

STATE VISION PROFESSIONALS BOARD (VPB)

General information (VPB)

Duties

House Bill 49 of the 132nd General Assembly consolidated the State Board of Optometry and the Optical Dispensers Board into the Ohio Vision Professionals Board (VPB) in January of 2018, to achieve administrative efficiencies and to align state programs and regulatory functions. The VPB is the regulatory body for the licensing and registering of nearly 7,000 qualified optometrists, opticians, ocularists and apprentices. VPB ensures timely and appropriate licensure and license renewals. VPB monitors compliance with continuing education requirements, approves provider program relevance to practice in Ohio and educates the licensees on the laws and rules, which govern licensees and consumers on services provided by the licensees.

Membership *(Current members, chairperson and other officers, and selection process.)*

The current members are Cheryl Archer, O.D., Thomas Barracato, Jacqueline Davis, O.D., Secretary, Darrell Dye, O.D., Brian J. Miller, Thomas E. Nye, O.D., Chair, and a public member, currently vacant. Members are appointed by the Governor for three-year terms and may service up to three consecutive terms.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The budget funding for fiscal year 2020 is nearly \$641,000, which is a 1.5% decrease from fiscal year 2019. Funding for fiscal year 2021 is \$654,000, for a total biennium budget of nearly \$1.3 million. The Ohio ***Vision Professionals Board is self-supported through revenue generated from license applications and renewal fees.*** The ***VPB does not receive any funds from the State's General Revenue Fund.*** As required, by the Ohio Revised Code ORC 4734.54, all receipts of the VPB are deposited into the Occupational and Professional Licensing Fund (4K90). The VPB is one of 19 boards that deposit into the 4K90 fund.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board continues to review areas, where streamlining can be done administratively or through the eLicense system for efficiency. Several IT tickets have been created for completion in 2020 such as apprentices printing registration cards online, opticians printing license renewal cards online (same as optometrists), ability for CE providers to submit CE applications online, and etc. Additional tickets may be created after the analysis of complaint, violation and inspection formats in the eLicense system. The agency experiences minor increases of licensees annually.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

4. The Board currently has four positions as listed below:

5.

6. Staff

7. Marlene Anielski, Executive Director

8. Gary Price, Investigator

9. Adela Lopez-Wellman, Administrative Professional 4

10. Wilma Simmons, Administrative Professional 4

11.

12. The staff fulfills numerous duties to make certain that the citizens of the state of Ohio receive care from qualified optometrists, opticians, and ocularists. Those duties include annually licensing optometrists, opticians, and ocularists, registering apprentices, investigating complaints, compliance initiatives, and monitoring. The staff also performs numerous services such as sharing laws and rules, conducting administrative rule filings and legislative activities, fulfilling public records requests, and administrative functions including answering inquiries, fiscal, human resources, records retention, inventory and asset management activities.

13.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

14. Currently, staffing levels are proportionate to the board's current and anticipated workload.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Ohio Vision Professionals Board follows the Ohio Revised Code (ORC) 4725.19 Disciplinary actions in accordance with Chapter 119 and the Ohio Administrative Code (OAC) sections related to the practices of optometry, opticianry, ocularistry and registering optician apprentices. Administrative hearings are held when appropriate. Public complaints are received via different means. The complaints are investigated with the progress and closure logged in the eLicense system.

Optometrist certificate of licensure

Survey responses (VPB)

Description

4725.01 Optometry definitions.

As used in this chapter:

(A)

Description

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

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

(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the “practice of optometry” has the same meaning as in division (A)(1) of this section, except that it also includes all of the following:

(a) Employing, applying, administering, and prescribing instruments, devices, and procedures, other than invasive procedures, for purpose of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system;

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

(c) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;

(d) Assisting an individual in determining the individual’s blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist who holds a therapeutic pharmaceutical agents certificate from using any particular type of commercially available glucose-monitoring device.

(B) “Topical ocular pharmaceutical agent” means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows:

(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A)(1) of this section;

(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system.

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

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

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

(b) Anti-allergy agents;

(c) Antiglaucoma agents;

Description

(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state vision professionals board in rules adopted under section [4725.091](#) of the Revised Code, analgesic controlled substances;

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

(i) For use in allergy cases;

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

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

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

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

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

(D) "Controlled substance" has the same meaning as in section [3719.01](#) of the Revised Code.

