

REFERENCE TITLE: state board of optometry

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1227**

Introduced by  
Senator Shope

### AN ACT

AMENDING SECTIONS 32-1701, 32-1706, 32-1722, 32-1723, 32-1724, 32-1726, 32-1727, 32-1728, 32-1741, 32-1742 AND 32-1748, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF OPTOMETRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1701, Arizona Revised Statutes, is amended to  
3 read:

4 32-1701. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the state board of optometry.

7 2. "CONTACT LENS":

8 (a) MEANS AN OPHTHALMIC LENS THAT IS PRESCRIBED FOR APPLICATION ON  
9 THE ANTERIOR SURFACE OF THE EYE.

10 (b) INCLUDES ANY PLANO LENS, COSMETIC LENS OR THERAPEUTIC LENS.

11 ~~2.~~ 3. "Conviction":

12 (a) Means a judgment of conviction by any state or federal court of  
13 competent jurisdiction in a criminal cause, regardless of whether an  
14 appeal is pending or could be taken. ~~, and~~

15 (b) Includes any judgment or order based on a plea of no contest.

16 4. "DISPENSING" MEANS THE RETAIL DELIVERY OF OPHTHALMIC GOODS TO A  
17 PATIENT.

18 5. "FITTING" MEANS PERFORMING MECHANICAL PROCEDURES AND  
19 MEASUREMENTS NECESSARY TO ADAPT AND FIT CONTACT LENSES AFTER AN EYE  
20 EXAMINATION AND SUPERVISING THE TRIAL WEARING OF THE CONTACT LENSES, WHICH  
21 MAY REQUIRE REVISIONS DURING THE TRIAL PERIOD.

22 ~~3.~~ 6. "Licensee" means a person WHO IS licensed to practice the  
23 profession of optometry pursuant to this chapter.

24 7. "OPHTHALMIC GOODS" MEANS EYEGLASSES, ONE OR MORE EYEGLOSS  
25 COMPONENTS FOR WHICH A PRESCRIPTION IS REQUIRED OR CONTACT LENSES.

26 8. "OPHTHALMIC LENS":

27 (a) MEANS A REFRACTIVE OR NONREFRACTIVE DEVICE TO CORRECT, RELIEVE  
28 OR REMEDY AN ABNORMAL CONDITION OR INEFFICIENCY OF THE EYE OR VISUAL  
29 PROCESS.

30 (b) INCLUDES A SPECTACLE LENS, A CONTACT LENS AND A PROTECTIVE  
31 LENS.

32 9. "OPHTHALMIC SERVICES" MEANS MEASURING, FITTING, ADJUSTING,  
33 FABRICATING OR PRESCRIBING OPHTHALMIC GOODS AFTER AN EYE EXAMINATION.

34 ~~4.~~ 10. "Optometrist" or "doctor of optometry" means a person who  
35 has graduated from an accredited college of optometry.

36 ~~5.~~ 11. "Pharmaceutical" or "pharmaceutical agent" means a  
37 prescription or nonprescription substance or a schedule III controlled  
38 substance used for ~~examination, diagnosis~~ EXAMINING, DIAGNOSING or  
39 ~~treatment of~~ TREATING conditions of the human eye and its adnexa.

40 ~~6. "Practice of the profession of optometry" means:~~

41 ~~(a) The examination or refraction of the human eye and its~~  
42 ~~appendages and the employment of any objective or subjective means or~~  
43 ~~methods other than surgery for the purpose of diagnosing or treating any~~  
44 ~~visual, muscular, neurological or anatomical anomalies of the eye.~~

1 ~~(b) The use of pharmaceutical agents authorized pursuant to this~~  
2 ~~chapter.~~

3 ~~(c) The use of any instrument or device to train the visual system~~  
4 ~~or correct any abnormal condition of the eye or eyes.~~

5 ~~(d) The prescribing, fitting or employment of any lens, prism,~~  
6 ~~frame or mountings for the correction or relief of or aid to the visual~~  
7 ~~function, provided that superficial foreign bodies may be removed from the~~  
8 ~~eye and its appendages.~~

