



Rules of
Department of Insurance,
Financial Institutions and
Professional Registration
Division 2210—State Board of Optometry
Chapter 2—General Rules

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**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

20 CSR 2210-2.010 Application for Licensure

PURPOSE: This rule states where to secure an application.

(1) Application for a Missouri license as an optometrist must be made on the forms provided by the board. All applications must be complete prior to board consideration. All documents and transcripts which are necessary to complete the application, must be received in the board office prior to board consideration. An application more than one (1) year old must be updated prior to licensure.

(2) Application forms and a list of currently approved colleges may be obtained by writing the State Board of Optometry. A copy of the current statutory provisions and board rules regarding the practice of optometry shall be provided with the application form. A copy of the application form, approved colleges, and the statutes and rules can also be downloaded from the board's website. The website address is <http://pr.mo.gov/optometrists.asp>.

AUTHORITY: sections 336.040 and 336.160.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 13, 1980, effective June 12, 1980. Rescinded and re-adopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 12, 1985, effective Dec. 26, 1985. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed Jan. 13, 1992, effective May 14, 1992. Amended: Filed May 21, 1993 effective Nov. 8, 1993. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2210-2.010, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.040, RSMo 1939, amended 1981, 2007 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007.*

20 CSR 2210-2.011 Licensure by Endorsement

PURPOSE: This rule states the requirements and procedures for obtaining a license by endorsement.

(1) The board may issue a license to practice optometry by endorsement and without examination to an individual licensed in another state, territory, country, or province which the board determines has licensing requirements substantially equivalent to the requirements in Missouri. The applicant shall provide the following documentation to the board:

(A) A completed application with the application fee;

(B) Proof that the applicant has successfully completed an optometry licensure examination in any state, territory, country, or province substantially equivalent to the licensure examination required in Missouri;

(C) With the exception of government service, proof that the applicant has been engaged in active clinical practice in the state, territory, country, or province in which the applicant is currently licensed for at least three (3) years in the five (5) years immediately preceding the application;

(D) Proof that the applicant is registered or certified in the state from which s/he is applying for endorsement to use pharmaceutical agents at the highest level granted in that state with the requirements established in that state for registration and/or certification being substantially equivalent to the requirements in this state;

(E) Certification from each state in which s/he is or was or has been licensed verifying that the applicant is or was in good standing and has never had his/her license to practice in any state disciplined in any manner and that the applicant is not the subject of any pending complaints;

(F) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and

(G) Such additional information as the board may request to determine eligibility for licensure by endorsement.

(2) The board may require an endorsement applicant to successfully complete an oral interview, an oral examination, or a clinical examination if it is determined by the board

that the current competency of the candidate requires additional evaluation.

(3) All applicants for licensure by endorsement shall satisfactorily complete a written examination on Missouri Optometric Law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

AUTHORITY: section 336.160.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.011. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed April 13, 1982, effective July 11, 1982. Amended: Filed March 4, 1983, effective June 11, 1983. Amended: Filed May 31, 1991, effective Oct. 31, 1991. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed Aug. 11, 1992, effective Feb. 26, 1993. Amended: Filed April 18, 1996, effective Oct. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2210-2.011, effective Aug. 28, 2006. Amended: Filed Nov. 29, 2006, effective May 30, 2007. Amended: Filed May 2, 2008, effective Nov. 30, 2008.*

**Original authority: 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007.*

20 CSR 2210-2.020 Licensure by Examination

PURPOSE: This rule explains the examinations of the State Board of Optometry.

(1) Every person applying for licensure as an optometrist shall have graduated from a school of optometry approved by the board.

(2) The board currently approves those schools of optometry which are accredited by the Council on Optometric Education.

(3) All applicants must pay the application fee and submit proof of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

(4) All applicants for a license as an optometrist shall pass all parts of the examination administered by the National Board of Examiners in Optometry (NBEO). Each applicant also shall pass an examination on Missouri Optometric law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.



