

AN ACT

To amend sections 4725.01, 4725.02, 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.10, 4725.11, 4725.111, 4725.112, 4725.113, 4725.114, 4725.12, 4725.13, 4725.14, 4725.15, 4725.16, 4725.17, 4725.18, 4725.21, 4725.59, 4725.60, 4725.99, 4729.29, 4729.51, 4729.60, 4731.44, and 5903.12; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4725.08 (4725.12), 4725.09 (4725.13), 4725.091 (4725.14), 4725.10 (4725.16), 4725.11 (4725.19), 4725.111 (4725.21), 4725.112 (4725.31), 4725.113 (4725.22), 4725.114 (4725.33), 4725.12 (4725.18), 4725.13 (4725.25), 4725.14 (4725.26), 4725.15 (4725.34), 4725.16 (4725.27), 4725.17 (4725.28), 4725.18 (4725.30), 4725.21 (4725.32), and 4725.60 (4725.20); and to enact new sections 4725.08, 4725.09, 4725.10, 4725.11, 4725.15, and 4725.17 and sections 4725.23, 4725.24, 4725.29, and 4725.531 of the Revised Code to revise the laws pertaining to the powers and duties of the State Board of Optometry.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4725.01, 4725.02, 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.10, 4725.11, 4725.111, 4725.112, 4725.113, 4725.114, 4725.12, 4725.13, 4725.14, 4725.15, 4725.16, 4725.17, 4725.18, 4725.21, 4725.59, 4725.60, 4725.99, 4729.29, 4729.51, 4729.60, 4731.44, and 5903.12 be amended; sections 4725.08 (4725.12), 4725.09 (4725.13), 4725.091 (4725.14), 4725.10 (4725.16), 4725.11 (4725.19), 4725.111 (4725.21), 4725.112 (4725.31), 4725.113

(4725.22), 4725.114 (4725.33), 4725.12 (4725.18), 4725.13 (4725.25), 4725.14 (4725.26), 4725.15 (4725.34), 4725.16 (4725.27), 4725.17 (4725.28), 4725.18 (4725.30), 4725.21 (4725.32), and 4725.60 (4725.20) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 4725.08, 4725.09, 4725.10, 4725.11, 4725.15, and 4725.17 and sections 4725.23, 4725.24, 4725.29, and 4725.531 of the Revised Code be enacted to read as follows:

Sec. 4725.01. As used in this chapter:

(A)(1) The "practice of optometry" means the application of optical principles, through technical methods and devices, in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers, adapting optical accessories for the aid thereof, and detecting ocular abnormalities that may be evidence of disease, pathology, or injury.

(2) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in division (A)(1) of this section, except that it also includes administering topical ocular pharmaceutical agents for the purposes set forth in division (A)(1) of this section.

(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in divisions (A)(1) and (2) of this section, except that it also includes employing, applying, administering, and prescribing instruments, devices, procedures other than invasive procedures, and therapeutic pharmaceutical agents for the following purposes:

(a) Examination, investigation, diagnosis, or prevention of any disease, injury, or other abnormal condition of the visual system;

(b) Treatment or cure of any disease, injury, or other abnormal condition of the anterior segment of the human eye.

(B) "Topical ocular pharmaceutical agents" means:

(1) Proparacaine hydrochloride in a potency not exceeding five-tenths of one per cent ophthalmic solution;

(2) Benoxinate hydrochloride in a potency not exceeding four-tenths of one per cent ophthalmic solution;

(3) Phenylephrine hydrochloride in a potency not exceeding two and five-tenths per cent ophthalmic solution;

(4) Hydroxyamphetamine hydrobromide in a potency not exceeding one per cent ophthalmic solution;

(5) Tropicamide in a potency not exceeding one per cent ophthalmic solution;

(6) Cyclopentolate in a potency not exceeding one per cent ophthalmic solution;

(7) Any other topical ocular pharmaceutical agents if the primary indications for their use are consistent with the purposes set forth in division (A)(1) of this section, their new drug application is approved by and the potency in which they may be used for evaluative purposes has been established by the federal food and drug administration after January 1, 1983, and their use for the purposes set forth in division (A)(1) of this section has been approved by rule of the state board of optometry.

(C) "Therapeutic pharmaceutical agent" means a topical ocular pharmaceutical agent or any of the following drugs or dangerous drugs, ~~as defined in section 4729.01 of the Revised Code~~, that is used for examination, investigation, diagnosis, or prevention of disease, injury, or other abnormal condition of the visual system or for treatment or cure of disease, injury, or other abnormal condition of the anterior segment of the human eye and is an anti-microbial, anti-allergy, anti-glaucoma, topical anti-inflammatory, or cycloplegic agent, or an analgesic:

- (1) A topical ophthalmic preparation;
- (2) Oral dosage of any of the following drugs:
 - (a) Acetazolamide;
 - (b) Astemizole;
 - (c) Dichlorphenamide;
 - (d) Diphenhydramine;
 - (e) Glycerin in a fifty per cent solution;
 - (f) Isosorbide in a forty-five per cent solution;
 - (g) Methazolamide;
 - (h) Analgesics that may be legally sold without prescription;
 - (i) Terfenadine;
 - (j) Ampicillin in a two hundred fifty milligram or five hundred milligram dosage;
 - (k) Cefaclor in a two hundred fifty milligram or five hundred milligram dosage;
 - (l) Cephalexin in a two hundred fifty milligram or five hundred milligram dosage;
 - (m) Dicloxacillin in a two hundred fifty milligram or five hundred milligram dosage;
 - (n) Doxycycline in a fifty milligram or one hundred milligram dosage;
 - (o) Erythromycin in a two hundred fifty milligram, three hundred and thirty-three milligram, or five hundred milligram dosage;
 - (p) Penicillin VK in a two hundred fifty milligram or five hundred

milligram dosage;

(q) Tetracycline in a two hundred fifty milligram or five hundred milligram dosage.

(3) Any other oral dosage of a drug or dangerous drug that is listed by rule adopted by the state board of optometry under section ~~4725.04~~ 4725.09 of the Revised Code.

(D) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 Of the Revised Code.

(E) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.

~~(E)~~(F) "Visual system" means the human eye and its accessory or subordinate anatomical parts.

~~(F)~~(G) "Certificate of licensure" means a certificate issued by the state board of optometry under section ~~4725.09~~ 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.

~~(G)~~(H) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the state board of optometry under section ~~4725.09~~ 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.

~~(H)~~(I) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the state board of optometry under division (A)(3) or (4) of section ~~4725.09~~ 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

Sec. 4725.02. (A) ~~No~~ Except as provided in section 4725.26 Of the Revised Code, no person shall engage in the practice of optometry ~~or hold himself out as a practitioner of optometry, or attempt to determine, including the determination of the kind of glasses procedure, treatment, or optical accessories needed by any a person, or hold himself out as a licensed optometrist when not so licensed, or hold himself out as able to examine the examination of the eyes of any person for the purpose of fitting the same with glasses, excepting those exempted under section 4725.14 of the Revised Code optical accessories, unless he has first fulfilled the requirements of sections 4725.01 to 4725.21 of the Revised Code, and has received the person holds a current, valid certificate of licensure from the state board of optometry. No person shall represent that he is claim to be the lawful holder of a certificate of licensure such as is provided for in those sections, when in fact he the person~~ is not such lawful holder, or

onate any licensed ~~practitioner of optometry~~ optometrist.