9 ~~(e) The taking of smears of the human eye and its adnexa for~~  
10 ~~culture analysis and the ordering or performing of clinical tests that are~~  
11 ~~appropriate to diagnose, treat or manage conditions of the human eye and~~  
12 ~~its adnexa and that are limited to those CLIA-waived clinical tests~~  
13 ~~approved pursuant to 42 Code of Federal Regulations section 493.15.~~

14 ~~7. "Surgery" means, in reference to the human eye and its~~  
15 ~~appendages, an invasive procedure in which in vivo human tissue is cut,~~  
16 ~~burned, vaporized, removed, coagulated or photodisrupted by use of an~~  
17 ~~electrical cautery, a scalpel, a cryoprobe, a laser or ionizing~~  
18 ~~radiation. Surgery does not include nonsurgical procedures, including the~~  
19 ~~removal of superficial foreign bodies or eyelashes or the use of lasers~~  
20 ~~for diagnostic purposes.~~

21 12. "PRACTICE OF THE PROFESSION OF OPTOMETRY":

22 (a) MEANS EMPLOYING PRIMARY HUMAN EYE CARE PROCEDURES, INCLUDING:

23 (i) EXAMINING, DIAGNOSING AND TREATING NORMAL AND ABNORMAL  
24 CONDITIONS AND DISEASES OF THE EYE AND ITS ADNEXA AND VISUAL SYSTEM.

25 (ii) MEASURING THE POWERS AND RANGE OF VISION OF THE EYE TO  
26 DETERMINE THE ACCOMMODATIVE AND REFRACTIVE STATE AND GENERAL FUNCTION OF  
27 THE EYE.

28 (iii) ADAPTING, SELLING, PRESCRIBING AND DISPENSING FRAMES AND  
29 OPHTHALMIC LENSES IN ALL THEIR FORMS.

30 (iv) ORDERING AND PERFORMING DIAGNOSTIC LABORATORY OR IMAGING  
31 TESTS.

32 (v) PRESCRIBING AND ADMINISTERING PHARMACEUTICAL AGENTS, AS  
33 PROVIDED IN SECTION 32-1706.

34 (vi) PERFORMING PREOPERATIVE AND POSTOPERATIVE CARE FOR THOSE  
35 PROCEDURES THAT ARE EXCLUDED FROM THE PRACTICE OF OPTOMETRY.

36 (vii) PERFORMING ANY PROCEDURE AS SET FORTH BY THE BOARD'S RULES  
37 THAT IS NOT EXCLUDED FROM THE PRACTICE OF OPTOMETRY.

38 (b) DOES NOT INCLUDE LASER PROCEDURES, NONLASER PROCEDURES AND  
39 SURGERIES AS PRESCRIBED IN RULE BY THE BOARD.

40 13. "PRESCRIPTION FOR CONTACT LENSES" MEANS A WRITTEN DIRECTIVE  
41 FROM AN OPTOMETRIST OR PHYSICIAN FOR CONTACT LENSES THAT:

42 (a) MUST INCLUDE THE MANUFACTURER'S BRAND NAME, THE POWER AND BASE  
43 CURVE OF THE CONTACT LENSES, THE NAME AND TELEPHONE NUMBER OF THE  
44 PRESCRIBING OPTOMETRIST OR PHYSICIAN, THE PATIENT'S NAME AND THE  
45 EXPIRATION DATE OF THE PRESCRIPTION.

1 (b) MAY INCLUDE THE DIAMETER, AXIS, ADD POWER, CYLINDER, PERIPHERAL  
2 CURVE, OPTICAL ZONE, EDGE TREATMENT, COATING OR CENTER THICKNESS OF THE  
3 CONTACT LENSES.

4 14. "SURGERY":

5 (a) MEANS A PROCEDURE USING INSTRUMENTS, INCLUDING LASERS,  
6 SCALPELS, OR NEEDLES, IN WHICH HUMAN TISSUE IS OPENED, BURNED, VAPORIZED  
7 OR OTHERWISE ALTERED BY ANY MECHANICAL MEANS, LASER OR IONIZING RADIATION.

8 (b) INCLUDES PROCEDURES USING INSTRUMENTS THAT REQUIRE CLOSING BY  
9 SUTURING, CLAMPING OR ANOTHER DEVICE.

