

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 129**

**Senator Cirino**

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**A BILL**

To amend sections 4725.01, 4725.011, 4725.02, 1  
4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 2  
4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 3  
4725.21, 4725.23, 4725.231, 4725.24, 4725.25, 4  
4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 5  
4725.501, 4725.531, and 4725.59; to enact 6  
section 4725.012; and to repeal section 4725.131 7  
of the Revised Code to revise the law governing 8  
the practice of optometry and to amend the 9  
versions of sections 4725.13, 4725.18, and 10  
4725.26 of the Revised Code that are scheduled 11  
to take effect on December 29, 2023, to continue 12  
the changes on and after that date. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4725.01, 4725.011, 4725.02, 14  
4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 15  
4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 4725.24, 16  
4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 4725.501, 17  
4725.531, and 4725.59 be amended and section 4725.012 of the 18  
Revised Code be enacted to read as follows: 19

<u>Sec. 4725.01. As used in <del>this chapter</del> sections 4725.01 to</u>	20
<u>4725.35 of the Revised Code:</u>	21
(A) The "practice of optometry" means all of the	22
following:	23
(1) <del>The application of</del> <u>Applying</u> optical principles,	24
through technical methods and devices, in the examination of	25
human eyes for the purpose of ascertaining departures from the	26
normal, measuring their functional powers, adapting optical	27
accessories for the aid thereof, and detecting ocular	28
abnormalities that may be evidence of disease, pathology, or	29
injury;	30
(2) Employing, applying, administering, and prescribing	31
instruments, devices, and procedures, <del>other than excluding</del>	32
<u>invasive procedures except as provided in division (A) (4) of</u>	33
<u>this section or as provided in section 4725.012 of the Revised</u>	34
<u>Code, for <del>purpose</del> purposes of examination, investigation,</u>	35
diagnosis, treatment, or prevention of any disease, injury, or	36
other <del>abnormal</del> condition of the visual system;	37
(3) <del>Employing, applying, administering, and prescribing</del>	38
<del>topical ocular pharmaceutical agents;</del>	39
<del>(4)</del> Employing, applying, administering, and prescribing	40
therapeutic pharmaceutical agents <u>or personally furnishing a</u>	41
<u>complete or partial supply of a therapeutic pharmaceutical</u>	42
<u>agent;</u>	43
<del>(5)</del> <u>(4) Administering epinephrine by injection to</u>	44
<u>individuals in emergency situations to counteract anaphylaxis or</u>	45
<u>anaphylactic shock;</u>	46
(5) <u>Engaging in activities authorized by sections 4725.011</u>	47
<u>and 4725.012 of the Revised Code;</u>	48

(6) Designing, fabricating, and fitting artificial eyes or 49  
prostheses associated with the appearance or function of the 50  
human eye; 51

(7) Assisting an individual in determining the 52  
individual's blood glucose level by using a commercially 53  
available glucose-monitoring device. Nothing in this section 54  
precludes a licensed optometrist from using any particular type 55  
of commercially available glucose-monitoring device. 56

~~(6) Designing, fabricating, and fitting artificial eyes or~~ 57  
~~prostheses associated with the appearance or function of the~~ 58  
~~human eye.~~ 59

~~(B) "Topical ocular pharmaceutical agent" means a drug or~~ 60  
~~dangerous drug that is a topical drug and used for evaluative~~ 61  
~~purposes in the practice of optometry or for purposes of~~ 62  
~~examination, investigation, diagnosis, treatment, or prevention~~ 63  
~~of any disease, injury, or other abnormal condition of the~~ 64  
~~visual system.~~ 65

~~(C) "Therapeutic pharmaceutical agent" means a drug or~~ 66  
dangerous drug that is used for evaluation, examination, 67  
investigation, diagnosis, treatment, or prevention of any 68  
disease, injury, or other ~~abnormal~~ condition of the visual 69  
system in the practice of optometry by a licensed optometrist, 70  
and is any of the following: 71