(B) No optometrist shall administer topical ocular pharmaceutical agents unless ~~he~~ the optometrist holds a valid topical ocular pharmaceutical agents certificate or therapeutic pharmaceutical agents certificate and fulfills the other requirements of this chapter.

(C) No optometrist shall practice optometry as described in division (A)(3) of section 4725.01 of the Revised Code unless ~~he~~ the optometrist holds a valid therapeutic pharmaceutical agents certificate.

~~(D)(1) As used in this division, "dispense" has the same meaning as in section 3719.01 of the Revised Code.~~

~~(2) No optometrist shall dispense personally furnish a therapeutic pharmaceutical agent to any person, except that a licensed optometrist who holds a therapeutic pharmaceutical agents certificate may dispense personally furnish a therapeutic pharmaceutical agent to a patient if no charge is imposed for the therapeutic pharmaceutical agent or for dispensing furnishing it and the amount dispensed FURNISHED does not exceed a seventy-two hour supply, except that if the minimum available quantity for dispensing of the agent is greater than a seventy-two hour supply, the optometrist may dispense furnish the minimum available quantity.~~

~~(E)(1) As used in this division:~~

~~(a) "Regional advertisement" means an advertisement published in more than one standard metropolitan statistical area in this state or broadcast by radio or television stations in more than one standard metropolitan statistical area in this state.~~

~~(b) "National advertisement" means an advertisement published in one or more periodicals or broadcast by one or more radio or television stations in this state and also published in one or more periodicals or broadcast by one or more radio or television stations in another state.~~

~~(2) The board shall not require any person that sells optical goods at more than one location to list in any regional or national advertisement the name of the licensed optometrist practicing at a specific location, provided that in addition to the requirement in division (B) of section 4725.09 of the Revised Code, the name of the optometrist is prominently displayed at such location.~~

Sec. 4725.03. The governor, with the advice and consent of the senate, shall appoint a state board of optometry consisting of six nonmedical ~~citizens~~ residents of this state, five of whom shall be persons actually engaged in the practice of optometry for five years preceding appointment and one of whom shall be a member of the public at least sixty years of age. Terms of office shall be five years, commencing on the twenty-sixth day of

September and ending on the twenty-fifth day of September. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such~~ the term. ~~Any~~ A member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No

~~No~~ person ~~so appointed~~ shall serve as a member for more than two terms.

Sec. 4725.04. The state board of optometry shall organize by the election of a president and a secretary from its members, who shall hold their respective offices for one year.

~~It~~ The board shall hold regular meetings ~~for examination to perform its regular duties~~ at least ~~twice~~ four times each year; ~~and additional meetings at such times and places as it determines.~~ At least one ~~meeting of the board's regular meetings~~ shall be held in Columbus. The ~~board may hold additional meetings as it considers necessary.~~ The time and place of any ~~examination regular or other meeting~~ shall be fixed and published by the board at least ~~sixty~~ thirty days prior to the date that it is to be held, except when the meeting to be held is an emergency or special meeting, in which case the board shall give twenty-four hours' notice or as much notice as possible under the circumstances.

A majority of the board constitutes a quorum, but a lesser number may adjourn from time to time.

~~The board shall make rules governing the practice of optometry and such other rules as are necessary to carry out sections 4725.01 to 4725.21 of the Revised Code. Concurrence of a majority of the members of the board is required to grant or to revoke a license.~~

~~In accordance with Chapter 119. of the Revised Code, the board, in consultation with the state board of pharmacy, shall adopt a rule specifying oral dosages of drugs or dangerous drugs that are therapeutic pharmaceutical agents under division (C)(3) of section 4725.01 of the Revised Code.~~

Sec. 4725.05. The state board of optometry shall employ an executive director. Before entering upon the discharge of ~~the~~ official duties of ~~his~~ office, the ~~secretary of the state board of optometry~~ executive director shall give a bond, to be approved by the board, in the sum of two thousand dollars conditioned for the faithful discharge of the duties of ~~his~~ the office. The premium for such bond shall be paid as are other expenditures of the board. ~~Such~~ The bond, with the approval of the board and oath of office indorsed

thereon, shall be deposited with the secretary of state and kept in ~~his~~ the secretary of state's office.

The board may employ such assistants, inspectors, investigators, and clerical help as are necessary to administer and enforce sections 4725.01 to ~~4725.24~~ 4725.34 of the Revised Code, the expenses thereof to be charged and paid as other expenditures of the board.

~~All receipts of the state board of optometry, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.~~

Sec. 4725.06. Each member of the state board of optometry shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day actually employed in the discharge of the official duties of the member, and the necessary expenses of the member.

The ~~secretary~~ executive director of the board shall receive reimbursement for necessary expenses incurred ~~by the secretary~~ in the discharge of the ~~secretary's~~ executive director's official duties.

All vouchers of the board shall be approved by the board president or executive ~~secretary~~ director, or both, as authorized by the board.

Sec. 4725.07. The state board of optometry shall adopt a seal and certificate of suitable design and shall keep a record of its proceedings, a register of persons who have received certificates of licensure, a register of licensed optometrists who have received topical ocular pharmaceutical agents certificates, a register of licensed optometrists who have received therapeutic pharmaceutical agents certificates, and a register of ~~licenses and persons who have been subject to the board's revocation of any of those certificates it revokes.~~

The board shall have an office ~~at~~ in Columbus, where ~~examinations may be held and where~~ all its permanent records shall be kept. The board may make requisition upon the proper state officials for office rooms and supplies, including stationery and furniture. All printing and binding necessary for the work of the board shall be done upon an order issued by the board through its president and ~~secretary~~ executive director to the department of administrative services.

~~The~~ Except as provided in division (C) of section 4725.22 and division (C) of section 4725.23 Of the Revised Code, the records of the board, including its registers, shall be open to public inspection at all reasonable times, ~~and it shall keep on file all examination papers for a period of ninety days after each examination.~~ A transcript copy of an entry in such records, certified by the ~~secretary~~ executive director under the seal of the board, shall be prima-facie evidence of the facts therein stated.

The board annually, on or before the first day of February, shall make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, and a complete report of the conditions of optometry in this state.

Sec. 4725.08. In the absence of fraud or bad faith, the state board of optometry, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to sections 4725.01 to 4725.34 Of the Revised Code. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

Sec. 4725.09. (A) The state board of optometry shall adopt rules as it considers necessary to govern the practice of optometry and to administer and enforce sections 4725.01 to 4725.34 of the Revised Code. All rules adopted under sections 4725.01 to 4725.34 of the Revised Code shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board, in consultation with the state board of pharmacy, shall adopt rules specifying oral dosages of drugs or dangerous drugs that are therapeutic pharmaceutical agents under division (C)(3) of section 4725.01 of the Revised Code.

Sec. 4725.10. (A) The state board of optometry shall evaluate schools of optometry and grant its approval to schools that adequately prepare their graduates for the practice of optometry in this state. Approval shall be granted only by an affirmative vote of a majority of the members of the board.

