

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 129

Senator Cirino

A BILL

To amend sections 4725.01, 4725.011, 4725.02, 1
4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 2
4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 3
4725.21, 4725.23, 4725.231, 4725.24, 4725.25, 4
4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 5
4725.501, 4725.531, and 4725.59; to enact 6
section 4725.012; and to repeal section 4725.131 7
of the Revised Code to revise the law governing 8
the practice of optometry and to amend the 9
versions of sections 4725.13, 4725.18, and 10
4725.26 of the Revised Code that are scheduled 11
to take effect on December 29, 2023, to continue 12
the changes on and after that date. 13

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

Section 1. That sections 4725.01, 4725.011, 4725.02, 14
4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 15
4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 4725.24, 16
4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 4725.501, 17
4725.531, and 4725.59 be amended and section 4725.012 of the 18
Revised Code be enacted to read as follows: 19

Sec. 4725.01. As used in this chapter <u>sections 4725.01 to</u>	20
<u>4725.35 of the Revised Code:</u>	21
(A) The "practice of optometry" means all of the	22
following:	23
(1) The application of <u>Applying</u> optical principles,	24
through technical methods and devices, in the examination of	25
human eyes for the purpose of ascertaining departures from the	26
normal, measuring their functional powers, adapting optical	27
accessories for the aid thereof, and detecting ocular	28
abnormalities that may be evidence of disease, pathology, or	29
injury;	30
(2) Employing, applying, administering, and prescribing	31
instruments, devices, and procedures, other than excluding	32
<u>invasive procedures except as provided in division (A) (4) of</u>	33
<u>this section or as provided in section 4725.012 of the Revised</u>	34
<u>Code, for purpose purposes of examination, investigation,</u>	35
diagnosis, treatment, or prevention of any disease, injury, or	36
other abnormal condition of the visual system;	37
(3) Employing, applying, administering, and prescribing	38
topical ocular pharmaceutical agents;	39
(4) Employing, applying, administering, and prescribing	40
therapeutic pharmaceutical agents <u>or personally furnishing a</u>	41
<u>complete or partial supply of a therapeutic pharmaceutical</u>	42
<u>agent;</u>	43
(5) <u>(4) Administering epinephrine by injection to</u>	44
<u>individuals in emergency situations to counteract anaphylaxis or</u>	45
<u>anaphylactic shock;</u>	46
(5) <u>Engaging in activities authorized by sections 4725.011</u>	47
<u>and 4725.012 of the Revised Code;</u>	48

(6) Designing, fabricating, and fitting artificial eyes or 49
prostheses associated with the appearance or function of the 50
human eye; 51

(7) Assisting an individual in determining the 52
individual's blood glucose level by using a commercially 53
available glucose-monitoring device. Nothing in this section 54
precludes a licensed optometrist from using any particular type 55
of commercially available glucose-monitoring device. 56

~~(6) Designing, fabricating, and fitting artificial eyes or~~ 57
~~prostheses associated with the appearance or function of the~~ 58
~~human eye.~~ 59

~~(B) "Topical ocular pharmaceutical agent" means a drug or~~ 60
~~dangerous drug that is a topical drug and used for evaluative~~ 61
~~purposes in the practice of optometry or for purposes of~~ 62
~~examination, investigation, diagnosis, treatment, or prevention~~ 63
~~of any disease, injury, or other abnormal condition of the~~ 64
~~visual system.~~ 65

~~(C) "Therapeutic pharmaceutical agent" means a drug or~~ 66
dangerous drug that is used for evaluation, examination, 67
investigation, diagnosis, treatment, or prevention of any 68
disease, injury, or other ~~abnormal~~ condition of the visual 69
system in the practice of optometry by a licensed optometrist, 70
and is any of the following. 71

~~(1) An oral drug or dangerous drug in one of the following~~ 72
~~classifications:~~ 73

~~(a) Anti-infectives, including antibiotics, antivirals,~~ 74
~~antimicrobials, and antifungals;~~ 75

~~(b) Anti-allergy agents;~~ 76

(c) Antiglaucoma agents;	77
(d) Analgesics, including only analgesic drugs that are	78
available without a prescription, analgesic drugs or dangerous	79
drugs that require a prescription but are not controlled	80
substances, and, to the extent . "Therapeutic pharmaceutical	81
agent" does not include a controlled substance, except in the	82
case of an analgesic controlled substance authorized by the	83
state vision professionals board in rules adopted under section	84
4725.091 of the Revised Code, analgesic controlled substances;	85
(e) Anti-inflammatories, excluding all drugs or dangerous	86
drugs classified as oral steroids other than methylpredisolone,	87
except that methylpredisolone may be used only if it is	88
prescribed under all of the following conditions:	89
(i) For use in allergy cases;	90
(ii) For use by an individual who is eighteen years of age	91
or older;	92
(iii) On the basis of an individual's particular episode	93
of illness;	94
(iv) In an amount that does not exceed the amount packaged	95
for a single course of therapy.	96
(2) Epinephrine administered by injection to individuals	97
in emergency situations to counteract anaphylaxis or	98
anaphylactic shock. Notwithstanding any provision of this	99
section to the contrary, administration of epinephrine in this	100
manner does not constitute performance of an invasive procedure.	101
(3) An oral drug or dangerous drug that is not included	102
under division (C)(1) of this section, if the drug or dangerous	103
drug is approved, exempt from approval, certified, or exempt	104

~~from certification by the federal food and drug administration— 105~~
~~for ophthalmic purposes and the drug or dangerous drug is— 106~~
~~specified in rules adopted by the board under section 4725.09 of 107~~
~~the Revised Code. 108~~

~~(D)~~ (C) "Controlled substance" has the same meaning as in 109
section 3719.01 of the Revised Code. 110

~~(E)~~ (D) "Drug" and "dangerous drug" have the same meanings 111
as in section 4729.01 of the Revised Code. 112

~~(F)~~ (E) "Invasive procedure" means any procedure that 113
involves cutting or otherwise infiltrating human tissue by 114
mechanical means including surgery, laser surgery, ionizing 115
radiation, therapeutic ultrasound, administering medication by 116
injection, or the removal of intraocular foreign bodies. 117

~~(G)~~ (F) "Visual system" means the human eye, its 118
associated structures, and its accessory or subordinate 119
anatomical parts. 120

~~(H) "Certificate of licensure" means a certificate issued— 121~~
~~by the board under section 4725.13 of the Revised Code— 122~~
~~authorizing the holder to engage in the practice of optometry. 123~~

Sec. 4725.011. ~~In prescribing and dispensing vision— 124~~
~~correction devices, a~~ A ~~licensed optometrist may employ, apply, 125~~
~~administer, prescribe and, or dispense any device that has— 126~~
~~vision correction as its primary purpose but also combines with— 127~~
~~that purpose the delivery of~~ may be used for the purpose of 128
delivering a drug or dangerous drug therapeutic pharmaceutical 129
agent ~~through the device, if the drug delivered by the device— 130~~
~~would otherwise be a topical ocular pharmaceutical agent or oral— 131~~
~~therapeutic pharmaceutical agent. Devices authorized by~~ to which 132
this section applies ~~include, but are not limited to, vision— 133~~

~~correcting the following: contact lenses that deliver such drugs~~ 134
~~or dangerous drugs; punctal plugs; ocular inserts; and medical~~ 135
~~devices that the state vision professionals board determines are~~ 136
~~appropriate for use in the practice of optometry.~~ 137