~~(1) An oral drug or dangerous drug in one of the following~~ 72  
~~classifications:~~ 73

~~(a) Anti-infectives, including antibiotics, antivirals,~~ 74  
~~antimicrobials, and antifungals;~~ 75

~~(b) Anti-allergy agents;~~ 76

<del>(c) Antiglaucoma agents;</del>	77
<del>(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 . "Therapeutic pharmaceutical agent" does not include a controlled substance, except in the case of an analgesic controlled substance authorized by the state vision professionals board in rules adopted under section 4725.091 of the Revised Code, analgesic controlled substances;</del>	78 79 80 81 82 83 84 85
<del>(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used only if it is prescribed under all of the following conditions:</del>	86 87 88 89
<del>(i) For use in allergy cases;</del>	90
<del>(ii) For use by an individual who is eighteen years of age or older;</del>	91 92
<del>(iii) On the basis of an individual's particular episode of illness;</del>	93 94
<del>(iv) In an amount that does not exceed the amount packaged for a single course of therapy.</del>	95 96
<del>(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.</del>	97 98 99 100 101
<del>(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</del>	102 103 104

~~from certification by the federal food and drug administration— 105  
for ophthalmic purposes and the drug or dangerous drug is— 106  
specified in rules adopted by the board under section 4725.09 of— 107  
the Revised Code. 108~~

~~(D)—(C) "Controlled substance" has the same meaning as in 109  
section 3719.01 of the Revised Code. 110~~

~~(E)—(D) "Drug" and "dangerous drug" have the same meanings 111  
as in section 4729.01 of the Revised Code. 112~~

~~(F)—(E) "Invasive procedure" means any procedure that 113  
involves cutting or otherwise infiltrating human tissue by 114  
mechanical means including surgery, laser surgery, ionizing 115  
radiation, therapeutic ultrasound, administering medication by 116  
injection, or the removal of intraocular foreign bodies. 117~~

~~(G)—(F) "Visual system" means the human eye, its 118  
associated structures, and its accessory or subordinate 119  
anatomical parts. 120~~

~~(H) "Certificate of licensure" means a certificate issued— 121  
by the board under section 4725.13 of the Revised Code— 122  
authorizing the holder to engage in the practice of optometry. 123~~

**Sec. 4725.011.** ~~In prescribing and dispensing vision— 124  
correction devices, a A licensed optometrist may employ, apply, 125  
administer, prescribe and, or dispense any device that ~~has— 126  
vision correction as its primary purpose but also combines with— 127  
that purpose the delivery of~~ may be used for the purpose of 128  
delivering a drug or dangerous drug therapeutic pharmaceutical 129  
agent through the device, ~~if the drug delivered by the device— 130  
would otherwise be a topical ocular pharmaceutical agent or oral— 131  
therapeutic pharmaceutical agent. Devices authorized by~~ to which 132  
this section applies include, but are not limited to, ~~vision— 133~~~~

~~correcting the following: contact lenses that deliver such drugs~~ 134  
~~or dangerous drugs; punctal plugs; ocular inserts; and medical~~ 135  
~~devices that the state vision professionals board determines are~~ 136  
~~appropriate for use in the practice of optometry.~~ 137

**Sec. 4725.012.** (A) Subject to division (C) of this 138  
section, a licensed optometrist may employ, apply, administer, 139  
or prescribe any of the following procedures for purposes of 140  
examination, investigation, diagnosis, treatment, or prevention 141  
of any disease, injury, or other condition of the visual system: 142

(1) Any injection, other than an intravenous or 143  
intraocular injection, of a drug or dangerous drug, except that 144  
this section does not apply to epinephrine injections authorized 145  
under division (A) (4) of section 4725.01 of the Revised Code; 146

(2) The incision and curettage of a chalazion; 147

(3) The removal and biopsy of a skin lesion if the lesion 148  
has a low risk of malignancy and does not involve the eyelid 149  
margin; 150