(B) To be approved by the board, a school of optometry shall meet at least the following conditions:

(1) Be accredited by a professional optometric accrediting agency recognized by the board;

(2) Require as a prerequisite to admission to the school's courses in optometry at least two academic years of study with credits of at least sixty semester hours or ninety quarter hours in a college of arts and sciences

accredited by a post-secondary education accrediting organization recognized by the board;

(3) Require a course of study of at least four academic years with credits of at least one hundred thirty-four semester hours or two hundred quarter hours.

(C) The board may establish standards for the approval of schools of optometry that are higher than the standards specified in division (B) of this section.

Sec. 4725.11. (A) The state board of optometry shall accept as the examination that must be passed to receive a license to practice optometry in this state the examination prepared, administered, and graded by the national board of examiners in optometry or an examination prepared, administered, and graded by another professional testing organization recognized by the board as being qualified to examine applicants for licenses to practice optometry in this state. The board shall periodically review its acceptance of a licensing examination under this section to determine if the examination and the organization offering it continue to meet standards the board considers appropriate.

(B) The licensing examination accepted by the board under this section may be divided into parts and offered as follows:

(1) Part one: Tests in BASIC SCIENCE, HUMAN BIOLOGY, OCULAR AND VISUAL BIOLOGY, THEORETICAL OPHTHALMIC, PHYSIOLOGICAL OPTICS, AND PHYSIOLOGICAL PSYCHOLOGY;

(2) PART TWO: TESTS IN CLINICAL SCIENCE, SYSTEMIC CONDITIONS, THE TREATMENT AND MANAGEMENT OF OCULAR DISEASE, REFRACTIVE OCULOMOTOR, SENSORY INTEGRATIVE CONDITIONS, PERCEPTUAL CONDITIONS, PUBLIC HEALTH, THE LEGAL ISSUES REGARDING THE CLINICAL PRACTICE OF OPTOMETRY, AND PHARMACOLOGY;

(3) PART THREE: TESTS IN PATIENT CARE AND MANAGEMENT, CLINICAL SKILLS, AND THE VISUAL RECOGNITION AND INTERPRETATION OF CLINICAL SIGNS.

(C) The licensing examination accepted by the board may be offered in a manner other than the manner specified in division (B) of this section, but if offered in another manner, the examination must test the person sitting for the examination in the areas specified in division (B) of this section and may test the person in other areas.

The board may require as a condition of its acceptance of an examination that the examination cover subject matters in addition to those specified in division (B) of this section, if the schools of optometry it

approves under section 4725.10 of the Revised Code include the additional subject matters in their prescribed curriculum.

(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination. The results shall be kept as a permanent part of the board's records maintained pursuant to section 4725.07 of the Revised Code.

(E) On request of any person seeking to practice optometry in this state, the board shall provide information on the licensing examination accepted by the board, including requirements that must be met to be eligible to sit for the examination and the dates the examination is offered.

~~Sec. 4725.08~~ 4725.12. (A) Each person who desires to commence the practice of optometry in the state shall file with the ~~secretary~~ executive director of the state board of optometry a written application for ~~the licensing examination.~~

~~Each~~ A certificate of licensure and a therapeutic pharmaceutical agents certificate. The application ~~for the licensing examination~~ shall be accompanied by the ~~fee required~~ fees specified under section ~~4725.10~~ 4725.34 of the Revised Code and shall ~~be filed with the secretary not more than sixty nor less than thirty days prior to the day of any meeting at which the applicable examination is to be held.~~

~~Each~~ contain all information the board considers necessary to determine whether an applicant is qualified to receive the certificates. The application ~~for the licensing examination~~ shall be made upon the form prescribed by the board and shall be verified by the oath of the applicant. ~~In addition, it shall contain information and evidence satisfactory to the board showing the eligibility of the applicant to take the examination.~~

~~(B) No person is eligible to take the licensing examination unless he is~~ To receive a certificate of licensure and a therapeutic pharmaceutical agents certificate, an applicant must meet all of the following conditions:

- ~~(1) Be at least eighteen years of age;~~
- ~~(2) Be of good moral character; has;~~
- ~~(3) Complete satisfactorily completed a course of study of at least six college years, and has graduated;~~

~~(4) Graduate from a school of optometry accredited approved by the board under section 4725.10 Of the Revised Code; provided that the school of optometry requires at least two academic years of study with credits of at least sixty semester hours or ninety quarter hours in a college of arts and sciences accredited by the association of American universities or the north central association of colleges and secondary schools or a similar regional accrediting agency as a prerequisite to admission to the courses in~~

~~optometry; and additionally provided that the school of optometry requires a course of study of at least four academic years with credits of at least one hundred thirty four semester hours or two hundred quarter hours. No school of optometry shall be accredited unless it is accredited by the established professional optometric accrediting agency, and no school of optometry shall be accredited except by an affirmative vote of a majority of the members of the board. The board may require higher standards for the accrediting of the schools of optometry.~~

~~The (5) Pass the licensing examination shall consist of two parts accepted by the board under section 4725.11 Of the Revised Code. Part one of the examination shall consist of tests in practical, theoretical, and physiological optics, in theoretical and practical optometry, in the anatomy and physiology of the eye, in pathology, and in the optometric aspects of whatever additional related social, physical, and biological sciences are determined by the board to be appropriate subject matters for examination; provided that the schools and colleges approved by the board include such subject matters in the prescribed curriculum. Part two of the examination shall be a pharmacology examination and shall test the applicant's knowledge derived from the course of study prescribed under division (C) of this section.~~

~~The licensing examination shall be prepared, administered, and graded by the national board of examiners in optometry or a professionally qualified testing organization recognized by the state board of optometry.~~

~~(C) The state board of optometry shall prescribe by rule an eighty-seven clock-hour course of study and training to be completed at an institution accredited by a regional or professional accreditation organization that is recognized or approved by the council on post-secondary accreditation or the United States department of education or its successor. The course of study and training shall include, but is not limited to, instruction in general and ocular pharmacology, including the nature of adverse reactions caused by pharmaceutical agents and emergency steps to be taken in such cases; signs, symptoms, and treatment of ocular disease, injury, or abnormality; ocular signs and symptoms of systemic disease; appropriate criteria for referrals to physicians; and cardiopulmonary resuscitation.~~

~~(D) No person shall be permitted by the board to take more than four licensing examinations.~~

~~Sec. 4725.09 4725.13. (A) The state board of optometry, by an affirmative vote of a majority of its members, shall issue certificates under its seal as provided in this division follows:~~

~~(1) Every applicant who, prior to the effective date of this amendment~~

MAY 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to ~~4725.21~~ 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing ~~him~~ the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code.

(2) Every applicant who, prior to ~~the effective date of this amendment~~ MAY 19, 1992, passed the general and ocular pharmacology examination then in effect, and who otherwise complies with sections 4725.01 to ~~4725.21~~ 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing ~~him~~ the holder to administer topical ocular pharmaceutical agents as provided in division (A)(2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to ~~4725.21~~ 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure; issued prior to May 19, 1992, and meets the requirements of section ~~4725.091~~ 4725.14 of the Revised Code, ~~and passes part two of the licensing examination~~ shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing ~~him~~ the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts one and two of the licensing examination accepted by the board under section 4725.11 Of the Revised Code and otherwise complies with the requirements of sections 4725.01 to ~~4725.21~~ 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing ~~him~~ the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing ~~him~~ the holder to engage in the practice of optometry as provided in division (A)(3) of that section.

