32-1728, means an externally applied prescription or non-prescription substance used to treat disease of the eye and its adnexa.

“Vision rehabilitation” means an individualized course of treatment and education prescribed to improve conditions of the human eye or adnexa or develop compensatory approaches. Vision rehabilitation is designed to help individuals learn, relearn, or reinforce specific vision skills, including eye movement control, focusing control, eye coordination, and the teamwork of the two eyes. Vision rehabilitation includes, but is not limited to optical, non-optical, electronic, or other assistive treatments.

Historical Note

Former Rule Section 1. Former Section R4-21-01 repealed, new Section R4-21-101 adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1). Amended by final rulemaking at 25 A.A.R. 431, effective April 5, 2019 (Supp. 19-1).

R4-21-102. Fees and Other Charges

- A. The Board shall collect the fees established by A.R.S. § 32-1727.
- B. Under the authority provided at A.R.S. § 32-1727, the Board establishes and shall collect the following fees:
 1. License issuance fee of \$450, which is prorated from date of issuance to date of renewal;
 2. Biennial license renewal fee of \$450; and
 3. Late renewal fee of \$200.
- C. Except as provided in subsection (C)(3), a person requesting a public record shall pay the following for searches and copies of Board records under A.R.S. §§ 39-121.01 or 39-121.03:
 1. Noncommercial copy:
 - a. 5¢ per name and address for directory listings or 15¢ each if printed on labels, and
 - b. 25¢ per page for other records;
 2. Commercial copy:
 - a. 25¢ per name and address for directory listings or 35¢ each if printed on labels, and
 - b. 50¢ per page for other records; and
 3. The Board waives the charges listed in subsections (C)(1) and (C)(2) for a government agency.
- D. The Board establishes and shall collect the following charges for the services specified:
 1. Written or certified license verification: \$10; and
 2. Duplicate or replacement renewal receipt: \$10.

Historical Note

Former Rule Section 2. Former Section R4-21-02

repealed, new Section R4-21-102 adopted effective February 7, 1986 (Supp. 86-1). Amended effective November 5, 1998 (Supp. 98-4). Section repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section R4-21-102 renumbered from R4-21-103 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-103. Time-frames for Board Action

- A. For each type of license, certificate, or approval issued by the Board, the overall time frame described in A.R.S. § 41-1072(2) is listed in Table 1.
- B. For each type of license, certificate, or approval issued by the Board, the administrative completeness review time frame described in A.R.S. §41-1072(1) is listed in Table 1 and begins on the date the Board receives an application package.
 1. If an application package is not administratively complete, the Board shall send a deficiency notice to the applicant that specifies each piece of information or document needed to complete the application package. Within the time provided in Table 1 for response to a deficiency notice, beginning on the postmark date of the deficiency notice, the applicant shall submit to the Board the missing information or document specified in the deficiency notice. The time frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information or document.
 2. If an application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. If an application package is not completed with the time provided to respond to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.
- C. For each type of license, certificate, or approval issued by the Board, the substantive review time frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
 1. During the substantive review time frame, the Board may make one comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the postmark date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The time frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the additional information.
 2. If, under A.R.S. § 32-1722(C), the Board determines that a hearing is needed to obtain information on the character of an applicant, the Board shall include a notice of the hearing in its comprehensive written request for additional information.
 3. If the applicant fails to provide the additional information within the time provided to respond to a comprehensive written request for additional information, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.
- D. An applicant may, pursuant to A.R.S. § 41-1075(B), receive an

CHAPTER 21. BOARD OF OPTOMETRY

extension of up to twenty-five percent of the overall time frame to respond under subsection (B)(3) or (C)(3) by sending a request for extension of time to the Board before expiration of the time to respond. The time frame for the Board to act remains suspended during any extension of time. If the applicant fails to provide the requested information during the extension of time, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.

- E. Within the overall time frame listed in the Table 1, the Board shall:
 1. Deny a license, certificate, or approval to an applicant if the Board determines that the applicant does not meet all of the substantive criteria required by statute and this Chapter; or
 2. Grant a license, certificate, or approval to an applicant if the Board determines that the applicant meets all of the substantive criteria required by statute and this Chapter.
- F. If the Board denies a license, certificate, or approval under subsection (E)(1), the Board shall provide a written notice of denial to the applicant that explains:
 1. The reason for the denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to appeal the denial;
 3. The time for appealing the denial; and

- 4. The right to request an informal settlement conference.
- G. In computing any period prescribed in this Section, the day of the act, event, or default after which the designated period begins to run is not included. The period begins on the date of personal service, date shown as received on a certified mail receipt, or postmark date. The last day of the period is included unless it falls on a Saturday, Sunday, or state holiday in which case, the period ends on the next business day.

