As Introduced

CORRECTED VERSION

136th General Assembly
Regular Session
2025-2026

S. B. No. 36

Senators Cirino, Lang

A BILL

To amend sections 4725.01, 4725.011, 4725.02, 4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 4725.24, 4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 4725.501, 4725.531, and 4725.59, to enact section 4725.012, and to repeal section 4725.131 of the Revised Code to revise the law governing the practice of optometry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4725.01, 4725.011, 4725.02, 4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 4725.24, 4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 4725.501, 4725.531, and 4725.59 be amended and section 4725.012 of the Revised Code be enacted to read as follows:

Sec. 4725.01. As used in ~~this chapter~~sections 4725.01 to 4725.35 of the Revised Code:

(A) The "practice of optometry" means all of the

following:

(1) ~~The application of~~ Applying 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) Employing, applying, administering, and prescribing instruments, devices, and procedures, ~~other than~~ excluding invasive procedures except as provided in division (A)(4) of this section or as provided in section 4725.012 of the Revised Code, for ~~purpose~~ purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other ~~abnormal~~ condition of the visual system;

(3) ~~Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;~~

~~(4)~~ Employing, applying, administering, and prescribing therapeutic pharmaceutical agents or personally furnishing a complete or partial supply of a therapeutic pharmaceutical agent;

~~(5)~~ (4) Administering epinephrine by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock;

(5) Engaging in activities authorized by sections 4725.011 and 4725.012 of the Revised Code;

(6) Designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye;

(7) Assisting an individual in determining the individual's blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist from using any particular type of commercially available glucose-monitoring device~~;~~

~~(6) Designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye~~.

(B) ~~"Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used for evaluative purposes in the practice of optometry or for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system.~~

~~(C)~~ "Therapeutic pharmaceutical agent" means a drug or dangerous drug that is used for evaluation, examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other ~~abnormal~~ condition of the visual system in the practice of optometry by a licensed optometrist~~, and is any of the following:~~

~~(1) An oral drug or dangerous drug in one of the following classifications:~~

~~(a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals;~~

~~(b) Anti-allergy agents;~~

~~(c) Antiglaucoma agents;~~

~~(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous~~

~~drugs that require a prescription but are not controlled substances, and, to the extent~~ . "Therapeutic pharmaceutical agent" does not include a controlled substance, except in the case of an analgesic controlled substance authorized by the state vision professionals board in rules adopted under section 4725.091 of the Revised Code~~, analgesic controlled substances;~~

~~(c) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used only if it is prescribed under all of the following conditions:~~

~~(i) For use in allergy cases;~~

~~(ii) For use by an individual who is eighteen years of age or older;~~

~~(iii) On the basis of an individual's particular episode of illness;~~

~~(iv) In an amount that does not exceed the amount packaged for a single course of therapy.~~

~~(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.~~

~~(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the board under section 4725.09 of the Revised Code~~.

~~(D)~~ (C) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

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

~~(F)~~ (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.

~~(G)~~ (F) "Visual system" means the human eye, its associated structures, and its accessory or subordinate anatomical parts.

~~(H) "Certificate of licensure" means a certificate issued by the board under section 4725.13 of the Revised Code authorizing the holder to engage in the practice of optometry.~~

Sec. 4725.011. ~~In prescribing and dispensing vision correction devices, a~~ A licensed optometrist may employ, apply, administer, prescribe ~~and~~, or dispense any device that ~~has vision correction as its primary purpose but also combines with that purpose the delivery of~~ may be used for the purpose of delivering a ~~drug or dangerous drug~~ therapeutic pharmaceutical agent through the device~~, if the drug delivered by the device would otherwise be a topical ocular pharmaceutical agent or oral therapeutic pharmaceutical agent~~. Devices ~~authorized by~~ to which this section applies include, but are not limited to, ~~vision-correcting~~ the following: contact lenses ~~that deliver such drugs or dangerous drugs~~; punctal plugs; ocular inserts; and medical devices that the state vision professionals board determines are appropriate for use in the practice of optometry.

Sec. 4725.012. (A) Subject to division (C) of this section, a licensed optometrist may employ, apply, administer, or prescribe any of the following procedures for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other condition of the visual system:

(1) Any injection, other than an intravenous or intraocular injection, of a drug or dangerous drug, except that this section does not apply to epinephrine injections authorized under division (A)(4) of section 4725.01 of the Revised Code;

(2) The incision and curettage of a chalazion;

(3) The removal and biopsy of a skin lesion if the lesion has a low risk of malignancy and does not involve the eyelid margin;

(4) The excision or drainage, or both, of a conjunctival cyst or concretion;

(5) Any suturing other than corneal and scleral suturing;

(6) A laser surgery consisting of capsulotomy, trabeculoplasty, or peripheral iridotomy.