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

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

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

(H) "Certificate of licensure" means a certificate issued by the board under section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.

(I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the board under section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.

Description

(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the board under division (A)(3) or (4) of section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	86
Number renewed annually	2,300
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight decrease.
Education or training requirements	Doctoral in Optometry from the Accreditation Council on Optometric Education (ACOE) is the only accrediting body for professional optometric degree (O.D.) programs, optometric residency

If the regulation is a registration, certification, or license requirement, please complete the following:

programs and optometric technician programs in the United States and Canada.
<https://www.aoa.org/education/accreditation-council-on-optometric-education?sso=y>).

Experience requirements

O.D. degree.

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?*)

National exam given by the National Board of Examiners in Optometry (NBEO). Fees for 2021 appear below. The Ohio Vision Professionals Board does not receive any proceeds from the National exam. The National exam is proctored by NBEO.

NBEO Examination	Examination Fee
Part I ABS	\$950
Part II PAM	\$950
Part III CSE	\$950
TMOD	\$450
ISE	\$250
Laser Section of LSPE	\$900
Surgical Section of LSPE	\$900
CPDO	\$500
ACMO**	\$780
Remote Online State Law Exam*	\$25
In-House Online State Law Exam*	\$100
Late Registration Fee*	\$400
Extended Late Registration Fee*	\$500

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	CE Requirements for Ohio: Reporting Period 10/01/XX through 09/30/XX Pharmacology 10 (Required) Online 10 (maximum) Grand Rounds/Surgery Observation 8 (maximum) Volunteer Hours (see Laws/Rules for guidelines) 8 (maximum) Practice Management or Jurisprudence 2 (maximum) CPR: Cardiopulmonary resuscitation refresher training is acceptable for up to three hours credit for any one continuing education period once every two years. The three hours can be utilized for pharmacology continuing education compliance.
Initial fee	\$175
Duration	1 year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$175
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board recognizes reciprocity from all 50 states and requirements are mostly uniform.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No there is not.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?

Yes

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

4725.11 Examination.

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

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

(1) Part one: Tests in basic science, human biology, ocular and visual biology, theoretical ophthalmic, physiological optics, and physiological psychology;

(2) Part two: Tests in clinical science, systemic conditions, the treatment and management of ocular disease, refractive oculomotor, sensory integrative conditions, perceptual conditions, public health, the legal issues regarding the clinical practice of optometry, and pharmacology;

(3) Part three: Tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.

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

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

If the regulation is a registration, certification, or license requirement, please complete the following:

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

(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination.

The results shall be kept as a permanent part of the board's records maintained pursuant to section 4725.07 of the Revised Code.

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

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 03-09-1999 .

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.091 Rules governing practice under therapeutic pharmaceutical agents certificates.

(A) The state vision professionals board shall adopt rules governing the authority of licensed optometrists practicing under therapeutic pharmaceutical agents certificates to employ, apply, administer, and prescribe analgesic controlled substances. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.

(B) All of the following apply to the state vision professionals board in the adoption of rules under this section:

(1) The board shall not permit an optometrist to employ, apply, administer, or prescribe an analgesic controlled substance other than a drug product that is used for the treatment of pain and meets one of the following conditions:

(a) The product is a preparation that contains an amount of codeine per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen or aspirin, in a therapeutic amount.

(b) The product is a preparation that contains an amount of hydrocodone per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen, aspirin, or ibuprofen, in a therapeutic amount.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(c) The product contains or consists of a drug or dangerous drug that was an analgesic included in the practice of optometry under a therapeutic pharmaceutical agents certificate immediately prior to March 23, 2015, was not a controlled substance at that time, and subsequently becomes a schedule II, III, IV, or V controlled substance.

(2) The board shall limit the analgesic controlled substances that optometrists may employ, apply, administer, or prescribe to the drugs that the board determines are appropriate for use in the practice of optometry under a therapeutic pharmaceutical agents certificate.

(3) With regard to the prescribing of analgesic controlled substances, the board shall establish prescribing standards to be followed by optometrists who hold therapeutic pharmaceutical agents certificates. The board shall take into account the prescribing standards that exist within the health care marketplace.

(4) The board shall establish standards and procedures for employing, applying, administering, and prescribing analgesic controlled substances under a therapeutic pharmaceutical agents certificate by taking into consideration and examining issues that include the appropriate length of drug therapy, appropriate standards for drug treatment, necessary monitoring systems, and any other factors the board considers relevant.

c. Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 130th General Assembly File No. TBD, SB 258, §1, eff. 3/23/2015.

