

## CHAPTER 1

### GENERAL

**Section 1. Authority.** These Rules and Regulations, including all chapters are adopted and promulgated by the Wyoming Board of Examiners in Optometry pursuant to its authority under W.S. § 33-23-101 *et seq.* and pursuant to the Wyoming Administrative Procedures Act W.S. § 16-3-101 *et seq.*

**Section 2. Statement of Purpose.** The Board of Examiners in Optometry adopts rules and regulations to interpret and implement the Act, provide for administration of the Act, provide for the licensure of optometrists and regulate the qualification standards of education and performance required for licensure and licensure renewal, provide for enforcement and penalties, and set fees.

**Section 3. Severability.** If any provision of these regulations or the application thereof to any person or circumstance is ruled invalid, such invalidity shall not affect those other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Definitions.** All definitions set forth in the Act are incorporated into these Rules in addition to the following:

- (a) "Act" means W.S. § 33-23-101 through 33-23-117;
- (b) "ARBO" means the Association of Regulatory Boards of Optometry;
- (c) "Board" means the Wyoming State Board of Examiners in Optometry;
- (d) "Capper" means anyone who acts as a decoy or lure for the purpose of swindling;
- (e) "Contact lenses" shall include contact lenses with or without power;
- (f) "Controlled substance" means any drug, substance or immediate precursor listed in schedules I through V of article III of the Wyoming Controlled Substances Act of 1971;
- (g) "COPE" means Council on Optometric Practitioner Education;
- (h) "Incompetence" means an act or omission which presents a danger to an individual's life, health, or safety and is likely to cause death or injury;

(i) "License" means a current license to practice optometry in this state issued by the board;

(j) "Licensee" means an optometrist who has been properly licensed to practice optometry in the State of Wyoming by the Board pursuant to the Act and these Rules;

(k) "OE Tracker" is an ARBO program which captures and stores continuing education course information and attendance dates for optometrists.

(l) "Ophthalmic lenses" means any type of spectacle or contact lenses;

(m) "Optometrist" or "doctor of optometry" means a person licensed by the board;

(n) "Permissible removal of foreign bodies" means removal of superficial ocular foreign bodies not penetrating the intraocular spaces or tissues;

(o) "Pharmaceutical Agents" means those FDA approved pharmaceutical agents that are valid to the practice of optometry;

(p) "Physician" means a person holding a valid license issued by the Wyoming State Board of Medicine under the Medical Practice Act;

(q) "State" means the State of Wyoming;

(r) "Steerer" means anyone who in any manner directs a person to a place where he/she is to be swindled;

(s) "Surgery" as prohibited in W.S. § 33-23-101 shall mean the penetration by manual operation into the intraocular tissues or spaces for healing diseases, deformations, or injuries;

(t) "Swindle" means to cheat or defraud;

## **Section 5. Board Meetings.**

(a) The Board shall meet at least once (1) annually at a date, place and time established by the President with special meetings held as requested by the President or by a majority of the members.

(b) The Board shall elect annually from its membership a president, vice-president and secretary/treasurer.

(c) Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedure Act. The notice shall specify the time and place of the meeting and the business to be transacted.

(d) All meetings shall be open to the public; the Board may conduct executive sessions in accordance with W.S. § 16-4-404(a). In addition, the Board may hold closed sessions:

(i) To approve and review examinations;

(ii) Upon the request of an applicant who has failed the examination, in order to respond to the reasons for applicant's failure; or

(iii) To consider allegations or investigations of possible violations of the Act or any of these Rules.

(e) A majority of the Board members constitutes a quorum for conducting a Board meeting. The act of the majority of members present at a meeting, which includes a quorum, shall be the act of the Board.

(f) A written record shall be kept of all meetings and such records shall be retained as the permanent record of the transactions of the Board.

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(ii) Upon the request of an applicant who has failed the examination, in order to respond to the reasons for applicant's failure; or

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(f) A written record shall be kept of all meetings and such records shall be retained as the permanent record of the transactions of the Board.

## **CHAPTER 3**

### **LICENSE ISSUANCE AND RENEWAL**

**Section 1. Issuance of License.** The Board shall issue a successful applicant a license bearing the full name of the Licensee, date of issuance, license number and appropriate seal.

(a) A Licensee shall notify the Board in writing of his/her business address prior to engaging in the practice of optometry.

(b) A Licensee shall provide the Board written notice of retirement from active practice.

(c) A Licensee shall notify the Board if a license is lost, stolen or destroyed.

(d) Duplicate wall certificates may be issued by the Board. All requests for duplicate certificates must be in writing and accompanied by the appropriate fee.