10 (c) DOES NOT INCLUDE A NONINVASIVE PROCEDURE TO REMOVE A  
11 SUPERFICIAL FOREIGN BODY IN THE CONJUNCTIVA, EYELID OR CORNEA.

12 ~~8.~~ 15. "Unprofessional conduct" means:

13 (a) ~~Wilful betrayal of~~ WILFULLY BETRAYING a professional secret or  
14 ~~wilful violation of~~ WILFULLY VIOLATING a privileged communication except  
15 as otherwise required by law.

16 (b) Charging a fee for services not rendered or dividing a  
17 professional fee for patient referrals among health care providers or  
18 health care institutions or between these providers and institutions or a  
19 contractual arrangement that has the same effect. This subdivision does  
20 not prohibit a bona fide lease based on the revenues earned by a licensee.

21 (c) ~~Addiction~~ BEING ADDICTED to, or ~~illegal use of~~ ILLEGALLY USING,  
22 narcotic drugs or ~~use of~~ USING intoxicating beverages to excess or  
23 practicing or attempting to practice the profession of optometry while  
24 under the influence of intoxicating beverages or narcotic drugs.

25 (d) Impersonating another licensee.

26 (e) Knowingly having professional connection with or lending one's  
27 name to a person who is not a licensee.

28 (f) COMMITTING gross negligence, repeated or continuing acts of  
29 negligence or incompetence in the practice of optometry.

30 (g) ENGAGING IN any conduct or practice, including incompetency,  
31 that constitutes a danger to the health, welfare or safety of patients or  
32 the public.

33 (h) Prescribing, dispensing or pretending to use any secret means,  
34 methods, device or instrumentality.

35 (i) Refusing to divulge to the board on demand the means, methods,  
36 device or instrumentality used for optometric examination or therapy.

37 (j) Representing that a manifestly not correctable condition can be  
38 permanently corrected or that a correctable condition can be corrected  
39 within a stated time if this is not accurate.

40 (k) Knowingly making any false or fraudulent statement, written or  
41 oral, in connection with the practice of the profession of optometry,  
42 including advertising.

43 (l) Failing to comply with a board order or consent agreement.

1 (m) COMMITTING fraud, forgery, unsworn falsification, false  
2 swearing or perjury involving a matter before the board or a written  
3 instrument submitted to the board.

4 (n) Wilfully and without legal justification failing to furnish in  
5 a timely manner information that is necessary for the board to conduct an  
6 investigation under this chapter and that has been requested or subpoenaed  
7 by the board.

8 (o) ENGAGING IN conduct that discredits the profession.

9 (p) ENGAGING IN sexual intimacies with a patient in the course of  
10 care or treatment.

11 (q) SEXUALLY HARASSING A PATIENT, FORMER PATIENT, RESEARCH SUBJECT,  
12 SUPERVISEE OR COWORKER, INCLUDING MAKING NONCONSENSUAL SEXUAL ADVANCES,  
13 SEXUAL SOLICITATIONS, REQUESTS FOR SEXUAL FAVORS, OR UNWELCOME COMMENTS OR  
14 GESTURES OR ENGAGING IN ANY OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL  
15 NATURE.

16 ~~(r)~~ (r) Falsely claiming attendance at a required continuing  
17 education course.

18 ~~(s)~~ (s) Soliciting patients by fraudulent or misleading  
19 advertising of any kind.

20 ~~(t)~~ (t) Aiding the practice of optometry by an unlicensed,  
21 incompetent or impaired person.

22 ~~(u)~~ (u) Sharing fees with a person or organization in return for  
23 soliciting customers by that person or organization.

24 ~~(v)~~ (v) Issuing a prescription order contingent on the purchase of  
25 ophthalmic services or materials.

26 Sec. 2. Section 32-1706, Arizona Revised Statutes, is amended to  
27 read:

28 32-1706. Use of pharmaceutical agents

29 A. A licensee may prescribe, dispense and administer  
30 over-the-counter pharmaceuticals and topical prescription pharmaceuticals  
31 ~~subject to the pharmaceutical agent classifications specified~~ AS PROVIDED  
32 in section 32-1728.