Effective Date: 2007 HB149 03-24-2008

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 – License fee for 86 new Therapeutic Optometrist \$15,050

FY2020- Renewal fees for 2,232 Therapeutic and 10 Diagnostic Optometrist \$392,350

FY2020- Renewal fee for Optometrist \$2,100

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

HIPPA.

Yes, Medicaid and Medicare programs require a license in order to bill large federal programs.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

Include therapeutic optometrists to any new telehealth legislation.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All 50 States license optometrists with very similar regulations.

Surrounding state comparison (LSC)

Optometrist Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	Yes (<i>Ind. Code Ann. 25-24-1-17</i>)	Yes (<i>Ky. Rev. Stat. Ann. 320.220</i>)	Yes (<i>Mich. Comp. Laws 333.17411</i>)	Yes (<i>63 Pa. Cons. Stat. 244.8</i>)	Yes (<i>W. Va. Code Ann. 30-8-1</i>)
Education or training	Satisfactorily complete a course of study of at least six college	Be a graduate from a college of optometry with two years of	Be a graduate of a school or college of optometry accredited by a	Be a graduate of a professional optometric degree program	Hold a Doctor of Optometry degree from an accredited	Be a graduate from a school approved by the Accreditation

Optometrist Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	years and be a graduate of an approved school of optometry (<i>R.C. 4725.12</i>)	preoptometry or premedicine in a college of arts and science and at least four years of optometry in a college of optometry (<i>Ind. Code Ann. 25-24-2-1</i>)	regional or professional accreditation organization; have at least six semester hours in general and ocular pharmacology with emphasis on diagnostic pharmaceutical agents and six hours in ocular pathology and therapy with emphasis on utilization of therapeutic pharmaceutical agents (<i>Ky. Rev. Stat. Ann. 320.250</i>)	approved by the Michigan Board of Optometry (<i>Mich. Admin. Code R. 338.307</i>)	optometric educational institution in the United States or Canada (<i>63 Pa. Cons. Stat. 244.4</i>)	Council on Optometric Education or a successor organization (<i>W. Va. Code Ann. 30-8-8</i>)
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of

Optometrist Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Examiners in Optometry (<i>R.C. 4725.11</i>)	Examiners in Optometry (<i>852 Ind. Admin. Code 1-1.1-4</i>)	Examiners in Optometry and passage of an examination on Kentucky state optometric law (<i>Ky. Rev. Stat. Ann. 320.250; 201 Ky. Admin. Regs. 5:010</i>)	Examiners in Optometry and passage of the examination of state laws and rules related to the practice of optometry (<i>Mich. Admin. Code R. 338.307</i>)	Examiners in Optometry (<i>49 Pa. Code 23.11</i>)	Examiners in Optometry (<i>W. Va. Code R. 14-1-3</i>)
Continuing education	25 hours annually, including ten hours of instruction in pharmacology (<i>R.C. 4725.16</i>)	20 hours every two years (<i>852 Ind. Admin. Code 1-16-1</i>)	Eight hours annually (<i>201 Ky. Admin. Regs. 5:030</i>)	40 hours every two years (<i>Mich. Admin. Code R. 338.321</i>)	30 hours every two years (<i>63 Pa. Cons. Stat. 244.5</i>)	43 hours every two years (<i>W. Va. Code R. 14-10-3</i>)
Initial licensure fee	\$130 (<i>R.C. 4725.34</i>)	\$200 (<i>852 Ind. Admin. Code 1-10-1</i>)	\$500 (<i>201 Ky. Admin. Regs. 5:010</i>)	\$232.50 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide</i>)	\$25 (<i>49 Pa. Code 23.91</i>)	\$300 (<i>W. Va. Code R. 14-5-2</i>)

Optometrist Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 4725.16</i>)	Two years (<i>852 Ind. Admin. Code 1-10-1</i>)	One year (<i>201 Ky. Admin. Regs. 5:090</i>)	Two years (<i>Mich. Admin. Code R. 338.321</i>)	Two years (<i>63 Pa. Cons. Stat. 244.5</i>)	One year (<i>W. Va. Code R. 14-1-8</i>)
Renewal fee	\$130 (<i>R.C. 4725.34</i>)	\$100 (<i>852 Ind. Admin. Code 1-10-1</i>)	\$250 (<i>201 Ky. Admin. Regs. 5:090</i>)	\$205.50 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide</i>)	\$135 (<i>49 Pa. Code 23.91</i>)	\$400 (<i>W. Va. Code R. 14-5-2</i>)