### **Section 2. License Renewal.**

(a) The Board shall mail a renewal notice to active licensees and volunteer certificate holders at their address of record no later than forty-five (45) days prior to the license or certificate expiration date.

(b) License renewal application and fees shall be postmarked no later than the expiration date. Renewal applications postmarked after the expiration date or the next business day in cases when the expiration date falls on a weekend or holiday, will not be accepted.

(c) Renewal applications shall not be accepted more than forty-five (45) days prior to the expiration date.

(d) Failure to receive notice for renewal of license or certificate shall not excuse a licensee from the requirement for renewal under the Act and these rules.

**Section 3. Continuing Education for Active Licensees.** As a condition for renewal, each Licensee is required to complete a total of forty (40) hours of continuing education over a period of two (2) calendar years. Continuing education shall relate to the practice of the profession of optometry.

(a) Continuing education hours shall be completed by attending courses

which are COPE approved or have been certified by the Board. Continuing education hours cannot be completed by correspondence.

(b) Continuing education hours will be required for the two (2) calendar years following the first renewal period and each two (2) calendar years thereafter.

(i) New licenses issued a license in an odd year will be required to have forty (40) hours of continuing education, and those issued a license in an even year will be required to have twenty (20) hours of continuing education for their first renewal.

(ii) Only those continuing education hours acquired during the renewal period will be considered.

(c) Licensees authorized to prescribe therapeutic pharmaceuticals shall obtain fifteen (15) hours of the required forty (40) hours of continuing education in topics addressing ocular systemic therapeutics.

(d) A maximum of six (6) hours of continuing education in the area of Practice Management may be applied towards the required forty (40) hours.

(e) A maximum of four (4) hours of COPE (Council on Optometric Practitioner Education) approved continuing education through the Internet may be applied towards the required forty (40) hours. Documentation of continuing education shall consist of registration receipt and examination results.

(f) Licensees shall report their continuing education on the form approved by the Board.

(i) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any other official documents which serve as proof of continuing education participation or attendance for at least two (2) years from the date submitted for renewal.

(ii) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, name of licensee and be signed by the sponsor or the presenter.

(g) Continuing education may be audited by the Board for verification of compliance with these requirements and the Board may disallow any course not meeting the intended continuing education criteria.

(i) If the Board disallows any continuing education hours as a result of an audit, the licensee shall have three (3) months from notice of such



disallowance to;

(A) Provide further evidence that the disallowed continuing education hours meet the criteria established by these rules, or

(B) Provide evidence of having completed appropriate continuing education during the required time frame which may substitute for the disallowance, or

(C) Remedy the disallowance by completing the number of additional continuing education hours necessary to fulfill the requirements. These additional continuing education hours shall not be reported on subsequent applications for license renewal.

(h) Failure to provide the documents requested for audit within thirty (30) days of the date of the request may subject the licensee to disciplinary action.

(i) All continuing education must be postmarked no later than December 31 of the renewing biennium year.

(i) Continuing education received after December 31 will be assessed a late fee.

(j) Beginning January 1, 2010 all licensees shall verify their continuing education through the ARBO OE Tracker program.

#### **Section 4. Continuing Education for Volunteer Certificate Holders.**

(a) Continuing education requirements shall consist of twenty (20) hours per year. If therapeutically authorized then eight (8) hours shall be systemic ocular therapeusis.

**Section 5. Failure to Renew.** All licenses expire at midnight on April 1. Licensees who have not submitted a complete renewal application, proof of continuing education, and all required fees prior to the expiration date may not continue to practice optometry as provided in W.S. 33-23-103.

(a) An expired license may be reinstated by submitting a request for reinstatement, a complete renewal application, proof of continuing education, the required renewal fee, and the Late/Reinstatement Fee which must be received in the Board office no later than June 30 of the year in which the license expired.

(b) The provisions of this section do not apply to those license holders who have properly notified the Board of their retirement from active practice.

**Section 6. Renewal Following Retirement.** Any optometrist who has properly notified the Board of retirement from active practice as required in Section 1(b) of this Chapter, may renew his/her license to practice optometry within (3) years of the retirement date reported to the Board. Payment of the renewal fee for each year the license was in lapse, as well as payment of a reinstatement/late fee. In addition to the renewal fees, an optometrist must submit verification of attendance of no less than twenty (20) hours at approved continuing education for each year of his/her retirement.

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**Section 1. Issuance of License.** The Board shall issue a successful applicant a license bearing the full name of the Licensee, date of issuance, license number and appropriate seal.

(a) A Licensee shall notify the Board in writing of his/her business address prior to engaging in the practice of optometry.