(4) The excision or drainage, or both, of a conjunctival 151  
cyst or concretion; 152

(5) Any suturing other than corneal and scleral suturing; 153

(6) A laser surgery consisting of capsulotomy, 154  
trabeculoplasty, or peripheral iridotomy. 155

(B) The state vision professionals board shall adopt as 156  
necessary rules governing the performance of procedures 157  
described in division (A) of this section. The rules shall be 158  
adopted in accordance with Chapter 119. of the Revised Code and 159  
shall specify both of the following: 160

(1) The infection control practices to be followed by a 161

licensed optometrist when performing each procedure described in 162  
division (A) of this section; 163

(2) The training requirements that a licensed optometrist 164  
must satisfy in order to be eligible to perform each procedure 165  
described in division (A) of this section. 166

For purposes of a procedure described in division (A) (6) 167  
of this section, the training shall consist of at least thirty- 168  
two hours of instruction. For all other procedures described in 169  
division (A) of this section, the board shall determine the 170  
minimum number of hours of instruction. 171

(C) To be eligible to employ, apply, administer, or 172  
prescribe any of the procedures described in division (A) of 173  
this section, a licensed optometrist shall demonstrate to the 174  
state vision professionals board, in a manner prescribed by the 175  
board, that the optometrist satisfies for that procedure the 176  
training requirements established in rules adopted under 177  
division (B) of this section. 178

For purposes of a procedure described in division (A) (6) 179  
of this section, a licensed optometrist may demonstrate that the 180  
optometrist satisfies the training requirements for the 181  
procedure by providing to the board evidence of successfully 182  
completing such training while enrolled in a school of optometry 183  
approved by the board under section 4725.10 of the Revised Code. 184

**Sec. 4725.02.** ~~(A)~~—Except as provided in section 4725.26 of 185  
the Revised Code, no person shall engage in the practice of 186  
optometry, including the determination of the kind of procedure, 187  
treatment, or optical accessories needed by a person or the 188  
examination of the eyes of any person for the purpose of fitting 189  
the same with optical accessories, unless the person holds a 190

current, valid certificate of licensure to practice optometry 191  
from the state vision professionals board. No person shall claim 192  
to be the lawful holder of a certificate of licensure to 193  
practice optometry when in fact the person is not such lawful 194  
holder, or impersonate any licensed optometrist. 195

~~(B) No optometrist shall personally furnish a therapeutic 196  
pharmaceutical agent to any person, except that a licensed 197  
optometrist may personally furnish a therapeutic pharmaceutical 198  
agent to a patient if no charge is imposed for the agent or for 199  
furnishing it and the amount furnished does not exceed a 200  
seventy two hour supply, except that if the minimum available 201  
quantity of the agent is greater than a seventy two hour supply, 202  
the optometrist may furnish the minimum available quantity. 203~~

**Sec. 4725.09.** (A) The state vision professionals board 204  
shall adopt rules as it considers necessary to govern the 205  
practice of optometry and to administer and enforce sections 206  
4725.01 to ~~4725.34~~ 4725.35 of the Revised Code. All rules 207  
adopted under those sections shall be adopted in accordance with 208  
Chapter 119. of the Revised Code. 209

~~(B) The board, in consultation with the state board of 210  
pharmacy, shall adopt rules specifying any oral drugs or 211  
dangerous drugs that are therapeutic pharmaceutical agents under 212  
division (C) (3) of section 4725.01 of the Revised Code. 213~~

~~(C)~~The board shall adopt rules that establish standards 214  
to be met and procedures to be followed with respect to the 215  
delegation by an optometrist of the performance of an optometric 216  
task to a person who is not licensed or otherwise specifically 217  
authorized by the Revised Code to perform the task. The rules 218  
shall permit an optometrist to delegate the administration of 219  
drugs included in the optometrist's scope of practice. 220