Sec. 4725.012. (A) Subject to division (C) of this 138
section, a licensed optometrist may employ, apply, administer, 139
or prescribe any of the following procedures for purposes of 140
examination, investigation, diagnosis, treatment, or prevention 141
of any disease, injury, or other condition of the visual system: 142

(1) Any injection, other than an intravenous or 143
intraocular injection, of a drug or dangerous drug, except that 144
this section does not apply to epinephrine injections authorized 145
under division (A)(4) of section 4725.01 of the Revised Code; 146

(2) The incision and curettage of a chalazion; 147

(3) The removal and biopsy of a skin lesion if the lesion 148
has a low risk of malignancy and does not involve the eyelid 149
margin; 150

(4) The excision or drainage, or both, of a conjunctival 151
cyst or concretion; 152

(5) Any suturing other than corneal and scleral suturing; 153

(6) A laser surgery consisting of capsulotomy, 154
trabeculoplasty, or peripheral iridotomy. 155

(B) The state vision professionals board shall adopt as 156
necessary rules governing the performance of procedures 157
described in division (A) of this section. The rules shall be 158
adopted in accordance with Chapter 119. of the Revised Code and 159
shall specify both of the following: 160

(1) The infection control practices to be followed by a 161

licensed optometrist when performing each procedure described in 162
division (A) of this section; 163

(2) The training requirements that a licensed optometrist 164
must satisfy in order to be eligible to perform each procedure 165
described in division (A) of this section. 166

For purposes of a procedure described in division (A) (6) 167
of this section, the training shall consist of at least thirty- 168
two hours of instruction. For all other procedures described in 169
division (A) of this section, the board shall determine the 170
minimum number of hours of instruction. 171

(C) To be eligible to employ, apply, administer, or 172
prescribe any of the procedures described in division (A) of 173
this section, a licensed optometrist shall demonstrate to the 174
state vision professionals board, in a manner prescribed by the 175
board, that the optometrist satisfies for that procedure the 176
training requirements established in rules adopted under 177
division (B) of this section. 178

For purposes of a procedure described in division (A) (6) 179
of this section, a licensed optometrist may demonstrate that the 180
optometrist satisfies the training requirements for the 181
procedure by providing to the board evidence of successfully 182
completing such training while enrolled in a school of optometry 183
approved by the board under section 4725.10 of the Revised Code. 184

Sec. 4725.02. ~~(A)~~—Except as provided in section 4725.26 of 185
the Revised Code, no person shall engage in the practice of 186
optometry, including the determination of the kind of procedure, 187
treatment, or optical accessories needed by a person or the 188
examination of the eyes of any person for the purpose of fitting 189
the same with optical accessories, unless the person holds a 190

current, valid certificate of licensure to practice optometry 191
from the state vision professionals board. No person shall claim 192
to be the lawful holder of a certificate of licensure to 193
practice optometry when in fact the person is not such lawful 194
holder, or impersonate any licensed optometrist. 195

~~(B) No optometrist shall personally furnish a therapeutic 196
pharmaceutical agent to any person, except that a licensed 197
optometrist may personally furnish a therapeutic pharmaceutical 198
agent to a patient if no charge is imposed for the agent or for 199
furnishing it and the amount furnished does not exceed a 200
seventy two hour supply, except that if the minimum available 201
quantity of the agent is greater than a seventy two hour supply, 202
the optometrist may furnish the minimum available quantity. 203~~

Sec. 4725.09. (A) The state vision professionals board 204
shall adopt rules as it considers necessary to govern the 205
practice of optometry and to administer and enforce sections 206
4725.01 to ~~4725.34~~ 4725.35 of the Revised Code. All rules 207
adopted under those sections shall be adopted in accordance with 208
Chapter 119. of the Revised Code. 209

~~(B) The board, in consultation with the state board of 210
pharmacy, shall adopt rules specifying any oral drugs or 211
dangerous drugs that are therapeutic pharmaceutical agents under 212
division (C) (3) of section 4725.01 of the Revised Code. 213~~

~~(C)~~ The board shall adopt rules that establish standards 214
to be met and procedures to be followed with respect to the 215
delegation by an optometrist of the performance of an optometric 216
task to a person who is not licensed or otherwise specifically 217
authorized by the Revised Code to perform the task. The rules 218
shall permit an optometrist to delegate the administration of 219
drugs included in the optometrist's scope of practice. 220

The rules adopted under this division shall provide for 221
all of the following: 222

(1) On-site supervision when the delegation occurs in an 223
institution or other facility that is used primarily for the 224
purpose of providing health care, unless the board established a 225
specific exception to the on-site supervision requirement with 226
respect to routine administration of a topical drug; 227

(2) Evaluation of whether delegation is appropriate 228
according to the acuity of the patient involved; 229

(3) Training and competency requirements that must be met 230
by the person administering the drugs; 231

(4) Other standards and procedures the board considers 232
relevant. 233

~~(D)~~-(C) The board shall adopt rules establishing criminal 234
records checks requirements for applicants under section 4776.03 235
of the Revised Code. 236

Sec. 4725.11. (A) The state vision professionals board 237
shall accept as the examination that must be passed to receive a 238
~~license certificate of licensure~~ to practice optometry in this 239
state the examination prepared, administered, and graded by the 240
national board of examiners in optometry or an examination 241
prepared, administered, and graded by another professional 242
testing organization recognized by the board as being qualified 243
to examine applicants for ~~licenses~~ licensure to practice 244
optometry in this state. The board shall periodically review its 245
acceptance of a licensing examination under this section to 246
determine if the examination and the organization offering it 247
continue to meet standards the board considers appropriate. 248

(B) The licensing examination accepted by the board under 249

this section may be divided into parts and offered as follows:	250
(1) Part one: Tests in basic science, human biology,	251
ocular and visual biology, theoretical ophthalmic, physiological	252
optics, and physiological psychology;	253
(2) Part two: Tests in clinical science, systemic	254
conditions, the treatment and management of ocular disease,	255
refractive oculomotor, sensory integrative conditions,	256
perceptual conditions, public health, the legal issues regarding	257
the clinical practice of optometry, and pharmacology;	258
(3) Part three: Tests in patient care and management,	259
clinical skills, and the visual recognition and interpretation	260
of clinical signs.	261
(C) The licensing examination accepted by the board may be	262
offered in a manner other than the manner specified in division	263
(B) of this section, but if offered in another manner, the	264
examination must test the person sitting for the examination in	265
the areas specified in division (B) of this section and may test	266
the person in other areas.	267
The board may require as a condition of its acceptance of	268
an examination that the examination cover subject matters in	269
addition to those specified in division (B) of this section, if	270
the schools of optometry it approves under section 4725.10 of	271
the Revised Code include the additional subject matters in their	272
prescribed curriculum.	273
(D) The board shall accept direct delivery of the results	274
of the licensing examination from the testing organization	275
administering the examination. The results shall be kept as a	276
permanent part of the board's records maintained pursuant to	277
section 4725.07 of the Revised Code.	278

(E) On request of any person seeking to practice optometry 279
in this state, the board shall provide information on the 280
licensing examination accepted by the board, including 281
requirements that must be met to be eligible to sit for the 282
examination and the dates the examination is offered. 283