(B) The state vision professionals board shall adopt as necessary rules governing the performance of procedures described in division (A) of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall specify both of the following:

(1) The infection control practices to be followed by a licensed optometrist when performing each procedure described in division (A) of this section;

(2) The training requirements that a licensed optometrist must satisfy in order to be eligible to perform each procedure

described in division (A) of this section.

For purposes of a procedure described in division (A)(6) of this section, the training shall consist of at least thirty-two hours of instruction. For all other procedures described in division (A) of this section, the board shall determine the minimum number of hours of instruction.

(C) To be eligible to employ, apply, administer, or prescribe any of the procedures described in division (A) of this section, a licensed optometrist shall demonstrate to the state vision professionals board, in a manner prescribed by the board, that the optometrist satisfies for that procedure the training requirements established in rules adopted under division (B) of this section.

For purposes of a procedure described in division (A)(6) of this section, a licensed optometrist may demonstrate that the optometrist satisfies the training requirements for the procedure by providing to the board evidence of successfully completing such training while enrolled in a school of optometry approved by the board under section 4725.10 of the Revised Code.

Sec. 4725.02. ~~(A)~~ Except as provided in section 4725.26 of the Revised Code, no person shall engage in the practice of optometry, including the determination of the kind of procedure, treatment, or optical accessories needed by a person or the examination of the eyes of any person for the purpose of fitting the same with optical accessories, unless the person holds a current, valid certificate of licensure to practice optometry from the state vision professionals board. No person shall claim to be the lawful holder of a certificate of licensure to practice optometry when in fact the person is not such lawful holder, or impersonate any licensed optometrist.

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

Sec. 4725.09. (A) The state vision professionals board shall adopt rules as it considers necessary to govern the practice of optometry and to administer and enforce sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code. All rules adopted under those sections 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 any oral drugs or dangerous drugs that are therapeutic pharmaceutical agents under division (C)(3) of section 4725.01 of the Revised Code.~~

~~(C)~~ The board shall adopt rules that establish standards to be met and procedures to be followed with respect to the delegation by an optometrist of the performance of an optometric task to a person who is not licensed or otherwise specifically authorized by the Revised Code to perform the task. The rules shall permit an optometrist to delegate the administration of drugs included in the optometrist's scope of practice.

The rules adopted under this division shall provide for all of the following:

(1) On-site supervision when the delegation occurs in an institution or other facility that is used primarily for the

purpose of providing health care, unless the board established a specific exception to the on-site supervision requirement with respect to routine administration of a topical drug;

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;

(3) Training and competency requirements that must be met by the person administering the drugs;

(4) Other standards and procedures the board considers relevant.

~~(D)~~ (C) The board shall adopt rules establishing criminal records checks requirements for applicants under section 4776.03 of the Revised Code.

Sec. 4725.11. (A) The state vision professionals board shall accept as the examination that must be passed to receive a ~~license~~ certificate of licensure 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~~ licensure 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. 4725.12. (A) Each person who desires to commence the practice of optometry in the state shall file with the executive director of the state vision professionals board an application for a certificate of licensure to practice optometry. The application shall be accompanied by the application fee specified under section 4725.34 of the Revised Code and shall contain all information the board considers necessary to determine whether an applicant is qualified to receive the certificate of licensure. The application shall be made upon the form prescribed by the board and shall be verified by the oath of the applicant.

(B) To receive a certificate of licensure to practice optometry, an applicant must meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Complete satisfactorily a course of study of at least six college years;

(3) Graduate from a school of optometry approved by the board under section 4725.10 of the Revised Code;

(4) Pass the licensing examination accepted by the board under section 4725.11 of the Revised Code.

Sec. 4725.121. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under ~~this chapter~~sections 4725.01 to 4725.35 of the Revised Code.

(B) In addition to any other eligibility requirement set forth in ~~this chapter~~sections 4725.01 to 4725.35 of the Revised Code, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4725.13. (A) The state vision professionals board, by an affirmative vote of a majority of its members, shall issue under its seal a certificate of licensure authorizing the holder to engage in the practice of optometry ~~under its seal~~ to every applicant who passes all parts 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 ~~4725.34~~ 4725.35 of the Revised Code.

(B) Each person to whom a certificate of licensure is issued pursuant to this section by the board shall keep the certificate of licensure displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate of licensure to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver, to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.

