PART Opt 401 LICENSE RENEWAL

Readopt with amendment Opt 401.01 through Opt 401.04, effective 9-16-17 (Document #12383), to read as follows:

Opt 401.01 Expiration of License. A license shall ~~automatically expire on July 1 every 2 years, unless prior to that time the board receives an application for license renewal pursuant to this chapter~~ ***expire in accordance with Plc 308.01***.

Opt 401.02 ***Eligibility for*** Renewal of License. ~~On or before June 30 of each year in which a license is due to expire, any licensee wishing to renew a license shall submit the renewal application form supplied by the board along with the fee specified by Opt 303.01 Table 303.1 and proof of completion of continuing education.~~ ***Licensees shall be eligible to renew their license in accordance with Plc 308.02.***

Opt 401.03 ***License*** Renewal~~Application~~.

(a) ~~Before May 1 of each year in which a license is due to expire, the board shall mail to every optometrist licensed in the state a renewal application pursuant to RSA 327:13.~~ ***Applications for license renewal shall be processed as described in Plc 308.07 and Plc 308.09 through Plc 308.12.***

(b) The licensee ***wishing to renew their license*** shall ~~file a renewal application form provided by the board and tender the renewal fee specified by Opt 303.01 Table 303.1 Fee Schedule.~~ ***complete and submit the following to the office of professional licensure and certification (OPLC):***

(1) The "Universal Application for License Renewal" required by Plc 308.05(b)(1); and

(2) The "Optometry Addendum to the Universal Application for License Renewal" , effective x/xxxx, attesting to the following:

a. The applicant has earned 50 hours of continuing education each year of licensure in accordance with Opt 402;

b. The applicant is currently certified in cardiopulmonary resuscitation (CPR) as required by Opt 402.03(a); and

c. If the applicant holds a DEA license, the applicant has completed the continuing education as required by RSA 318-B:41, VI;

(3) The fees required by Plc 1001.08 and Plc 1002.37.

~~(c) The licensee shall provide the following on or with the renewal application form:~~

~~(1) Name of the optometrist who is renewing;~~

~~(2) Office address(es) and phone number(s) of the optometrist who is renewing;~~

~~(3) A statement indicating whether the applicant is actively practicing optometry;~~

~~(4) Home address of the optometrist who is renewing;~~

~~(5) A statement that the information included in the applicant's initial application has not changed except to the extent it has been previously disclosed to the board or is disclosed and described in an attachment to the renewal application;~~

~~(6) Whether the applicant has been the subject of disciplinary action, or has been denied a license or surrendered a license in any state or jurisdiction during the past 12 months; and~~

~~(7) Signature of applicant and date signed.~~

Opt 401.04 Reinstatement of License.

(a) A licensee who fails to renew the license before ***the date the license expires, but not more than one year from the date of expiration shall apply as directed in Opt 401.03.*** ~~July 1 of the year in which the license expires may request reinstatement by the board.~~

~~(b) If the license of an applicant applying for reinstatement of license has been lapsed for more than 30 days, the applicant for reinstatement shall provide on or with a "O.D. Reinstatement Application" form, effective August 2017, provided by the board~~

~~(1) A completed reinstatement application including the same information required in Opt 301.02(a)-(s) excluding Opt 301.02(c)-(g), (j) and (o);~~

~~(2). Proof of completion of continuing education which meets the requirements of Opt 402; and~~

~~(3) The fee for reinstatement as specified in Opt 303.01 Tabled 303.1 Fee Schedule~~

~~(c) Applicants for reinstatement of a revoked license shall have the burden of persuading the board that the actions which were the basis for the original disciplinary action have been satisfactorily remediated, that no additional charges of misconduct are pending, and that the applicant meets all the character and competency requirements of an applicant for initial licensure.~~

~~(d)~~***(b)*** If the license of an applicant applying for ~~reinstatement of license~~ ***a license that has*** been lapsed for ~~30 days or less, the applicant shall only be required to submit the following~~ ***more than one year the applicant shall apply for initial license as required by Plc 304 and shall complete the following continuing education***:

(1) ***If the applicant's prior license lapsed for 12 to 24 months, the applicant shall complete 50 hours of continuing education that meets the requirements of Opt 402.02;*** ~~The completed "O.D. 30 Day Reinstatement Application" form, effective August 2017, including the same information required in Opt 301.02(a)-(s) excluding (c)-(h), (j)-(k) and (o)~~