Sec. 4725.12. (A) Each person who desires to commence the 284
practice of optometry in the state shall file with the executive 285
director of the state vision professionals board an application 286
for a certificate of licensure to practice optometry. The 287
application shall be accompanied by the application fee 288
specified under section 4725.34 of the Revised Code and shall 289
contain all information the board considers necessary to 290
determine whether an applicant is qualified to receive the 291
certificate of licensure. The application shall be made upon the 292
form prescribed by the board and shall be verified by the oath 293
of the applicant. 294

(B) To receive a certificate of licensure to practice 295
optometry, an applicant must meet all of the following 296
conditions: 297

(1) Be at least eighteen years of age; 298

(2) Complete satisfactorily a course of study of at least 299
six college years; 300

(3) Graduate from a school of optometry approved by the 301
board under section 4725.10 of the Revised Code; 302

(4) Pass the licensing examination accepted by the board 303
under section 4725.11 of the Revised Code. 304

Sec. 4725.121. (A) As used in this section, "license" and 305
"applicant for an initial license" have the same meanings as in 306
section 4776.01 of the Revised Code, except that "license" as 307

used in both of those terms refers to the types of 308
authorizations otherwise issued or conferred under ~~this~~ 309
~~chapter~~ sections 4725.01 to 4725.35 of the Revised Code. 310

(B) In addition to any other eligibility requirement set 311
forth in ~~this chapter~~ sections 4725.01 to 4725.35 of the Revised 312
Code, each applicant for an initial license shall comply with 313
sections 4776.01 to 4776.04 of the Revised Code. The state 314
vision professionals board shall not grant a license to an 315
applicant for an initial license unless the applicant complies 316
with sections 4776.01 to 4776.04 of the Revised Code. 317

Sec. 4725.13. (A) The state vision professionals board, by 318
an affirmative vote of a majority of its members, shall issue 319
under its seal a certificate of licensure authorizing the holder 320
to engage in the practice of optometry ~~under its seal~~ to every 321
applicant who passes all parts of the licensing examination 322
accepted by the board under section 4725.11 of the Revised Code 323
and otherwise complies with the requirements of sections 4725.01 324
to ~~4725.34~~ 4725.35 of the Revised Code. 325

(B) Each person to whom a certificate of licensure is 326
issued pursuant to this section by the board shall keep the 327
certificate of licensure displayed in a conspicuous place in the 328
location at which that person practices optometry and shall 329
whenever required exhibit the certificate of licensure to any 330
member or agent of the board. If an optometrist practices 331
outside of or away from the location at which the optometrist's 332
certificate of licensure is displayed, the optometrist shall 333
deliver, to each person examined or fitted with optical 334
accessories by the optometrist, a receipt signed by the 335
optometrist in which the optometrist shall set forth the amounts 336
charged, the optometrist's post-office address, and the number 337

assigned to the optometrist's certificate of licensure. The 338
information may be provided as part of a prescription given to 339
the person. 340

Sec. 4725.15. If the state vision professionals board 341
receives notice under division (D) of section 4725.11 of the 342
Revised Code that an applicant has failed four times the 343
licensing examination ~~or part of the examination~~ that must be 344
passed pursuant to section 4725.12 of the Revised Code, the 345
board shall not give further consideration to the application 346
until the applicant completes thirty hours of remedial training 347
approved by the board in the specific subject area or areas 348
covered by the examination or part of the examination that was 349
failed. 350

Sec. 4725.16. (A) (1) Each certificate of licensure ~~for the~~ 351
to practice of optometry issued by the state vision 352
professionals board shall expire on the last day of December of 353
each even-numbered year, and may be renewed in accordance with 354
this section and the standard renewal procedure established 355
under Chapter 4745. of the Revised Code. 356

(2) An optometrist seeking to continue to practice 357
optometry shall file with the board an application for ~~license~~ 358
renewal of the optometrist's certificate of licensure. The 359
application shall be in such form and require such pertinent 360
professional biographical data as the board may require. 361

(3) (a) Except as provided in division (A) (3) (b) of this 362
section, in the case of an optometrist seeking renewal who 363
prescribes or personally furnishes analgesic controlled 364
substances authorized pursuant to section 4725.091 of the 365
Revised Code that are opioid analgesics, as defined in section 366
3719.01 of the Revised Code, the optometrist shall certify to 367

the board whether the optometrist has been granted access to the 368
drug database established and maintained by the state board of 369
pharmacy pursuant to section 4729.75 of the Revised Code. 370

(b) The requirement in division (A) (3) (a) of this section 371
does not apply if any of the following is the case: 372

(i) The state board of pharmacy notifies the state vision 373
professionals board pursuant to section 4729.861 of the Revised 374
Code that the license holder has been restricted from obtaining 375
further information from the drug database. 376

(ii) The state board of pharmacy no longer maintains the 377
drug database. 378

(iii) The license holder does not practice optometry in 379
this state. 380

(c) If an optometrist certifies to the state vision 381
professionals board that the optometrist has been granted access 382
to the drug database and the board finds through an audit or 383
other means that the optometrist has not been granted access, 384
the board may take action under section 4725.19 of the Revised 385
Code. 386

(B) All licensed optometrists shall complete continuing 387
education in subjects relating to the practice of optometry, to 388
the end that the utilization and application of new techniques, 389
scientific and clinical advances, and the achievements of 390
research will assure comprehensive care to the public. The board 391
shall prescribe by rule the continuing optometric education that 392
licensed optometrists must complete. The length of study shall 393
be fifty clock hours each biennial licensing period, including 394
twenty clock hours of instruction in pharmacology ~~to be~~ 395
~~completed by all licensed optometrists.~~ 396

Unless the continuing education required under this 397
division is waived or deferred under division (D) of this 398
section, the continuing education must be completed during the 399
biennial licensing period beginning on the first day of January 400
of each odd-numbered year and ending on the last day of December 401
of each even-numbered year. If the board receives notice from a 402
continuing education program indicating that an optometrist 403
completed the program after the last day of December of an even- 404
numbered year, and the optometrist wants to use the continuing 405
education completed after that day to renew the 406
~~license~~certificate of licensure, the optometrist shall pay the 407
penalty specified under section 4725.34 of the Revised Code for 408
late completion of continuing education. 409

At least once annually, the board shall post on its web 410
site and shall mail, or send by electronic mail, to each 411
licensed optometrist a list of courses approved in accordance 412
with standards prescribed by board rule. Upon the request of a 413
licensed optometrist, the executive director of the board shall 414
supply a list of additional courses that the board has approved 415
subsequent to the most recent web site posting, electronic mail 416
transmission, or mailing of the list of approved courses. 417

(C) (1) Not later than the first day of November of each 418
even-numbered year, the board shall mail or send by electronic 419
mail a notice regarding license renewal to each licensed 420
optometrist who may be eligible for renewal. The notice shall be 421
sent to the optometrist's most recent electronic mail or mailing 422
address shown in the board's records. If the board knows that 423
the optometrist has completed the required continuing optometric 424
education for the biennium, the board may include with the 425
notice an application for license renewal. 426

(2) Filing a license renewal application with the board 427
shall serve as notice by the optometrist that the continuing 428
optometric education requirement has been successfully 429
completed. If the board finds that an optometrist has not 430
completed the required continuing optometric education, the 431
board shall disapprove the optometrist's application. The 432
board's disapproval of renewal is effective without a hearing, 433
unless a hearing is requested pursuant to Chapter 119. of the 434
Revised Code. 435