~~(C) Chapter 4796. of the Revised Code does not apply to certificates issued under division (A)(2) or (3) of this section.~~

Sec. 4725.15. If the state vision professionals board 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 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. 4725.16. (A)(1) Each certificate of licensure ~~for the~~ to practice ~~of~~ optometry issued by the state vision professionals board shall expire on the last day of December of each even-numbered year, and may be renewed in accordance with this section and the standard renewal procedure established under Chapter 4745. of the Revised Code.

(2) An optometrist seeking to continue to practice optometry shall file with the board an application for ~~license~~ renewal of the optometrist's certificate of licensure. The application shall be in such form and require such pertinent professional biographical data as the board may require.

(3)(a) Except as provided in division (A)(3)(b) of this section, in the case of an optometrist seeking renewal who prescribes or personally furnishes analgesic controlled substances authorized pursuant to section 4725.091 of the Revised Code that are opioid analgesics, as defined in section 3719.01 of the Revised Code, the optometrist shall certify to

the board whether the optometrist has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(3)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state vision professionals board pursuant to section 4729.861 of the Revised Code that the license holder has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The license holder does not practice optometry in this state.

(c) If an optometrist certifies to the state vision professionals board that the optometrist has been granted access to the drug database and the board finds through an audit or other means that the optometrist has not been granted access, the board may take action under section 4725.19 of the Revised Code.

(B) All licensed optometrists shall complete continuing education in subjects relating to the practice 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 the continuing optometric education that licensed optometrists must complete. The length of study shall be fifty clock hours each biennial licensing period, including twenty clock hours of instruction in pharmacology~~ to be completed by all licensed optometrists~~.

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 biennial licensing period beginning on the first day of January of each odd-numbered year and ending on the last day of December of each even-numbered year. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of December of an even-numbered year, and the optometrist wants to use the continuing education completed after that day to renew the ~~license~~certificate of licensure, 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 post on its web site and shall mail, or send by electronic 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 executive director of the board shall supply a list of additional courses that the board has approved subsequent to the most recent web site posting, electronic mail transmission, or mailing of the list of approved courses.

(C)(1) Not later than the first day of November of each even-numbered year, the board shall mail or send by electronic mail a notice regarding license renewal to each licensed optometrist who may be eligible for renewal. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If the board knows that the optometrist has completed the required continuing optometric education for the biennium, the board may include with the notice an application for license renewal.

(2) Filing a license renewal application with the board shall serve as notice by the optometrist that the continuing optometric education requirement has been successfully completed. If the board finds that an optometrist has not completed the required continuing optometric education, the board shall disapprove the optometrist's application. The board's disapproval of renewal is effective without a hearing, unless a hearing is requested pursuant to Chapter 119. of the Revised Code.

(3) The board shall refuse to accept an application for renewal from any applicant whose ~~license~~ certificate of licensure is not in good standing or who is under disciplinary review pursuant to section 4725.19 of the Revised Code.

(4) Notice of an applicant's failure to qualify for renewal shall be served upon the applicant by mail to the applicant's last address shown in the board's records.

(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, except that in such cases the board may not waive or defer the continuing education in pharmacology ~~required to be completed by optometrists~~. The board shall waive the requirement of continuing optometric education for any optometrist who is serving on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state or who has received an initial certificate of licensure during the nine-month period which ended on the last day of December of an even-numbered year.

(E) An optometrist whose renewal application has been

approved may renew the ~~license~~ certificate of licensure held by paying to the treasurer of state the ~~fee for~~ renewal fee specified under section 4725.34 of the Revised Code. On payment of ~~all applicable fees~~the renewal fee, the board shall issue a renewal of the optometrist's certificate of licensure.

(F) Not later than the fifteenth day of January of each odd-numbered year, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's ~~license~~ certificate of licensure as expired.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the ~~applicable~~ renewal fee on or before the date of expiration~~,~~ shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of January of the odd-numbered year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the ~~date of~~ expiration date of ~~a~~ an individual's certificate of licensure ~~issued by the board to an individual~~

has passed and the individual has not filed with the board a complete application during the late renewal period, the individual's certificate ~~of licensure~~ shall be classified in the board's records as expired.

(2) Any optometrist whose certificate of licensure has been classified as expired may submit an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay the renewal ~~fees~~ fee for the biennium in which application for reinstatement is made;

(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 (I)(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~~ biennium in which reinstatement occurs.

Sec. 4725.18. (A) The state vision professionals board may issue, by endorsement, a certificate of licensure ~~by endorsement~~

to practice optometry to an individual licensed as an optometrist by a Canadian province if the board determines that the province has standards for the practice of optometry that are at least as stringent as the standards established under sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code and the individual meets the conditions specified in division (B) of this section. The certificate of licensure may be issued only by an affirmative vote of a majority of the board's members.