Historical Note

Former Section 3. Amended effective December 27, 1979 (Supp. 79-6). Former Section R4-21-03 renumbered without change as Section R4-21-211, former Section R4-21-06 renumbered without change as Section R4-21-103 effective February 7, 1986 (Supp. 86-1). Amended subsection (A) effective June 20, 1989 (Supp. 89-2). Amended effective September 14, 1998 (Supp. 98-3). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-103 renumbered to R4-21-102; new R4-21-103 renumbered from R4-21-203 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

Table 1. Time-frames (in calendar days)

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
Licensure by examination A.R.S. § 32-1722; R4-21-201	75	15	60	60	20
Licensure by endorsement A.R.S. § 32-1723; R4-21-202	75	15	75	60	20
Renewal of license A.R.S. § 32-1726; R4-21-205	45	15	20	30	20
Renewal of Pharmaceutical agents number A.R.S. § 32-1728; R4-21-208	75	15	60	60	20
Approval of a Continuing Education A.R.S. § 32-1704(D); R4-21-210	75	15	20	60	20

Historical Note

Table 1 renumbered from Article 2 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).
Table 1 amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

ARTICLE 2. LICENSING PROVISIONS

R4-21-201. Licensure by Examination

- A. An individual is eligible to apply for licensure by examination if the individual graduated from an accredited optometry program but is not eligible for licensure by endorsement under R4-21-202(A).
- B. To apply for licensure by examination, an individual who is eligible under subsection (A) shall submit an application form, which is available from the Board, and provide the following information about the applicant:
 1. Full legal name;

- 2. Other names ever used, if any, and if applicable, a copy of the court document or marriage license resulting in a name change;
- 3. Social Security number;
- 4. Mailing address;
- 5. E-mail address, if any;
- 6. Residential, business, and mobile telephone numbers, if applicable;
- 7. Date and place of birth;
- 8. Residential addresses for the past five years;
- 9. Educational background including the name and address of, dates of attendance at, and date of graduation from:
 - a. An accredited optometry program,

CHAPTER 21. BOARD OF OPTOMETRY

- b. A pre-optometric school or undergraduate educational institution, and
 - c. Other post-secondary schools attended, if any;
 10. Experience in the practice of the profession of optometry including the business form and location of the practice;
 11. Work experience or occupation, other than the practice of the profession of optometry, for the past five years;
 12. List of the states in which the applicant is professionally licensed including the name of the state, type of professional license, date issued, and expiration date;
 13. List of the states in which the applicant was but no longer is professionally licensed including the name of the state, type of professional license, date issued, and reason the license is no longer valid;
 14. Statement of whether the applicant:
 - a. Has ever been denied the right to take an examination for optometric licensure by any state or jurisdiction and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - b. Has ever been denied an optometric license or renewal in any state or jurisdiction and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - c. Has ever had a license or certificate of registration to practice the profession of optometry suspended or revoked by any optometric licensing agency and if so, the name of the optometric licensing agency, date, reason for the suspension or revocation, and current status;
 - d. Has ever had an investigation conducted or has an investigation pending by an optometric regulatory agency of any state or jurisdiction and if so, name of the optometric regulatory agency and state or jurisdiction, date, reason for the investigation, and current status;
 - e. Has ever had a disciplinary action instituted against the applicant by any optometric licensing agency and if so, the name of the optometric licensing agency, date, nature of the disciplinary action, reason for the disciplinary action, and current status;
 - f. Has ever been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, name of the jurisdiction, date, offense charged, offense for which convicted, pled guilty, or no contest, and current status;
 - g. Is currently, or has ever been addicted to narcotic substances or habitually abused alcohol within the last 10 years. If so, dates during which the addiction or abuse occurred, steps taken to address the addiction or abuse, current status, and a statement as to why the addiction or abuse does not amount to unprofessional conduct.
 - h. Is presently addicted to narcotic substances or habitually abuses alcohol and if so, why the addiction or abuse does not amount to unprofessional conduct; and
 15. Dated and sworn signature of the applicant verifying that the information provided is true to the best of the applicant's knowledge, information, and belief.
- C.** In addition to submitting the application form required under subsection (B), an applicant shall submit or have submitted on the applicant's behalf:
1. A passport-quality photograph of the applicant's head and shoulders that is taken within six months of the date of application and signed by the applicant in ink across the lower portion of the front side;
 2. A full set of readable fingerprints taken by a criminal justice agency for the purpose of obtaining a state and federal criminal records check;
 3. To process the fingerprints; a cashier's check or money order payable to the Arizona Department of Public Safety in the amount listed on the application for licensure;
 4. The application fee required under A.R.S. § 32-1727;
 5. A copy of the scores obtained by the applicant on Parts I, II, and III of the National Board of Examiners in Optometry examination less than ten years before the date of the application;
 6. A passing score obtained by the applicant on the jurisprudence examination described at R4-21-203;
 7. An official transcript submitted directly to the Board by the educational institution with an accredited optometry program from which the applicant graduated with a degree in optometry;
 8. An official transcript submitted directly to the Board by the educational institution at which the applicant took pre-optometry or undergraduate courses;
 9. A self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank made within three months before the date of application; and
 10. A copy of the front and back of a current CPR card issued to the applicant.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 16 A.A.R. 2383, effective November 16, 2010 (Supp. 10-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-202. Licensure by Endorsement

- A.** An individual is eligible to apply for licensure by endorsement if the individual:
1. Graduated from an accredited optometry program;
 2. Is licensed to practice the profession of optometry in another state that has licensing requirements that the Board determines meet or exceed Arizona's requirements;
 3. Has engaged in the practice of the profession of optometry continuously in the other state or military for at least four of the five years before the date of application; and
 4. Has not had a license to practice the profession of optometry suspended or revoked by any licensing jurisdiction for a cause that is a ground for suspension or revocation of a license in Arizona.
- B.** To apply for licensure by endorsement, an individual who is eligible under subsection (A) shall submit the application form described in R4-21-201(B).
- C.** In addition to complying with subsection (B), an applicant for licensure by endorsement shall submit or have submitted on the applicant's behalf:
1. The materials required under R4-21-201(C)(1) through (C)(4) and (C)(6) through (C)(10);
 2. A state board certification and license verification form, which is submitted directly to the Board from the state

