

02- DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

382 MAINE BOARD OF OPTOMETRY

CHAPTER 1 EXAMINATION; APPROVED SCHOOLS; LICENSE RENEWAL; FEES;
CONTINUING EDUCATION

SUMMARY: This chapter consists of rules and regulations covering application for examination, approved schools of optometry, license renewal, establishment of fees levied by the Board and continuing education requirements.

1. Application for Examination

- A. A complete application for examination, with all supporting documentation, is to be filed with the executive secretary at least thirty (30) days prior to the examination.
- B. All information given on the application shall be given under oath.
- C. The licensing examination is conducted twice per year. The exact dates and place of examination are determined at least ninety (90) days prior to the examination. Information regarding the examination dates is available from the Board's executive secretary.
 - (1) Initial applicants must pass all three parts of the exam administered by the National Board of Examiners in Optometry prior to acceptance of the application.
 - (2) The Board shall administer an examination consisting of the practical aspect of the practice of optometry.
 - (3) Applicants who fail an examination and wish to reapply must complete a new application form and submit the licensing examination fee. All applicants who have failed the licensure examination three (3) times must wait two (2) years before reapplying to take the examination and must successfully complete 100 hours of Board-approved continuing education in optometry prior to reapplication. Upon request by the applicant, the Board shall make recommendations as to specific areas of study in which the applicant was deficient.

2. Approved Schools

Approved schools of optometry shall be those schools approved the American Optometric Association's Council on Optometric Education.

3. License Renewal Requirements

Licenses must be renewed annually. In order for a license to be renewed, the applicant must submit: a completed application form (provided by the Board); the license renewal fee; and proof of the requisite number of hours of continuing education.

Every optometrist holding a nonactive license for a period of three (3) years or more who wishes to resume active practice shall pass Part III of the National Board exam if the optometrist has not already done so, and must also pass the Board's oral examination before being granted a Maine active license.

4. Fees

All fees are nonrefundable. They should be made payable to the Maine Board of Optometry as follows:

A. Application for Licensing Examination

The fee for a licensing examination application is \$300.00.

B. Annual license fee

(1) The annual license fee is \$350.00.

(2) Initial License fee will be prorated based on date of licensure.

C. Late renewal fee

A license may be renewed up to sixty (60) days after the date of expiration upon payment of a late fee of \$75.00 in addition to the \$350.00 annual license fee.

PLEASE NOTE: The sole purpose of the 60-day period is to permit expedited processing of renewals. It does not in any way operate to extend the expiration date of your license to practice.

5. Continuing Education

A. Licensed optometrists are required to complete twenty-five (25) hours of approved continuing education per calendar year in order to renew their license. A maximum of two hours in practice management may be applied toward this requirement. At least fifteen (15) hours of continuing education must pertain to the diagnosis and treatment of ocular diseases for those optometrists who hold an advanced therapeutic license.

B. Courses offered in the State of Maine sponsored by optometric colleges, or national, state or regional optometric associations are subject to Board approval.

- C. Courses defined as Category I and approved by: the American Optometric Association; the American Medical Association; the American Academy of Ophthalmologists; the American Council on Pharmaceutical Education; or the Council on Optometric Practitioner Education (COPE) will be accepted by the Board without the requirement of prior Board review.

Any course not approved by the above listed organization may be submitted to the Board for prior approval. The Board may, in its discretion, approve such courses submitted to it, if the request for approval and pertinent course materials are received by the Board at least thirty (30) days in advance of the date for which the course is scheduled.

- D. If there is an increase in the number of continuing education hours required, up to a maximum of the thirty (30) allowed by 32 MRSA section 2426, all licensed optometrists will be notified at the beginning of the year in which the increase becomes effective.

STATUTORY AUTHORITY: 32 M.R.S.A., Sec. 2417(5), 2422-2424. 2426

EFFECTIVE DATE: August 23, 1979

AMENDED: September 30, 1984 - Sections 2, 3, 6
January 11, 1993
February 20, 1995
May 15, 1996 - Sections 3 (A, C), 7
October 14, 1996 - all sections (effectively repealed and replaced).
December 24, 2003 - Chapter 1 Sections 4(A)(B)(C)
April 19, 2010 – Chapter 1 Sections 1(C)(2) and 4(A)(B)(C)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

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CHAPTER 2 RULES OF PRACTICE

SUMMARY: This chapter consists of the procedure for rendering advisory rulings.

Advisory Rulings

- A. Authority and Scope. The Board may issue advisory rulings pursuant to 5 M.R.S.A., Section 9001, concerning the applicability of any statute or rule it administers to an existing factual situation. Advisory rulings will be issued at the Board's discretion and only upon request. Each request will be individually reviewed to determine whether an advisory ruling is appropriate. The Board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient experience upon which to base a ruling, or for any other reason the Board deems proper.
- B. Submission. Requests for advisory rulings shall be in writing and shall set forth in detail all facts pertinent to the question. The Agency may require additional information as necessary to complete a factual background for its ruling.
- C. Consideration. All requests for advisory rulings will be acknowledged by the Board within sixty days. The acknowledgment shall state whether a ruling will be given. Alternatively, the acknowledgment may request additional information which is necessary to determine whether an advisory ruling is appropriate.
- D. All advisory rulings shall be in writing and shall include a statement of the facts or assumptions or both upon which the rulings are based. The statement shall be sufficiently detailed to allow understanding of the basis of the opinion without reference to other documents. Advisory rulings shall be signed by the chief officer of the Board and shall be numbered in an appropriate serial manner.
- E. Disposition. Each completed advisory ruling will be mailed to the requesting party and a copy will be kept by the Board in a file or binder established for this purpose. All completed advisory rulings are public documents and shall be available for public inspection during the Board's normal working hours. In addition, the Board may otherwise publish or circulate any advisory ruling as it deems appropriate.

STATUTORY AUTHORITY: 5 M.R.S.A., Section 8051

EFFECTIVE DATE: August 23, 1979

AMENDED: February 20, 1995 - Sec. 2 (repealed)

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CHAPTER 3 Enforcement, Disciplinary Procedures and Appeals

SUMMARY: This chapter outlines the Board's Complaint Procedures.

1. Complaint Officer

- A. Complaint Officer Elected. At the Annual Meeting, or when necessary, the Board shall elect one of its members as the Complaint Officer.
- B. Duties of the Complaint Officer. The Complaint Officer shall be responsible for processing complaints and for responding to licensees and the general public for information relative to the practice of optometry.
- C. Delegation of Responsibilities. With the approval of the Board, the Complaint Officer may delegate any assigned responsibilities to other members of the Board.

2. Complaint Procedures

The Board will follow the procedures for initiating and processing complaints set forth in its Complaint Procedure Policy, a copy of which shall be available upon request from the Executive Secretary.

3. Appeals

- A. Final Board decisions regarding disciplinary actions may be appealed to Administrative Court pursuant to 10 M.R.S.A. section 8003 and 5 M.R.S.A. section 10051(3).
- B. Final Board decisions regarding action taken on applications for licensure may be appealed to Superior Court pursuant to 5 M.R.S.A. sections 11001-11008.

STATUTORY AUTHORITY: 5 M.R.S.A., Section 8051 et. seq.; 32 M.R.S.A.,
Section 2417(5).

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