The rules adopted under this division shall provide for 221  
all of the following: 222

(1) On-site supervision when the delegation occurs in an 223  
institution or other facility that is used primarily for the 224  
purpose of providing health care, unless the board established a 225  
specific exception to the on-site supervision requirement with 226  
respect to routine administration of a topical drug; 227

(2) Evaluation of whether delegation is appropriate 228  
according to the acuity of the patient involved; 229

(3) Training and competency requirements that must be met 230  
by the person administering the drugs; 231

(4) Other standards and procedures the board considers 232  
relevant. 233

~~(D)~~-(C) The board shall adopt rules establishing criminal 234  
records checks requirements for applicants under section 4776.03 235  
of the Revised Code. 236

**Sec. 4725.11.** (A) The state vision professionals board 237  
shall accept as the examination that must be passed to receive a 238  
~~license certificate of licensure~~ to practice optometry in this 239  
state the examination prepared, administered, and graded by the 240  
national board of examiners in optometry or an examination 241  
prepared, administered, and graded by another professional 242  
testing organization recognized by the board as being qualified 243  
to examine applicants for ~~licenses~~ licensure to practice 244  
optometry in this state. The board shall periodically review its 245  
acceptance of a licensing examination under this section to 246  
determine if the examination and the organization offering it 247  
continue to meet standards the board considers appropriate. 248

(B) The licensing examination accepted by the board under 249

this section may be divided into parts and offered as follows:	250
(1) Part one: Tests in basic science, human biology,	251
ocular and visual biology, theoretical ophthalmic, physiological	252
optics, and physiological psychology;	253
(2) Part two: Tests in clinical science, systemic	254
conditions, the treatment and management of ocular disease,	255
refractive oculomotor, sensory integrative conditions,	256
perceptual conditions, public health, the legal issues regarding	257
the clinical practice of optometry, and pharmacology;	258
(3) Part three: Tests in patient care and management,	259
clinical skills, and the visual recognition and interpretation	260
of clinical signs.	261
(C) The licensing examination accepted by the board may be	262
offered in a manner other than the manner specified in division	263
(B) of this section, but if offered in another manner, the	264
examination must test the person sitting for the examination in	265
the areas specified in division (B) of this section and may test	266
the person in other areas.	267
The board may require as a condition of its acceptance of	268
an examination that the examination cover subject matters in	269
addition to those specified in division (B) of this section, if	270
the schools of optometry it approves under section 4725.10 of	271
the Revised Code include the additional subject matters in their	272
prescribed curriculum.	273
(D) The board shall accept direct delivery of the results	274
of the licensing examination from the testing organization	275
administering the examination. The results shall be kept as a	276
permanent part of the board's records maintained pursuant to	277
section 4725.07 of the Revised Code.	278

(E) On request of any person seeking to practice optometry 279  
in this state, the board shall provide information on the 280  
licensing examination accepted by the board, including 281  
requirements that must be met to be eligible to sit for the 282  
examination and the dates the examination is offered. 283

**Sec. 4725.12.** (A) Each person who desires to commence the 284  
practice of optometry in the state shall file with the executive 285  
director of the state vision professionals board an application 286  
for a certificate of licensure to practice optometry. The 287  
application shall be accompanied by the application fee 288  
specified under section 4725.34 of the Revised Code and shall 289  
contain all information the board considers necessary to 290  
determine whether an applicant is qualified to receive the 291  
certificate of licensure. The application shall be made upon the 292  
form prescribed by the board and shall be verified by the oath 293  
of the applicant. 294

(B) To receive a certificate of licensure to practice 295  
optometry, an applicant must meet all of the following 296  
conditions: 297

(1) Be at least eighteen years of age; 298

(2) Complete satisfactorily a course of study of at least 299  
six college years; 300

(3) Graduate from a school of optometry approved by the 301  
board under section 4725.10 of the Revised Code; 302