CHAPTER 21. BOARD OF OPTOMETRY

that issued the license on which the applicant's endorsement application is based, indicating:

- a. Name and title of the individual completing the verification form;
 - b. Applicant's optometry license number in the state;
 - c. Date on which the applicant was issued an optometry license by the state;
 - d. A statement of whether the applicant:
 - i. Has been licensed in the state for at least four of the last five years;
 - ii. Is certified to use topical diagnostic, topical therapeutic, or oral pharmaceutical agents and if so, the date on which the certification was obtained;
 - iii. Is currently in good standing in the state;
 - iv. Is known to be licensed to practice the profession of optometry in another state and if so, the name of the other state;
 - v. Has been subject to any disciplinary action and if so, the date, nature of, and reason for the disciplinary action; and
 - vi. Is subject to any pending investigation or complaint and if so, the nature of the investigation or complaint; and
 - e. The dated, notarized signature of the individual completing the verification form; and
3. A letter on official letterhead, in substantially the form provided by the Board, from a representative of the accredited optometry program at the educational institution from which the applicant graduated, providing details that demonstrate the applicant's education meets the standards at R4-21-207; and
 4. If the applicant does not meet the requirements listed in R4-21-201 or R4-21-202(A)(2), a current certificate issued by the CELMO or its successor organization.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-202 repealed; new Section R4-21-202 renumbered from R4-21-204 and amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-202 renumbered to R4-21-203; new R4-21-202 made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-203. Jurisprudence Examination

- A. To be licensed, an applicant shall obtain a score of at least 75% on a jurisprudence examination that assesses knowledge of Arizona's statutes and rules relating to the practice of optometry in Arizona.
- B. An applicant may take the jurisprudence examination up to six months prior to submitting an application for licensure or after submitting to the Board the application form required under R4-21-201(B) or R4-21-202(B).
- C. The jurisprudence exam may be taken in person at the Arizona State Board of Optometry offices, through the National Board of Examiners in Optometry, or at a proctored testing center approved by the Board.
- D. An applicant who fails the jurisprudence examination may retake the examination one time within the deficiency time frame of the related application for licensure listed in Table 1.
- E. The Board shall further consider an applicant who fails the jurisprudence examination a second time only if the applicant:

1. Waits at least six months from the date of the second taking of the jurisprudence examination;
2. Submits a new application form under R4-21-201(B) or R4-21-202(B);
3. Submits a full set of readable fingerprints taken by a criminal justice agency for the purpose of obtaining a state and federal criminal records check; and a cashier's check or money order payable to the Arizona Department of Public Safety in the amount listed on the application for licensure;
4. Submits a passport-quality photograph of the applicant's head and shoulders that is taken within six months of the date of the new application and signed by the applicant in ink across the lower portion of the front side;
5. Submits a self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank made within three months before the date of the new application; and
6. Submits the application fee required under A.R.S. § 32-1727.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-203 repealed; new Section R4-21-203 adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-203 renumbered to R4-21-103; new R4-21-203 renumbered from R4-21-202 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-204. License Issuance

- A. When the Board determines that an applicant meets all of the substantive criteria required by statute and this Chapter, the Board shall send the applicant a written notice informing the applicant that the Board shall issue the applicant a license when the applicant pays the license issuance fee required under R4-21-102(B).
- B. Under A.R.S. § 32-1725, if an applicant fails to pay the license issuance fee within 60 days after receiving notice under subsection (A), the Board considers the application withdrawn. An individual whose application is withdrawn can be further considered for licensing only by complying with R4-21-201 or R4-21-202.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-204 renumbered to R4-21-202; new Section R4-21-204 adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-204 renumbered to R4-21-205; new R4-21-204 made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-205. License Renewal

- A. To continue practicing the profession of optometry in Arizona, a licensee shall renew the licensee's license and certificate of special qualification, if applicable, on or before the date on which the license and certificate expire. Timely renewal is a licensee's responsibility. As a courtesy, the Board may provide a licensee with notice that the licensee's license is going to

CHAPTER 21. BOARD OF OPTOMETRY

expire. Failure to obtain notice of the need to renew is not good cause for failing to renew.