(b) A Licensee shall provide the Board written notice of retirement from active practice.

(c) A Licensee shall notify the Board if a license is lost, stolen or destroyed.

(d) Duplicate wall certificates may be issued by the Board. All requests for duplicate certificates must be in writing and accompanied by the appropriate fee.

### **Section 2. License Renewal.**

(a) The Board shall mail a renewal notice to active licensees and volunteer certificate holders at their address of record no later than forty-five (45) days prior to the license or certificate expiration date.

(b) License renewal application and fees shall be postmarked no later than the expiration date. Renewal applications postmarked after the expiration date or the next business day in cases when the expiration date falls on a weekend or holiday, will not be accepted.

(c) Renewal applications shall not be accepted more than forty-five (45) days prior to the expiration date.

(~~ed~~) Failure to receive notice for renewal of license or certificate ~~from the Board~~ shall not excuse a licensee from the requirement for renewal under the Act and these rules.

**Section 3. Continuing Education for Active Licensees.** As a condition for renewal, each Licensee is required to complete a total of forty (40) hours of continuing education over a period of two (2) calendar years. Continuing education shall ~~encompass the subjects of Contact Lenses, Primary Care (Disease), VT, Practice Management and General Optometry~~ relate to the practice of the

profession of optometry.

(a) Continuing education hours shall be completed by attending courses which are COPE approved or have been certified by the Board. Continuing education hours cannot be completed by correspondence.

(b) Continuing education hours will be required for the two (2) calendar years following the first renewal period and each two (2) calendar years thereafter.

(i) New licenses issued a license in an odd year will be required to have forty (40) hours of continuing education, and those issued a license in an even year will be required to have twenty (20) hours of continuing education for their first renewal.

(ii) Only those continuing education hours acquired during the renewal period will be considered.

(c) Licensees authorized to prescribe therapeutic pharmaceuticals shall obtain fifteen (15) hours of the required forty (40) hours of continuing education in topics addressing ocular systemic therapeutics.

(d) A maximum of six (6) hours of continuing education in the area of Practice Management may be applied towards the required forty (40) hours.

(e) A maximum of four (4) hours of COPE (Council on Optometric Practitioner Education) approved continuing education through the Internet may be applied towards the required forty (40) hours. Documentation of continuing education shall consist of registration receipt and examination results.

(f) ~~Verification of attendance or documentation may be submitted on forms provided by the Board and must be received prior to the license being renewed.~~ Licensees shall report their continuing education on the form approved by the Board.

(i) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any other official documents which serve as proof of continuing education participation or attendance for at least two (2) years from the date submitted for renewal.

(ii) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, name of licensee and be signed by the sponsor or the presenter.

~~(g) All continuing education must be postmarked no later than December~~

~~31 of the renewing biennium year. Licensees are responsible for maintaining their own continuing education documentation.~~

(g) Continuing education may be audited by the Board for verification of compliance with these requirements and the Board may disallow any course not meeting the intended continuing education criteria.

(i) If the Board disallows any continuing education hours as a result of an audit, the licensee shall have three (3) months from notice of such disallowance to;

(A) Provide further evidence that the disallowed continuing education hours meet the criteria established by these rules, or

(B) Provide evidence of having completed appropriate continuing education during the required time frame which may substitute for the disallowance, or

(C) Remedy the disallowance by completing the number of additional continuing education hours necessary to fulfill the requirements. These additional continuing education hours shall not be reported on subsequent applications for license renewal.

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(i) Continuing education received after December 31 will be assessed a late fee.

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(a) Continuing education requirements shall consist of twenty (20) hours per year. If therapeutically authorized then eight (8) hours shall be systemic ocular therapeusis.

**Section 5. Failure to Renew.** ~~Any person engaging in the practice of optometry who has not renewed their license on or prior to the expiration date is in violation of W.S. 33-23-103 and subject to any and all remedies allowed by law and these rules.~~ All licenses expire at midnight on April 1. Licensees who have not submitted a complete renewal application, proof of continuing education, and all required fees prior to the expiration date may not continue to practice optometry as provided in W.S. 33-23-103.

(a) ~~The Board may suspend any license which has not been renewed on or before April 1 following a sixty (60) day renewal notice sent to the Licensee.~~ An expired license may be reinstated by submitting a request for reinstatement, a complete renewal application, proof of continuing education, the required renewal fee, and the Late/Reinstatement Fee which must be received in the Board office no later than June 30 of the year in which the license expired.

(b) The provisions of this section do not apply to those license holders who have properly notified the Board of their retirement from active practice.

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