(2) ***If the applicant's prior license lapsed for more than 24 months, the applicant shall complete 100 hours of continuing education that meets the requirements of Opt 402.02.*** ~~The payment of the reinstatement fee as specified in Opt 303.01 Table 303.1 Fee Schedule; and~~

~~(3) Proof of completion of continuing education which meets the requirements of Opt 402.~~

Repeal Opt 401.05, effective 9-16-17 (Document #12383), as follows:

~~Opt 401.05 Denial of Renewal. The board shall deny an application for renewal of a license, after providing notice to the applicant of the opportunity to be heard, in the event that the board receives information which is supported by the preponderance of the evidence that:~~

~~(a) The applicant's continuing competency has not been demonstrated as required by Opt 402;~~

~~(b) The applicant has failed to provide materially complete or materially accurate information on the renewal application;~~

~~(c) Discipline has been imposed under Opt 501.05 for any unethical act; or~~

~~(d) Reasons exist for which an initial application could be denied under Opt 301.04.~~

Readopt with amendment and renumber Opt 401.06, effective 9-16-17 (Document #12383), as Opt 401.05 to read as follows:

Opt 401.0~~6~~***5*** Renewal of Registration of Out of State Contact Lens Dispensers.

(a) Registration as an out of state contact lens dispenser shall expire ~~on June 30 of each year unless prior to that time the board has granted renewal of the registration~~ ***in accordance with Plc 308.01***.

(b) Any registrant wishing to renew a registration shall ~~file the renewal application form specified in Opt 401.07 on or before June 30 of each year along with the fee specified in Opt 303.01~~ ***complete and submit to the OPLC the "Universal Application for License Renewal" required by Plc 308.05(b)(1)***.

(c) ~~Failure of a registrant to renew on or before June 30 shall cause the registration to lapse. The registration shall not be renewed and the business shall be required to apply for registration as specified in~~ ***Registrants who fail to renew their registration for more than one year after expiration shall be required to apply for an initial registration as described in Plc 304.***

Repeal Opt 401.07, effective 9-16-17 (Document #12383), to read as follows:

~~Opt 401.07 Renewal Application for Out of State Contact Lens Dispensers. Applicants for renewal of an out of state contact lens dispenser registration shall provide the following on a form supplied by the board:~~

~~(a) Name and address of business;~~

~~(b) Telephone number of business;~~

~~(c) Signature of principal business owner; and~~

~~(d) Any changes from the original application as identified in Opt 304.01.~~

Adopt new Opt 402.01, to read as follows:

Opt 402.01 Definitions.

(a) "Formal CE" means participation in workshops, seminars, conferences, courses, and related facility based in-services, such as hospital rounds or its equivalent, provided in-person or online, given by the American Academy of Optometry, the American Optometric Association, or any of its state or regional

affiliates, any accredited college of optometry, medicine, or pharmacy, or approved by the Council on Optometric Practitioner Education (COPE). Courses designated as PM (Practice Management) are excluded.

(b) "Independent study" means continuing education hours accumulated through optometric, medical, pharmacy journals, textbooks, literature, and practice management courses.

(c) "Synchronous" means happening, existing, or arising at precisely the same time.

(d) "Asynchronous" means not simultaneous or concurrent in time.

Readopt with amendment and renumber Opt 402.01, effective 3-9-24 (Document #13848), as Opt 402.02 to read as follows:

Opt 402.0~~1~~***2*** Continuing Education Required. ~~(a)~~ All Therapeutic Pharmaceutical Agents (TPA) certified licensed optometrists shall complete a minimum of 50 credit hours of approved continuing education (CE) requirements every year ***of licensure as follows:***

~~(1) , a~~ ***(a) A***t least 20 credit hours ~~of which~~ shall be in ~~Class I,~~ ***formal CE*** meeting the following:

(1) A minimum of 12 hours shall be earned in synchronous CE activities; and

(2) Any remainder of the formal CE hours, shall be earned from asynchronous CE activities;

~~(2) and the~~

(b) Any remainder of ***the 50 credit hours not earned through (a) above*** ~~which shall be Class II~~ ***may be independent study***.