- B.** To renew a license and, if applicable, certificate of special qualification, a licensee shall submit to the Board a license renewal application and provide the following information:
1. Whether the licensee wants to renew the licensee's license and, if applicable, certificate of special qualification;
 2. The licensee's current public mailing address, telephone and fax numbers;
 3. The licensee's current residential address, e-mail address, and residential or mobile telephone numbers;
 4. The licensee's current permanent and temporary practice addresses and telephone and fax numbers;
 5. A statement of whether the licensee:
 - a. Has practiced the profession of optometry within the last two years;
 - b. Has been denied the right to take an examination for optometric licensure by any state or jurisdiction within the preceding two years and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - c. Has been denied an optometric license or renewal in any state or jurisdiction within the preceding two years and if so, the name of the state or jurisdiction, date, and reason for denial;
 - d. Has had a license or certificate of registration to practice the profession of optometry suspended or revoked by any optometric regulatory agency within the preceding two years and if so, the name of the optometric regulatory agency, date, action taken, reason for the action, and current status;
 - e. Has had disciplinary action instituted against the licensee by any optometric regulatory agency within the preceding two years and if so, the name of the optometric regulatory agency, date, nature of the disciplinary action, reason for the disciplinary action, and current status;
 - f. Has had an investigation conducted within the preceding two years or has an investigation pending by an optometric regulatory agency of any state or jurisdiction and if so, name of the optometric regulatory agency and the state or jurisdiction, date, reason for the investigation, and current status;
 - g. Has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country within the preceding two years, and if so, the name of the jurisdiction, date, offense charged, offense for which convicted, pled guilty, or no contest, and current status;
 - h. Is currently, or has been addicted to narcotic substances or habitually abused alcohol within the preceding two years. If so, dates during which the addiction or abuse occurred, steps taken to address the addiction or abuse, current status, and a statement as to why the addiction or abuse does not amount to unprofessional conduct.
 - i. Has had the authority to prescribe, dispense, or administer pharmaceutical agents limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency within the preceding two years and if so, name of agency taking action, nature of action taken, date, reason for action, and current status; and
 - j. Is in compliance with the provisions of A.R.S. § 32-3211;
 6. The following information about each approved Continuing Education course attended by the licensee during the preceding two years:
 - a. Name of Continuing Education provider,
 - b. Title,
 - c. COPE course identification number, if any
 - d. Date(s) of attendance, and
 - e. Number of hours of attendance; and
 7. The licensee's dated signature affirming that the information provided is true and correct.
- C.** In addition to the license renewal application required under subsection (B), a licensee shall submit to the Board:
1. The license renewal fee listed at R4-21-102(B); and
 2. The certificate of special qualification fee required under A.R.S. §32-1727 if the licensee has a certificate of special qualification; or
 3. Written documentation that the licensee is currently certified in CPR if the licensee has a pharmaceutical agent number.
- D.** A licensee who fails to renew the licensee's license and, if applicable, certificate of special qualification within 30 days after the date of expiration, may apply for late renewal by complying with subsections (B) and (C) within four months after the date of expiration and paying the late renewal fee listed at R4-21-102(B).
- E.** A licensee who fails to renew timely and fails to comply with subsection (D) shall not engage in the practice of the profession of optometry. The holder of a license that is not renewed within four months after the date of expiration may apply under R4-21-206 for license reinstatement but is not eligible for license renewal.
- F.** If a licensee timely applies for license renewal or complies with subsection (D), the licensee's license and, if applicable, certificate of special qualification remain in effect until the license renewal is granted or denied.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1).

Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-205 renumbered to R4-21-207; new Section R4-21-205 adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-205 renumbered to R4-21-207; new R4-21-205 renumbered from R4-21-204 and amended by final rulemaking at 14 A.A.R. 12, effective

February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-205.1 Cardiopulmonary Resuscitation ("CPR") Requirements

- A.** A CPR course shall be as recommended by the American Heart Association, the American Red Cross, or the National Safety Council and shall include an exam of the materials presented in the course;
- B.** A CPR certification card or other documentation with an expiration date received from the CPR course provider shall be presented to the Board as proof of CPR certification.
- C.** Failure to maintain current CPR certification shall result in immediate loss of the licensee's Pharmaceutical Agent certification. The Pharmaceutical Agent certification shall not be reinstated until written documentation that the CPR certification deficiency has been met and proof of completion is presented to the Board; and
- D.** Any licensee whose Pharmaceutical Agent certification is sus-

CHAPTER 21. BOARD OF OPTOMETRY

pending due to expiration of their CPR certification shall not prescribe utilizing the Pharmaceutical Agent certification. Upon submission of proof of current CPR certification to the Board, the Pharmaceutical Agent certification shall be immediately reinstated.

Historical Note

New Section made by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-206. License Reinstatement; Application for License following License Expiration

- A.** Reinstatement following license expiration. Under A.R.S. § 32-1726, if an individual holds a license that has been expired at least four months but less than five years, the individual may apply to the Board to have the license and, if applicable, certificate of special qualification reinstated. To have an expired license reinstated, the former licensee shall:
1. Submit the renewal form described in R4-21-205(B);
 2. Submit the renewal fee listed in R4-21-102(B) for each biennial period that the license was not renewed;
 3. Submit, if applicable, the fee for a certificate of special qualification listed at A.R.S. § 32-1727 for each biennial period that the license was not renewed;
 4. Submit the late renewal fee listed in R4-21-102(B) for each biennial period that the license was not renewed;
 5. Submit a \$50 penalty fee for each year or portion of a year that the license was not renewed; and
 6. Submit written documentation that the former licensee is currently certified in cardiopulmonary resuscitation if the former licensee had a pharmaceutical agent number.
- B.** Reinstatement following license suspension. If an individual holds a license that was suspended by the Board following a disciplinary proceeding and if the individual timely renewed the suspended license under R4-21-205, the individual may apply to the Board to have the license and, if applicable, certificate of special qualification reinstated. To have a suspended license reinstated, the suspended licensee shall submit evidence of completing all terms of suspension imposed by the Board.
- C.** Application for new license following license expiration. If an individual holds a license that has been expired for five years or more, the individual may apply for a new license:
1. Under R4-21-202 if the individual has continuously practiced the profession of optometry in another state or the military for at least four of the last five years, or
 2. Under R4-21-201 if the individual is not qualified to apply for a new license under subsection (C)(1).

Historical Note

Adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-206 renumbered to R4-21-208; new R4-21-206 made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-207. Course of Study Approval

The Board approves a course of study that:

1. Includes didactic and clinical training in:
 - a. Examining, diagnosing, and treating conditions of the human eye and its adnexa; and
 - b. Prescribing dispensing, and administering pharmaceutical agents;

2. Includes at least 120 hours of training, at least 12 of which address prescribing, dispensing, and administering oral pharmaceutical agents; and
3. Is provided by an educational institution with an accredited optometry program.

