

ARIZONA STATE BOARD OF OPTOMETRY
FIVE-YEAR REVIEW REPORT
A.A.C. TITLE 4, CHAPTER 21
ARTICLES 1, 2, 3

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TITLE 4. PROFESSIONS AND OCCUPATIONS
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ARTICLES 1, 2, 3

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FIVE-YEAR-REVIEW SUMMARY

The 24th Legislature Assembly of the Territory of Arizona established the Board in 1907 to protect the public's health safety and welfare by licensing and regulating optometrists.

The Arizona State Board Optometry acts in accordance with the highest standards of ethics, accountability, efficiency, and openness. We believe that by the vigorous enforcement of the law, we protect the public and ensure that the highest quality of comprehensive eye care is available to the citizens of Arizona and that it is delivered by qualified optometric practitioners.

Optometrists (Doctors of Optometry) are licensed by the Arizona State Board of Optometry. They are independent primary health care providers who examine, diagnose, treat and manage diseases and disorders of the visual system, the eye and associated structures as well as diagnose related systemic conditions.

They examine the internal and external structure of the eyes to diagnose eye diseases including but not limited to glaucoma, cataracts and retinal disorders; systemic diseases like hypertension and diabetes; and vision conditions like nearsightedness, farsightedness, astigmatism and presbyopia. Optometrists also test to determine the patient's ability to focus and coordinate the eyes, and to judge depth and to distinguish colors accurately.

They prescribe eyeglasses and contact lenses, low vision aids, vision therapy and medicines to treat eye diseases. As primary eye care providers, optometrists are an integral part of the health care panel and an entry point into the health care system. They are skilled in the co-management of care that affects the eye health and vision of their patients and an excellent source of referral to other health care professionals.

The Board continues to meet its objective and purpose through licensure and regulation of optometrists, and is currently undergoing sunset review to meet the July 1, 2013 deadline.

The Board has 23 rules and 1 Table in Title 4, Chapter 21, Articles 1, 2 and 3. The majority of these rules were last amended to conform to Laws 2001, Chapter 331 and Laws 2003, Chapter 5; and approved by GRRC at the December 4, 2007 meeting with an effective date of February 2, 2008.

INFORMATION IDENTICAL FOR ALL RULES

The following information is the same for all the Board of Optometry (Board) rules:

1. General and specific statutes authorizing the rule;

All of the rules have general authority under A.R.S. §32-1704(A), which states that the board "shall adopt, and may amend, rules consistent with this chapter governing the practice of the profession of optometry, for the performance of its duties under this chapter and for the examination of applicants for licenses."

In addition, pursuant to A.R.S. §32-1704 (B) the Board may not adopt a rule that: 1) regulates a licensee's fees or charges to a patient; 2) regulates the place in which a licensee may practice; 3) prescribes the manner or method of accounting, billing or collection of fees; and 4) prohibits advertising by a licensee unless the advertising is consistent with section §44-1481.

2. Agency Enforcement Policy

All of these rules have been enforced consistently during the past five years through control of interpretation and application by agency staff of the Arizona State Board of Optometry (“Board”). The following report will detail those rules in which discrepancies, if any, in the enforcement may appear. The Board has not received any requests for rule waivers during this time period.

3. Summary of the written criticisms or analysis of the rule

The Board has not received any written criticisms or outside analysis of the rules in the last five years.

4. Estimated economic, small business and consumer impact statement

The Board estimated the following economic impact of the rules when they were last amended in 2008 and 2010:

The economic, small business, and consumer impact statement contains the information necessary for compliance with A.R.S. §§41-1035, 1052 and 1055.

1. Increased Revenue / Decreased Costs:

There are no increased revenues. The Board believes that clarifying the requirements for the licensure, supplies necessary to dispense medications safely, and for timeframes will benefit the Board staff, optometrists, and applicants.

2. Decreased Revenue / Increased Costs:

There are no decreased revenues. The cost to PA dispensing optometrists to have emergency supplies in examination rooms is minimal to an individual. The requirement that all optometrists dispensing pharmaceutical agents be certified in cardiopulmonary resuscitation will minimally increase costs to the optometrists currently uncertified.