33 B. Except as provided in subsection C of this section, a licensee  
34 may prescribe, dispense and administer the following oral prescription  
35 pharmaceuticals for ~~the treatment of~~ TREATING diseases of the eye and its  
36 adnexa for any one patient for each occurrence for a period of not more  
37 than the day limit recommended by the manufacturer or the physicians' desk  
38 reference, unless otherwise specified in this subsection, subject to the  
39 pharmaceutical agent classifications specified in section 32-1728:

40 1. Anti-infectives classified as tetracycline and its derivatives,  
41 cephalosporins, penicillin and its derivatives, macrolides,  
42 fluoroquinolones and antivirals.

43 2. Antihistamines.

44 3. Nonsteroidal anti-inflammatory agents.

1 4. Agents for ~~the treatment of~~ TREATING angle-closure glaucoma,  
2 including carbonic anhydrase inhibitors.

3 5. Steroids in an amount that does not exceed the amount packaged  
4 for a single course of therapy of not more than seven days.

5 C. A licensee may not prescribe, dispense or administer an oral  
6 pharmaceutical specified in subsection B of this section or a controlled  
7 substance as specified in subsection D of this section to a person who is  
8 under six years of age.

9 D. A licensee may prescribe, dispense and administer a schedule III  
10 controlled substance only if it is an analgesic and may prescribe or  
11 administer any controlled substance only if it is an analgesic that is  
12 reclassified from schedule III to schedule II after January 1, 2014.

13 E. A licensee shall not prescribe, dispense or administer the  
14 following prescription substances:

15 1. An oral antifungal.

16 2. An oral antimetabolite.

17 3. EXCEPT FOR STEROIDAL AND NONSTEROIDAL TREATMENT PURSUANT TO THIS  
18 CHAPTER, an oral immunosuppressive.

19 4. A substance administered intravenously.

20 5. Except as provided in subsection F of this section, substances  
21 administered by injection.

22 6. Except as provided in subsection D of this section, a schedule  
23 I, II, IV or V controlled substance.

24 F. A licensee may use epinephrine auto-injectors to counteract an  
25 anaphylactic reaction.

26 Sec. 3. Section 32-1722, Arizona Revised Statutes, is amended to  
27 read:

28 32-1722. Qualifications of applicant; applications

29 A. ~~A person~~ AN APPLICANT FOR LICENSURE who wishes to engage in the  
30 practice of the profession of optometry shall file with the board a  
31 verified application with the required application fee ~~that includes~~ AND  
32 MUST MEET ALL OF THE FOLLOWING:

33 ~~1. The applicant's name, age and address.~~

34 ~~2. Documentation of graduation from a university or college~~

35 1. BE A DOCTORAL GRADUATE OF AN ACCREDITED SCHOOL OF OPTOMETRY that  
36 teaches the profession of optometry and that is accredited by a nationally  
37 accepted accrediting body on optometric education.

38 2. NOT BE GUILTY OF ANY ACT OF UNPROFESSIONAL CONDUCT OR ANY OTHER  
39 CONDUCT THAT WOULD BE GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A  
40 LICENSE UNDER THIS CHAPTER.

41 3. IF THE APPLICANT GRADUATED FROM A RECOGNIZED SCHOOL OF OPTOMETRY  
42 BEFORE AUGUST 31, 1999, PROVIDE documentation of satisfactory completion  
43 of an equivalent course of study that is approved by the board in didactic  
44 education, pharmacology and clinical training in ~~the examination,~~

1 ~~diagnosis~~ EXAMINING, DIAGNOSING and ~~treatment of~~ TREATING conditions of  
2 the human eye and its adnexa and that either:

3 (a) Meets the contemporary educational requirements at ACCREDITED  
4 colleges of optometry ~~in the United States~~.

5 (b) Totals at least ~~one hundred twenty~~ SIXTY hours.

6 4. PROVIDE documentation of the successful passage of a written  
7 examination as prescribed by the board.

8 5. PROVIDE background information on a form prescribed by the  
9 attorney general for the purpose of conducting an investigation into the  
10 existence of prior arrests and convictions.