Historical Note

Former Section R4-21-08 renumbered without change as Section R4-21-207 effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-207 renumbered to R4-21-208; new Section R4-21-207 renumbered from R4-21-205 and amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-207 renumbered to R4-21-301; new R4-21-207 renumbered from R4-21-205 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-208. Certificate of Special Qualification; Pharmaceutical Agent Number

- A.** The Board shall issue a certificate of special qualification that allows a licensee to prescribe, administer, and dispense topical diagnostic and therapeutic pharmaceutical agents or only topical diagnostic pharmaceutical agents if the licensee:
1. Was licensed by the Board before July 1, 2000;
 2. Held a comparable certificate of special qualification issued by the Board before July 1, 2000; and
 3. Pays the fee prescribed at A.R.S. § 32-1727.
- B.** The Board shall issue a certificate of special qualification that indicates a licensee shall not prescribe, administer, or dispense a pharmaceutical agent if the licensee:
1. Was licensed by the Board before July 1, 2000,
 2. Did not hold a certificate of special qualification issued by the Board before July 1, 2000, and
 3. Pays the fee prescribed at A.R.S. § 32-1727.
- C.** A licensee who holds a certificate of special qualification issued under subsection (A) or (B) may apply to the Board for a pharmaceutical agent number that indicates the licensee is authorized to prescribe, administer, or dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents. To apply for a pharmaceutical agent number, a licensee who holds a certificate of special qualification issued under subsection (A) or (B) shall:
1. Submit to the Board an application, using a form that is available from the Board, and provide the following information:
 - a. Name of licensee;
 - b. Social Security number;
 - c. Mailing address;
 - d. Telephone and fax numbers at the address listed under subsection (C)(1)(c);
 - e. License number;
 - f. Number of certificate of special qualification for diagnostic pharmaceutical agents, if any;
 - g. Number of certificate of special qualification for therapeutic pharmaceutical agents, if any;
 - h. Residential address;
 - i. Telephone number at the address listed under subsection (C)(1)(h);
 - j. Name of the course of study approved under R4-21-207 that the licensee completed and date of completion; and
 - k. Applicant's dated signature affirming that the information provided is true and correct; and

CHAPTER 21. BOARD OF OPTOMETRY

2. Have a representative of the educational institution at which the licensee completed the approved course of study submit to the Board evidence that the course of study is approved and the licensee completed all course requirements; and
 3. Submit written documentation that the licensee is currently certified in CPR.
- D.** The Board shall issue a pharmaceutical agent number that indicates a licensee is authorized to prescribe, administer, or dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents if the licensee is initially licensed by the Board under R4-21-201 or R4-21-202 after June 30, 2000.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-208 renumbered to R4-21-209; new Section R4-21-208 renumbered from R4-21-207 and amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-208 renumbered to R4-21-209; new R4-21-208 renumbered from R4-21-206 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-209. Continuing Education Requirement

- A.** A licensee shall complete 32 hours of approved Continuing Education during each biennial license renewal period. The licensee shall ensure that in each biennial license renewal period:
1. At least eight hours of the approved Continuing Education is in the area of diagnosis, treatment, and management of disease of the human eye and its adnexa and pharmaceutical use appropriate to the authority held by the licensee;
 2. For licensees holding a current DEA Registration, at least three hours of the approved Continuing Education shall be obtained in the area of opioid-related, substance use disorder-related or addiction-related Continuing Education.
 3. No more than 12 hours of the approved Continuing Education shall be obtained through self-instructed media. All self-instructed media shall be COPE or ACCME approved.
 4. No more than four hours of the approved Continuing Education are in the area of practice management;
 5. No more than one hour of approved Continuing Education is claimed for each day of instruction in a course of study approved under R4-21-207 to a maximum of four hours; and
 6. No more than four hours of approved Continuing Education are claimed for publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of the profession of optometry.
 7. No more than one (1) hour of Continuing Education requirements shall be claimed for obtaining CPR certification.
- B.** If a licensee obtains more than 32 hours of approved Continuing Education during a biennial renewal period, the licensee shall not claim the extra hours of approved Continuing Education during a subsequent biennial renewal period.
- C.** During the biennial renewal period in which a licensee is first licensed, the licensee shall obtain a prorated number of hours

of approved Continuing Education for each month remaining in the biennial renewal period. The hours shall be calculated at four hours per quarter of a year to include the quarter in which the application for licensure is approved by the Board.

- D.** A licensee shall not claim as approved Continuing Education any educational program or course completed before being licensed in Arizona.
- E.** A licensee shall obtain a certificate or other evidence of attendance from the provider of each approved Continuing Education attended that includes the following:
1. Name of the licensee,
 2. License number of the licensee,
 3. Name of the approved Continuing Education,
 4. Name of the Continuing Education provider,
 5. Date, time, and location of the approved Continuing Education, and
 6. Number of hours of approved Continuing Education and number of hours relating to practice management.
- F.** For the purpose of license renewal, Continuing Education shall be verified through the ARBO OE Tracker or other comparable program, using the licensee's individual Continuing Education report.
- G.** A licensee shall maintain the report or other evidence of attendance described in subsection (E) for at least two years from the date of attendance.
- H.** A licensee shall submit to the Board a copy of the report obtained during a biennial renewal period as proof of attendance at Continuing Education courses.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Section R4-21-209 renumbered to R4-21-307 effective April 1, 1991 (Supp. 91-2). New Section R4-21-209 renumbered from R4-21-208 and amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-209 renumbered to R4-21-212; new R4-21-209 renumbered from R4-21-208 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1). Amended by final rulemaking at 25 A.A.R. 431, effective April 5, 2019 (Supp. 19-1).