(3) The board shall refuse to accept an application for 436
renewal from any applicant whose ~~license~~ certificate of 437
licensure is not in good standing or who is under disciplinary 438
review pursuant to section 4725.19 of the Revised Code. 439

(4) Notice of an applicant's failure to qualify for 440
renewal shall be served upon the applicant by mail to the 441
applicant's last address shown in the board's records. 442

(D) In cases of certified illness or undue hardship, the 443
board may waive or defer for up to twelve months the requirement 444
of continuing optometric education, except that in such cases 445
the board may not waive or defer the continuing education in 446
pharmacology ~~required to be completed by optometrists~~. The board 447
shall waive the requirement of continuing optometric education 448
for any optometrist who is serving on active duty in the armed 449
forces of the United States or a reserve component of the armed 450
forces of the United States, including the Ohio national guard 451
or the national guard of any other state or who has received an 452
initial certificate of licensure during the nine-month period 453
which ended on the last day of December of an even-numbered 454
year. 455

(E) An optometrist whose renewal application has been 456

approved may renew the ~~license certificate of licensure~~ held by 457
paying to the treasurer of state the ~~fee for renewal fee~~ 458
specified under section 4725.34 of the Revised Code. On payment 459
of ~~all applicable fees~~ the renewal fee, the board shall issue a 460
renewal of the optometrist's certificate of licensure. 461

(F) Not later than the fifteenth day of January of each 462
odd-numbered year, the board shall mail or send by electronic 463
mail a second notice regarding license renewal to each licensed 464
optometrist who may be eligible for renewal but did not respond 465
to the notice sent under division (C) (1) of this section. The 466
notice shall be sent to the optometrist's most recent electronic 467
mail or mailing address shown in the board's records. If an 468
optometrist fails to file a renewal application after the second 469
notice is sent, the board shall send a third notice regarding 470
license renewal prior to any action under division (I) of this 471
section to classify the optometrist's ~~license certificate of~~ 472
licensure as expired. 473

(G) The failure of an optometrist to apply for license 474
renewal or the failure to pay the ~~applicable~~ renewal fee on or 475
before the date of expiration, shall automatically work a 476
forfeiture of the optometrist's authority to practice optometry 477
in this state. 478

(H) The board shall accept renewal applications and 479
renewal fees that are submitted from the first day of January to 480
the last day of January of the odd-numbered year next succeeding 481
the date of expiration. An individual who submits such a late 482
renewal application or fee shall pay the late renewal fee 483
specified in section 4725.34 of the Revised Code. 484

(I) (1) If the ~~date of expiration~~ date of a ~~an individual's~~ 485
certificate of licensure ~~issued by the board to an individual~~ 486

has passed and the individual has not filed with the board a 487
complete application during the late renewal period, the 488
individual's certificate ~~of licensure~~ shall be classified in the 489
board's records as expired. 490

(2) Any optometrist whose certificate of licensure has 491
been classified as expired may submit an application to the 492
board for reinstatement. For reinstatement to occur, the 493
applicant must meet all of the following conditions: 494

(a) Submit to the board evidence of compliance with board 495
rules requiring continuing optometric education in a sufficient 496
number of hours to make up for any delinquent compliance; 497

(b) Pay the renewal ~~fee~~ fee for the biennium in which 498
application for reinstatement is made; 499

(c) Pass all or part of the licensing examination accepted 500
by the board under section 4725.11 of the Revised Code as the 501
board considers appropriate to determine whether the application 502
for reinstatement should be approved; 503

(d) If the applicant has been practicing optometry in 504
another state or country, submit evidence that the applicant's 505
license to practice optometry in the other state or country is 506
in good standing. 507

(3) The board shall approve an application for 508
reinstatement if the conditions specified in division (I) (2) of 509
this section are met. An optometrist who receives reinstatement 510
is subject to the continuing education requirements specified 511
under division (B) of this section for the ~~year~~ biennium in 512
which reinstatement occurs. 513

Sec. 4725.18. (A) The state vision professionals board may 514
issue, by endorsement, a certificate of licensure ~~by endorsement~~ 515

to practice optometry to an individual licensed as an 516
optometrist by another state or a Canadian province if the board 517
determines that the other state or province has standards for 518
the practice of optometry that are at least as stringent as the 519
standards established under sections 4725.01 to ~~4725.34~~ 4725.35 520
of the Revised Code and the individual meets the conditions 521
specified in division (B) of this section. The certificate of 522
licensure may be issued only by an affirmative vote of a 523
majority of the board's members. 524

(B) An individual seeking a certificate of licensure 525
pursuant to this section shall submit an application to the 526
board. To receive the certificate of licensure, an applicant 527
must meet all of the following conditions: 528

(1) Meet the same qualifications that an individual must 529
meet under divisions (B) (1) to (3) of section 4725.12 of the 530
Revised Code to receive a certificate of licensure under that 531
section; 532

(2) Be licensed to practice optometry by a state or 533
province that requires passage of a written, entry-level 534
examination at the time of initial licensure; 535

(3) Be licensed in good standing by the optometry 536
licensing agency of the other state or province, evidenced by 537
submission of a letter from the licensing agency of the other 538
state or province attesting to the applicant's good standing; 539

(4) Provide the board with certified reports from the 540
optometry licensing agencies of all states and provinces in 541
which the applicant is licensed or has been licensed to practice 542
optometry describing all past and pending actions taken by those 543
agencies with respect to the applicant's authority to practice 544

optometry in those jurisdictions, including such actions as 545
investigations, entering into consent agreements, suspensions, 546
revocations, and refusals to issue or renew a license; 547

(5) Have been actively engaged in the practice of 548
optometry, ~~including the use of therapeutic pharmaceutical-~~ 549
~~agents,~~ for at least three years immediately preceding making 550
application under this section; 551

(6) Pay the nonrefundable application fee established 552
under section 4725.34 of the Revised Code for a certificate of 553
licensure; 554

(7) Submit all transcripts, reports, or other information 555
the board requires; 556

(8) Participate in a two-hour instruction session provided 557
by the board on the optometry statutes and rules of this state 558
or pass an Ohio optometry jurisprudence test administered by the 559
board; 560

(9) Pass all or part of the licensing examination accepted 561
by the board under section 4725.11 of the Revised Code, if the 562
board determines that testing is necessary to determine whether 563
the applicant's qualifications are sufficient for issuance of a 564
certificate of licensure under this section; 565

(10) Not have been previously denied issuance of a 566
certificate of licensure by the board. 567

Sec. 4725.19. (A) In accordance with Chapter 119. of the 568
Revised Code and by an affirmative vote of a majority of its 569
members, the state vision professionals board, for any of the 570
reasons specified in division (B) of this section, shall refuse 571
to grant a certificate of licensure to practice optometry to an 572
applicant and may, with respect to a licensed optometrist, do 573

one or more of the following: 574

(1) Suspend the operation of ~~any~~ a certificate of 575
licensure granted by it to the optometrist; 576

(2) Permanently revoke the certificate of licensure; 577

(3) Limit or otherwise place restrictions on the 578
certificate of licensure; 579