11 6. ~~Disclosure of~~ DISCLOSE any investigation conducted or pending by  
12 an optometric regulatory board in another jurisdiction ~~in the United~~  
13 ~~States~~.

14 B. On receipt of an application in proper form and ~~containing the~~  
15 ~~information~~ PROOF THAT THE APPLICANT MEETS THE REQUIREMENTS prescribed in  
16 subsection A of this section, the board may investigate the applicant's  
17 HISTORY, ability and experience.

18 C. For the purposes of an investigation that is conducted pursuant  
19 to subsection B of this section, the board may subpoena witnesses,  
20 administer oaths and take testimony with respect to any matter affecting  
21 the application at a hearing held after sufficient notice has been given.

22 D. ~~If the board finds that the applicant has passed the examination~~  
23 ~~provided for under section 32-1724 and that the applicant's ability and~~  
24 ~~experience are satisfactory~~, The board shall issue OR DENY a license BASED  
25 ON THE APPLICATION SUBMITTED.

26 Sec. 4. Section 32-1723, Arizona Revised Statutes, is amended to  
27 read:

28 32-1723. Licensure by endorsement

29 The board shall waive the written examination requirements of this  
30 chapter if all of the following are true:

31 1. The applicant submits a license or a certified copy of a license  
32 to practice optometry issued by the regulatory board of another  
33 jurisdiction of the United States that has licensure requirements that the  
34 board determines meet or exceed the requirements of this chapter.

35 2. The license of the applicant has not been suspended or revoked  
36 by any other licensing jurisdiction ~~of the United States~~ for any cause  
37 that is a ground for suspension or revocation of a license under this  
38 chapter.

39 3. The applicant has been engaged in the practice of the profession  
40 of optometry continuously in the other licensing jurisdiction or in a  
41 United States military branch of service for ~~not less than four of the~~  
42 ~~five~~ AT LEAST TWO years immediately preceding the application.

43 4. The information provided by national data banks designated by  
44 the board has successfully verified the applicant.

1           Sec. 5. Section 32-1724, Arizona Revised Statutes, is amended to  
2 read:

3           32-1724. Examination of applicants

4           ~~A. Licensing examinations shall be conducted and graded according~~  
5 ~~to rules prescribed by the board. The board shall not grade examinations~~  
6 ~~on a curve.~~

7           ~~B.~~ A. The board may give applicants a written examination on  
8 subjects currently being taught in universities or colleges of optometry  
9 as well as on this state's statutes and rules relating to the practice of  
10 THE PROFESSION OF optometry. In lieu of its written examination for  
11 licensure, the board may accept documentation from the national board of  
12 examiners in optometry that shows that an applicant has passed board  
13 designated parts of the national board's examination. To receive a  
14 passing grade on a written examination administered by the board, an  
15 applicant shall receive a grade of ~~not less than~~ AT LEAST seventy-five  
16 ~~per cent~~ PERCENT on the whole written examination and ~~not less than~~ AT  
17 LEAST fifty ~~per cent~~ PERCENT in any one subject.

18           ~~C.~~ B. The board may give applicants a practical examination on  
19 subjects currently being taught in universities or colleges of optometry  
20 and shall give an examination on this state's statutes and rules relating  
21 to optometry. In lieu of its practical examination for licensure, the  
22 board may accept documentation from the national board of examiners in  
23 optometry that shows that the applicant has passed board designated parts  
24 of the national board's examination. To receive a passing grade on a  
25 practical OR JURISPRUDENCE examination, an applicant shall receive a grade  
26 of ~~not less than~~ AT LEAST seventy-five ~~per cent~~ PERCENT.

27           ~~D. Examinations shall be held at least once each year. Notice of~~  
28 ~~examinations shall be given not less than sixty days before the date of~~  
29 ~~examination. The board shall adopt rules to establish conditions under~~  
30 ~~which an applicant who is unable to take the examination and who notifies~~  
31 ~~the board before the date fixed for the examination may take the next~~  
32 ~~examination.~~

33           Sec. 6. Section 32-1726, Arizona Revised Statutes, is amended to  
34 read:

35           32-1726. Renewal of license; continuing education; failure to  
36 renew

37           A. Except as provided in section 32-4301, ~~beginning on September 1,~~  
38 ~~2001,~~ a licensee who wishes to renew a license must do so every other year  
39 on or before the licensee's birthday by submitting a completed renewal  
40 form and the renewal fee prescribed by the board. A licensee who does not  
41 renew a license within thirty days after the licensee's birthday must also  
42 pay a late fee as prescribed by the board. A license expires if the  
43 licensee does not renew the license within four months after the  
44 licensee's birthday. A person who practices optometry in this state after  
45 that person's license has expired is in violation of this chapter.