R4-21-210. Approval of Continuing Education

- A.** The Board approves the following as Continuing Education:
1. An internship, residency, or fellowship attended at an educational institution with an accredited optometry program; and
 2. An educational program designed to provide understanding of current developments, procedures, or treatments, or improve skills related to the practice of the profession of optometry and:
 - a. Provided by an educational institution with an accredited optometry program; or
 - b. Sponsored or approved by the Association of Schools and Colleges of Optometry, The Council on Optometric Practitioner Education, Accreditation Council for Continuing Medical Education or a local, regional, or national optometric association.
 3. Any opioid-related course that is approved by the Arizona State Board of Optometry, Arizona State Board of Pharmacy, Arizona Board of Osteopathic Examiners, Arizona Medical Board or the Arizona State Board of Nursing.
- B.** To obtain approval of a Continuing Education that is not approved under subsection (A), the provider of the Continuing

CHAPTER 21. BOARD OF OPTOMETRY

Education or a licensee shall, before providing or participating in the Continuing Education:

1. Submit an application for approval, using a form that is available from the Board, and provide the following information:
 - a. Name of applicant,
 - b. Address and telephone number of applicant,
 - c. Provider of the Continuing Education,
 - d. Name and telephone number of a contact person with the Continuing Education provider,
 - e. Name of the Continuing Education,
 - f. Date and location of the Continuing Education,
 - g. Manner in which potential participants will be notified that the Continuing Education is available,
 - h. Number of hours of the Continuing Education and the number of hours that relate to practice management,
 - i. Name of instructor of the Continuing Education, and
 - j. Dated signature of the applicant;
 2. Submit a curriculum vitae for the instructor of the Continuing Education; and
 3. Submit a syllabus of the Continuing Education that identifies learning objectives, teaching methods, and content.
- C. The provider of an approved Continuing Education shall provide each participant with a certificate or other evidence of attendance that meets the standards at R4-21-209(E).
- D. The Board shall approve a Continuing Education if the application required under subsection (B) is submitted and the Board determines that the Continuing Education is designed to provide understanding of current developments, procedures, or treatments, or improve skills related to the practice of the profession of optometry.

Historical Note

Former Section R4-21-02 renumbered without change as Section R4-21-210 effective February 7, 1986 (Supp. 86-1). Repealed effective April 1, 1991 (Supp. 91-2). New Section adopted by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). New Section made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1). Amended by final rulemaking at 25 A.A.R. 431, effective April 5, 2019 (Supp. 19-1).

R4-21-211. Audit of Compliance with Continuing Education Requirement

- A. At the time of license renewal, the Board shall audit Continuing Education hours to determine compliance with R4-21-209.
- B. To perform an audit, the Board shall use the information entered into the ARBO OE Tracker software or other comparable Board approved program to perform its audit. The Board shall consider a licensee's Continuing Education requirement met if the licensee has recorded the required number of Continuing Education credits into the OE tracker.
- C. At the time of license renewal, each licensee shall certify to the Board, through a Continuing Education report, completion of the Continuing Education required for license renewal. In the event that Continuing Education credits are not able to be recorded in the report, a licensee may submit to the Board certificates of attendance for those hours only to meet the Continuing Education requirement. A licensee may not renew the license until required Continuing Education hours are submitted.

Historical Note

Former Section R4-21-03 renumbered without change as Section R4-21-211 effective February 7, 1986 (Supp. 86-1). Repealed effective April 1, 1991 (Supp. 91-2). New Section made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1). Amended by final rulemaking at 25 A.A.R. 431, effective April 5, 2019 (Supp. 19-1).

R4-21-212. Waiver of or Extension of Time to Complete Continuing Education Requirement

- A. To obtain a waiver of some or all of the hours of approved continuing education required during a biennial renewal period, a licensee shall submit a written request to the Board that:
 1. Specifies the number of hours of approved continuing education that the licensee requests the Board to waive, and
 2. Documents that the licensee suffered a serious or disabling illness or other good cause that prevented the licensee from complying with the continuing education requirement.
- B. The Board shall grant a waiver within seven days after receiving the request if the Board determines that the licensee demonstrated good cause.
- C. To obtain an extension of time to complete the continuing education requirement, a licensee shall submit to the Board a written request that includes the following:
 1. Ending date of the requested extension,
 2. Continuing education completed during the biennial renewal period and the documentation required under R4-21-209(E),
 3. Proof of registration for additional approved continuing education that is sufficient to enable the licensee to fulfill the continuing education requirement before the end of the requested extension, and
 4. Licensee's attestation that the continuing education obtained under the extension will be reported only to fulfill the current renewal requirement and will not be reported on a subsequent license renewal application.
- D. The Board shall grant an extension of time within seven days after receiving a request for an extension of time if the request:
 1. Specifies an ending date no later than four months after the date of license expiration, and
 2. Includes the required documentation and attestation.