(4) Pass the licensing examination accepted by the board 303  
under section 4725.11 of the Revised Code. 304

**Sec. 4725.121.** (A) As used in this section, "license" and 305  
"applicant for an initial license" have the same meanings as in 306  
section 4776.01 of the Revised Code, except that "license" as 307

used in both of those terms refers to the types of 308  
authorizations otherwise issued or conferred under ~~this~~ 309  
~~chapter~~ sections 4725.01 to 4725.35 of the Revised Code. 310

(B) In addition to any other eligibility requirement set 311  
forth in ~~this chapter~~ sections 4725.01 to 4725.35 of the Revised 312  
Code, each applicant for an initial license shall comply with 313  
sections 4776.01 to 4776.04 of the Revised Code. The state 314  
vision professionals board shall not grant a license to an 315  
applicant for an initial license unless the applicant complies 316  
with sections 4776.01 to 4776.04 of the Revised Code. 317

**Sec. 4725.13.** (A) The state vision professionals board, by 318  
an affirmative vote of a majority of its members, shall issue 319  
under its seal a certificate of licensure authorizing the holder 320  
to engage in the practice of optometry ~~under its seal~~ to every 321  
applicant who passes all parts of the licensing examination 322  
accepted by the board under section 4725.11 of the Revised Code 323  
and otherwise complies with the requirements of sections 4725.01 324  
to ~~4725.34~~ 4725.35 of the Revised Code. 325

(B) Each person to whom a certificate of licensure is 326  
issued pursuant to this section by the board shall keep the 327  
certificate of licensure displayed in a conspicuous place in the 328  
location at which that person practices optometry and shall 329  
whenever required exhibit the certificate of licensure to any 330  
member or agent of the board. If an optometrist practices 331  
outside of or away from the location at which the optometrist's 332  
certificate of licensure is displayed, the optometrist shall 333  
deliver, to each person examined or fitted with optical 334  
accessories by the optometrist, a receipt signed by the 335  
optometrist in which the optometrist shall set forth the amounts 336  
charged, the optometrist's post-office address, and the number 337

assigned to the optometrist's certificate of licensure. The 338  
information may be provided as part of a prescription given to 339  
the person. 340

**Sec. 4725.15.** If the state vision professionals board 341  
receives notice under division (D) of section 4725.11 of the 342  
Revised Code that an applicant has failed four times the 343  
licensing examination ~~or part of the examination~~ that must be 344  
passed pursuant to section 4725.12 of the Revised Code, the 345  
board shall not give further consideration to the application 346  
until the applicant completes thirty hours of remedial training 347  
approved by the board in the specific subject area or areas 348  
covered by the examination or part of the examination that was 349  
failed. 350

**Sec. 4725.16.** (A) (1) Each certificate of licensure ~~for the~~ 351  
to practice of optometry issued by the state vision 352  
professionals board shall expire on the last day of December of 353  
each even-numbered year, and may be renewed in accordance with 354  
this section and the standard renewal procedure established 355  
under Chapter 4745. of the Revised Code. 356

(2) An optometrist seeking to continue to practice 357  
optometry shall file with the board an application for ~~license~~ 358  
renewal of the optometrist's certificate of licensure. The 359  
application shall be in such form and require such pertinent 360  
professional biographical data as the board may require. 361

(3) (a) Except as provided in division (A) (3) (b) of this 362  
section, in the case of an optometrist seeking renewal who 363  
prescribes or personally furnishes analgesic controlled 364  
substances authorized pursuant to section 4725.091 of the 365  
Revised Code that are opioid analgesics, as defined in section 366  
3719.01 of the Revised Code, the optometrist shall certify to 367

the board whether the optometrist has been granted access to the 368  
drug database established and maintained by the state board of 369  
pharmacy pursuant to section 4729.75 of the Revised Code. 370

(b) The requirement in division (A) (3) (a) of this section 371  
does not apply if any of the following is the case: 372