**Topical ocular pharmaceutical agents certificate
Survey responses (VPB)**

Description
Please refer to <u>4725.01 Optometry definitions.</u>

Description

Please see previous questions defining the Optometrist Certificate of Licensure and

4725.14 Therapeutic pharmaceutical agents certificate qualifications.

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

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

(2) If the optometrist holds a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed under division (B)(2) of this section and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(B) The board shall prescribe by rule the following courses of study:

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

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

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

(c) Ocular signs and symptoms of systemic disease;

(d) Appropriate criteria for referrals to physicians.

(2) A thirty clock-hour course of study that emphasizes the treatment of ocular disease to be completed at an institution accredited by a post-secondary education accreditation organization that is recognized by the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

0

Surrounding state comparison (LSC)

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	No – authority included under optometry license (<i>Ind. Code Ann. 25-24-3-16</i>)	No – authority included under optometry license (<i>Ky. Rev. Stat. Ann. 320.210 and 320.240(12)</i>)	Yes (<i>Mich. Admin. Code R. 338.315</i>)	No	No – authority included under optometry license (<i>W. Va. Code Ann. 30-8-9(a)(2)</i>)
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(2)</i>)	N/A (see optometry license educational requirements)	N/A (see optometry license educational requirements)	Complete a course of study in general and clinical pharmacology and a course of study in basic life support (<i>Mich. Admin. Code R. 338.315</i>)	N/A	N/A (see optometry license educational requirements)
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Have passed the general and ocular pharmacology exam then in effect (<i>R.C. 4725.13(A)(2)</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Not specified	N/A	N/A	20 hours in pharmacological management of ocular conditions every two years, completed as part of the 40 hours required for renewal of the optometry license (<i>Mich. Admin. Code R. 338.321</i>)	N/A	N/A
Initial licensure fee	\$45 (<i>R.C. 4725.34</i>)	N/A	N/A	\$81.05 (or \$140.50 if applying simultaneously for a topical ocular pharmaceutical agents certificate) (<i>Michigan</i>	N/A	N/A

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide)</i>		
License duration	One year (R.C. 4725.16)	N/A	N/A	Remains in effect as long as the optometrist license is active (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist DPA/TPA Certification Licensing Guide)	N/A	N/A
Renewal fee	\$45 (R.C. 4725.34)	N/A	N/A	N/A	N/A	N/A

Therapeutic pharmaceutical agents certificate

Survey responses (VPB)

Description

Please see previous questions defining the Optometrist Certificate of Licensure and

4725.14 Therapeutic pharmaceutical agents certificate qualifications.

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

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

(2) If the optometrist holds a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed under division (B)(2) of this section and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(B) The board shall prescribe by rule the following courses of study:

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

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

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

(c) Ocular signs and symptoms of systemic disease;

(d) Appropriate criteria for referrals to physicians.

(2) A thirty clock-hour course of study that emphasizes the treatment of ocular disease to be completed at an institution accredited by a post-secondary education accreditation organization that is recognized by the board.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Pharmacy Board issues the certificates.

Surrounding state comparison (LSC)

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(3)</i>)	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Pass the Treatment and Management of Ocular Disease portion of the exam administered by the National Board of Examiners in Optometry (<i>R.C. 4725.13(A)(3) and 4725.14</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Not specified	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$35 (<i>R.C. 4725.34</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.16</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$45 (<i>R.C. 4725.34</i>)	N/A	N/A	N/A	N/A	N/A