3. Do the probable benefits outweigh the probable costs?

The benefits from clarifying the rules, increasing safety for the public through increased training and equipment requirements, and keeping rules consistent with statute outweigh the cost of the rulemaking to the Board.

4. Small business impact reduction analysis:

The rulemaking has no reducible impact on small business or consumers. It is designed to enhance safety of the public in receiving services from optometrists and has minimal encumbrance on the regulated population.

The impact has not differed from the estimate since that time period.

5. Proposed course of action:

Rules may be amended in October 2013 or no later than December of 2014 pursuant to any statute changes made during the Board’s 2013 sunset review.

6. Compliance with A.R.S. §41-1037

In addition, pursuant to A.R.S. §41-1056(A)(10), it has been determined that the rule as amended does not have a corresponding federal law and is therefore not more stringent than any corresponding federal law. An analysis under A.R.S. 41-1037 is not necessary because the

Agency does not issue general permits and the issuance of an alternative type of permit, license or authorization is specifically authorized by state statute.

INFORMATION ON INDIVIDUAL RULES:

Article 1. General Provisions

R4-21-101. Definitions

Objective of the rule

To define terms used in the rules to make the rules understandable to the reader, achieve clarity in the rules without needless repetition, and afford consistent interpretation.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-102. Fees and other charges

Authorization of the rule by existing statutes

A.R.S. §32-1727

Objective of the rule

To establish and clarify specific fees authorized by A.R.S. §32-1727.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-103. Time-frames for Board Action

Authorization of the rule by existing statutes

A.R.S. §41-1072; A.R.S. §32-1722; A.R.S. §32-1723

Objective of the rule

To establish and clarify specific timeframes for completing an initial application, license renewal, approval of Continuing Education (CE) and approval of contact lens registration.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

Table 1

Authorization of the rule by existing statutes
A.R.S. §41-1072 through 1079; A.R.S. §§32-1722 and 1723

Objective of the rule
To provide time frames for the Board to approve or deny a program and for completing an initial application, license renewal, approval of CE and approval of contact lens registration.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

Article 2. Licensing Provisions

R4-21-201. Licensure by Examination

Authorization of the rule by existing statutes
A.R.S. §32-1722

Objective of the rule
To specify what information and documentation must be submitted to the Board when applying for a license to practice the profession of optometry using the National Board of Examiners in Optometry (NBEO) examination.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-202. Licensure by Endorsement

Authorization of the rule by existing statutes
A.R.S. §32-1723

Objective of the rule

To specify what information and documentation must be submitted to the Board when applying for a license to practice the profession of optometry as an endorsement candidate coming from a state with equal or higher scope than Arizona.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-203. Jurisprudence

Authorization of the rule by existing statutes

A.R.S. §32-1724

Objective of the rule

To ensure all applicants for licensure have read and are familiar with the applicable statutes and rules which govern their practice.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-204 License Issuance

Authorization of the rule by existing statutes

A.R.S. §32-1725

Objective of the rule

To ensure the Board issues a license to all qualified applicants who have successfully met the requirements for licensure and who pay the license fees in a timely manner.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-205. License Renewal

Authorization of the rule by existing statutes
A.R.S. §32-1726

Objective of the rule
To provide criteria for a licensee to renew their active license.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-206. License Reinstatement; Application for Licensure following License Expiration

Authorization of the rule by existing statutes
A.R.S. §32-1726

Objective of the rule
To provide criteria for a licensee to reinstate an expired license and address failure to renew a license.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-207. Course of Study Approval

Authorization of the rule by existing statutes
A.R.S. §32-1728

Objective of the rule
To provide criteria for Board approval of transcript quality courses utilized to determine required education for issuing licenses and PA certificates.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-208. Certificate of Special Qualification; Pharmaceutical Agent Number

Authorization of the rule by existing statutes
A.R.S. §32-1728

Objective of the rule
To issue a newly licensed optometrist or otherwise qualified currently licensed optometrist a Pharmaceutical Agent Number so as to practice at the highest scope. This rule defines the current level of practice within the State of Arizona.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-209. Continuing Education

Authorization of the rule by existing statutes
A.R.S. §§32-1704 and 32-1726

Objective of the rule
To establish criteria for the requirements of continuing education and limit the type, kind and number of continuing education hours that may be taken in any one area of practice.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;
The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;
The rule is clear, concise, and understandable.