~~(B) Each certificate of licensure, each topical ocular pharmaceutical agents certificate, and each therapeutic pharmaceutical agents certificate shall be registered by the secretary of the board in accordance with section 4725.07 of the Revised Code. The register shall be open to public inspection and a certified copy of that record shall be received as prima facie evidence in all courts in the trial of any case. Each person to whom a certificate is issued by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist~~

~~(C) Peddling from door to door, or the establishment of temporary~~

~~offices, is specifically forbidden under penalty of revocation of the certificate of licensure. If any person practices optometry outside of or away from the location at which his the optometrist's certificate of licensure is displayed, he the optometrist shall deliver to each person; examined or fitted with glasses optical accessories by him the optometrist, a certificate receipt signed by him the optometrist in which he the optometrist shall set forth the amounts charged, his the optometrist's post-office address, and the number of his assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.~~

~~Each person to whom any certificate has been issued by the board under division (A) of this section, before practicing as authorized by the certificate, shall register it in the office of the clerk of the court of common pleas in each county in which he proposes to practice and shall pay such fee as may be chargeable. The clerk shall keep a certificate registration book in which he promptly shall register each certificate for which the fee is paid. Any failure, neglect, or refusal to register a certificate for a period of ninety days after its issuance or from the date of removal of the holder's practice to a county other than the one in which the certificate is registered shall automatically work the suspension of the certificate, and it shall not be restored except upon written application, together with the payment of a fee of twenty-five dollars, to the board. (C) A person who, on MAY 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate issued by the board may continue to engage in the practice of optometry as provided by the certificate of licensure or topical ocular pharmaceutical agents certificate if the person continues to comply with sections 4725.01 to 4725.34 of the Revised Code as required by the certificate of licensure or topical ocular pharmaceutical agents certificate.~~

~~Sec. 4725.091 4725.14. (A) A person who, on the effective date of this section, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate issued by the state board of optometry may continue to engage in the practice of optometry as provided by the certificate of licensure or topical ocular pharmaceutical agents certificate provided he continues to comply with sections 4725.01 to 4725.21 of the Revised Code as required by his certificate of licensure or topical ocular pharmaceutical agents certificate.~~

~~(B) The board shall issue a therapeutic pharmaceutical agents certificate under division (A)(3) of section 4725.09 of the Revised Code to any optometrist who holds a certificate of licensure issued by the board and meets the requirements of divisions (C) and (E) of this section not later than five years after the effective date of this section.~~

~~(C)(1)~~ A licensed The following apply to an optometrist licensed on or before May 19, 1992, who is seeking a therapeutic pharmaceutical agents certificate under division (A)(3) of section 4725.09 4725.13 of the Revised Code who:

(1) If the optometrist does not hold a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed by the board under division (C)(B)(1) of this section 4725.08 of the Revised Code, a three clock-hour course in cardiopulmonary resuscitation, and pass part two the portion of the optometry licensing examination administered accepted by the board under section 4725.08 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

~~(2) A licensed~~ If the optometrist seeking a therapeutic pharmaceutical agents certificate issued under division (A)(3) of section 4725.09 of the Revised Code who holds a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete a thirty clock-hour the course of study in general and ocular pharmacology in accordance with prescribed under division (D) (B)(2) of this section and pass part two the portion of the optometry licensing examination administered accepted by the board under section 4725.08 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

~~(D)(B)~~ The board shall prescribe by rule the course following courses of study provided for by division (C)(2) of this section. The:

(1) an eighty-seven clock-hour course of study to be completed at an institution accredited by a post-secondary education accrediting organization recognized by the board. The course of study shall include instruction in at least the following:

(a) General and ocular pharmacology, including the nature of adverse reactions caused by pharmaceutical agents and emergency steps to be taken in such cases;

(b) Signs, symptoms, and treatment of ocular disease, injury, or abnormality;

(c) Ocular signs and symptoms of systemic disease;

(d) Appropriate criteria for referrals to physicians.

(2) A thirty clock-hour course of study shall emphasize that emphasizes the treatment of ocular disease and shall to be completed at an institution accredited by a regional or professional post-secondary education accreditation organization that is recognized or approved by the council on post-secondary accreditation or the United States department of education or its successor by the board.

~~(E) An optometrist who has completed the appropriate course of study under divisions (C) and (D) of this section may apply to the board to take part two of the licensing examination. Each application shall be on the form prescribed by the board and shall be verified by the oath of the applicant. It shall contain information and evidence satisfactory to the board showing the eligibility of the applicant to take part two of the examination and shall be accompanied by the fee required by section 4725.10 of the Revised Code. In addition to the examination dates the board sets for applicants under division (A)(4) of section 4725.09 of the Revised Code, the board shall set dates on which part two of the examination may be taken by applicants under division (A)(3) of that section. No optometrist shall be permitted by the board to take part two of the examination more than four times.~~

Sec. 4725.15. If the state board of optometry receives notice under division (D) of section 4725.11 of the Revised Code that an applicant has failed four times the licensing examination or part of the examination that must be passed pursuant to section 4725.12 or 4725.14 of the Revised Code, the board shall not give further consideration to the application until the applicant completes thirty hours of remedial training approved by the board in the specific subject area or areas covered by the examination or part of the examination that was failed.

~~Sec. 4725.10~~ 4725.16. (A) The Each certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate issued by the state board of optometry shall charge one hundred ten dollars for each registration and licensing examination. For a licensed optometrist taking only part two of the examination, the board shall charge thirty five dollars expire annually on the last day of December, and may be renewed in accordance with this section and the standard renewal procedure established under Chapter 4745. of the Revised Code.

~~(B) All licensed optometrists shall be required annually to accomplish a complete continuing education program in subjects relating to the practice of the profession of optometry, to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure comprehensive care to the public. The board shall prescribe by rule a the continuing optometric education program for that licensed optometrists to meet this requirement must complete. The length of study shall be determined by the board but shall be not less than six nor more than twenty-five clock hours during the twelve months ending on the last day of September each year, except that the board shall prescribe an additional three five clock hours of instruction in pharmacology to be completed by optometrists who hold topical ocular pharmaceutical agents~~

certificates or therapeutic pharmaceutical agents certificates. ~~At~~

Unless the continuing education required under this division is waived or deferred under division (D) of this section, the continuing education must be completed during the twelve-month period beginning on the first day of October and ending on the last day of September. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of September, and the optometrist wants to use the continuing education completed after that day to renew the license that expires on the last day of December of that year, the optometrist shall pay the penalty specified under section 4725.34 of the Revised Code for late completion of continuing education.

At least once annually, the board shall mail to each licensed optometrist a list of courses approved in accordance with standards prescribed by board rule. Upon the request of a licensed optometrist, the ~~secretary~~ executive director of the board shall supply a list of additional courses which that the board has approved subsequent to the most recent mailing of the list of approved courses.