(4) Reprimand the optometrist; 580

(5) Impose a monetary penalty. If the reason for which the 581
board is imposing the penalty involves a criminal offense that 582
carries a fine under the Revised Code, the penalty shall not 583
exceed the maximum fine that may be imposed for the criminal 584
offense. In any other case, the penalty imposed by the board 585
shall not exceed five hundred dollars. 586

(6) Require the optometrist to take corrective action 587
courses. 588

~~The~~. The amount and content of corrective action courses 589
shall be established by the board in rules adopted under section 590
4725.09 of the Revised Code. 591

(B) Except as provided in division (E) of this section, 592
the sanctions specified in division (A) of this section may be 593
taken by the board for any of the following reasons: 594

(1) Committing fraud in passing the licensing examination 595
or making false or purposely misleading statements in an 596
application for a certificate of licensure; 597

(2) Being at any time guilty of immorality, regardless of 598
the jurisdiction in which the act was committed; 599

(3) Being guilty of dishonesty or unprofessional conduct 600

in the practice of optometry; 601

(4) Being at any time guilty of a felony, regardless of 602
the jurisdiction in which the act was committed; 603

(5) Being at any time guilty of a misdemeanor committed in 604
the course of practice, regardless of the jurisdiction in which 605
the act was committed; 606

(6) Violating the conditions of any limitation or other 607
restriction placed by the board on a-the optometrist's 608
certificate of licensure ~~issued by the board~~; 609

(7) Engaging in the practice of optometry ~~as provided in-~~ 610
~~section 4725.01 of the Revised Code when the~~ optometrist's 611
certificate of licensure ~~authorizing that practice~~ is under 612
suspension, in which case the board shall permanently revoke the 613
certificate of licensure; 614

(8) Being denied a license to practice optometry in 615
another state or country or being subject to any other sanction 616
by the optometric licensing authority of another state or 617
country, other than sanctions imposed for the nonpayment of 618
fees; 619

(9) Departing from or failing to conform to acceptable and 620
prevailing standards of care in the practice of optometry as 621
followed by similar practitioners under the same or similar 622
circumstances, regardless of whether actual injury to a patient 623
is established; 624

(10) Failing to maintain comprehensive patient records; 625

(11) Advertising a price of optical accessories, eye 626
examinations, or other products or services by any means that 627
would deceive or mislead the public; 628

(12) Being addicted to the use of alcohol, stimulants, 629
narcotics, or any other substance ~~which~~that impairs the 630
intellect and judgment to such an extent as to hinder or 631
diminish the performance of the duties included in the person's 632
practice of optometry; 633

~~(13) Engaging in the practice of optometry as provided in 634~~
~~section 4725.01 of the Revised Code without authority to do so 635~~
~~or, if authorized, in a manner inconsistent with the authority 636~~
~~granted; 637~~

~~(14)~~ Failing to make a report to the board as required by 638
division (A) of section 4725.21 or section 4725.31 of the 639
Revised Code; 640

~~(15)~~ (14) Soliciting patients from door to door or 641
establishing temporary offices, in which case the board shall 642
suspend the optometrist's certificate of licensure ~~held by the~~ 643
~~optometrist; 644~~

~~(16)~~ (15) Except as provided in division (D) of this 645
section: 646

(a) Waiving the payment of all or any part of a deductible 647
or copayment that a patient, pursuant to a health insurance or 648
health care policy, contract, or plan that covers optometric 649
services, would otherwise be required to pay if the waiver is 650
used as an enticement to a patient or group of patients to 651
receive health care services from that optometrist. 652

(b) Advertising that the optometrist will waive the 653
payment of all or any part of a deductible or copayment that a 654
patient, pursuant to a health insurance or health care policy, 655
contract, or plan that covers optometric services, would 656
otherwise be required to pay. 657

~~(17)~~ (16) Failing to comply with the requirements ~~in of~~ 658
section 3719.061 of the Revised Code before issuing for a minor 659
a prescription for an analgesic controlled substance authorized 660
pursuant to section 4725.091 of the Revised Code that is an 661
opioid analgesic, as defined in section 3719.01 of the Revised 662
Code; 663

~~(18)~~ (17) Violating the rules adopted under section 664
4725.66 of the Revised Code; 665

~~(19)~~ (18) A pattern of continuous or repeated violations 666
of division (E) (2) or (3) of section 3963.02 of the Revised 667
Code. 668

(C) Any person who is the ~~holder of a certificate of~~ 669
~~licensure, or who is an applicant for a certificate of licensure~~ 670
~~against whom is preferred any charges, subject of a proposed~~ 671
action under division (A) of this section shall be furnished by 672
the board with a copy of the ~~complaint board's order proposing~~ 673
the action and shall have a hearing before the board in 674
accordance with Chapter 119. of the Revised Code. 675

(D) Sanctions shall not be imposed under division ~~(B) (16)~~ 676
(B) (15) of this section against any optometrist who waives 677
deductibles and copayments: 678

(1) In compliance with the health benefit plan that 679
expressly allows such a practice. Waiver of the deductibles or 680
copayments shall be made only with the full knowledge and 681
consent of the plan purchaser, payer, and third-party 682
administrator. Documentation of the consent shall be made 683
available to the board upon request. 684

(2) For professional services rendered to any other 685
optometrist licensed by the board, to the extent allowed by 686

sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code and the 687
rules of the board. 688

(E) The board shall not refuse to grant a certificate of 689
licensure to practice optometry to an applicant because of a 690
conviction of or plea of guilty to an offense unless the refusal 691
is in accordance with section 9.79 of the Revised Code. 692

(F) If a violation described in this section has caused, 693
is causing, or is about to cause substantial and material harm, 694
the board may issue an order requiring that person to cease and 695
desist from engaging in the violation. Notice of the order shall 696
be mailed by certified mail, return receipt requested, 697
immediately after its issuance to the person subject to the 698
order and to all persons known to be involved in the violation. 699
The board may thereafter publicize or otherwise make known to 700
all interested parties that the order has been issued. 701

The notice shall specify the particular act, omission, 702
practice, or transaction that is subject to the cease-and-desist 703
order and shall set a date, not more than fifteen days after the 704
date of the order, for a hearing on the continuation or 705
revocation of the order. The person shall comply with the order 706
immediately upon receipt of notice of the order. 707

The board may, on the application of a party and for good 708
cause shown, continue the hearing. Chapter 119. of the Revised 709
Code applies to the hearing to the extent that that chapter does 710
not conflict with the procedures set forth in this section. The 711
board shall, within fifteen days after objections are submitted 712
to the hearing officer's report and recommendation, issue a 713
final order either confirming or revoking the cease-and-desist 714
order. The final order may be appealed as provided under section 715
119.12 of the Revised Code. 716

The remedy under this division is cumulative and 717
concurrent with the other remedies available under this section. 718

Sec. 4725.20. On receipt of a notice pursuant to section 719
3123.43 of the Revised Code, the state vision professionals 720
board shall comply with sections 3123.41 to 3123.50 of the 721
Revised Code and any applicable rules adopted under section 722
3123.63 of the Revised Code with respect to a certificate of 723
licensure to practice optometry issued by the board under this 724
chapter. 725

Sec. 4725.21. (A) If an optometrist licensed by the state 726
vision professionals board has reason to believe that another 727
optometrist licensed currently or previously by the board has 728
engaged in any course of treatment or other services to a 729
patient that constitutes unprofessional conduct under section 730
4725.19 of the Revised Code, or has an addiction subject to 731
board action under section 4725.19 of the Revised Code, the 732
optometrist shall make a report to the board. 733

