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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 852
BOARD OF OPTOMETRY

FILED

12/18/2024 8:36 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adds AOA CE as acceptable for application or renewal

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/21/2025 3:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Shelley Hanson
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/21/2025

TIME: 2:00 PM - 2:00 PM

OFFICER: Shelley Hanson

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-701-1194

CONFERENCE ID: 295850193060

SPECIAL INSTRUCTIONS:

Email Optometry.board@obo.oregon.gov for a meeting invitation

NEED FOR THE RULE(S)

Increases the CE options for licensees

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Draft rule changes--included in the filing

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule allows every licensee to use these types of CE credit to meet application or renewal requirements.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

These rule changes don't have any additional cost for licensees, the sponsor or other stakeholders.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Our Board is made up of 4 licensed OD's and one public member

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

852-070-0010, 852-070-0037, 852-070-0054, 852-070-0055

AMEND: 852-070-0010

RULE SUMMARY: This change allows licensees to report AOA (American Optometric Association) CE for license renewal credit.

CHANGES TO RULE:

852-070-0010

Requirement of Continuing Optometric Education ¶¶

The Oregon Board of Optometry is committed to ensuring the continuing education of its licensees for the protection, safety and wellbeing of the public. Continuing education is required to maintain and advance the professional skills and abilities of licensees and to educate optometric physicians in the application and use of new techniques, scientific and clinical advances and the achievements of research to ensure expansive and comprehensive care to the public.¶¶

(1) Every active status licensed optometric physician must complete at least 18 hours of clinical optometric courses each license year as a condition of license renewal. Continuing education (CE) hours cover 12-month periods and must be reported with license renewal applications. Upon written request, the licensee may carry forward approved excess CE hours completed in the prior license year to the current license year.¶¶

(2) Of the required 18 hours, at least nine hours each license year must be in the area of diagnosis, treatment and management of ocular disease (TMOD). ~~The licensee must be the first or second author of the article or paper and the paper must have been published in the CE reporting period.~~¶¶

(3) Optometric physicians must complete one hour of approved credit for an optometric ethics or Oregon law course every other license year, regardless of credits carried forward under (1) of this section. Licensees may receive one hour of optometric ethics/Oregon law credit per year for verified attendance of at least one hour at an official meeting of the Oregon Board of Optometry. One hour of law/ethics credit is granted for passing the Oregon law exam.¶¶

(4) One hour of Board approved, AOA or COPE approved or Oregon Health Authority approved cultural competency continuing education may be used toward satisfying the required number of non-TMOD hours each license year. All licensees must complete at least 1 hour of cultural competency education for every other license renewal. ¶¶

(5) Credit will be given for no more than five hours of clinical or surgical observation per license year. No credit will be granted for observation in the licensee's primary practice or in any practice locations affiliated with the licensee.¶¶

(6) The required hours of continuing education used to meet the CE requirement each license year must be of different course content. When the Board determines that a licensee has submitted a course or lecture essentially identical to another presentation submitted for credit in the same license renewal period, credit will be given for only one.¶¶

(7) Credit will be given for no more than 2 hours for each publication of a qualifying article or paper. For CE credit, the licensee must be the first or second author of the article or paper and the paper must have been published within the CE reporting period.¶¶

(8) New Licensees are required to complete the Oregon Pain Management 1.5 hour training offered by the Oregon Health Authority and report at their first license renewal. Existing licensees must complete at least 1 hour of pain management education every other license renewal, regardless of credits carried forward under (1) of this section. Existing licensees may complete the Oregon Pain Management ~~1 hour training offered by the Oregon Health Authority~~ Commission's 1.5 hour training or other pain management courses approved by the Board. The Board will accept AOA or COPE approved pain courses, unless they are in categories EJ or PM. Pain management will count towards the 9 hour of TMOD credit.¶

(9) Of the 18 required hours, licensees can report up to five hours of in-person, U.S. based CME courses per license renewal. Acceptable courses must be ACCME accredited, be in AMA PRA Category 1 and be acceptable in the TMOD category per OAR 852-070-0010(2).

Statutory/Other Authority: ORS 683, 182

Statutes/Other Implemented: ORS 683.140, 683.270, 683.210, 182.466

AMEND: 852-070-0037

RULE SUMMARY: These rules update the audit requirements to reflect rule changes and process updates.

CHANGES TO RULE:

852-070-0037

Continuing Education Reporting and Audit ¶¶

(1) Optometric Physicians seeking to renew their active status license shall submit with their renewal application a ~~completed form provided by the Board~~ detailed list of completed courses certifying that they have met the CE and CPR ~~certification~~ requirement. No later than license renewal, licensees will update their CPR certification and ensure that they have met the requirements set forth in these rules. Any optometric physician renewing a license more than 30 days after their due date, or restoring a lapsed license, will provide ~~original~~ course documentation verifying that they have met the continuing education requirement per 852-050-0006, in addition to the ~~form~~ detailed list. ¶¶

(2) The licensee is responsible for ensuring that all reported CE hours ~~have been pre-approved by the Board~~ are Board acceptable before attesting to their completion. A licensee may not submit CE credit that has not been pre-approved by the Board. ¶¶

(a) All requests for course approval must be received by the Board at least 30 days before the license renewal due date for consideration for credit for the current renewal period. ¶¶

(b) If the Board does not approve the course(s) within the due date, the licensee must submit additional acceptable credits by the renewal due date or the renewal will be considered incomplete and late. ¶¶

(3) The licensee is responsible for obtaining a completion certificate or documentation from the course sponsor for renewal and audit. The Board accepts OE Tracker records as CE documentation. ¶¶