(B) An individual seeking a certificate of licensure pursuant to division (A) of this section shall submit an application to the board. To receive the certificate of licensure, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B)(1) to (3) of section 4725.12 of the Revised Code to receive a certificate of licensure under that section;

(2) Be licensed to practice optometry by a Canadian province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the province, evidenced by submission of a letter from the licensing agency of the province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry

in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) 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;

(6) Pay the nonrefundable application fee established under section 4725.34 of the Revised Code for a certificate of licensure;

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

(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;

(9) 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 under this section;

(10) Not have been previously denied issuance of a certificate of licensure by the board.

(C) The board shall issue a certificate of licensure in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of optometry in a state that does not issue that license or certificate.

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

(1) Suspend the operation of ~~any~~ a certificate of licensure granted by it to the optometrist;

(2) Permanently revoke the certificate of licensure;

(3) Limit or otherwise place restrictions on the certificate of licensure;

(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.

(6) Require the optometrist to take corrective action courses~~.~~

~~The~~ . The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

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

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

(3) Being guilty of dishonesty or unprofessional 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 ~~a~~ the optometrist's certificate of licensure ~~issued by the board~~;

(7) Engaging in the practice of optometry ~~as provided in section 4725.01 of the Revised Code~~ when the optometrist's certificate of licensure ~~authorizing that practice~~ is under suspension, in which case the board shall permanently revoke the certificate of licensure;

(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;

(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;

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

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

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

~~(15)~~ (14) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend the optometrist's certificate of licensure ~~held by the optometrist~~;

~~(16)~~ (15) 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 optometrist.

(b) Advertising that 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.

~~(17)~~ (16) Failing to comply with the requirements ~~in~~ of section 3719.061 of the Revised Code before issuing for a minor a prescription for an analgesic controlled substance authorized pursuant to section 4725.091 of the Revised Code that is an opioid analgesic, as defined in section 3719.01 of the Revised Code;

~~(18)~~ (17) Violating the rules adopted under section 4725.66 of the Revised Code;

~~(19)~~ (18) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code.

(C) Any person who is the ~~holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges,~~ subject of a proposed action under division (A) of this section shall be furnished by the board with a copy of the ~~complaint~~ board's order proposing the action and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division ~~(B)(16)~~

(B)(15) of this section against any 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 copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code and the rules of the board.

(E) The board shall not refuse to grant a certificate of licensure to practice optometry to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(F) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, the board may issue an order requiring that person to cease and desist from engaging in the violation. Notice of the order shall be mailed by certified mail, return receipt requested, immediately after its issuance to the person subject to the order and to all persons known to be involved in the violation. The board may thereafter publicize or otherwise make known to all interested parties that the order has been issued.

The notice shall specify the particular act, omission, practice, or transaction that is subject to the cease-and-desist order and shall set a date, not more than fifteen days after the date of the order, for a hearing on the continuation or

revocation of the order. The person shall comply with the order immediately upon receipt of notice of the order.

The board may, on the application of a party and for good cause shown, continue the hearing. Chapter 119. of the Revised Code applies to the hearing to the extent that that chapter does not conflict with the procedures set forth in this section. The board shall, within fifteen days after objections are submitted to the hearing officer's report and recommendation, issue a final order either confirming or revoking the cease-and-desist order. The final order may be appealed as provided under section 119.12 of the Revised Code.

The remedy under this division is cumulative and concurrent with the other remedies available under this section.

Sec. 4725.20. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate of licensure to practice optometry issued by the board under this chapter.

Sec. 4725.21. (A) If an optometrist licensed by the state vision professionals board has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code, the optometrist shall make a report to the board.

(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~~ 4725.35 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 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. 4725.23. (A) The state vision professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to ~~4725.34~~ 4725.35 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~~ 4725.35 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 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 under section 119.094 of the Revised Code.

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

The board shall conduct all investigations and proceedings

in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with other licensing boards and governmental agencies that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information shall comply with the same requirements regarding confidentiality as those with which the state vision professionals board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the board or agency that applies when the board or agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about persons whose confidentiality was protected by the state vision professionals board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

Sec. 4725.231. The state vision professionals board may issue a cease-and-desist order against any person engaging in the practice of optometry without having received a license under sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code that the board reasonably suspects has violated, is currently

violating, or is about to violate this chapter. The board's authority to issue a cease-and-desist order under this section is in addition to any action the board may take under section 4725.23 of the Revised Code.