(5) In addition to the above requirements, all applicants for a license as an optometrist must be certified by the board as qualified to use pharmaceutical agents in accordance with the guidelines stated in 20 CSR 2210-2.080.

AUTHORITY: sections 336.050, 336.160.1, and 336.220.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.020. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 10, 1976, effective March 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Amended: Filed March 13, 1980, effective June 12, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Feb. 8, 1983, effective May 12, 1983. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed May 31, 1991, effective Oct. 31, 1991. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed Aug. 11, 1992, effective Feb. 26, 1993. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2210-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 29, 2006, effective May 30, 2007. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.050, RSMo 1939, amended 2007; 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007; and 336.220.1, RSMo 1981, amended 1986, 1993, 1995, 2007.*

20 CSR 2210-2.030 License Renewal

PURPOSE: This rule clarifies the license renewal requirements and procedures.

(1) Every licensed optometrist shall notify the board of any change of legal name, mailing address, and telephone number within thirty (30) days.

(2) Every licensed optometrist shall prominently display his/her renewal license in his/her principal place of practice.

(3) Whenever a licensed optometrist has additional offices, he/she, in lieu of delivering a certificate of identification to each patient in his/her care pursuant to section 336.070, RSMo, may prominently display a duplicate renewal license in each additional office.

(4) Failure of the licensee to receive a renewal application shall not relieve the licensee of

the obligation to renew the license and pay the required fee prior to the license expiration date. Deposit of the renewal fee by the board or the Division of Professional Registration does not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(5) A period of sixty (60) days grace is established following the date by which every optometrist must renew his/her license. The board shall cause a license to be renewed if the renewal is sought and fees are paid before the expiration of the grace period.

(A) No license shall be renewed after the grace period unless, within five (5) years, the holder submits a properly-completed reactivation application form, the required reactivation fee, plus satisfactory evidence of his/her attendance, for a minimum of forty-eight (48) hours, at continuing education programs approved by the board.

(6) Effective with the two- (2-) year continuing education reporting period beginning on November 1, 2008, every optometrist currently licensed in Missouri shall obtain a minimum of thirty-two (32) hours of approved continuing education (herein "C.E." credits) relevant to the practice of optometry. Any hours acquired beyond the required number may be carried forward into the next renewal period not to exceed sixteen (16) hours.

(7) The two- (2-) year continuing education reporting period shall begin on November 1 and end on October 31. C.E. credits earned after October 31 of the second year of the reporting period shall apply to the next reporting period unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will provide a licensee with the ability to earn C.E. credits on or after November 1 and before December 31 and apply any needed C.E. credits to the prior reporting period. If the licensee pays the continuing education penalty fee for C.E. credits earned late, those credits shall not be applied to the next reporting period. A renewal license will not be issued until all renewal requirements have been met.

(8) Licensees shall report the number of C.E. credits earned during the continuing education reporting period on the renewal form provided by the board. The licensee shall not submit the record of C.E. attendance to the board except in the case of a board audit.

(9) Every licensed optometrist shall maintain full and complete records of all approved C.E. credits earned for the two (2) previous reporting periods in addition to the current

reporting period. The records shall document the titles of the courses taken, dates, locations, course sponsors, and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

(10) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of an optometrist depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required thirty-two (32) hours of continuing education and engages in the active practice of optometry without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of optometry.