(i) The state board of pharmacy notifies the state vision 373  
professionals board pursuant to section 4729.861 of the Revised 374  
Code that the license holder has been restricted from obtaining 375  
further information from the drug database. 376

(ii) The state board of pharmacy no longer maintains the 377  
drug database. 378

(iii) The license holder does not practice optometry in 379  
this state. 380

(c) If an optometrist certifies to the state vision 381  
professionals board that the optometrist has been granted access 382  
to the drug database and the board finds through an audit or 383  
other means that the optometrist has not been granted access, 384  
the board may take action under section 4725.19 of the Revised 385  
Code. 386

(B) All licensed optometrists shall complete continuing 387  
education in subjects relating to the practice of optometry, to 388  
the end that the utilization and application of new techniques, 389  
scientific and clinical advances, and the achievements of 390  
research will assure comprehensive care to the public. The board 391  
shall prescribe by rule the continuing optometric education that 392  
licensed optometrists must complete. The length of study shall 393  
be fifty clock hours each biennial licensing period, including 394  
twenty clock hours of instruction in pharmacology ~~to be~~ 395  
~~completed by all licensed optometrists.~~ 396

Unless the continuing education required under this 397  
division is waived or deferred under division (D) of this 398  
section, the continuing education must be completed during the 399  
biennial licensing period beginning on the first day of January 400  
of each odd-numbered year and ending on the last day of December 401  
of each even-numbered year. If the board receives notice from a 402  
continuing education program indicating that an optometrist 403  
completed the program after the last day of December of an even- 404  
numbered year, and the optometrist wants to use the continuing 405  
education completed after that day to renew the 406  
~~license~~certificate of licensure, the optometrist shall pay the 407  
penalty specified under section 4725.34 of the Revised Code for 408  
late completion of continuing education. 409

At least once annually, the board shall post on its web 410  
site and shall mail, or send by electronic mail, to each 411  
licensed optometrist a list of courses approved in accordance 412  
with standards prescribed by board rule. Upon the request of a 413  
licensed optometrist, the executive director of the board shall 414  
supply a list of additional courses that the board has approved 415  
subsequent to the most recent web site posting, electronic mail 416  
transmission, or mailing of the list of approved courses. 417

(C) (1) Not later than the first day of November of each 418  
even-numbered year, the board shall mail or send by electronic 419  
mail a notice regarding license renewal to each licensed 420  
optometrist who may be eligible for renewal. The notice shall be 421  
sent to the optometrist's most recent electronic mail or mailing 422  
address shown in the board's records. If the board knows that 423  
the optometrist has completed the required continuing optometric 424  
education for the biennium, the board may include with the 425  
notice an application for license renewal. 426

(2) Filing a license renewal application with the board 427  
shall serve as notice by the optometrist that the continuing 428  
optometric education requirement has been successfully 429  
completed. If the board finds that an optometrist has not 430  
completed the required continuing optometric education, the 431  
board shall disapprove the optometrist's application. The 432  
board's disapproval of renewal is effective without a hearing, 433  
unless a hearing is requested pursuant to Chapter 119. of the 434  
Revised Code. 435

(3) The board shall refuse to accept an application for 436  
renewal from any applicant whose ~~license~~ certificate of 437  
licensure is not in good standing or who is under disciplinary 438  
review pursuant to section 4725.19 of the Revised Code. 439

(4) Notice of an applicant's failure to qualify for 440  
renewal shall be served upon the applicant by mail to the 441  
applicant's last address shown in the board's records. 442

(D) In cases of certified illness or undue hardship, the 443  
board may waive or defer for up to twelve months the requirement 444  
of continuing optometric education, except that in such cases 445  
the board may not waive or defer the continuing education in 446  
~~pharmacology required to be completed by optometrists.~~ The board 447  
shall waive the requirement of continuing optometric education 448  
for any optometrist who is serving on active duty in the armed 449  
forces of the United States or a reserve component of the armed 450  
forces of the United States, including the Ohio national guard 451  
or the national guard of any other state or who has received an 452  
initial certificate of licensure during the nine-month period 453  
which ended on the last day of December of an even-numbered 454  
year. 455