(C) Annually, by the first day of ~~October~~ November, the board shall mail to each licensed optometrist a notice regarding license renewal and an application for approval for license renewal of his certificate of licensure. The application shall be in such form and require such pertinent professional biographical data as the board may require; except that it shall include evidence of compliance with. Filing of the application with the board shall serve as notice by the optometrist that the continuing optometric education requirement set forth in this division and prescribed by board rule has been successfully completed. The licensee shall complete the application and return it to the board by the twentieth day of October.

If the board finds that the optometrist has not been licensed or that such licensure has been revoked or placed under suspension, or that he has not accomplished completed the prescribed requirement of required continuing optometric education, the board shall disapprove his the optometrist's application except when an application for reinstatement has been approved under this section. All other applications shall be approved. An The board shall refuse to accept an application for renewal from any applicant whose license is not in good standing or who is under disciplinary review pursuant to section 4725.19 Of the Revised Code.

The board's order of disapproval of application for renewal shall be effective without a hearing unless a hearing is requested pursuant to section 119.06 Chapter 119. of the Revised Code. An appeal under section 119.12 of the Revised Code from an order of disapproval shall operate as a

~~suspension of the order and the optometrist's certificate of licensure shall remain in effect until adjudication of the appeal. A copy of the order of disapproval of application~~ Notice of the applicant's failure to qualify for renewal shall be served upon the optometrist applicant by mailing it to him mail, which shall be sent on or before the fifteenth day of November at his to the address shown in his application the board's records.

~~Except as otherwise provided in division (C) of this section~~

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education in cases of certified illness or undue hardship, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving in the armed forces of the United States or who has ~~passed his examination for a~~ received an initial certificate of licensure during the nine-month period which ended on the last day of September.

~~Every registered~~ (E) An optometrist who desires to continue the practice of optometry and whose application ~~for approval~~ for license renewal has been approved by the board may renew each certificate held by paying the fees for renewal specified under section 4725.34 Of the Revised Code. The optometrist shall pay, annually the fees on or before the first day of January; to the treasurer of state a renewal registration fee of one hundred ten dollars; for which he. On payment of the renewal fees, the board shall receive issue a renewal of his the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate. All certificates of licensure shall be renewed according to this section and sections 4745.01 to 4745.03 of the Revised Code. A

~~(F) A notice and application for renewal shall be sent to every registered licensed optometrist who has been approved for renewal by the board, whether a resident or not fails to respond to the notice provided under division (C) of this section, at his the optometrist's last address, at least one month in advance of the date of expiration, and a. A second notice shall be sent in advance of the date of expiration and prior to any forfeiture action under division (G) of this section to classify the optometrist's certificates as delinquent, to every optometrist failing to respond to the first preceding notice. The~~

(G)(1) The failure of any person who is a regularly licensed an

~~optometrist to be approved~~ apply for license renewal by the board or the failure to pay his the applicable annual renewal registration fee in advance fees on or before the last day of December of each year, shall automatically work a forfeiture of his license the optometrist's authority to practice optometry in this state. The certificates issued by the board to the individual shall be classified in the board's records as delinquent.

~~(2) Any optometrist whose license has been revoked under this section shall not be reinstated except upon~~ subject to delinquent classification may submit a written application to the board, submission for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

~~(a) Submit to the board of evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance, approval for renewal by the board, and payment of;~~

~~(b) Pay all delinquent annual registration renewal fees and in addition thereto the sum of seventy five dollars to cover costs of the penalty for reinstatement specified under section 4725.34 Of the Revised Code;~~

~~(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;~~

~~(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.~~

~~(3) The board shall approve an application for reinstatement if the conditions specified in division (G)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs. When the application for restoration of the license is made, the compliance with the continuing optometric education requirement is established, the application for approval for renewal is approved by the board, and all delinquent registration fees and penalties are paid, within three years after the forfeiture, no examination shall be required; but no license shall be restored on application therefor made more than three years after the revocation unless the regular licensing examination for applicants is passed.~~

~~(C) At least once annually the board shall mail to each licensed optometrist who holds a topical ocular pharmaceutical agents certificate or a therapeutic pharmaceutical agents certificate a list of pharmacology courses~~

~~approved in accordance with standards prescribed by board rule. Upon the request of a licensed optometrist so authorized, the secretary of the board shall supply a list of additional courses that the board has approved subsequent to the most recent mailing of the list of approved courses. The board shall not waive the requirement for continuing education in pharmacology.~~

~~The board, under rules adopted in accordance with Chapter 119. of the Revised Code, shall provide for verification of this continuing education requirement; prescribe procedures for renewal, suspension, revocation, and reinstatement of topical ocular pharmaceutical agents certificates and therapeutic pharmaceutical agents certificates; and establish fees for renewal and reinstatement of those certificates.~~

Sec. 4725.17. (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state board of optometry to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice in this state. The board may not accept an application submitted after the applicant's certificate of licensure and any other certificates have expired. The board may approve an application for placement on inactive status only if the applicant's certificates are in good standing and the applicant is not under disciplinary review pursuant to section 4725.19 of the Revised Code.

(B) An individual whose certificates have been placed on inactive status may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(1) Pay the renewal fees for that year and the reinstatement fee specified under section 4725.34 of the Revised Code;

(2) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(3) If the applicant has been practicing optometry in another state or country, submit evidence of being in the active practice optometry in the other state or country and evidence that the applicant's license to practice in the other state or country is in good standing.

(C) The board shall approve an application for reinstatement if the conditions specified in division (B) of this section are met. An optometrist who receives reinstatement is subject to the continuing education

requirements specified under section 4725.16 of the Revised Code for the year in which reinstatement occurs.

~~Sec. 4725.12~~ 4725.18. An applicant for a certificate of licensure who is an optometrist registered or licensed under the laws of another state which, through reciprocity, similarly accredits the holder of a certificate issued by the (A) The state board of optometry of this state to the full privileges of practice within such state, on the payment of a fee of twenty-five dollars to the board and on filing in the office of the board a true and attested copy of the license, certified by the president or secretary of the state board issuing the same, and showing also that the standard of requirements adopted and enforced by the board is equal to that provided for by sections 4725.01 to 4725.21 of the Revised Code, may, in the discretion of the board, without further examination, receive a certificate of licensure provided that such applicant has not previously failed at an examination held by the board of this state. No license shall be issued under this section unless authorized may issue a certificate of licensure and therapeutic pharmaceutical agents certificate to an individual licensed as an optometrist by another state if the board determines that the other state has standards for the practice of optometry that are at least as stringent as the standards established under sections 4725.01 to 4725.34 of the Revised Code and the other state similarly grants licenses to practice optometry to individuals who hold certificates of licensure issued by the board.

(B) To receive a certificate of licensure and therapeutic pharmaceutical agents certificate under this section, an applicant must meet all of the following conditions:

(1) Hold a license to practice optometry from the other state that is in good standing, evidenced by submission of a letter from the licensing agency of the other state;

(2) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(3) Pay the application fees established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;

(4) Submit all transcripts, reports, or other information the board requires;

(5) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic

pharmaceutical agents certificate under this section.