(11) The following guidelines govern the attendance of educational optometric programs for license renewal:

(A) Each speaker, lecturer, or other participant in the presentation of the continuing education program must be recognized as possessing the requisite qualifications and as being expert in his/her field. The board will determine whether a speaker, lecturer, or other person meets the requirements of this section;

(B) Instruction courses sponsored for commercial purposes by individuals or institutions or programs in which the speaker advertises or urges the use of any particular ophthalmic product or appliance generally shall not be recognized for educational credit. Exceptions shall be made if the procedure in subsection (11)(D) is followed and the majority of the board votes to recognize the instruction course or program;

(C) Educational programs that currently are approved, except as noted in subsection (11)(B), as meeting the minimum standards, include the following:

1. Educational meetings of the American Optometric Association (AOA);
2. Educational meetings of the National Optometric Association (NOA);
3. Educational meetings of the Missouri Optometric Association or any other state or regional optometric association affiliated with the American Optometric Association. This excludes local society meetings unless the courses are Council on Optometric Practitioner Education (COPE)-approved or the course receives prior state board approval;
4. Scientific sections and continuing education courses of the American Academy



of Optometry;

5. Postgraduate courses offered at any accredited college of optometry;

6. Educational meetings of the Southern Council of Optometrists;

7. Educational meetings approved by the COPE;

8. Educational meetings of the North Central States Optometric Council;

9. Educational meetings of the Heart of America Optometric Congress and the Heart of America Contact Lens Society;

10. Educational meetings of the College of Optometrists in Vision Development;

11. Educational meetings of the Optometric Extension Program; and

12. Optometric related meetings of any accredited school of medicine;

(D) With the exception of any of the previously mentioned educational organizations, any other regularly organized group of optometrists that wishes to sponsor an educational program to meet the standard for license renewal in Missouri shall submit one (1) copy of the program schedule and outline to the board's executive director not fewer than thirty (30) days prior to the date of the program and shall pay the continuing education sponsor fee. The outline must indicate the program's subject matter, the number of hours required for its presentation, and the identity and qualifications of the speakers and instructors. The board shall review the schedule and outline. If the program meets the standards set out in subsections (11)(A)–(B), the board may grant approval. The board will not consider requests for approval of any program submitted following the meeting;

(E) Of the thirty-two (32) hours of board-approved continuing education required for license renewal, no more than sixteen (16) hours may be obtained through distance learning methods such as correspondence courses, online only courses, magazine articles, or other methods where the licensee is not physically present with the course speaker or presenter;

(F) Individuals who obtain a license by endorsement during the second year of a two-(2-) year reporting period will only be required to obtain sixteen (16) hours of continuing education in order to renew the license for the initial license renewal. Individuals who obtain a license by endorsement during the first year of a two- (2-) year reporting period will be required to obtain thirty-two (32) hours of board-approved continuing education in order to renew the license for the initial license renewal;

(G) Individuals who obtain a license by examination shall be considered to have satisfied the continuing education requirement for the first renewal after their initial license date;

(H) Licensees who present Council on Optometric Practitioner Education (COPE)-approved continuing education will be allowed one (1) hour of continuing education credit for each hour of the continuing education presented. Each COPE numbered course may be used one (1) time for continuing education credit during the reporting period;

(I) Licensees who are enrolled in a postgraduate residency program accredited by the Council on Optometric Practitioner Education will receive sixteen (16) hours of continuing education credit to satisfy one (1) year of the two- (2-) year reporting period; and

(J) The board will consider requests for exemption from the educational requirements only if the request for exemption is filed with the board's executive director and actually approved by the board before the end of the reporting period. The request for exemption must be by sworn affidavit and must clearly set out the reasons asserted for noncompliance, including at least a listing of all other years for which the board has exempted the licensee and a listing of the dates upon which the licensee's reasons for exemption required his/her absence from active practice. In its discretion, the board may refuse to exempt a licensee from the required attendance, notwithstanding the existence of a valid reason, if the board determines that the licensee has or had other reasonable opportunities to meet the requirements of this rule.

(12) The license renewal period shall commence on November 1 and end on October 31 of each even-numbered year.