(c) An optometrist with prescriptive authority to treat glaucoma shall complete 10 of the required 50 hours in glaucoma specific education and shall include the following:

(1) A minimum of 7 hours in formal CE; and

(2) Any remainder hours in independent study;

~~When accumulating Class I credit hours, 8 of the 20 hours may be alternative CE, as defined in Opt 402.04(a)(2), and the balance shall come from formal CE, as defined in Opt 402.04(a)(1). An optometrist with prescriptive authority to treat glaucoma shall complete 10 of the required hours in glaucoma specific education, a minimum of 7 hours of which shall be in Class I, and the remainder in Class II.~~

~~(b) Class I credit hours shall be accumulated through participation in formal courses and alternative CE that meet the requirements of Opt 402.04.~~

~~(c) Class II credit hours shall be earned through independent study documented as required by Opt 402.04.~~

~~(d) Licensees who possesses a United States Drug Enforcement Administration (DEA) number shall complete 3 hours of online continuing education or pass an online examination in the area of pain management, addiction disorder, or combination of both. The 3 hours shall not count toward the 8 alternative CE requirements described in (a) above.~~

Adopt new Opt 402.03 to read as follows:

Opt 402.03 Continuing Education Required For Each Renewal Cycle.

(a) An optometrist who possesses a United States Drug Enforcement Administration (DEA) number shall complete 3 hours of CE in the area of pain management, addiction disorder, or combination of both during each 2 year renewal cycle as required by RSA 318-B:41, VI. The 3 hours shall be credited as formal synchronous CE regardless of the method of course delivery.

(b) All optometrists shall maintain a current cardio pulmonary resuscitation (CPR) certification and may claim up to 3 hours of credit for classes taken during each 2 year renewal cycle. CPR courses shall be courses presented by the American Heart Association, American Red Cross, National Safety Council, or American Safety and Health Institute qualified instructor and shall be credited as formal synchronous CE credit regardless of the method of course delivery.

Readopt with amendment and renumber Opt 402.02 through Opt 402.04, effective 9-16-17 (Document #12383), as Opt 402.04 through Opt 402.06 to read as follows:

Opt 402.0~~2~~***4*** Continuing Education for Non-TPA Certified Optometrists. All non-TPA certified licensed optometrists shall complete 15 hours ~~per~~ ***of CE each*** year of ~~Class I credits each calendar year~~ licensure~~, 2 hours of which may be alternative CE, as defined in Opt 402.04(a)(2) and the balance shall come from formal course credit hours, as defined in Opt 402.04(a)(1)~~ ***a minimum of which 12 hours shall be in formal continuing education as defined in Opt 402.01(a)***.

Opt 402.0~~3~~***5*** ***Reporting of*** Continuing Education ~~Form~~. ~~(a)~~ ***All*** **Continuing** education***, formal and independent study,*** shall be reported ***to the OPLC at the time of license renewal in accordance with Plc 308.04.*** ~~to the board annually on or before April 1 on, as applicable, a "Continuing Education Form", effective August 2017, or an "Annual Audit Continuing Education Form", effective August 2017, provided by the board.~~

~~(b) The licensee shall include the following information regarding continuing education compliance:~~

~~(1) The name, home address, and business address of the licensee;~~

~~(2) The license number;~~

~~(3) The course topic, dates of attendance and number of hours approved for Class I continuing education;~~

~~(4) The course title, activity, dates of study, content of study and number of hours of Class II continuing education; and~~

~~(5) The signature of the licensee certifying that the hours of continuing education claimed on this form represent actual hours spent in the pursuit of the stated educational goal.~~

Opt 402.0~~4~~***6*** Approved Continuing Education. ***Approved continuing education courses include the following:***

~~(a) Class I continuing education credit hours shall be accumulated as follows:~~

~~(1) "Formal CE" means participation in workshops, seminars, conferences, courses, and related facility based in-services, such as hospital rounds or its equivalent. Formal CE given by the American Academy of Optometry, the American Optometric Association and any state or regional affiliate, or any accredited college of optometry, medicine, or pharmacy, or approved by the Council on Optometric Practitioner Education (COPE), shall be automatically approved as Class I; and~~

~~(2) "Alternative CE" means "non-live" CE and includes, but is not limited to, internet, teleconferences and DVD education. The subject matter shall be acceptable for Class I CE. Alternative CE shall be COPE approved or provided by a college of optometry, medicine, or osteopathy, or by the American Academy of Optometry, the American Optometric Association or any state or regional affiliate. Alternative CE shall include an examination with a passing grade.~~

~~(b) A course of practice management shall not be approved as Class I continuing education for purposes of Opt 402.04(a).~~

(a) Courses that are given by the American Academy of Optometry, the American Optometric Association, the American Board of Optometry, and any state or regional affiliate, or any accredited college of optometry, medicine, or pharmacy, or approved by the Council on Optometric Practitioner Education (COPE);

(b) Hospital based lectures or grand rounds; and

(c) Providers offering courses other than those identified in (a) or (b) above shall apply for approval in accordance with Opt 402.07.