1 B. As a condition of renewal or reinstatement, each licensee shall  
2 complete thirty-two hours of continuing education as prescribed by the  
3 board. The board shall require continuing education on the subject of  
4 pharmaceutical use for doctors who are authorized by the board to  
5 prescribe, dispense, and administer pharmaceuticals, INCLUDING  
6 OPIOID-RELATED EDUCATION HOURS AS PRESCRIBED IN SECTION 32-3248.02 FOR  
7 LICENSEES WHO HAVE A VALID UNITED STATES DRUG ENFORCEMENT ADMINISTRATION  
8 REGISTRATION NUMBER. The board may waive or adjust the continuing  
9 education requirements for good cause shown.

10 C. To reinstate an expired license, a person must submit a written  
11 application and pay all delinquent biennial fees, all late fees and a  
12 ~~fifty-dollar~~ \$50 penalty fee for each year the license remains  
13 unrenewed. The board shall not require the applicant to pass an initial  
14 licensing examination if the applicant meets the requirements of this  
15 subsection within five years after the license expired.

16 D. A person ~~holding~~ WHO HOLDS a license to practice the profession  
17 of optometry in this state AND who has not engaged in the practice of the  
18 profession of optometry within a ~~five-year~~ FIVE-YEAR period shall pass an  
19 initial licensing examination before the license is renewed.

20 Sec. 7. Section 32-1727, Arizona Revised Statutes, is amended to  
21 read:

22 32-1727. Fees

23 A. The following fees shall be paid to the board:

- 24 1. FOR filing an application for examination, ~~one hundred fifty~~  
25 ~~dollars~~ AN AMOUNT AS ESTABLISHED BY THE BOARD.
- 26 2. FOR license issuance, ~~fee~~ AN AMOUNT as established by the board.
- 27 3. FOR renewal of a license to practice the profession of  
28 optometry, AN AMOUNT as established by the board.
- 29 4. FOR late renewal of a license, AN AMOUNT as established by the  
30 board.
- 31 5. FOR AN application for a license by endorsement, ~~three hundred~~  
32 ~~dollars~~ AN AMOUNT AS ESTABLISHED BY THE BOARD.
- 33 6. FOR A duplicate license, ~~fee, thirty dollars~~ \$30.
- 34 ~~7. Certificates of special qualification, twenty dollars.~~
- 35 ~~8. Duplicate certificates of special qualification, twenty dollars.~~
- 36 ~~9. Optometry statute pamphlet fee, five dollars.~~

37 B. Fees PAID PURSUANT TO THIS SECTION are not refundable.

38 Sec. 8. Section 32-1728, Arizona Revised Statutes, is amended to  
39 read:

40 32-1728. Pharmaceutical agents; use; certificate for renewal

41 A. A licensee WHO IS initially licensed after ~~the effective date of~~  
42 ~~the amendment to this section~~ AUGUST 9, 2001, ~~a licensee licensed by~~  
43 ~~endorsement after the effective date of the amendment to this section~~ or a  
44 licensee who passed an examination conducted by the board for the use of  
45 oral pharmaceutical agents before ~~the effective date of the amendment to~~

1 ~~this section~~ AUGUST 9, 2001 may prescribe, dispense and administer a  
2 pharmaceutical agent subject to the ~~limitations~~ LIMITS provided in this  
3 chapter.