AUTHORITY: sections 336.080 and 336.160.1, RSMo Supp. 2013. This rule originally filed as 4 CSR 210-2.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Amended: Filed Sept. 12, 1980, effective Dec. 13, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Feb. 8, 1983, effective May 12, 1983. Amended: Filed Aug. 4, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 28, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed May 17, 1989, effective Aug. 24, 1989. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed May 21, 1993, effective Nov. 8, 1993. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 16, 1998, effective Dec. 30, 1998. Amended: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed Jan. 3, 2006, effective June 30, 2006. Moved to 20 CSR 2210-2.030, effective Aug. 28, 2006.*

Amended: Filed June 14, 2007, effective Dec. 30, 2007. Amended: Filed Dec. 5, 2007, effective June 30, 2008. Amended: Filed Aug. 27, 2010, effective March 30, 2011. Amended: Filed Nov. 19, 2013, effective May 30, 2014. Amended: Filed July 18, 2016, effective Jan. 30, 2017.

**Original authority: 336.080, RSMo 1939, amended 1943, 1963, 1981, 2007 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007, 2008.*

20 CSR 2210-2.040 Public Complaint Handling and Disposition

PURPOSE: This rule states how complaints should be filed with the board and the procedure for handling the complaints.

(1) The board shall receive and process each complaint made against any licensee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 336, RSMo. Any member of the public or the profession or any federal, state or local official may make and file a complaint with the board. Complaints shall be received from sources outside Missouri and processed in the same manner as those originating within Missouri. No member of the board shall file a complaint with this board while he/she holds that office, unless that member excuses himself/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the State Board of Optometry. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be made based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made on forms provided by the board and shall fully identify the affiant by name and address. Complaint forms will be provided by the board and are available upon request. Oral and telephone communications will not be considered or processed as complaints but the person making these communications will be provided with a complaint form and requested to complete it and return it to the board. Any member of the administrative staff or the board may make and file a complaint based upon



information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. The logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint was dismissed by the board or if informal charges were filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated and later, as to whether the complaint is being dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals, and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board. The provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered closed records and shall not be available for inspection by the general public. However, upon written request, a copy of the complaint and any attachments may be provided to any licensee who is the subject of that complaint or to his/her legal counsel.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect, or inure to the benefit of, those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 336, RSMo.

*AUTHORITY: sections 336.160.1 and 610.010.15(6), RSMo Supp. 2007. * This rule originally filed as 4 CSR 210-2.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Dec. 6, 1982, effective March 11, 1983. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2210-2.040, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007 and 610.010, RSMo 1973, amended 1977, 1978, 1982, 1987, 1993, 1998, 2004.*

20 CSR 2210-2.050 Professional Optometric Corporations

PURPOSE: This rule governs professional optometric corporations.

(1) No person licensed under the provisions of Chapter 336, RSMo shall organize, form or, at any time, participate as incorporator, director, shareholder or officer of any corporation organized under the provisions of the Professional Corporation Law of Missouri, except—

(A) All incorporators, directors and officers, other than the secretary of the corporation, shall be registered under the provisions of Chapter 336, RSMo, shall have paid all fees due under that chapter and must be in good standing with the board, except that, if more than one (1) type of professional service is practiced by the professional corporation pursuant to the provisions of subsection (1)(C), then the incorporators, directors and officers other than secretary of the corporation, shall be in good standing with the Missouri State Board of Registration for the Healing Arts and duly licensed to practice one (1) or more of the professional services referred to in subsection (1)(C);

(B) The proposed name of the corporation shall contain the surname of each registered practitioner within the corporation owning ten percent (10%) or more of the outstanding stock of the corporation; provided, however, that if there are more than three (3) registered practitioners, each of whom owns more than ten percent (10%) of the stock of the corporation, the proposed corporate name shall contain only the names of the three (3) practitioners who own the greatest number of shares of stock of the proposed corporation. The proposed corporation shall end with the words Professional Corporation or P.C. The proposed name of the corporation shall contain the name of the profession to be practiced or the professional title of practitioners of that profession but no other words other than those previously specified. However, words other than those provided in this rule may be used in proposed corporate names where the words are found by a majority of the board at a regularly scheduled meeting to be in keeping with the ethical standards of the profession; and

(C) A professional corporation may be organized only for the purpose of rendering optometric service and its ancillary services except that a multiple purpose professional corporation may be organized to render optometric services in conjunction with any services that lawfully may be rendered by a physician, surgeon, doctor of medicine or doctor of osteopathy licensed under the provisions of a licensing law of this state.