Historical Note

Former Section R4-21-04 renumbered without change as Section R4-21-212 effective February 7, 1986 (Supp. 86-1). Repealed effective April 1, 1991 (Supp. 91-2). New R4-21-212 renumbered from R4-21-209 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-213. Repealed**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Section repealed by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

Table 1. Renumbered**Historical Note**

Table 1 adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005

CHAPTER 21. BOARD OF OPTOMETRY

(Supp. 05-2). Table 1 renumbered to Article 1 by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

ARTICLE 3. STANDARDS; RECORDKEEPING; REHEARING OR REVIEW OF BOARD DECISION

R4-21-301. Display of License; Surrender of License

- A. License display. A licensee shall display the Board-issued license at each location at which the licensee practices the profession of optometry and in a manner that makes the license visible to the public.
- B. License surrender. Upon order by the Board, a licensee shall surrender to the Board all copies of the license and, if applicable, certificate of special qualification issued to the licensee.

Historical Note

Adopted effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section repealed; new R4-21-301 renumbered from R4-21-207 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-302. Advertising

- A. A licensee shall not knowingly make, publish, or use an advertisement that contains a false, fraudulent, deceptive, or misleading representation.
- B. A licensee may advertise that the licensee has a practice limited in some way if the licensee does not use the term "specialist" or any derivative of the term "specialist."
- C. A licensee shall ensure that the content of an advertisement or directory that includes the name and address of the licensee is accurate.
- D. An advertisement for health care services that includes a licensee's name shall identify the title and type of license the licensee holds.

Historical Note

Adopted effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-303. Affirmative Disclosures Required

- A. A licensee shall ensure that an advertisement for or by the licensee clearly indicates within the advertisement:
- Whether spectacle lenses or contact lenses advertised are single vision, multi-focal, or other;
 - Whether the price advertised for spectacles includes both the frame and lenses;
 - Whether the price advertised includes an eye examination;
 - Whether the price advertised for contact lenses includes all dispensing fees, follow-up care, and a contact lens accessory kit and if an accessory kit is included, the specific features of the kit;
 - Whether restrictions are imposed upon delivery, if delivery time is advertised;
 - The refund policy if refunds are advertised; and
 - A statement that other restrictions apply if there are other restrictions.
- B. A licensee shall inform a patient of all professional fees before providing treatment.
- C. A licensee who refers a patient to a facility in which the licensee or a member of the licensee's family has an ownership

or employment interest shall advise the patient of the interest at the time of referral.

- D. A licensee who charges a patient a fee for a warranty or a service or ophthalmic-goods-replacement agreement, shall:
- Give the patient a written copy of the warranty or service or ophthalmic-goods-replacement agreement;
 - Ensure that the warranty or service or ophthalmic-goods-replacement agreement explains the coverage included and any limitation;
 - Document compliance with subsection (D)(1) by making a written entry on the patient's record; and
 - Place a copy of the warranty or service or ophthalmic-goods-replacement agreement, signed by the patient, in the patient's record.

Historical Note

Adopted effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-304. Vision Examination Standards

A licensee shall conduct an eye examination in accordance with the standards of care prevalent in the community and consistent with current industry practice.

Historical Note

Adopted effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 3812, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-304 renumbered to R4-21-305; new R4-21-304 made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-305. Recordkeeping

- A. A licensee shall create and maintain a complete and legible record of each examination including all findings. A licensee shall ensure that a patient record is maintained for at least six years after the licensee's last contact with the patient and includes:
- Patient's name and contact information;
 - Date on which an entry is made in the patient's record;
 - Identification of the person making the entry in the patient's record;
 - Complete health history;
 - Visual acuity of each eye: entering and best corrected;
 - Ocular health examination;
 - Assessment of intraocular and extra-ocular muscle function;
 - Objective or subjective refraction of the eyes;
 - Diagnosis, treatment, and disposition;
 - Type and dosage of each use of a pharmaceutical agent;
 - Final optometric prescription given, if any;
 - Corrective procedure program prescribed, if any; and
 - Signature of licensee providing diagnosis, treatment, and disposition.
- B. A licensee may create and maintain any record required under A.R.S. Title 32, Chapter 16 or this Chapter in electronic format. A licensee may convert any record maintained under A.R.S. Title 32, Chapter 16 or this Chapter to electronic format. A licensee who converts a record to electronic format shall ensure that the record contains all the information required under A.R.S. Title 32, Chapter 16 and this Chapter.
- C. A licensee who discontinues practice for any reason shall arrange for a patient's record to be available to the patient for six years from the date the licensee discontinues practice.

CHAPTER 21. BOARD OF OPTOMETRY

Before discontinuing practice, a licensee shall notify the Board of the location at which patient records from the practice will be maintained.

- D. A licensee who acquires the patient records of a licensee who discontinued practice, either with or without succeeding to the practice of the other licensee, shall ensure that the records are available to the patients for six years after the licensee from whom the records were acquired discontinued practice.
- E. A licensee shall provide a tangible or electronic copy of a patient's record within five business days after receiving a written request from the patient. The licensee shall provide the copy to any person designated by the patient. The licensee may charge a fee to cover the costs of providing the copy. The licensee shall maintain a record of providing the copy for six years.
- F. Regardless of the form in which a licensee creates and maintains patient records, the licensee shall comply with all laws regarding security, confidentiality, maintenance and release of the records.