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	Yes (<i>Ind. Code Ann 25-24-3-12</i>)	No – authority included under optometry license (<i>Ky. Rev. Stat. Ann. 320.210 and 320.240(13)</i>)	Yes (<i>Mich. Admin. Code R. 338.317</i>)	Yes, for optometrists licensed before June 6, 1998 (<i>63 Pa. Cons. Stat. 244.4a; 49 Pa. Code 23.202</i>) ²⁸	Yes (<i>W. Va. Code Ann. 30-8-9(a)(2) and (3) and 30-8-14; W. Va. Code R. 14-2-1</i>)
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(4)</i>)	Provide to the Indiana Optometry Board proof of education in ocular pharmacology from a school or college of optometry or medicine (<i>Ind. Code Ann. 25-24-3-13</i>)	N/A (see optometry license educational requirements)	Complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents, in addition to meeting the requirements to hold a certificate to administer topical ocular pharmaceutical agents (<i>Mich. Admin. Code R. 338.317</i>)	Graduate from an accredited school of optometry and complete a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes or complete a course approved by the Pennsylvania Board of Optometry consisting of a minimum of 100	Complete a course in clinical pharmacology as applied to optometry, consisting of a minimum of 30 hours in clinical systemic pharmacology (<i>W. Va. Code R. 14-2-2</i>)

²⁸ Under Pennsylvania rules, on and after June 6, 1998, qualified applicants for licensure as optometrists by examination are to be certified to prescribe and administer pharmaceutical agents for therapeutic purposes “without further application” (see 47 Pa. Code 23.202(c)).

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					hours in the topics (<i>63 Pa. Cons. Stat. Ann 244.4a</i>)	
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Pass all parts of the exam administered by the National Board of Examiners in Optometry (<i>R.C. 4725.13(A)(4)</i>)	Pass the Treatment and Management of Ocular Disease exam administered by the National Board of Examiners in Optometry (<i>Ind. Code Ann. 25-24-3-13</i>)	N/A	N/A	Pass an optometry licensure exam that includes the prescription and administration of pharmaceutical agents for therapeutic purposes (<i>63 Pa. Cons. Stat. 244.4a</i>)	Pass the Treatment and Management of Ocular Disease exam administered by the National Board of Examiners in Optometry (<i>W. Va. Code R. 14-2-2</i>)
Continuing education	Not specified	20 hours every two years (<i>852 Ind. Admin. Code 1-16-1.1</i>)	N/A	20 hours in pharmacological management of ocular conditions every two years, completed as part of the 40 hours required for renewal of the optometry license	Six hours concerning the prescription and administration of pharmaceutical agents for therapeutic purposes, completed as part of the 30 hours for renewal of the	Six hours in ocular pathology or therapeutic pharmacological agents, to be completed as part of the 43 hours for renewal of the optometry license

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>(Mich. Admin. Code R. 338.321)</i>	optometry license <i>(49 Pa. Code 23.82)</i>	<i>(W. Va. Code R. 14-2-5)</i>
Initial licensure fee	\$45 <i>(R.C. 4725.34)</i>	\$20 <i>(852 Ind. Admin. Code 1-10-1)</i>	N/A	\$81.05 (or \$140.50 if applying simultaneously for a topical ocular pharmaceutical agents certificate) <i>(Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide)</i>	\$25 <i>(49 Pa. Code 23.91)</i>	\$200 <i>(W. Va. Code R. 14-5-2)</i>
License duration	Two years <i>(R.C. 4725.16)</i>	Two years <i>(Ind. Code Ann 25-24-3-15)</i>	N/A	Remains in effect as long as the optometrist license is active <i>(Michigan Department of Licensing and Regulatory</i>	Two years <i>(49 Pa. Code 23.82)</i>	One year <i>(W. Va. Code R. 14-2-5)</i>

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, Bureau of Professional Licensing, Michigan Optometrist DPA/TPA Certification Licensing Guide)</i>		
Renewal fee	\$45 (R.C. 4725.34)	\$20 (852 Ind. Admin. Code 1-10-1)	N/A	N/A	Not specified	\$400 (W. Va. Code R. 14-2-5.3 and 14-5-2)

Spectacle dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) "Optical aid" means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p>

Description

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

150

Number renewed annually

1,967

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Slight increase.

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a

If the regulation is a registration, certification, or license requirement, please complete the following:

graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this

If the regulation is a registration, certification, or license requirement, please complete the following:

division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

d. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 09-05-2001.

Experience requirements

Please see 4725.48 referred above.

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?*)

America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)
 Fees for the ABO Exam \$225
 Fees for the NCLE Exam \$225
 The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

4725.51 Renewal - continuing education.
 (A)
 (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Two hours of study in contact lens dispensing.
 (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Eight hours of study in contact lens dispensing.
 (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discount rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, not currently.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

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

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 - \$204,300 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Currently there are over 20 states regulating the occupation.
Regulations are mostly similar.