(B) Any person may report to the board in a signed writing 734
any information that the person may have that appears to show a 735
violation of any provision of sections 4725.01 to ~~4725.34~~ 736
4725.35 of the Revised Code or the rules adopted under those 737
sections. 738

(C) Each complaint or allegation of a violation received 739
by the board shall be assigned a case number and shall be 740
recorded by the board. 741

(D) In the absence of fraud or bad faith, no person who 742
reports to the board under this section or testifies in any 743
adjudication conducted under Chapter 119. of the Revised Code 744
shall be liable to any person for damages in a civil action as a 745

result of the report or testimony. 746

Sec. 4725.23. (A) The state vision professionals board 747
shall investigate evidence that appears to show that a person 748
has violated any provision of sections 4725.01 to ~~4725.34~~ 749
4725.35 of the Revised Code or any rule adopted under those 750
sections. Investigations of alleged violations shall be 751
supervised by the member of the board appointed by the board to 752
act as the supervising member of investigations. The supervising 753
member shall not participate in the final vote that occurs in an 754
adjudication of the case. 755

(B) In investigating a possible violation, the board may 756
administer oaths, order the taking of depositions, issue 757
subpoenas, and compel the attendance of witnesses and production 758
of books, accounts, papers, records, documents, and testimony. A 759
subpoena for patient record information shall not be issued 760
without consultation with the attorney general's office and 761
approval of the secretary of the board and the board's 762
supervising member of investigations. Before issuance of a 763
subpoena for patient record information, the secretary and 764
supervising member shall determine whether there is probable 765
cause to believe that the complaint filed alleges a violation of 766
sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code or any 767
rule adopted under those sections and that the records sought 768
are relevant to the alleged violation and material to the 769
investigation. The subpoena may apply only to records that cover 770
a reasonable period of time surrounding the alleged violation. 771

On failure to comply with any subpoena issued by the board 772
and after reasonable notice to the person being subpoenaed, the 773
board may move for an order compelling the production of persons 774
or records pursuant to the Rules of Civil Procedure. 775

A subpoena issued by the board may be served by a sheriff, 776
the sheriff's deputy, or a board employee designated by the 777
board. Service of a subpoena issued by the board may be made by 778
delivering a copy of the subpoena to the person named therein, 779
reading it to the person, or leaving it at the person's usual 780
place of residence. When the person being served is an 781
optometrist licensed under this chapter, service of the subpoena 782
may be made by certified mail, restricted delivery, return 783
receipt requested, and the subpoena shall be deemed served on 784
the date delivery is made or the date the optometrist refuses to 785
accept delivery. 786

Each witness who appears before the board in obedience to 787
a subpoena shall receive the fees and mileage provided for under 788
section 119.094 of the Revised Code. 789

(C) Information received by the board pursuant to an 790
investigation is confidential and not subject to discovery in 791
any civil action. 792

The board shall conduct all investigations and proceedings 793
in a manner that protects the confidentiality of patients and 794
persons who file complaints with the board. The board shall not 795
make public the names or any other identifying information about 796
patients or complainants unless proper consent is given. 797

The board may share any information it receives pursuant 798
to an investigation, including patient records and patient 799
record information, with other licensing boards and governmental 800
agencies that are investigating alleged professional misconduct 801
and with law enforcement agencies and other governmental 802
agencies that are investigating or prosecuting alleged criminal 803
offenses. A board or agency that receives the information shall 804
comply with the same requirements regarding confidentiality as 805

those with which the state vision professionals board must 806
comply, notwithstanding any conflicting provision of the Revised 807
Code or procedure of the board or agency that applies when the 808
board or agency is dealing with other information in its 809
possession. The information may be admitted into evidence in a 810
criminal trial in accordance with the Rules of Evidence, but the 811
court shall require that appropriate measures are taken to 812
ensure that confidentiality is maintained with respect to any 813
part of the information that contains names or other identifying 814
information about persons whose confidentiality was protected by 815
the state vision professionals board when the information was in 816
the board's possession. Measures to ensure confidentiality that 817
may be taken by the court include sealing its records or 818
deleting specific information from its records. 819

Sec. 4725.231. The state vision professionals board may 820
issue a cease-and-desist order against any person engaging in 821
the practice of optometry without having received a license 822
under sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code 823
that the board reasonably suspects has violated, is currently 824
violating, or is about to violate this chapter. The board's 825
authority to issue a cease-and-desist order under this section 826
is in addition to any action the board may take under section 827
4725.23 of the Revised Code. 828

Sec. 4725.24. If the secretary of the state vision 829
professionals board and the board's supervising member of 830
investigations determine that there is clear and convincing 831
evidence that an optometrist has violated division (B) of 832
section 4725.19 of the Revised Code and that the optometrist's 833
continued practice presents a danger of immediate and serious 834
harm to the public, they may recommend that the board suspend 835
without a prior hearing the optometrist's certificate of 836

licensure. Written allegations shall be prepared for 837
consideration by the full board. 838

The board, upon review of those allegations and by an 839
affirmative vote of three members other than the secretary and 840
supervising member may order the suspension without a prior 841
hearing. A telephone conference call may be utilized for 842
reviewing the allegations and taking the vote on the summary 843
suspension. 844

The board shall issue a written order of suspension by 845
certified mail or in person in accordance with section 119.07 of 846
the Revised Code. The order shall not be subject to suspension 847
by the court during pendency of any appeal filed under section 848
119.12 of the Revised Code. If the individual subject to the 849
summary suspension requests an adjudicatory hearing by the 850
board, the date set for the hearing shall be within fifteen 851
days, but not earlier than seven days, after the individual 852
requests the hearing, unless otherwise agreed to by both the 853
board and the individual. 854

Any summary suspension imposed under this ~~division~~section 855
shall remain in effect, unless reversed on appeal, until a final 856
adjudicative order issued by the board pursuant to section 857
4725.19 of the Revised Code and Chapter 119. of the Revised Code 858
becomes effective. The board shall issue its final adjudicative 859
order within sixty days after completion of its hearing. A 860
failure to issue the order within sixty days shall result in 861
dissolution of the summary suspension order but shall not 862
invalidate any subsequent, final adjudicative order. 863

Sec. 4725.25. Sections 4725.01 to ~~4725.34~~4725.35 of the 864
Revised Code do not confer on an optometrist the title of 865
medical doctor, physician, surgeon, oculist, ophthalmologist, or 866

any other word or abbreviation indicating that the optometrist 867
is engaged in the practice of medicine. 868

Sec. 4725.26. ~~Division (A) of section~~ Section 4725.02 of 869
the Revised Code does not apply to the following: 870

(A) Physicians authorized to practice medicine and surgery 871
or osteopathic medicine and surgery under Chapter 4731. of the 872
Revised Code; 873

(B) Persons who sell optical accessories but do not assume 874
to adapt them to the eye, and neither practice nor profess to 875
practice optometry; 876

(C) An instructor in a school of optometry that is located 877
in this state and approved by the state vision professionals 878
board under section 4725.10 of the Revised Code who holds a 879
valid current license to practice optometry from a licensing 880
body in another jurisdiction and limits the practice of 881
optometry to the instruction of students enrolled in the school. 882