(C) If the applicant meets the conditions specified in division (B) of this section and the board has not previously denied issuance of a license to the applicant, the board may, by an affirmative vote of all the a majority of its members of the board, issue to the applicant a certificate of licensure and therapeutic pharmaceutical agents certificate.

Sec. 4725.11 4725.19. (A) The In accordance with Chapter 119. Of the Revised Code and by an affirmative vote of a majority of its members, the state board of optometry, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to any an applicant and may cancel, revoke, or suspend, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to any person who is the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Guilty of Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) At Being at any time guilty of a felony, gross immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or grossly unprofessional or dishonest conduct in the practice of optometry;

(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;

(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;

(7) Engaging in the practice of optometry as provided in division (A)(1).

(2), or (3) of section 4725.01 Of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;

(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;

(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(10) Failing to maintain comprehensive patient records;

~~(3) Fraudulently advertising~~ (11) Advertising a price of spectacles or eyeglasses, optical accessories, eye examinations, or other products or services by cards, circulars, statements, or otherwise, with intent to any means that would deceive or mislead the public;

~~(4) Addicted~~ (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to incapacitate one for hinder or diminish the performance of the duties of an optometrist included in the person's practice of optometry;

~~(5)~~(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;

~~(6)~~(14) Failing to make a report to the board as required by division (A) of section 4725.111 4725.21 or 4725.112 section 4725.31 of the Revised Code;

~~(7);~~

(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;

(16) Except as provided in division (D) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that ~~provider~~ optometrist.

~~(8)~~(b) Advertising that ~~he~~ the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric

services, would otherwise be required to pay.

~~(B) The board may cancel, revoke, or suspend the operation of any topical ocular pharmaceutical agents certificate granted by it to any licensed optometrist who holds the certificate and is doing either of the following:~~

~~(1) Using a topical ocular pharmaceutical agent that is not listed in division (B) of section 4725.01 of the Revised Code or is using the agent in a potency that exceeds the maximum potency listed in that division;~~

~~(2) Administering topical pharmaceutical agents for any purpose other than the purposes set forth in division (A)(1) of section 4725.01 of the Revised Code.~~

~~(C) The certificate of licensure of any person convicted of a violation of section 4725.02 of the Revised Code shall be revoked automatically.~~

~~(D)~~ Any person who is the holder of a certificate of licensure, or who is an applicant for ~~examination for~~ a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

~~(E) Notwithstanding divisions (A)(7) and (8) of this section, sanctions~~(D) Sanctions shall not be imposed under division (B)(16) of this section against any licensee optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or ~~copays~~ copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. ~~Such~~ Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other ~~person~~ optometrist licensed ~~pursuant to this chapter by the board,~~ to the extent allowed by ~~this chapter~~ sections 4725.01 to 4725.34 Of the Revised Code and the rules of the board.

Sec. ~~4725.60~~ 4725.20. On receipt of a notice pursuant to section 2301.373 of the Revised Code, the state board of optometry shall comply with that section with respect to a license or certificate issued ~~pursuant to by~~ the board under this chapter.

Sec. ~~4725.111~~ 4725.21. (A) If ~~any individual~~ an optometrist licensed ~~under sections 4725.01 to 4725.21 of the Revised Code by the state board of optometry~~ has reason to believe that another ~~individual~~ optometrist licensed ~~under those sections~~ currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes ~~grossly~~ unprofessional conduct under ~~division (A)(2) of section 4725.11~~ 4725.19 of

the Revised Code, or has an addiction ~~as described in division (A)(4) of~~ subject to board action under section 4725.11 4725.19 of the Revised Code, the ~~individual optometrist~~ shall make a report to the ~~state board of optometry. In~~

(B) Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of sections 4725.01 to 4725.34 of the Revised Code or the rules adopted under those sections.

(C) Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(D) In the absence of fraud or bad faith, no individual that person who reports to the board under this section or testifies in any adjudication conducted under Chapter 119. Of the Revised Code shall be liable to any person for damages in a civil action as a result of the report or testimony.

Sec. ~~4725.113~~ 4725.22. ~~Any (A) Each insurer providing professional liability insurance to any person holding a valid therapeutic pharmaceutical agents certificate issued pursuant to an optometrist licensed under this chapter, or any other entity that seeks to indemnify the professional liability of any person holding such a certificate an optometrist licensed under this chapter, shall notify the state board of optometry within thirty days after the final disposition of any written a claim for damages. Such The notice shall contain the following information:~~

~~(A)(1)~~ (1) The name and address of the person submitting the notification;

~~(B)(2)~~ (2) The name and address of the insured who is the subject of the claim;

~~(C)(3)~~ (3) The name of the person filing the written claim;

~~(D)(4)~~ (4) The date of final disposition;

~~(E)(5)~~ (5) If applicable, the identity of the court in which the final disposition of the claim took place.

(B) Each optometrist licensed under this chapter shall notify the board within thirty days of receipt of the final disposition of a claim for damages or any action involving malpractice. The optometrist shall notify the board by registered mail and shall provide all reports and other information required by the board.

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

Sec. 4725.23. (A) The state board of optometry shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 Of the Revised Code or any rule adopted under

those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 Of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an optometrist licensed under by this chapter, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the optometrist refuses to accept delivery.

Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for witnesses in civil cases in the courts of common pleas.

(C) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

ent is given.

Sec. 4725.24. If the secretary of the state board of optometry and the board's supervising member of investigations determine that there is clear and convincing evidence that an optometrist has violated division (B) of section 4725.19 Of the Revised Code and that the optometrist's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend without a prior hearing the optometrist's certificate of licensure and any other certificates held by the optometrist. Written allegations shall be prepared for consideration by the full board.

The board, upon review of those allegations and by an affirmative vote of three members other than the secretary and supervising member may order the suspension without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 Of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 Of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 4725.19 Of the Revised Code and Chapter 119. Of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

Sec. ~~4725.13~~ 4725.25. Sections 4725.01 to ~~4725.21~~ 4725.34 of the Revised Code do not confer on a person who is licensed under this chapter an optometrist the title of medical doctor, physician, surgeon, oculist, ophthalmologist, or any other word or abbreviation indicating that he the optometrist is engaged in the practice of medicine or surgery.

Sec. ~~4725.14~~ 4725.26. Sections ~~4725.01 to 4725.21~~ Division (A) of section 4725.02 of the Revised Code ~~do~~ does not apply to the following:

(A) Physicians or surgeons practicing authorized to practice medicine and surgery or osteopathic medicine and surgery under authority of licenses

~~issued under the laws of this state for the practice of medicine or surgery~~
Chapter 4731. Of the Revised Code;

~~(B) Except as provided in division (B) of section 4725.17 of the Revised Code, persons~~ Persons who sell ~~spectacles and eyeglasses~~ optical accessories but ~~who~~ do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

~~(C) An instructor in a school of optometry that is located in Ohio this state and accredited~~ approved by the state board of optometry under section 4725.10 Of the Revised Code who holds a valid current license to practice optometry from ~~any state~~ a licensing body in another jurisdiction and limits ~~his~~ the practice of optometry to the instruction of ~~optometry~~ students enrolled in the school.