Readopt with amendment and renumber Opt 402.04(c)-(d), effective 9-16-17 (Document #12383), as new section Opt 402.07 to read as follows:

Opt 402.07 Requests for Approval of Continuing Education. Sponsors not identified in Opt 402.06(a) or (b) shall apply for continued program approval by:

~~(c)~~***(a) Completing and submitting the completed renewal application as specified in Plc 308.05, that contains the information required by Plc 308.06, and the information and documentation described in Plc 308.07 and that is signed as specified in Plc 308.08;***

~~Formal continuing education offered by sponsors other than those identified in Opt 402.04(a)(1), above,5(a) through (e) shall be approved for class I credit only if the board receives a letter from a licensee of the board requesting such approval at least 45 days prior to the starting date of the course which requests approval, and the board determines that the course is relevant to the practice of optometry.~~

~~(d)~~***(b)*** ~~Requests for approval pursuant to (c) above shall be approved provided that such requests contain the following information:~~***Completing and submitting an "Addendum to the Universal Application for License Renewal for Approval of Continuing Education" that provides the following:***

(1) ~~A description~~ ***The name*** of the sponsoring agency;

(2) The title, location**,** and date of the course;

(3) A description of all subjects covered by the course;

(4) The total hours of study involved in the course and a breakdown of the time devoted to each of the subjects covered by the course;

(5) The name(s) and professional qualifications of the instructor(s);

(6) A statement that ***the sponsor shall confirm participant attendance;*** ~~attendees who are present for the entire course shall be given an attendance certificate for license renewal purposes;~~

(7) A statement whether the course is approved by a current accrediting agency or another state licensing board; ~~and~~

(8) A designation of synchronous or asynchronous for how the course is presented; and

~~(8)~~***(9)*** The course syllabus.

(c) ***All course providers*** ~~courses~~ shall ***confirm that***:

~~(e) An approved course shall allow no more than 10 hours of credit for a full day session.~~***;***

~~(f)~~***(1)*** ~~An approved course shall i~~ ***There is an internal*** ~~include~~ procedures~~.~~ for checking attendance at each session~~, and shall provide persons who attend the entire course an attendance certificate for license renewal purposes~~.***; and***

~~(g)~~***(2)*** ~~An approved course shall~~ ***Each course*** feature***s*** subjects, instructors***,*** textbooks, and equipment which reflect a current level of optometric education and research.

~~(h) Class II continuing education hours shall be accumulated through independent study, including optometric, medical and pharmacy journals, textbooks, literature, and internet continuing education courses.~~

~~(i) Practice management courses and study shall be accepted as Class II continuing education but shall not exceed 3 hours in any one year period.~~

~~(j) CPR courses presented by the American Heart Association, American Red Cross, National Safety Council, or American Safety and Health Institute qualified instructor shall be automatically approved as Class I.~~

(d) Applications for course approval shall be reviewed in accordance with Plc 308.09.

(e) Approved courses shall be relevant to the practice of optometry and meet the criteria described in (c) above.

(f) Applications submitted for course approval shall include the fee required by Plc 1001.21.

~~(k) Independent study shall be verified by a statement of completion from the entity providing the course of study or by a complete record of materials includeing:~~

~~(1) The title and author of the material;~~

~~(2) The name and source of the material;~~

~~(3) The date the study was completed;~~

~~(4) The length of time required for completion; and~~

~~(5) A summary of the content of study.~~

Repeal Opt 402.05, effective 9-16-17 (Document #12383), as follows:

~~Opt 402.05 Notification of Course Approval.~~

~~(a) Upon approval of a continuing education course under Opt 402.04(d), the board shall issue the sponsoring organization a letter of approval.~~

~~(b) The letter of approval shall contain the following information:~~

~~(1) The title of the course;~~

~~(2) The date(s) the course is offered; and~~

~~(3) The number of continuing education hours credited.~~

~~(c) The licensee shall be responsible for ascertaining that board approval has been given for each course for which he or she requests continuing education credit under Opt 402. Credit shall not be given for unapproved courses.~~

Readopt with amendment and renumber Opt 402.06 and Opt 402.07, effective 9-16-17 (Document #12383), as Opt 402.08 and Opt 402.09 to read as follows:

Opt 402.0~~6~~***8*** Proof of Attendance.