*AUTHORITY: section 336.160, RSMo Supp. 2007. * This rule originally filed as 4 CSR 210-2.050. This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 14, 1987, effective Sept. 11, 1987. Moved to 20 CSR 2210-2.050, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.160, RSMo 1939, amended 1947, 1963, 1981, 2007.*

20 CSR 2210-2.060 Professional Conduct Rules

PURPOSE: This rule explains the professional conduct required of licensed optometrists.

(1) Every licensed optometrist whose name, office address, phone number or place of practice appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved and sanctioned the advertisement and shall be personally and professionally



responsible for the content and character of the advertisement.

(2) The term advertising, as used in section 336.110, RSMo and this rule, shall include, but not be limited to, advertising by means of any of the following media:

(A) Newspapers, magazines, periodicals, programs, circulars, handbills, stationery, web pages, Internet communications, or any other forms of printed, mimeographed, offset, typewritten or otherwise reproduced material;

(B) Motion pictures;

(C) Broadcasts by radio, television or public address systems; and

(D) Signs of every kind and description including billboards, posters, building signs, corridor signs, stair signs and window signs.

(3) No optometrist licensed in this state shall use or employ deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact in connection with the advertisement of any ophthalmic goods or services.

(4) Advertisements which will be deemed to violate section (3) include, but shall not be limited to, those which:

(A) Use words that are apt to be misunderstood or qualifying references in smaller type which are apt to be overlooked by a casual reader;

(B) Exaggerate the quality of goods or services;

(C) Contain any promise of improved condition;

(D) Contain self-laudatory statements or claims of superiority over other licensed optometrists or other health care professionals or any reference to the quality of care provided; or

(E) Fail to identify the optometrist's profession by not including the word optometrist, doctor of optometry or O.D. following the optometrist's name if the advertisement must contain the name of the optometrist pursuant to subsection (4)(E).

(5) Advertising concerning the cost and availability of ophthalmic goods and services is deemed to be misleading unless it contains the following disclosures:

(A) Whether an advertised price includes single vision, multifocal lenses, or both;

(B) Whether an advertised price for contact lenses refers to soft or hard contact lenses, or both;

(C) Whether an advertised price for ophthalmic goods includes an eye examination;

(D) Whether an advertised price for ophthalmic goods includes all dispensing fees; and

(E) Whether an advertised price for eyeglasses includes both frames and lenses.

(6) Nothing in this section shall be construed to require that the optometrist advertise the price of particular goods or services.

(7) It shall be considered dishonesty in the practice of optometry for an optometrist to permit, allow or cause a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric findings to fit a contact lens upon a patient or member of the public.

(8) It shall be considered misconduct in the practice of optometry to—

(A) Write or allow to be written any prescription for ophthalmic materials or pharmaceutical agents which does not legibly include on the face of the prescription the license number of the optometrist, the full name of the optometrist (printed or typed), the optometrist or the initials O.D. and the signature of the prescribing optometrist; or

(B) Verbally communicate or allow to be communicated to the individual or business who will be filling the prescription any prescription for ophthalmic materials or pharmaceutical agents without communicating or causing to be communicated the full name and license number of the prescribing optometrist.

(9) It shall be considered dishonesty in the practice of optometry for an optometrist to enter into an agreement or arrangement where s/he permits, allows or causes a person who is not a licensed optometrist or a licensed physician or surgeon to do any of the following acts upon a patient or member of the public:

(A) Examine the eye to ascertain the presence of defects or abnormal conditions of the eye;

(B) Determine the corrective qualities to be incorporated in a contact or spectacle lens; or

(C) Adjust or fit a contact lens to the eye.