~~(D) A student at a school of optometry located in this state and approved by the board under section 4725.10 of the Revised Code while enrolled in an optometry training program and acting under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.~~

~~Sec. 4725.16~~ 4725.27. The testimony and reports of an optometrist licensed ~~to practice in~~ by the state board of optometry under this state chapter shall be received by any state, county, municipal, school district, or other public board, body, agency, institution, or official and by any private educational or other institution receiving public funds as competent evidence with respect to any matter within the scope of the practice of optometry. No such board, body, agency, official, or institution shall interfere with any individual's right to a free choice of receiving services from either an optometrist or a physician. No such board, body, agency, official, or institution shall discriminate against an optometrist performing procedures that are included in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures.

~~Sec. 4725.17~~ 4725.28. (A) As used in this section, "supplier" means any person who prepares or sells ~~spectacles, eyeglasses, lenses, contact lenses,~~ optical accessories or other vision correcting items, devices, or procedures.

~~(A)(B)~~ A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom ~~he~~ the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. ~~This~~ The prescription shall include the following:

- (1) The date of its issuance;
- (2) Sufficient information to enable the patient to obtain from the

supplier of ~~his~~ the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed.

~~(B)~~(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting.

(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that he the supplier charges for any vision correcting item, device, or procedure. Any such advertisement shall indicate whether the price includes specify the following:

(1) ~~An~~ Whether the advertised item includes an eye examination;

(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses;

(3) In the case of contact lenses, ~~and~~ whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination.

(E) The state board of optometry shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section.

(F) Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section, is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section.

Sec. 4725.29. (A) As used in this section:

(1) "Regional advertisement" means an advertisement published in more than one metropolitan statistical area in this state or broadcast by radio or television stations in more than one metropolitan statistical area in this state.

(2) "National advertisement" means an advertisement published in one or more periodicals or broadcast by one or more radio or television stations in this state and also published in one or more periodicals or broadcast by one or more radio or television stations in another state.

(B) The state board of optometry shall not require any person who sells optical accessories at more than one location to list in any regional or national advertisement the name of the licensed optometrist practicing at a particular location, provided that in addition to the requirement in division (B) of section 4725.13 Of the Revised Code, the name of the optometrist is

prominently displayed at the location.

Sec. ~~4725.18~~ 4725.30. If while examining a person an optometrist detects evidence of an ocular abnormality requiring further diagnosis and or possible treatment by a physician licensed to practice medicine or surgery or osteopathic medicine or surgery under Chapter 4731. of the Revised Code that is not included in the optometrist's practice of optometry, the optometrist shall ~~so~~ advise the patient to see a physician authorized to practice medicine and surgery or osteopathic medicine and surgery. The optometrist shall include in the patient's records an entry specifying that the notice required by this section was given.

Sec. ~~4725.112~~ 4725.31. An individual optometrist licensed ~~under sections 4725.01 to 4725.21 of the Revised Code by the state board of optometry~~ shall promptly report to the state board of optometry any instance of a clinically significant drug-induced side effect in a patient due to ~~such individual's~~ the optometrist's administering, employing, applying, or prescribing a topical ocular or therapeutic pharmaceutical agent to or for the patient. The board, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish reporting procedures and specify the types of side effects to be reported. The information provided to the board shall not include the name of or any identifying information about the patient.

Sec. ~~4725.24~~ 4725.32. ~~(A) No person shall fabricate, distribute, sell, exchange, deliver, or have in his possession with intent to distribute, sell, exchange, or deliver, any eyeglass or sunglass frame, or lens containing cellulose nitrate or any other form of nitrate.~~

~~(B)~~ No person shall distribute, sell, or deliver any eyeglasses or sunglasses manufactured after July 31, 1972, nor shall any person distribute, sell, or deliver eyeglasses after December 31, 1972, or sunglasses after December 31, 1973, which are not fitted with impact-resistant lenses, except in those cases where a physician or optometrist prescribing eyeglasses or sunglasses finds that impact-resistant lenses could not fulfill the visual requirements of a particular patient and directs in writing the use of other lenses, and gives written notification thereof to the patient.

All impact-resistant lenses shall be capable of withstanding an impact test in which a five-eighths inch steel ball weighing approximately fifty-six hundredths of an ounce is dropped from a height of fifty inches upon the horizontal upper surface of the lens in the manner prescribed under ~~the code of federal regulations, title 21, section 3.84.~~

Sec. ~~4725.114~~ 4725.33. (A) An individual whom the state board of optometry licenses, ~~certificates, or otherwise legally authorizes~~ to engage in the practice of optometry may render the professional services of an

optometrist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an ~~individual of that nature~~ optometrist from rendering professional services as an optometrist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state board of optometry adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to ~~4755.53~~ 4755.56 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, psychology, nursing, pharmacy, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry.

Sec. ~~4725.15~~ 4725.34. (A) The state board of optometry shall charge the

following nonrefundable fees:

- (1) One hundred ten dollars for application for a certificate of licensure;
- (2) Twenty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A)(3) of section 4725.13 Of the Revised Code, in which case the fee shall be thirty-five dollars;
- (3) One hundred ten dollars for renewal of a certificate of licensure;
- (4) Twenty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;
- (5) Twenty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;
- (6) Seventy-five dollars for late completion of continuing optometric education;
- (7) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;
- (8) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;
- (9) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in sections 4725.01 to 4725.21 of the Revised Code, provided that such specified in division (A) of this section if the fees do not exceed the amounts permitted by these sections specified by more than fifty per cent.

(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 4725.531. On receipt of a notice pursuant to section 2301.373 Of the Revised Code, the Ohio optical dispensers board shall comply with that section with respect to a license issued by the board pursuant to this chapter.

Sec. 4725.59. (A) Sections 4725.40 to 4725.59 of the Revised Code do not apply to:

(A) Any (1) A physician licensed by the state medical board authorized under Chapter 4731. Of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, or to persons while in the employment

and under the supervision of a physician at ~~his~~ the physician's office;

~~(B) Licensed optometrists~~ (2) An optometrist licensed under sections 4725.01 to ~~4725.16~~ 4725.34 of the Revised Code, or to persons while in the employment and under the supervision of an optometrist at ~~his~~ the optometrist's office.

(B) Nothing in sections 4725.40 to 4725.59 of the Revised Code shall prevent or restrict any individual, firm, or corporation from employing or from engaging in optical dispensing through persons licensed or registered under such sections.

Sec. 4725.99. (A) Whoever violates section 4725.02 of the Revised Code shall be fined not more than five hundred dollars for a first offense; for each subsequent offense such person shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not less than six months nor more than one year.

(B) Whoever violates section 4725.41 of the Revised Code is guilty of a misdemeanor of the second degree for a first offense, and a misdemeanor of the first degree for each subsequent offense.

(C) Whoever violates section 4725.55 or 4725.56 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates division (A) of section 4725.21 of the Revised Code is guilty of a minor misdemeanor for a first offense; for each subsequent offense, such person is guilty of a misdemeanor of the second degree. Any violation constitutes a separate offense on each successive day continued.

(E) Whoever violates ~~division (B) of~~ section ~~4725.24~~ 4725.32 of the Revised Code is guilty of a misdemeanor of the third degree.