Surrounding state comparison (LSC)

Spectacle Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.40(D) and 4725.41</i>)	No	No	No	No	No
Education or training	Graduate from high school and	N/A	N/A	N/A	N/A	N/A

Spectacle Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>complete either of the following:</p> <ol style="list-style-type: none"> 1. Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; 2. A two-year college-level program in optical dispensing approved by the Ohio Vision Professionals Board <p><i>(R.C. 4725.48; O.A.C. 4725-3-01(E)(8))</i></p>					

Spectacle Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	None, other than the requirements described under "Education or training"	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a national qualifying exam, identified as the exam of the American Board of Opticianry (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours per year – four in spectacle dispensing and two in contact lens dispensing (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4725-3-14</i>)	N/A	N/A	N/A	N/A	N/A

Spectacle Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (R.C. 4725.51)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$100 (O.A.C. 4725-3-15)	N/A	N/A	N/A	N/A	N/A

Contact lens dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) “Optical aid” means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p> <p>(b) Cosmetic contact lenses;</p> <p>(c) Performance-enhancing contact lenses;</p> <p>(d) Any other contact devices determined by the state vision professionals board to be contact lenses.</p> <p>(B) “Optical dispensing” means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact</p>

Description

lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

1

Number renewed annually

17

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Decrease because licensees are upgrading to dual licensure.

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a

If the regulation is a registration, certification, or license requirement, please complete the following:

graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this

If the regulation is a registration, certification, or license requirement, please complete the following:

division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

e. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.
Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.
Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.
Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.
Effective Date: 09-05-2001.

Experience requirements

Two years working as an apprentice.

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?*)

America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)
 Fees for the ABO Exam \$225
 Fees for the NCLE Exam \$225
 The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

4725.51 Renewal - continuing education.
 (A)
 (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Two hours of study in contact lens dispensing.
 (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Eight hours of study in contact lens dispensing.
 (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:

Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discount rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, not currently.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

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

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 - \$1,750 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Currently there are over 20 states regulating the occupation.
Regulations are mostly similar.

Surrounding state comparison (LSC)

Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4725.40(E) and 4725.41)	No	No	No	No	No
Education or training	Graduate from high school and	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	complete either of the following: 1. Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; 2. A two-year college-level program in optical dispensing approved by the Board <i>(R.C. 4725.48; O.A.C. 4725-3-01(E)(8))</i>					
Experience	None, other than the requirements described under	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	"Education or training"					
Exam	Passage of a national qualifying exam, identified as the exam of the American Board of Opticianry (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Eight hours per year in contact lens dispensing (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4725-3-14</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 (O.A.C. 4725-3-15)	N/A	N/A	N/A	N/A	N/A

Spectacle-contact lens dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) “Optical aid” means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p> <p>(b) Cosmetic contact lenses;</p> <p>(c) Performance-enhancing contact lenses;</p> <p>(d) Any other contact devices determined by the state vision professionals board to be contact lenses.</p> <p>(B) “Optical dispensing” means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. “Optical dispensing” does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after</p>

Description

an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) “Licensed dispensing optician” means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) “Licensed spectacle dispensing optician” means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) “Licensed contact lens dispensing optician” means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) “Licensed spectacle-contact lens dispensing optician” means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) “Apprentice” means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) “Prescription” means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) “Supervision” means the provision of direction and control through personal inspection and evaluation of work.

(J) “Licensed ocularist” means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type *(See R.C. 4798.01 for relevant definitions.)*

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	13
Number renewed annually	967
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>Decrease. Please refer to 4725.411</p> <p>4725.411 Dispensing prepackaged soft contact lenses.</p> <p>(A) Each licensed spectacle dispensing optician shall complete two hours of study in prepackaged soft contact lens dispensing approved by the state vision professionals board under section 4725.51 of the Revised Code. The two hours of study shall be completed as follows:</p> <p>(1) Each licensed spectacle dispensing optician who holds the license on September 29, 2015, shall complete the two hours of study not later than December 31, 2015.</p> <p>(2) Each licensed spectacle dispensing optician who receives the license after September 29, 2015, shall complete the two hours of study not later than the thirty-first day of December of the year the license is issued.</p> <p>(B) Beginning January 1, 2016, a licensed spectacle dispensing optician may dispense prepackaged soft contact lenses if both of the following are the case:</p> <p>(1) The licensed spectacle dispensing optician has completed two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section.</p> <p>(2) The only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.</p> <p>Added by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