Historical Note

Adopted effective April 1, 1991 (Supp. 91-2). Amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-305 renumbered to R4-21-306; new R4-21-305 renumbered from R4-21-304 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-306. Optometric Prescription Standards; Release to Patients

- A. When a licensee completes an eye examination and generates an optometric prescription, the licensee shall provide the patient with a copy of the optometric prescription without charging a fee other than the examination fee.
- B. A licensee shall ensure that an optometric prescription written by the licensee includes:
 - 1. For ophthalmic lenses other than contact lenses:
 - a. Name of the patient;
 - b. Refractive power of the lenses;
 - c. Printed name, office address, telephone number, and signature of the licensee; and
 - d. Date of the examination and expiration date of the prescription;
 - 2. For contact lenses, including plano lenses:
 - a. Name of the patient;
 - b. For a patient who has not completed a trial period appropriate under the circumstances and desires to have a prescription, the information required for the patient to purchase trial lenses at another optical establishment or location;
 - c. For a patient who has completed a trial period appropriate under the circumstances for the lenses prescribed, all information necessary to reproduce the contact lenses accurately;
 - d. Printed name, office address, telephone number, license number, and signature of the licensee;
 - e. Date of the examination and the issue and expiration date of the prescription; and
 - f. Information regarding the prescribed contact lenses:
 - i. Refractive power;
 - ii. Base curve or other appropriate designation;
 - iii. Diameter, if appropriate;
 - iv. Tint, if applicable;
 - v. Material, manufacturer, or both; and

vi. In the case of private-label contact lenses, manufacturer, trade name, and, if applicable, trade name of equivalent brand name; and

- 3. For pharmaceutical agents:
 - a. Name and address of the patient;
 - b. Date the prescription is issued;
 - c. Name, strength, and quantity of the pharmaceutical agent prescribed;
 - d. Directions for use of the pharmaceutical agent prescribed;
 - e. Name, office address, and telephone number of the prescribing licensee;
 - f. When prescribing controlled substances, the DEA number of the prescribing licensee;
 - g. Two adjacent signature lines with the following printed words:
 - i. "Dispense as written" under the left signature line, and
 - ii. "Substitution permissible" under the right signature line; and
 - h. Original signature of the prescribing licensee on one of the signature lines; and
- 4. Additional information that the licensee considers necessary.
- C. A licensee who dispenses or directs the dispensing of ophthalmic materials shall ensure that a prescription is filled accurately.
- D. A licensee shall be available to verify that a prescription written by the licensee but filled by another provider of ophthalmic goods is accurately filled. The licensee may charge a fee for verifying the accuracy or quality of ophthalmic goods dispensed by another provider.
- E. A licensee shall not:
 - 1. Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of the prescription;
 - 2. Require a payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription or verification of a prescription;
 - 3. Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Amended effective April 1, 1991 (Supp. 91-2). Section R4-21-306 renumbered to R4-21-307; new Section R4-21-306 adopted effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-306 renumbered to R4-21-307; new R4-21-306 renumbered from R4-21-305 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-307. Vision Rehabilitation

- A. A licensee may use any objective or subjective method other than surgery to diagnose or treat any visual, muscular, neurological, or anatomical anomaly of the eye.
- B. A licensee may use any instrument or device to train the visual system or correct any abnormal condition of the eye.

Historical Note

Adopted effective February 7, 1986 (Supp. 86-1). Section R4-21-307 renumbered from R4-21-209 effective April 1, 1991 (Supp. 91-2). Section R4-21-307 renumbered from R4-21-308; new Section R4-21-307 renumbered from

CHAPTER 21. BOARD OF OPTOMETRY

R4-21-306 and amended effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). New R4-21-307 renumbered from R4-21-306 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-308. Anaphylactic-related Supplies

- A.** If a patient to whom a licensee administers a pharmaceutical agent experiences an anaphylactic reaction, the licensee may, as provided by A.R.S. § 32-1706(F), use injectable epinephrine to counteract the anaphylactic reaction.
- B.** A licensee who maintains injectable epinephrine at the licensee's practice location shall also maintain the following medically necessary supportive equipment and supplies:
1. Diphenhydramine in injectable, capsule or tablet, and syrup forms;
 2. Syringes for injecting diphenhydramine;
 3. Wristwatch with a second hand;
 4. Sphygmomanometer with both adult and extra-large cuffs;
 5. Stethoscope;
 6. Adult-size pocket mask with one-way valve;
 7. Tongue depressors; and
 8. Telephone.

Historical Note

Section R4-21-308 renumbered from R4-21-307 and amended effective November 5, 1998 (Supp. 98-4). Amended by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Former R4-21-308 renumbered to R4-21-309; new R4-21-308 made by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 22 A.A.R. 328, effective March 28, 2016 (Supp. 16-1).

R4-21-309. Rehearing or Review of Board Decision

- A.** The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.
- B.** Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Board or any order or abuse of discretion that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, or the administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or in the course of the proceedings; and
 7. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Board may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons listed in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehear-

ing or review is granted, the rehearing or review shall cover only the matters specified in the order.

- F.** Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted.
- G.** When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Board for a maximum of 20 days for good cause or by written stipulation of the parties. Reply affidavits may be permitted.
- H.** If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public peace, health, or safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without opportunity for a rehearing or review.

Historical Note

Section R4-21-309 renumbered from R4-21-308 and amended by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

ARTICLE 4. REPEALED**R4-21-401. Repealed****Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

R4-21-402. Repealed**Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

R4-21-403. Repealed**Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

R4-21-404. Repealed**Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

R4-21-405. Repealed**Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

R4-21-406. Repealed**Historical Note**

Adopted effective November 5, 1998 (Supp. 98-4). Repealed by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2).

CHAPTER 21. BOARD OF OPTOMETRY

ARTICLE 5. REPEALED**R4-21-501. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section repealed by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-502. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section repealed by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-503. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section repealed by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).

R4-21-504. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1864, effective May 3, 2005 (Supp. 05-2). Section repealed by final rulemaking at 14 A.A.R. 12, effective February 2, 2008 (Supp. 07-4).