(10) Every licensed optometrist providing optometric services prominently shall display his/her name at the entrance of his/her office(s) any times during which these services are offered. The licensed optometrist so displaying his/her name shall identify his/her profession by including the word optometrist, doctor of optometry or O.D. following his/her name.

(11) An optometrist is associated in business if s/he is a partner or if s/he is an employee or the holder of ten percent (10%) or more of the stock in a corporation or an officer or director of a corporation, or is guaranteed, promised or paid a commission, repayment of expenses or other remuneration.

(12) An optometrist who is associated in business with a person, firm or corporation which deals in optometric goods shall disclose this business relationship to his/her patients prior to the formation of an expressed or implied contract for optometric services. This disclosure shall include the name of the employer of the optometrist or shall state the name of the business in which s/he holds an interest or of which s/he is a member, officer or director and shall take the form of a sign posted in clear public view or a printed statement delivered to each patient in his/her care.

(13) Sections (11) and (12) of this rule shall not apply to an optometrist who is associated in business merely by being a member or an employee of a professional corporation lawfully organized and registered pursuant to the provisions of Chapters 336 and 356, RSMo and the rules of the board applicable to those chapters, or by being a member or salaried employee of a health services corporation lawfully organized and registered in accordance with Chapter 354, RSMo.

(14) An optometrist who rents or leases office space on the premises of a business which deals in optometric goods and who is not associated with that business shall disclose that fact in the manner described in section (12) of this rule.

AUTHORITY: section 336.110, RSMo 2000 and section 336.160.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.060. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 10, 1977, effective Aug. 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Oct. 27, 1983, effective March 11, 1984. Amended: Filed Aug. 4, 1986, effective Nov. 13, 1986. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2210-2.060, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.110, RSMo 1939, amended 1947, 1978, 1981 and 336.160.1, RSMo 1939, amended 1947, 1963, 1981, 2007.*



20 CSR 2210-2.070 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 336, RSMo.

(1) The following fees are established by the State Board of Optometry:

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| (A) Application Fee | \$225 |
| (B) Missouri Law Exam Fee | \$ 50 |
| (C) Biennial Renewal Fee | \$150 |
| (D) Late Fee | \$100 |
| (E) Reactivation Fee | \$350 |
| (F) Duplicate Certificate Fee | \$ 20 |
| (G) Certification of Corporation Fee | \$ 20 |
| (H) Endorsement Certification Fee | \$ 20 |
| (I) Computer Print-Out of Licensees Fee | \$ 20 |
| (J) Pharmaceutical Certification Fee | \$ 75 |
| (K) Uncollectible Fee (uncollectible check or other uncollectible financial instrument) | \$ 25 |
| (L) Law Book Requests Fee | \$ 5* |
| (M) Biennial Continuing Education Sponsor Fee | \$ 25 |
| (N) Continuing Education Penalty Fee (reporting continuing education hours obtained after the end of the reporting period) | \$150 |
| (O) Fingerprinting Fee (amount determined by the Missouri State Highway Patrol) | |

*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure or to accredited schools of optometry. Furthermore, this fee will not be charged to licensees or any other individual for additions or corrections to the law book after the initial copy is mailed.