R4-21-210. Approval of Continuing Education

Authorization of the rule by existing statutes
A.R.S. §32-1704

Objective of the rule
To establish criteria for the approval of continuing education programs.

Effectiveness in achieving the objective;
The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-211. Audit of Compliance with Continuing Education Requirement

Authorization of the rule by existing statutes

A.R.S. §32-1704

Objective of the rule

To establish an audit process and requirements for a licensee to submit to the audit criteria for continuing education for renewal of license.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-212. Waiver of or Extension of Time to Complete Continuing Education Requirement

Authorization of the rule by existing statutes

A.R.S. §32-1726

Objective of the rule

To grant authority to the Board to review emergency situations that may occur to licensees which may prevent a timely completion of mandated continuing education programs and allow special accommodation for completion of required hours for that renewal period.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-213. Registration of Nonresident Contact lens Dispenser; Renewal

Authorization of the rule by existing statutes

A.R.S. §32-1773

Objective of the rule

To register, monitor and renew registration for all out of state contact lens dispensers who

dispense contact lenses to residents of Arizona.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

Article 3. Standards; Recordkeeping; Rehearing or Review of Board Decision

R4-21-301. Display of License; Surrender of License

Authorization of the rule by existing statutes

A.R.S. §32-1744

Objective of the rule

To establish criteria for surrender of license when disciplined or revoked.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-302. Advertising

Authorization of the rule by existing statutes

A.R.S. §32-3213

Objective of the rule

This rule sets standards for the methods and manner in which an optometrist may advertise services and products.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-303. Affirmative Disclosures Required

Authorization of the rule by existing statutes

A.R.S. §32-3213

Objective of the rule

To set the requirements for specifications and clarification of advertisements.

Effectiveness in achieving the objective:

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules:

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability:

The rule is clear, concise, and understandable.

R4-21-304. Vision Examination Standards

Authorization of the rule by existing statutes

A.R.S. §32-1701

Objective of the rule

To set guidelines for the standard of care when conducting eye exams.

Effectiveness in achieving the objective:

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules:

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability:

The rule is clear, concise, and understandable.

R4-21-305 Recordkeeping

Authorization of the rule by existing statutes

A.R.S. §32-1701

Objective of the rule

To set the minimum level of record keeping pursuant to the national standard of care.

Effectiveness in achieving the objective:

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules:

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability:

The rule is clear, concise, and understandable.

R4-21-306. Optometric Prescription Standards; Release to Patients

Authorization of the rule by existing statutes

A.R.S. §32-1701

Objective of the rule

To set standards for the content required for each type of prescription as well as the release of all eyeglasses, contact lenses and pharmaceutical agent prescriptions.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-307. Vision Rehabilitation

Authorization of the rule by existing statutes

A.R.S. §32-1701

Objective of the rule

To define the diagnosis, treatment and standards concerning vision rehabilitation pursuant to the national standards.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-308. Anaphylactic-related Supplies

Authorization of the rule by existing statutes

A.R.S. §32-1706

Objective of the rule

To define the need for and possible use of anaphylactic-related supplies as it pertains to the prescribing authority and the pharmaceutical agent use.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.

R4-21-309. Rehearing or Review of Board Decision

Authorization of the rule by existing statutes

A.R.S. §41-1092.09

Objective of the rule

To describe how a party in a contested case may appeal a final decision made by the Board.

Effectiveness in achieving the objective;

The rule meets its objective and is effective as written.

Consistency with state and federal statutes and rules;

The entire rule is consistent with both state and federal statutes.

Clarity, conciseness, and understandability;

The rule is clear, concise, and understandable.