If the regulation is a registration, certification, or license requirement, please complete the following:

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.</p> <p>f. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019. Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018. Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012. Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011. Effective Date: 09-05-2001.</p>
Experience requirements	Minimum two years as an apprentice or a two year opticianry degree.
Examination requirements <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?)</i>	<p>America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)</p> <p>Fees for the ABO Exam \$225</p> <p>Fees for the NCLE Exam \$225</p> <p>The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>4725.51 Renewal - continuing education.</p> <p>(A)</p> <p>(1) Each license issued under sections 4725.40 to 4725.59 of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Two hours of study in contact lens dispensing.
 - (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 - (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Eight hours of study in contact lens dispensing.
 - (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.
- (2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.
- (B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.
- (C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.</p> <p>(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.</p> <p>Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.</p> <p>Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.</p> <p>Effective Date: 07-20-1994.</p>
Initial fee	\$50
Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discounted rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes. The Ohio Vision Professionals Board is updating Rules now to
Are there any circumstances in which an individual may practice elements of the	No, not currently.

If the regulation is a registration, certification, or license requirement, please complete the following:

occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(8) Permitting another person to use the licensee's license;

(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;

(10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;

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

(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;

(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

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

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 - \$97,350 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Currently there are over 20 states regulating the occupation.

Regulations are mostly similar.

Surrounding state comparison (LSC)

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.40(F) and 4725.41</i>)	No	Yes (<i>Ky. Rev. Stat. Ann. 326.030</i>)	No	No	No
Education or training	<p>Graduate from high school and complete either of the following:</p> <ol style="list-style-type: none"> Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; A two-year college-level program in optical dispensing approved by the Board 	N/A	<p>Graduate from high school or obtain GED, and complete either of the following:</p> <ol style="list-style-type: none"> Two years of satisfactory training and experience in ophthalmic dispensing under supervision; Graduate from an accepted school of ophthalmic dispensing <p>(<i>Ky. Rev. Stat. Ann. 326.040</i>)</p>	N/A	N/A	N/A

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4725.48 and O.A.C. 4725-3-01(E)(8))</i>					
Experience	None, other than the requirements described under "Education or training"	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a national qualifying exam, identified as a combination of both exams required by the American Board of Opticianry and the National Contact Lens Examiners (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	Passage of a satisfactory exam in ophthalmic dispensing approved by the Kentucky Board of Ophthalmic Dispensers (<i>Ky. Rev. Stat. Ann. 326.040</i>)	N/A	N/A	N/A

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	12 hours per year – four in spectacle dispensing and eight in contact lens dispensing (R.C. 4725.51)	N/A	Six hours per year (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:055)	N/A	N/A	N/A
Initial licensure fee	\$50 (O.A.C. 4725-3-14)	N/A	\$50 (Ky. Rev. Stat. Ann. 326.040)	N/A	N/A	N/A
License duration	One year (R.C. 4725.51)	N/A	One year (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:040)	N/A	N/A	N/A
Renewal fee	\$100 (O.A.C. 4725-3-15)	N/A	\$75 (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:040)	N/A	N/A	N/A

Ocularist license

Survey responses (VPB)

Description

4725.40 Dispensing optician, ocularist definitions.

As used in sections [4725.40](#) to [4725.59](#) of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

Description

(F) “Licensed spectacle-contact lens dispensing optician” means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) “Apprentice” means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) “Prescription” means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) “Supervision” means the provision of direction and control through personal inspection and evaluation of work.

(J) “Licensed ocularist” means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type *(See R.C. 4798.01 for relevant definitions.)*

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	0
Number renewed annually	8
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This licensure has remained the same for the past six years.