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 336.140 and 336.160, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.070. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. Amended: Filed June 3, 1985, effective Aug. 26, 1985. Amended: Filed Aug. 1, 1985, effective Nov. 11, 1985. Amended: Filed Feb. 3, 1986, effective April 25, 1986. Amended: Filed Sept. 30, 1986, effective Feb. 28, 1987. Amended: Filed May 15, 1987, effective Sept. 11, 1987. Amended: Filed June 1, 1988, effective Aug. 26, 1988. Amended: Filed July 18, 1989, effective Nov. 26, 1989. Emergency amendment filed Oct. 11, 1990, effective Oct. 21, 1990, expired Feb. 17, 1991. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Dec. 14, 1992, effective Aug. 9, 1993. Amended: Filed Sept. 24, 1993, effective May 9, 1994. Amended: Filed Jan. 23, 1996, effective July 30, 1996. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed March 30, 1998, effective Sept. 30, 1998. Amended: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Amended: Filed Jan. 3, 2006, effective June 30, 2006. Moved to 20 CSR 2210-2.070, effective Aug. 28, 2006. Amended: Filed Nov. 29, 2006, effective May 30, 2007. Amended: Filed Dec. 5, 2007, effective June 30, 2008.*

**Original authority: 336.140, RSMo 1939, amended 1949, 1963, 1980, 1981, 1985, 2007 and 336.160, RSMo 1939, amended 1947, 1963, 1981, 2007.*

20 CSR 2210-2.080 Certification of Optometrists to Use Pharmaceutical Agents

PURPOSE: This rule sets out the requirements and procedures for the certification of optometrists to use pharmaceutical agents.

(1) No optometrist licensed in this state may use pharmaceutical agents in the practice of optometry unless that optometrist has been certified by the board as qualified to use those pharmaceutical agents in the practice of optometry.

(2) All applications for pharmaceutical certification must be made on forms provided by the board and must be accompanied by the pharmaceutical certification fee. The application must be accompanied by proof that the applicant has passed an examination approved by the board.

(3) The board will certify optometrists cur-

rently licensed in this state as qualified to use pharmaceutical agents in the practice of optometry in accordance with the following guidelines:

(A) All applicants for certification must present official documentation and/or transcripts showing successful completion of at least one hundred (100) hours of approved, supervised, clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. The board cannot approve any credit hours unless they were taught by an institution having facilities for both the didactic and clinical instruction in pharmacology, which is approved by the board and which is accredited by a regional or professional accrediting organization which is recognized by the Council on Post-secondary Accreditation or the United States Department of Education or its successors; and

(B) All applicants for certification must pass a written examination in pharmacology administered or approved by the board.

(4) The board may not accept any documentation required by subsection (3)(A) of this rule unless the course of studies it reflects is certified by the institution as being comparable in content to those courses in general and ocular pharmacology required by other licensing boards whose licensees or registrants are permitted the use of pharmaceutical agents in the course of their professional practice.

(5) Applicants certified to use pharmaceutical agents in another state whose requirements for certification are substantially equivalent as those required in this state may be granted a certification to use pharmaceutical agents in Missouri without examination.

(6) Use of oral analgesic agents shall be limited to those specific uses as follows:

(A) Prescription strength oral analgesic agents and particularly controlled substances are rarely required for the relief of pain in ocular conditions. Therefore, they may be used only for ocular pain of which the etiology can be clearly demonstrated and in which, in the judgment of the optometrist, sufficient relief would not be obtained with noncontrolled substances;

(B) When prescribing oral analgesic agents which are categorized as controlled substances, only scheduled oral agents that are appropriate for treatment of ocular pain may be prescribed;

(C) Prescriptions for controlled substances may not be refilled without further examination and follow-up care; and



(D) Optometrists may not maintain inventories of controlled substances for dispensing or administering.

AUTHORITY: sections 336.160 and 336.220, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.080. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed March 14, 1982, effective June 11, 1982. Amended: Filed Aug. 4, 1986, effective Nov. 13, 1986. Amended: Filed Nov. 15, 1989, effective March 11, 1990. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 15, 1996, effective April 30, 1997. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2210-2.080, effective Aug. 28, 2006. Amended: Filed April 18, 2008, effective Nov. 30, 2008.*

**Original authority: 336.160, RSMo 1939, amended 1947, 1963, 1981, 2007 and 336.220, RSMo 1981, amended 1986, 1993, 1995, 2007.*