4 B. The board may reissue a certificate for renewal for the use of  
5 pharmaceutical agents for topical diagnostic or topical therapeutic  
6 pharmaceutical agents, or both, to a person who holds an existing  
7 certificate issued on or before ~~the effective date of the amendment to~~  
8 ~~this section and who pays the certificate of special qualification fee~~  
9 ~~prescribed in section 32-1727~~ AUGUST 9, 2001. The certificate may specify  
10 the following:

11 ~~1. Use of no drugs.~~

12 ~~2. Use of topical diagnostic agents.~~

13 ~~3. Use of topical diagnostic and therapeutic agents.~~

14 ~~C. The board may issue a certificate of special qualification to~~  
15 ~~practice optometry without the use of pharmaceutical agents to a person~~  
16 ~~who holds a current license as of July 1, 2000 and who pays the~~  
17 ~~certificate of special qualification fee prescribed in section 32-1727.~~

18 ~~D. The board shall adopt a course of study for certification to use~~  
19 ~~oral pharmaceuticals after consultation with colleges of optometry~~  
20 ~~accredited by a nationally accepted accrediting body on optometric~~  
21 ~~education and with the college of pharmacy at the university of Arizona.~~  
22 ~~The board shall design and implement the course in a manner that requires~~  
23 ~~a licensee who wishes to have the privilege of dispensing, prescribing and~~  
24 ~~administering topical and oral pharmaceutical agents pursuant to this~~  
25 ~~chapter meet the contemporary educational requirements related to~~  
26 ~~pharmaceuticals authorized for licensees pursuant to this chapter at~~  
27 ~~colleges of optometry in the United States and to demonstrate competence~~  
28 ~~in dispensing, prescribing and administering those topical or oral~~  
29 ~~pharmaceutical agents by passing examinations in those areas commensurate~~  
30 ~~with doctoral candidates in colleges of optometry in the United~~  
31 ~~States. The course of study shall teach and certify competence in the~~  
32 ~~prescription and administration of topical or oral pharmaceutical agents~~  
33 ~~pursuant to this chapter. The board shall adopt the course of study and~~  
34 ~~completion requirements to reflect the current course of study and~~  
35 ~~demonstrated competence level of pharmacy programs in colleges of~~  
36 ~~optometry in the United States. The board may offer a course and~~  
37 ~~examination that otherwise meets the requirements of this subsection and~~  
38 ~~that is limited to oral pharmaceuticals for licensees who hold a valid~~  
39 ~~diagnostic and therapeutic topical pharmaceutical permit issued pursuant~~  
40 ~~to subsection A of this section.~~

41 ~~E. The board shall adopt a uniform prescription form for use by all~~  
42 ~~licensees who have the privilege to prescribe, dispense and administer~~  
43 ~~topical pharmaceuticals or oral pharmaceuticals. The prescription form~~  
44 ~~shall indicate the prescribing authority of the licensees and whether the~~  
45 ~~authority includes oral pharmaceuticals, topical pharmaceuticals or both~~

1 ~~oral pharmaceuticals and topical pharmaceuticals. The form shall include~~  
2 ~~the name, address, telephone number, fax number and professional license~~  
3 ~~number of the licensee.~~

4 ~~F. Annually on or before January 1 the state board of optometry~~  
5 ~~shall mail to the Arizona state board of pharmacy the list of all~~  
6 ~~licensees who have been certified to prescribe, dispense and administer~~  
7 ~~either oral pharmaceuticals or topical pharmaceuticals, or both. Within~~  
8 ~~thirty days of any additional certification by the state board of~~  
9 ~~optometry, the state board of optometry shall provide updated lists to the~~  
10 ~~Arizona state board of pharmacy. At the same time the state board of~~  
11 ~~optometry shall send the list to each licensed pharmacy in Arizona,~~  
12 ~~excluding hospital pharmacies, long-term care pharmacies and infusion~~  
13 ~~pharmacies.~~

14 Sec. 9. Section 32-1741, Arizona Revised Statutes, is amended to  
15 read:

16 32-1741. Practicing optometry without a license prohibited;  
17 exception

18 A. It is unlawful for a person to practice the profession of  
19 optometry or to hold himself out to be or assume or attempt to act as a  
20 doctor of optometry without a valid license to practice the profession of  
21 optometry.