(D) A student enrolled in a school of optometry, located 883
in this or another state and approved by the board under section 884
4725.10 of the Revised Code, while the student is participating 885
in this state in an optometry training program provided or 886
sponsored by the school, if the student acts under the direct, 887
personal supervision and control of an optometrist licensed by 888
the board or authorized to practice pursuant to division (C) of 889
this section. 890

(E) An individual who is licensed or otherwise 891
specifically authorized by the Revised Code to engage in an 892
activity that is included in the practice of optometry. 893

(F) An individual who is not licensed or otherwise 894
specifically authorized by the Revised Code to engage in an 895

activity that is included in the practice of optometry, but is 896
acting pursuant to the rules for delegation of optometric tasks 897
adopted under section 4725.09 of the Revised Code. 898

(G) An individual who holds in good standing a valid 899
license to practice optometry from a licensing body in another 900
jurisdiction and is practicing as a volunteer without 901
remuneration during a charitable event that lasts not more than 902
seven days. 903

When an individual meets the conditions of this division, 904
the individual shall be deemed to hold, during the course of the 905
charitable event, a license to practice optometry from the state 906
vision professionals board and shall be subject to the 907
provisions of this chapter authorizing the board to take 908
disciplinary action against a license holder. Not less than 909
seven calendar days before the first day of the charitable 910
event, the individual or the event's organizer shall notify the 911
board of the individual's intent to engage in the practice of 912
optometry at the event. During the course of the charitable 913
event, the individual's scope of practice is limited to the 914
procedures that an optometrist licensed under this chapter is 915
authorized to perform unless the individual's scope of practice 916
in the other jurisdiction is more restrictive than in this 917
state. If the latter is the case, the individual's scope of 918
practice is limited to the procedures that an optometrist in the 919
other jurisdiction may perform. 920

Sec. 4725.27. ~~The testimony and reports of an optometrist-~~ 921
~~licensed by the state vision professionals board under this-~~ 922
~~chapter shall be received by~~ All of the following apply to any 923
state, county, municipal, school district, or other public 924
board, body, agency, institution, or official and by any private 925

educational or other institution receiving public funds: 926

(A) The board, body, agency, official, or institution 927
shall receive the testimony and reports of an optometrist 928
licensed by the state vision professionals board as competent 929
evidence with respect to any matter within the scope of the 930
practice of optometry. ~~No such~~ 931

(B) The board, body, agency, official, or institution 932
shall not interfere with any individual's right to a free choice 933
of receiving services from either an optometrist or a physician. 934
~~No such~~ 935

(C) The board, body, agency, official, or institution 936
shall not discriminate against an optometrist performing 937
procedures that are included in the practice of optometry ~~as~~ 938
~~provided in section 4725.01 of the Revised Code if the~~ 939
~~optometrist is licensed under this chapter to perform those~~ 940
~~procedures.~~ 941

Sec. 4725.31. An optometrist licensed by the state vision 942
professionals board shall promptly report to the board any 943
instance of a clinically significant drug-induced side effect in 944
a patient due to the optometrist's administering, employing, 945
applying, or prescribing a ~~topical ocular or~~ therapeutic 946
pharmaceutical agent to or for the patient. The board, by rule 947
adopted in accordance with Chapter 119. of the Revised Code, 948
shall establish reporting procedures and specify the types of 949
side effects to be reported. The information provided to the 950
board shall not include the name of the patient or any other 951
identifying information about the patient. 952

Sec. 4725.34. (A) The state vision professionals board 953
shall charge the following nonrefundable fees: 954

(1) Three hundred fifty dollars for application for a 955
certificate of licensure to practice optometry; 956

(2) Three hundred fifty dollars for renewal of a 957
certificate of licensure to practice optometry; 958

(3) One hundred twenty-five dollars for late completion or 959
submission, or both, of continuing optometric education; 960

(4) One hundred twenty-five dollars for late renewal of a 961
certificate of licensure to practice optometry that has expired; 962

(5) Additional fees to cover administrative costs incurred 963
by the board, including ~~fees~~ a fee for replacing ~~licenses issued~~
~~by the board~~ a certificate of licensure to practice optometry 964
and a fee for providing ~~rosters~~ a roster of currently licensed 965
optometrists. Such fees shall be established at a regular 966
meeting of the board and shall comply with any applicable 967
guidelines or policies set by the department of administrative 968
services or the office of budget and management. 969
970

(B) The board, subject to the approval of the controlling 971
board, may establish fees in excess of the amounts specified in 972
division (A) of this section if the fees do not exceed the 973
amounts specified by more than fifty per cent. 974

(C) All receipts of the board, from any source, shall be 975
deposited in the state treasury to the credit of the 976
occupational licensing and regulatory fund created in section 977
4743.05 of the Revised Code. 978

Sec. 4725.35. An optometrist ~~licensed who holds a~~ 979
certificate of licensure to practice optometry issued under this 980
chapter may provide telehealth services in accordance with 981
section 4743.09 of the Revised Code. 982

Sec. 4725.501. (A) As used in this section, "license" and 983
"applicant for an initial license" have the same meanings as in 984
section 4776.01 of the Revised Code, except that "license" as 985
used in both of those terms refers to the types of 986
authorizations otherwise issued or conferred under ~~this~~ 987
~~chapter~~ sections 4725.40 to 4725.59 of the Revised Code. 988

(B) In addition to any other eligibility requirement set 989
forth in ~~this chapter~~ sections 4725.40 to 4725.59 of the Revised 990
Code, each applicant for an initial license shall comply with 991
sections 4776.01 to 4776.04 of the Revised Code. The state 992
vision professionals board shall not grant a license to an 993
applicant for an initial license unless the applicant complies 994
with sections 4776.01 to 4776.04 of the Revised Code. 995

Sec. 4725.531. On receipt of a notice pursuant to section 996
3123.43 of the Revised Code, the state vision professionals 997
board shall comply with sections 3123.41 to 3123.50 of the 998
Revised Code and any applicable rules adopted under section 999
3123.63 of the Revised Code with respect to a ~~license~~ 1000
certificate of licensure to practice as a dispensing optician 1001
issued by the board pursuant to this chapter. 1002

Sec. 4725.59. (A) Sections 4725.40 to 4725.59 of the 1003
Revised Code do not apply to: 1004

(1) A physician authorized under Chapter 4731. of the 1005
Revised Code to practice medicine and surgery or osteopathic 1006
medicine and surgery, or to persons while in the employment and 1007
under the supervision of a physician at the physician's office; 1008

(2) An optometrist licensed under sections 4725.01 to 1009
~~4725.34-4725.35~~ of the Revised Code, or to persons while in the 1010
employment and under the supervision of an optometrist at the 1011

optometrist's office. 1012

(B) Nothing in sections 4725.40 to 4725.59 of the Revised 1013
Code shall prevent or restrict any individual, firm, or 1014
corporation from employing or from engaging in optical 1015
dispensing through persons licensed or registered under such 1016
sections. 1017

Section 2. That existing sections 4725.01, 4725.011, 1018
4725.02, 4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 1019
4725.16, 4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 1020
4725.24, 4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 1021
4725.501, 4725.531, and 4725.59 of the Revised Code are hereby 1022
repealed. 1023

Section 3. That section 4725.131 of the Revised Code is 1024
hereby repealed. 1025