Sec. 4725.24. If the secretary of the state vision professionals board 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. 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 serve a written order of suspension in accordance with sections 119.05 and 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~~ section

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. 4725.25. Sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code do not confer on an optometrist the title of medical doctor, physician, surgeon, oculist, ophthalmologist, or any other word or abbreviation indicating that the optometrist is engaged in the practice of medicine.

Sec. 4725.26. ~~Division (A) of section~~ Section 4725.02 of the Revised Code does not apply to the following:

(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) A nonresident instructor in a school of optometry that is located in this state and approved by the state vision professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school. The state vision professionals board shall not require a nonresident instructor who holds a license in another state to

obtain a license in accordance with Chapter 4796. of the Revised Code to practice optometry in the manner described under this division.

(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts 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.

(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.

(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is acting pursuant to the rules for delegation of optometric tasks adopted under section 4725.09 of the Revised Code.

(G) A nonresident individual who holds in good standing a valid license to practice optometry from a licensing body in another jurisdiction and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When an individual meets the conditions of this division, the individual shall be deemed to hold, during the course of the charitable event, a license to practice optometry from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take

disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the individual or the event's organizer shall notify the board of the individual's intent to engage in the practice of optometry at the event. During the course of the charitable event, the individual's scope of practice is limited to the procedures that an optometrist licensed under this chapter is authorized to perform unless the individual's scope of practice in the other jurisdiction is more restrictive than in this state. If the latter is the case, the individual's scope of practice is limited to the procedures that an optometrist in the other jurisdiction may perform.

The board shall not require a nonresident individual who holds a license in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice optometry as a volunteer in the manner described under this division.

Sec. 4725.27. ~~The testimony and reports of an optometrist licensed by the state vision professionals board under this chapter shall be received by~~ All of the following apply to 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:

(A) The board, body, agency, official, or institution shall receive the testimony and reports of an optometrist licensed by the state vision professionals board as competent evidence with respect to any matter within the scope of the practice of optometry. ~~No such~~

(B) The board, body, agency, official, or institution shall not interfere with any individual's right to a free choice

of receiving services from either an optometrist or a physician. ~~No such~~

(C) The board, body, agency, official, or institution shall not discriminate against an optometrist performing procedures that are included in the practice of optometry ~~as provided in section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures~~.

Sec. 4725.31. An optometrist licensed by the state vision professionals board shall promptly report to the board any instance of a clinically significant drug-induced side effect in a patient due to 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 the patient or any other identifying information about the patient.

Sec. 4725.34. (A) The state vision professionals board shall charge the following nonrefundable fees:

(1) Three hundred fifty dollars for application for a certificate of licensure to practice optometry;

(2) Three hundred fifty dollars for renewal of a certificate of licensure to practice optometry;

(3) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;

(4) One hundred twenty-five dollars for late renewal of a certificate of licensure to practice optometry that has expired;

(5) Additional fees to cover administrative costs incurred by the board, including ~~fees~~ a fee for replacing ~~licenses issued by the board~~ a certificate of licensure to practice optometry and a fee for providing ~~rosters~~ a roster 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 specified in division (A) of this section if the fees do not exceed the amounts 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 created in section 4743.05 of the Revised Code.

Sec. 4725.35. An optometrist ~~licensed~~ who holds a certificate of licensure to practice optometry issued under this chapter may provide telehealth services in accordance with section 4743.09 of the Revised Code.

Sec. 4725.501. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under ~~this chapter~~sections 4725.40 to 4725.59 of the Revised Code.

(B) In addition to any other eligibility requirement set forth in ~~this chapter~~sections 4725.40 to 4725.59 of the Revised Code, each applicant for an initial license shall comply with

sections 4776.01 to 4776.04 of the Revised Code. The state vision professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4725.531. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a ~~license~~ certificate of licensure to practice as a dispensing optician 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:

(1) A physician 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 the physician's office;

(2) An optometrist licensed under sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code, or to persons while in the employment and under the supervision of an optometrist at 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.

Section 2. That existing sections 4725.01, 4725.011, 4725.02, 4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231,

4725.24, 4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 4725.501, 4725.531, and 4725.59 of the Revised Code are hereby repealed.

Section 3. That section 4725.131 of the Revised Code is hereby repealed.

Section 4. The State Vision Professionals Board may take any action it considers appropriate to implement the repeal of section 4725.131 of the Revised Code by this act, but shall do so without limiting or expanding the authority granted under any certificates held by individuals who were authorized to engage in the practice of optometry only as described in division (A)(1) or (2) of section 4725.01 of the Revised Code, as that section existed immediately prior to the effective date of H.B. 509 of the 134th General Assembly.

Section 5. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 4725.13 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

Section 4725.18 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.