22 B. A PERSON IS EXEMPT FROM THE PROVISIONS OF THIS CHAPTER  
23 REGULATING THE PRACTICE OF THE PROFESSION OF OPTOMETRY IF THE PERSON IS  
24 ENROLLED IN A CLINICAL PROGRAM OF AN UNDERGRADUATE OR GRADUATE COURSE OF  
25 STUDY IN OPTOMETRY AT A SCHOOL OR COLLEGE OF OPTOMETRY ACCREDITED BY THE  
26 BOARD AND THE PERSON HAS NOT RECEIVED A DEGREE OF DOCTOR OF OPTOMETRY.

27 C. A PERSON WHO IS EMPLOYED AS A CLINICIAN OR INSTRUCTOR AND WHO  
28 ENGAGES IN THE PRACTICE OF THE PROFESSION OF OPTOMETRY IN THIS STATE MUST  
29 BE LICENSED BY THE BOARD.

30 Sec. 10. Section 32-1742, Arizona Revised Statutes, is amended to  
31 read:

32 32-1742. Registering with board; public registry file;  
33 current information

34 A. Each licensee shall provide the board in writing the addresses  
35 of all permanent and extended temporary locations in which the licensee  
36 practices and the licensee's office telephone numbers, mailing address and  
37 residence address. Any notice required to be given by the board to a  
38 licensee shall be sent by mail OR EMAIL to the licensee's most current  
39 mailing OR EMAIL address shown on the records of the board. The board may  
40 attempt to give or serve notice at any other address or location on file  
41 with the board if service to the mailing OR EMAIL address is unsuccessful.  
42 Service of a required notice is complete on the date of mailing to the  
43 licensee's mailing address OR EMAIL ADDRESS.

1 B. The board shall maintain a current registry of each licensee's  
2 name, office locations, ~~and~~ mailing address AND EMAIL ADDRESS. The  
3 registry is open to the public.

4 C. Each licensee shall give written notice to the board within ~~ten~~  
5 THIRTY CALENDAR days following each change in the licensee's residence  
6 address, mailing address, EMAIL ADDRESS, office location or office  
7 telephone number.

8 Sec. 11. Section 32-1748, Arizona Revised Statutes, is amended to  
9 read:

10 32-1748. Reissuance; reinstatement; modification of  
11 suspension; definition

12 A. On written application and for good cause shown, the board may  
13 issue a new license to a doctor of optometry whose license has been  
14 revoked, ~~OR MAY~~ reissue a license or modify the suspension of any license  
15 to practice optometry that has been suspended.

16 B. A person applying for reinstatement of a revoked license, ~~in~~  
17 ~~addition to the requirements of this section, shall comply with all~~  
18 ~~initial licensing requirements in existence at the time of the application~~  
19 ~~for reinstatement, except those requirements that are inconsistent with~~  
20 ~~this section~~ SHALL MEET THE CURRENT LICENSURE REQUIREMENTS IN THIS STATE.

21 C. The board shall not issue a new license or reissue a license to  
22 a doctor of optometry whose license has been revoked until two years after  
23 the effective date of the revocation, except that if the revocation is  
24 based only on section 32-1743, subsection A, paragraph 1 and the  
25 conviction is ultimately reversed on appeal, the board shall enter an  
26 order vacating the revocation.

27 D. For the purposes of this section, "good cause shown" means that  
28 the person ~~making application~~ APPLYING for reinstatement or reissuance  
29 shall demonstrate through substantial evidence presented to the board that  
30 the person is completely rehabilitated with respect to the conduct that  
31 was the basis of the revocation or suspension of the license.  
32 Demonstration of rehabilitation ~~shall include~~ INCLUDES:

33 1. Evidence that the person has not engaged in any conduct during  
34 the revocation or suspension period that, if the person had been licensed  
35 during that period, would have constituted a basis for revocation or  
36 suspension pursuant to section 32-1743.

37 2. Evidence that, with respect to any criminal conviction that  
38 constituted any part of the basis for the previous revocation or  
39 suspension, the person's civil rights have been fully restored pursuant to  
40 statute or other applicable recognized judicial or gubernatorial order.

41 3. Evidence that restitution has been made to any aggrieved party  
42 as ordered by a court of competent jurisdiction.

43 4. Other evidence of rehabilitation the board deems appropriate.