Section 4. That the versions of sections 4725.13, 4725.18, 1026
and 4725.26 of the Revised Code that are scheduled to take 1027
effect December 29, 2023, be amended to read as follows: 1028

Sec. 4725.13. (A) The state vision professionals board, by 1029
an affirmative vote of a majority of its members, shall issue 1030
under its seal a certificate of licensure authorizing the holder 1031
to engage in the practice of optometry ~~under its seal~~ to every 1032
applicant who passes all parts of the licensing examination 1033
accepted by the board under section 4725.11 of the Revised Code 1034
and otherwise complies with the requirements of sections 4725.01 1035
to ~~4725.34~~ 4725.35 of the Revised Code. 1036

(B) Each person to whom a certificate of licensure is 1037
issued pursuant to this section by the board shall keep the 1038
certificate of licensure displayed in a conspicuous place in the 1039
location at which that person practices optometry and shall 1040

whenever required exhibit the certificate of licensure to any 1041
member or agent of the board. If an optometrist practices 1042
outside of or away from the location at which the optometrist's 1043
certificate of licensure is displayed, the optometrist shall 1044
deliver, to each person examined or fitted with optical 1045
accessories by the optometrist, a receipt signed by the 1046
optometrist in which the optometrist shall set forth the amounts 1047
charged, the optometrist's post-office address, and the number 1048
assigned to the optometrist's certificate of licensure. The 1049
information may be provided as part of a prescription given to 1050
the person. 1051

~~(C) Chapter 4796. of the Revised Code does not apply to~~ 1052
~~certificates issued under division (A) (2) or (3) of this~~ 1053
~~section.~~ 1054

Sec. 4725.18. (A) The state vision professionals board may 1055
issue, by endorsement, a certificate of licensure ~~by endorsement~~ 1056
to an individual licensed as an optometrist by a Canadian 1057
province if the board determines that the province has standards 1058
for the practice of optometry that are at least as stringent as 1059
the standards established under sections 4725.01 to ~~4725.34~~ 1060
4725.35 of the Revised Code and the individual meets the 1061
conditions specified in division (B) of this section. The 1062
certificate of licensure may be issued only by an affirmative 1063
vote of a majority of the board's members. 1064

(B) An individual seeking a certificate of licensure 1065
pursuant to division (A) of this section shall submit an 1066
application to the board. To receive the certificate of 1067
licensure, an applicant must meet all of the following 1068
conditions: 1069

(1) Meet the same qualifications that an individual must 1070

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. 4725.26. ~~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 1128
who holds a valid current license to practice optometry from a 1129
licensing body in another jurisdiction and limits the practice 1130
of optometry to the instruction of students enrolled in the 1131
school. The state vision professionals board shall not require a 1132
nonresident instructor who holds a license in another state to 1133
obtain a license in accordance with Chapter 4796. of the Revised 1134
Code to practice optometry in the manner described under this 1135
division. 1136

(D) A student enrolled in a school of optometry, located 1137
in this or another state and approved by the board under section 1138
4725.10 of the Revised Code, while the student is participating 1139
in this state in an optometry training program provided or 1140
sponsored by the school, if the student acts under the direct, 1141
personal supervision and control of an optometrist licensed by 1142
the board or authorized to practice pursuant to division (C) of 1143
this section. 1144

(E) An individual who is licensed or otherwise 1145
specifically authorized by the Revised Code to engage in an 1146
activity that is included in the practice of optometry. 1147

(F) An individual who is not licensed or otherwise 1148
specifically authorized by the Revised Code to engage in an 1149
activity that is included in the practice of optometry, but is 1150
acting pursuant to the rules for delegation of optometric tasks 1151
adopted under section 4725.09 of the Revised Code. 1152

(G) A nonresident individual who holds in good standing a 1153
valid license to practice optometry from a licensing body in 1154
another jurisdiction and is practicing as a volunteer without 1155
remuneration during a charitable event that lasts not more than 1156
seven days. 1157

When an individual meets the conditions of this division, 1158
the individual shall be deemed to hold, during the course of the 1159
charitable event, a license to practice optometry from the state 1160
vision professionals board and shall be subject to the 1161
provisions of this chapter authorizing the board to take 1162
disciplinary action against a license holder. Not less than 1163
seven calendar days before the first day of the charitable 1164
event, the individual or the event's organizer shall notify the 1165
board of the individual's intent to engage in the practice of 1166
optometry at the event. During the course of the charitable 1167
event, the individual's scope of practice is limited to the 1168
procedures that an optometrist licensed under this chapter is 1169
authorized to perform unless the individual's scope of practice 1170
in the other jurisdiction is more restrictive than in this 1171
state. If the latter is the case, the individual's scope of 1172
practice is limited to the procedures that an optometrist in the 1173
other jurisdiction may perform. 1174

The board shall not require a nonresident individual who 1175
holds a license in another state to obtain a license in 1176
accordance with Chapter 4796. of the Revised Code to practice 1177
optometry as a volunteer in the manner described under this 1178
division. 1179

Section 5. That the existing versions of sections 4725.13, 1180
4725.18, and 4725.26 of the Revised Code that are scheduled to 1181
take effect December 29, 2023, are hereby repealed. 1182

Section 6. The State Vision Professionals Board may take 1183
any action it considers necessary to convert each valid 1184
certificate of licensure, topical ocular pharmaceutical agents 1185
certificate, and therapeutic pharmaceutical agents certificate 1186
issued under sections 4725.01 to 4725.35 of the Revised Code, as 1187

those sections existed immediately prior to the effective date 1188
of H.B. 509 of the 134th General Assembly and immediately prior 1189
to the effective date of this section, into a certificate of 1190
licensure to practice optometry, in accordance with those 1191
sections as amended, enacted, and repealed by H.B. 509 of the 1192
134th General Assembly and by this act. The conversion of the 1193
certificates does not expand or otherwise alter the authorized 1194
practice of either of the following types of optometrists: 1195

(A) An optometrist who holds a certificate of licensure 1196
authorizing the practice of optometry only as defined in 1197
division (A)(1) of section 4725.01 of the Revised Code, as that 1198
division existed immediately prior to the effective date of H.B. 1199
509 of the 134th General Assembly; 1200

(B) An optometrist who holds a certificate of licensure 1201
and a topical ocular pharmaceutical agents certificate 1202
authorizing the practice of optometry only as defined in 1203
division (A)(2) of section 4725.01 of the Revised Code, as that 1204
division existed immediately prior to the effective date of H.B. 1205
509 of the 134th General Assembly. 1206

Section 7. The General Assembly, applying the principle 1207
stated in division (B) of section 1.52 of the Revised Code that 1208
amendments are to be harmonized if reasonably capable of 1209
simultaneous operation, finds that the following sections, 1210
presented in this act as composites of the sections as amended 1211
by the acts indicated, are the resulting versions of the 1212
sections in effect prior to the effective date of the sections 1213
as presented in this act: 1214

The version of section 4725.13 of the Revised Code that is 1215
scheduled to take effect December 29, 2023, as amended by both 1216
H.B. 509 and S.B. 131 of the 134th General Assembly. 1217

The version of section 4725.18 of the Revised Code that is	1218
scheduled to take effect December 29, 2023, as amended by both	1219
H.B. 509 and S.B. 131 of the 134th General Assembly.	1220