(a) Each licensee shall ~~establish his or her~~ ***report all continuing education in compliance with Plc 308.04(b) to document their*** attendance at approved formal continuing education courses ~~by producing a certificate of attendance which~~ ***including the following information:*** ~~on its face,~~ ~~states~~:

(1) The name, date***,*** and location of the course;

(2) The name of the sponsoring entity;

(3) The number of hours of credit given by the course; and

(4) The name of the licensee***, and***

(5) A designation of synchronous or asynchronous for how the course is attended ~~presented~~.

~~(b) Each licensee shall establish his or her attendance at approved alternative CE by producing a certificate of participation which, on its face, states:~~

~~(1) The name and date of the course;~~

~~(2) The name of the sponsoring entity and COPE approval, if applicable;~~

~~(3) The number of hours of credit given by the course and the passing grade; and~~

~~(4) The name of the licensee.~~

(b) Documentation of independent study shall include a statement of completion from the entity providing the course of study or a complete record of materials which includes:

(1) The title and author of the material;

(2) The name and source of the material;

(3) The date the study was completed;

(4) The length of time required for completion~~; and~~

~~***(5) A summary of the content of study.***~~

Opt 402.0~~7~~***9*** Audit of Continuing Education. ~~The board, shall the documentation of continuing education of any licensee if necessary to verify the accuracy of the reported compliance.~~ ***Licensees shall be audited for compliance with continuing competence requirements as required by Plc 308.04(d).***

Readopt with amendment Opt 403.01, effective 9-16-17 (Document #12383), to read as follows:

Opt 403.01 Active Duty Military Inactive Status. ***Applicants seeking to enter inactive status or return to active status shall apply as required by Plc 307.06 and Plc 307.07.***

~~(a) The board shall place a licensee on inactive status pursuant to RSA 332-G:7, II upon receipt of:~~

~~(1) A written request; and~~

~~(2) Proof of active duty service in the Armed Forces of the United States.~~

~~(b) The board shall return an inactive licensee to active status upon receipt of:~~

~~(1) Payment of the renewal fee;~~

~~(2) Proof of completion of the continuing education requirements pursuant to Opt 402; and~~

~~(3) Proof that the licensee has not been discharged from service in the Armed Forces of the United States for more than one year.~~

Adopt new Opt 404 as follows:

PART Opt 404 DISCIPLINARY MATTERS

Opt 404.01 Misconduct. Misconduct sufficient to support disciplinary proceedings shall be as described in RSA 327:20, II, and RSA 310:12, I.

Opt 404.02 Sanctions. Upon an affirmative finding that a licensee has committed professional misconduct the board may take disciplinary action pursuant to RSA 310:12, I-a.

Opt 404.03 Professionals' Health Program.

(a) The board shall make available to eligible licensees the professionals' health program specified by RSA 310:5, III.

(b) A licensee complying with and completing a substance abuse recovery program as part of a non disciplinary remedial proceeding shall be deemed not to have been sanctioned for misconduct.

APPENDIX A

Rule	**Specific State Statute the Rule Implements**
Opt 401.01	RSA 310:8; RSA 327:13
Opt 401.02	RSA 310:8; RSA 327:13
Opt 401.03	RSA 327:13; RSA 327:31, III; RSA 327:33; RSA 327:33-a
Opt 401.04	RSA 327:13-a; RSA 327:31, III; RSA 310:8
Opt 401.05 (repealed)	RSA 327:31, IV
Opt 401.05 (formerly Opt 401.06)	RSA 327:25-a, IV; RSA 327:31, III; RSA 310:8
Opt 401.07 (repealed)	RSA 327:13; RSA 327:25-a, IV(c); RSA 327:31, IV
Opt 402.01	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.02 (formerly Opt 402.01)	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.03	RSA 318-B:41, VI
Opt 402.04 (formerly 402.02)	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.05 (formerly Opt 402.03)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.05 (repealed)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.06 (formerly Opt 402.04 (a)-(b))	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.07 (formerly Opt 402.04(c)-(d))	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.08 (formerly Opt 402.06)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.
Opt 402.09 (formerly Opt 402.07)	RSA 310:6, II; RSA 327:33; RSA 327:33-a
Opt 403.01	RSA 310:6, II; RSA 310:8, V
Opt 404.01	RSA 327:20, II; RSA 310:12, I
Opt 404.02	RSA 310:12, I-a
Opt 404.03	RSA 310:5, III