If the regulation is a registration, certification, or license requirement, please complete the following:

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section [4725.49](#) of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

If the regulation is a registration, certification, or license requirement, please complete the following:

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections [4725.40](#) to [4725.59](#) of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.</p> <p>Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.</p> <p>Effective Date: 09-05-2001.</p>
Experience requirements	Please see 4725.48 referred above.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	<p>4725-3-01 Application for licensure.</p> <p>(J) An applicant for initial licensure as an ocularist shall have successfully completed;</p> <p>(1) A five-year apprenticeship under the direct supervision of a licensed ocularist as registered with the board or under the employment and direct supervision of an optometrist or physician engaged in the practice of ocularistry;</p> <p>(2) A credentialing or a certification exam offered by a board approved by a national recognized certifying body. Said application for licensure shall be made within seventy-two months from the date of the examination that the applicant successfully completed.</p> <p>(K) In addition to the requirements of this rule, all applicants for licensure as an ocularist shall submit to criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as an ocularist. The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation. In accordance with this rule, the applicant requesting the criminal records check shall:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (1) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the Ohio vision professionals board; and,
- (2) Request that the bureau of criminal identification and investigation obtain from the Federal Bureau of Investigation any information it has pertaining to the applicant.
- (L) If an application for licensure submitted to the board remains incomplete for one year, the application shall be considered void.

Continuing education requirements
(Including a description of the curriculum and the process of setting it.)

4725.51 Renewal - continuing education.

- (A)
 - (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 - (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Two hours of study in contact lens dispensing.
 - (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 - (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Eight hours of study in contact lens dispensing.
 - (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	One year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discounted rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

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

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 - \$800 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

No states at this time.

Surrounding state comparison (LSC)

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes <i>(R.C. 4725.41 and 4725.43(C))</i>	No	No	No	No	No
Education or training	Graduate from high school or obtain GED	N/A	N/A	N/A	N/A	N/A

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4725-3-01(I))</i>					
Experience	Complete a five-year apprenticeship under the direct supervision of a licensed ocularist, optometrist, or physician <i>(O.A.C. 4725-3-01(J))</i>	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a credentialing or certification exam offered by a board approved by a national recognized certifying body <i>(O.A.C. 4725-3-01(J))</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Four hours per year, including one hour of communicable disease training	N/A	N/A	N/A	N/A	N/A

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4725-3-09(L)(4))</i>					
Initial licensure fee	\$50 <i>(O.A.C. 4725-3-14)</i>	N/A	N/A	N/A	N/A	N/A
License duration	One year <i>(R.C. 4725.51)</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$100 <i>(O.A.C. 4725-3-15)</i>	N/A	N/A	N/A	N/A	N/A

Optical dispensing apprentice registration

Survey responses (VPB)

Description
<p>4725.52 Apprentices.</p> <p>Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician.</p> <p>To serve as an apprentice, a person shall register with the state vision professionals board on a form provided by the board and in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the board. For the duration of the apprenticeship, the apprentice shall register annually on the form provided by the board and in the form of a statement.</p> <p>Each apprentice shall pay an initial registration fee of twenty dollars. For each registration renewal thereafter, each apprentice shall pay a registration renewal fee of twenty dollars.</p>

Description

The board shall not deny registration as an apprentice under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the individual has committed a disqualifying offense or crime of moral turpitude as those terms are defined in section [4776.10](#) of the Revised Code. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a registration. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a registration. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the registration based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction or plea of guilty prior to the initial registration. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section [4725.48](#) of the Revised Code to take the examination for optical dispensing is not required to register with the board.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	702
Number renewed annually	1054
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase.
Education or training requirements	As outlined in ORC 4725.52
Experience requirements	As outlined in ORC 4725.52
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	As outlined in ORC 4725.52.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	As outlined in ORC 4725.52.
Initial fee	\$20
Duration	One year.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$20
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Ohio Vision Professionals will consider supervised experience from a registration state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, very few.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

FY2020 - \$0 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective. The law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Very few states regulate the occupation.

Surrounding state comparison (LSC)

Optical Dispensing Apprentice Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4725.52)	No	Yes (Ky. Rev. Stat. Ann. 326.035)	No	No	No
Education or training	Must be directly supervised by a licensed dispensing optician within a two-year period (R.C. 4725.52; O.A.C. 4725-3-01(N))	N/A	Must be supervised by a licensed ophthalmic dispenser (Ky. Rev. Stat. Ann. 326.035)	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A

Optical Dispensing Apprentice Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	Four hours per year (<i>Ky. Rev. Stat. Ann. 326.035(4); 201 Ky. Admin. Regs. 13:055</i>)	N/A	N/A	N/A
Initial licensure fee	\$20 (<i>R.C. 4725.52; O.A.C. 4725-3-13</i>)	N/A	\$50 (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.52</i>)	N/A	One year (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A
Renewal fee	\$20 (<i>R.C. 4725.52; O.A.C. 4725-3-13</i>)	N/A	\$50 (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A