(F) Whoever violates section ~~4725.113~~ 4725.22 of the Revised Code is guilty of a minor misdemeanor for a first offense; for each subsequent offense, such person shall be fined up to one thousand dollars.

Sec. 4729.29. (A) Divisions (A) and (B) of section 4729.01 and section 4729.28 of the Revised Code do not do either of the following:

(1) Apply to a licensed health professional authorized to prescribe drugs or prevent a prescriber from personally furnishing the prescriber's patients with drugs, within the prescriber's scope of professional practice, that seem proper to the prescriber.

(2) Apply to the sale of oxygen, peritoneal dialysis solutions, or the sale of drugs that are not dangerous drugs by a retail dealer, in original packages when labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended.

(B) When a prescriber personally furnishes drugs to a patient pursuant

to division (A)(1) of this section, the prescriber shall ensure that the drugs are labeled and packaged in accordance with state and federal drug laws and any rules and regulations adopted pursuant to those laws. Records of purchase and disposition of all drugs personally furnished to patients shall be maintained by the prescriber in accordance with state and federal drug statutes and any rules adopted pursuant to those statutes.

~~(C) Nothing in this chapter prohibits a person who is certified to administer topical ocular pharmaceutical agents under Chapter 4725. of the Revised Code from purchasing, possessing, or administering topical ocular pharmaceutical agents in accordance with Chapter 4725. of the Revised Code.~~

Sec. 4729.51. (A) No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows:

(1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale;

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.

(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:

(a) A licensed health professional authorized to prescribe drugs;

(b) An optometrist licensed under Chapter 4725. Of the Revised Code who holds a topical ocular pharmaceutical agents certificate;

~~(c)~~ A registered wholesale distributor of dangerous drugs;

~~(e)(d)~~ A manufacturer of dangerous drugs;

~~(d)(e)~~ A licensed terminal distributor of dangerous drugs, subject to division (B)(2) of this section;

~~(e)(f)~~ Carriers or warehousemen for the purpose of carriage or storage;

~~(f)(g)~~ Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;

~~(g)(h)~~ An individual who holds a current license, certificate, or registration issued under Title 47 of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the

Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

(2) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except to:

(a) A terminal distributor who has a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(b) A terminal distributor who has a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(c) A terminal distributor who has a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code;

(d) A terminal distributor who has a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4725., 4729., 4731., and 4741. or section 4723.56 of the Revised Code.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title 47 of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes

and rules regulating the individual's profession.

(D) No licensed terminal distributor of dangerous drugs shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs, except as follows:

(1) A licensed terminal distributor of dangerous drugs may make occasional purchases of dangerous drugs for resale from a pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs;

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or receive dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or receipt.

(E) No licensed terminal distributor of dangerous drugs shall engage in the sale or other distribution of dangerous drugs at retail or maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the board of pharmacy to such terminal distributor.

(F) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to collect samples of any drug, regardless of its nature or in whose possession it may be.

Sec. 4729.60. (A) Before a registered wholesale distributor of dangerous drugs may sell dangerous drugs at wholesale to any person, ~~other than a licensed health professional authorized to prescribe drugs, a registered wholesale distributor of dangerous drugs, a manufacturer of dangerous drugs, a carrier or a warehouser but only for the purpose of carriage or storage, or a terminal distributor of dangerous drugs who is not engaged in the sale of dangerous drugs within this state~~ the persons specified in divisions (B)(1)(a) to (d) and (B)(1)(f) to (h) of section 4729.51 Of the Revised Code, such wholesale distributor shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that the purchaser is a licensed terminal distributor of dangerous drugs. The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited category I, II, or III license, the dangerous

drugs that the licensee is authorized to possess, have custody or control of, and distribute.

If no certificate is obtained or furnished before a sale is made, it shall be presumed that the sale of dangerous drugs by the wholesale distributor is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (C) of section 4729.51 of the Revised Code. If a registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs and relies on the certificate in selling dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the wholesale distributor of dangerous drugs shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale.

(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall obtain from the seller and the seller shall furnish to the terminal distributor the number of the seller's registration certificate to engage in the sale of dangerous drugs at wholesale.

If no registration number is obtained or furnished before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (D) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs obtains or is furnished a registration number from a wholesale distributor of dangerous drugs and relies on the registration number in purchasing dangerous drugs at wholesale from the wholesale distributor of dangerous drugs, the terminal distributor shall be deemed not to have violated division (D) of section 4729.51 of the Revised Code in making the purchase.

Sec. 4731.44. ~~(A)~~ As used in this section, "supplier" ~~means a person who prepares or sells spectacles, eyeglasses, lenses, contact lenses, or other vision correcting items, devices, or procedures~~ has the same meaning as in section 4725.28 Of the Revised Code.

~~(A) A doctor of medicine and surgery or of osteopathic medicine and surgery who is licensed~~ (B) An individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery in this state, on completion of a vision examination and diagnosis, shall give each patient for whom the doctor individual prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following:

- (1) The date of its issuance;
- (2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the vision correcting item, device, or procedure that has been prescribed.

~~(B)(C)~~ Any supplier who fills a prescription for contact lenses furnished by ~~a doctor of~~ an individual authorized under this chapter to practice medicine and surgery or a doctor of osteopathic medicine and surgery under this section or by an optometrist under section 4725.17 of the Revised Code shall furnish the patient with written recommendations to return to the prescribing doctor ~~or optometrist~~ for evaluation of the contact lens fitting.

~~(C)(D)~~ Any supplier, including an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or procedure. ~~An advertisement of that nature shall indicate whether the price includes a correcting item, device, or procedure. An advertisement of that nature shall indicate whether the price includes one or more of~~ specify the following:

- (1) ~~An~~ Whether the price includes an eye examination;
- (2) In the case of lenses, whether the price applies to single-vision or multifocal lenses;
- (3) In the case of contact lenses, ~~and~~ whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination.

~~(E)~~ The state medical board shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section.

~~(F)~~ Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section.

Sec. 5903.12. (A) As used in this section:

- (1) "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, ~~4725.10~~ 4725.16, 4725.51, 4731.281, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06,

and 4763.07 of the Revised Code.

(2) "License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a licensee may engage in a profession, occupation, or occupational activity.

(3) "Licensee" means a person to whom all of the following apply:

(a) The person has been issued a license by a licensing agency.

(b) The person is a member of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or a reserve component of the armed forces of the United States.

(c) The person has been called to active duty, whether inside or outside the United States, because of an executive order issued by the president of the United States or an act of congress, for a period in excess of thirty-one days.

(4) "Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.

(5) "Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) Each licensing agency, upon receiving an application from one of its licensees that is accompanied by proper documentation certifying that the licensee has been called to active duty as described in division (A)(3)(c) of this section during the current or a prior reporting period and certifying the length of that active duty, shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

SECTION 2. That existing sections 4725.01, 4725.02, 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.10, 4725.11, 4725.111, 4725.112, 4725.113, 4725.114, 4725.12, 4725.13, 4725.14, 4725.15, 4725.16, 4725.17, 4725.18, 4725.21, 4725.59, 4725.60, 4725.99, 4729.29, 4729.51, 4729.60, 4731.44, and 5903.12 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____