

BOARD OF OPTOMETRY

PROPOSED LANGUAGE

Amend sections 1518, 1523, 1531, 1532, 1533 and 1561 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§1518. Fictitious or Group Names

(a) Applications for a permit to use a fictitious or group name shall be submitted on a form provided by the Board containing such information as is required therein, and accompanied by the initial permit fee of ~~\$40.00~~ 50. The permit shall be renewed annually with a renewal fee of \$50 due on January 31 each year. Failure to renew a fictitious name permit in a timely manner will result in a \$25 delinquency fee added to the renewal fee.

(b) No permit shall be issued authorizing the use of a name which is deceptive or inimical to enabling a rational choice for the consumer public and which does not contain at least one of the following designations: "optometry" or "optometric." In considering whether a name is deceptive or inimical to enabling a rational choice for the consumer public the Board may consider, among other things, whether it has a tendency to deceive the public or is so similar to a name previously authorized in the same geographical area as to be deceptive or misleading.

(c) When an optometrist or optometrists acquire the ownership in an optometric practice of another optometrist or other optometrists, the successor optometrist or optometrists may use in connection with such practice the name or names of the predecessor optometrist or optometrists for a reasonable time not in excess of two years thereafter providing:

(1) The acquisition of the ownership in the practice of the predecessor optometrist or optometrists includes permission to use his/her or their names.

(2) The acquisition of the ownership includes the active patient records and prescription files of the practice.

(3) In any signs, professional cards, envelopes, billheads, letterheads, or advertising of any nature, the name or names of the successor optometrist or optometrists shall appear first and be followed by the term "succeeding," "successor to," or "formerly" and then the name or names of the predecessor optometrist or optometrists which shall not appear in letters larger than the letters in the name or names of the successor optometrist or optometrists.

Note: Authority cited: Section ~~3425~~ 3078, Business and Professions Code. Reference: Sections ~~3425~~ 3078, 3152 and 3163, Business and Professions Code.

§ 1523. Licensure and Examination Requirements

(a)(1) Application for licensure as an optometrist shall be made on a form prescribed by the Board (Form 39A-1. Rev. ~~3-96~~ 7-09), which is hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.

(2) Application for licensure by an out of state licensed optometrist as defined in Business and Professions Code Section 3057, shall be made on forms prescribed by the Board (Form OLA-2,

Rev. 11/07 and Form LBC-4, rev. 2/07), which are hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.

(b) An application shall be accompanied by the following:

- (1) The fees fixed by the Board pursuant to Section 1524 in this Article.
- (2) Satisfactory evidence of graduation from an ~~optometry-accredited~~ school or college of optometry approved by the Board.
- (3) One classifiable set of fingerprints on a form provided by the Board.

~~(c) Completed applications for examination shall be filed with the Board not later than 30 days prior to the date set for the beginning of the examination for which application is made.~~

~~(cd)~~ An incomplete application shall be returned to the applicant together with a statement setting forth the reason(s) for returning the application and indicating the amount of money, if any, which will be refunded.

(d) Each applicant must achieve passing grades in all Board required examinations before being granted a license to practice optometry.

~~(e) Permission to take the Patient Management and California Laws and Regulations Examination (CLRE) sections shall be granted to those applicants who have submitted a paid application, paid the necessary fees and who meet the educational qualifications to take the examinations.~~

~~(f) Once the applicant has passed the examination, an official notice will be sent with instructions for submission of the licensure fee. Licensure shall be contingent on the applicants passing the clinical demonstration Clinical Skills portion of the National Board of Examiners in Optometry examination as provided in Section 1531 in this Article and passing the CLRE.~~

~~(g) Admission into the examinations shall not be construed to limit the Board's authority to seek from an applicant such other additional information as may be deemed necessary to evaluate the applicant's qualifications for licensure.~~

Note: Authority cited: Sections 3025, 3044, 3045 and 3057, Business and Professions Code.
Reference: Sections 3044, 3045 and 3057, Business and Professions Code.

§ 1531. Licensure Examination

~~(a)~~ The licensure examinations is are composed of:

~~Section I - Applied Basic Science~~ Written cognitive examination approved by the Board and developed by the board or the National Board of Examiners in Optometry (NBEO). Basic Science and Clinical Science.

~~Section II - Patient Care Examination developed by the board or the Patient Care Assessment and Management/Treatment and Management of Ocular Disease Examination developed by the National Board of Examiners in Optometry (NBEO) NBEO. if the NBEO Patient Care Examination has been passed on or after January 2000.~~

Section III – Clinical Skills Examination developed by the NBEO.

Section ~~III~~IV - California Laws and Regulations Examination developed and administered by the Board or its contractor.

(b) All examinations for licensure developed by the NBEO and the Board prior to January 2010 may be accepted on a case by case basis in the evaluation of an applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3041.2 and 3053, Business and Professions Code.
Reference: Sections 3041.2 and 3053, Business and Professions Code.

§ 1532. Re-Examination

~~(a) Each applicant must achieve passing grades in all sections of the board's examination before being registered and granted a certificate of registration.~~

~~(b) An applicant who has failed to pass either section II of the National Board of Examiners in Optometry (NBEO) examination Patient Management or the California Laws and Regulations Examination sections after a period of five consecutive calendar years from the date of the first examination, must retake sections II and III of the NBEO examination both the Patient Management and the California Laws and Regulations Examination. sections.~~

Note: Authority cited: Sections ~~3023.4~~ and 3025, Business and Professions Code. Reference: Section 3054, Business and Professions Code.

§ 1533. Re-Scoring of California Laws and Regulations Examination Papers

~~Any person who has failed any section of the board examination.~~ Any person who fails to pass the California Laws and Regulations Examination may request that the papers he/she wrote in taking such examination be re-scored by the Board. The request shall be submitted in writing and mailed to the principal office of the Board. The request shall be postmarked no later than 75 days after the date the examination results are mailed.

Note: Authority cited: Sections ~~3023.4~~ and 3025, Business and Professions Code. Reference: Section 3054, Business and Professions Code.

§ 1561. Topical Pharmaceutical Agents Usage - Purpose and Requirements

(a) The purpose of this article is to implement Business and Professions Code Section 3041.2, as added to said code by chapter 418 of the 1976 statutes. Only those optometrists meeting the requirements of this article may use topical pharmaceutical agents in the examination of human eyes.

(b) In order to use topical pharmaceutical agents in the examination of human eyes, an optometrist must:

(1) complete a course in pharmacology approved by the Board or have equivalent experience satisfactory to the Board; and ~~provide evidence of taking and passing either:~~

~~(2) the NBEO "Ocular Pharmacology" examination (also known as Section 9); or~~
(2) provide evidence of taking and passing either:

~~(3A)~~ both the Applied Basic Science and Clinical Science Skills sections of the NBEO examination as it was constituted beginning in ~~April 1987~~ January 2010; or

(4B) a pharmacology examination equivalent to (i) ~~(2) or (3)~~ above and administered by an accredited school or college of optometry; ~~or~~

~~(5) a pharmacology examination equivalent to (2) or (3) above and administered by the Board.~~

(c) The Board will issue a Diagnostic Pharmaceutical Agents certification to optometrists fulfilling the requirements of subsection (b) authorizing them to use topical pharmaceutical agents.

Note: Authority cited: Sections 3025, 3041.2 and 3053, Business and Professions Code.
Reference: Sections 3041 and 3041.2, Business and Professions Code.