(4) Optometric Physicians must maintain accurate documentation and records of any claimed continuing education hours and CPR certification for no less than three years from the date of submission to the Board. Licensees must provide documentation of CE and CPR certification when requested by the Board per OAR 852-070-0020. ¶¶

(5) The Board may audit licensees for compliance with CE and CPR certification requirements by generating a random computer list of a Board determined percentage of renewing licensees on a regular basis. The Board may also include non-random individuals in the audit sample. ¶¶

(a) Licensees selected for audit will have 21 days from notification to supply the agency with verification of their CE hours ~~or~~ and CPR certification ~~dates~~. Those selected for audit will be notified by first class mail and email to their address of record. Failure to comply or misrepresentation of compliance is grounds for disciplinary action for unprofessional conduct. ¶¶

(b) Licensees who fail to respond with the requested documentation within 21 days will be assessed a civil penalty. ¶¶

(c) If the licensee does not comply within 60 days of the date of the audit letter, ~~the licensee will be sent a notice of~~ or complete the required CE by their license due date, the licensee will be sent a notice of civil penalty and if there is insufficient CE documented, license suspension for a minimum of 90 days or until compliance. ¶¶

(6) The Board may, in individual cases involving physical disability, illness or undue hardship, grant waivers of the minimum continuing education and CPR certification requirements or extensions of time within which to fulfill the same or make the required reports. Applications for waiver shall be made to the Board in writing at least two months prior to license renewal date.

Statutory/Other Authority: ORS 683

Statutes/Other Implemented: ORS 58, 63, 181, 182, 342, 408, 431, 646, 670, 689

AMEND: 852-070-0054

RULE SUMMARY: Updates to reflect the acceptance of AOA courses for license renewal.

CHANGES TO RULE:

852-070-0054

~~COPE~~Outside Agency Approved Continuing Optometric Education Courses ¶¶

(1) The Oregon Board of Optometry accepts courses related to the maintenance or advancement of professional skills and clinical abilities approved by COPE (Council on Optometric Practitioner Education) and the AOA (American Optometric Association). If such a course has been AOA or COPE approved, the Board will accept the course as meeting its continuing education requirements for license renewal except for courses in Category D as indicated in (4) below. AOA uses the COPE categories for their courses as well. ¶¶

(2) COPE course category A: Clinical Optometry which includes Contact Lenses (CL), Functional Vision/Pediatrics (FV), General Optometry (GO), Low Vision (LV), and Public Health (PB). ¶¶

(3) COPE course categories B: Ocular Disease and C: Related Systemic Disease are approved as meeting the Board's nine hours per license year requirement of continuing optometric education in the area of diagnosis, treatment and management of ocular disease: ¶¶

(a) Ocular Disease includes Glaucoma (GL), Injection Skills (IS), Laser Procedures (LP), Peri-Operative Management of Ophthalmic Surgery (PO), Surgery Procedures (SP), and Treatment and Management of Ocular Disease (TD); and ¶¶

(b) Related Systemic Disease includes Neuro-Optometry (NO), Pharmacology (PH), and Systemic/Ocular Disease (SD). ¶¶

(4) COPE course category D Optometric Business Management, which includes Practice Management (PM) and Ethics/Jurisprudence (EJ), is not approved by the Oregon Board of Optometry, unless it is an optometric ethics course that has been individually evaluated and approved by the Board. ¶¶

(5) It is the responsibility of the licensee to ensure that any continuing optometric education coursework submitted for credit meets the criteria of this rule. ¶¶

(6) The Oregon Board of Optometry will review the COPE criteria for course category definitions to determine if the process and categories are within the standards it has set. Those COPE category definitions not acceptable to the Board will be identified to COPE and listed in the Board's administrative rules.

Statutory/Other Authority: ORS 683, 182

Statutes/Other Implemented: ORS 683.140, 683.210, 182.466

AMEND: 852-070-0055

RULE SUMMARY: Updates the rules to reflect that AOA is acceptable for CE credit and that the Board no longer requires CV's for health care licensees or post secondary academic instructors.

CHANGES TO RULE:

852-070-0055

Continuing Optometric Education Provided by Outside Entities ¶

(1) All continuing optometric education provided by other organizations (~~non-COPE~~any organization that isn't listed specifically in rule) must be submitted to the Board for approval before credit will be granted. Persons submitting courses for credit review must allow at least 30 days for the review. Renewing active status licensees may not count a course toward meeting the continuing education requirement before it is approved by the Board.¶

(2) Approval or denial of the continuing optometric education will be based on course:¶

(a) Relevance to modern optometric practice;¶

(b) Provision of skills or information which can translate to improved patient care;¶

(c) Content being recognized and accepted as sound scientific thought;¶

(d) Provision of heightened content standards needed by optometric physicians; and¶

(e) ~~Presenter(s) credentials, as evidenced by a submitted curriculum vitae and an academic degree or combination of academic achievement and special expertise acceptable to the Board.~~¶

(f) Online pre-recorded or non-interactive courses require a quiz of at least 15 questions for course approval. Licensees must pass the quiz with a score of at least 75%. For a .50 course there must be a minimum of 5 questions, a 1.0 course must require a minimum of 10 questions. Courses longer than 1.0 hour must increase question numbers based on the .5 or 1.0 requirement. For example, a 2 hour course would require a minimum of 20 questions.¶

(3) The Board may accept continuing optometric education courses that have been approved by other organizations. This acceptance will be in accordance with the standards set by the Board.¶

(4) Courses acceptable to the Board for continuing education credit must be at least one half-hour in length, must be proctored for attendance, and the sponsor must provide original source documentation of successful completion to the attendee. Additional credits must be in half-hour increments.

Statutory/Other Authority: ORS 683, 182

Statutes/Other Implemented: ORS 683.140, 683.210, 182.466