(E) An optometrist whose renewal application has been 456



approved may renew the ~~license certificate of licensure~~ held by 457  
paying to the treasurer of state the ~~fee for renewal fee~~ 458  
specified under section 4725.34 of the Revised Code. On payment 459  
of ~~all applicable fees~~ the renewal fee, the board shall issue a 460  
renewal of the optometrist's certificate of licensure. 461

(F) Not later than the fifteenth day of January of each 462  
odd-numbered year, the board shall mail or send by electronic 463  
mail a second notice regarding license renewal to each licensed 464  
optometrist who may be eligible for renewal but did not respond 465  
to the notice sent under division (C) (1) of this section. The 466  
notice shall be sent to the optometrist's most recent electronic 467  
mail or mailing address shown in the board's records. If an 468  
optometrist fails to file a renewal application after the second 469  
notice is sent, the board shall send a third notice regarding 470  
license renewal prior to any action under division (I) of this 471  
section to classify the optometrist's ~~license certificate of~~ 472  
licensure as expired. 473

(G) The failure of an optometrist to apply for license 474  
renewal or the failure to pay the ~~applicable~~ renewal fee on or 475  
before the date of expiration, shall automatically work a 476  
forfeiture of the optometrist's authority to practice optometry 477  
in this state. 478

(H) The board shall accept renewal applications and 479  
renewal fees that are submitted from the first day of January to 480  
the last day of January of the odd-numbered year next succeeding 481  
the date of expiration. An individual who submits such a late 482  
renewal application or fee shall pay the late renewal fee 483  
specified in section 4725.34 of the Revised Code. 484

(I) (1) If the ~~date of expiration~~ date of a ~~an individual's~~ 485  
certificate of licensure ~~issued by the board to an individual~~ 486

has passed and the individual has not filed with the board a 487  
complete application during the late renewal period, the 488  
individual's certificate ~~of licensure~~ shall be classified in the 489  
board's records as expired. 490

(2) Any optometrist whose certificate of licensure has 491  
been classified as expired may submit an application to the 492  
board for reinstatement. For reinstatement to occur, the 493  
applicant must meet all of the following conditions: 494

(a) Submit to the board evidence of compliance with board 495  
rules requiring continuing optometric education in a sufficient 496  
number of hours to make up for any delinquent compliance; 497

(b) Pay the renewal ~~fees~~ fee for the biennium in which 498  
application for reinstatement is made; 499

(c) Pass all or part of the licensing examination accepted 500  
by the board under section 4725.11 of the Revised Code as the 501  
board considers appropriate to determine whether the application 502  
for reinstatement should be approved; 503

(d) If the applicant has been practicing optometry in 504  
another state or country, submit evidence that the applicant's 505  
license to practice optometry in the other state or country is 506  
in good standing. 507

(3) The board shall approve an application for 508  
reinstatement if the conditions specified in division (I) (2) of 509  
this section are met. An optometrist who receives reinstatement 510  
is subject to the continuing education requirements specified 511  
under division (B) of this section for the ~~year~~ biennium in 512  
which reinstatement occurs. 513

**Sec. 4725.18.** (A) The state vision professionals board may 514  
issue, by endorsement, a certificate of licensure ~~by endorsement~~ 515

to practice optometry to an individual licensed as an 516  
optometrist by another state or a Canadian province if the board 517  
determines that the other state or province has standards for 518  
the practice of optometry that are at least as stringent as the 519  
standards established under sections 4725.01 to ~~4725.34~~4725.35 520  
of the Revised Code and the individual meets the conditions 521  
specified in division (B) of this section. The certificate of 522  
licensure may be issued only by an affirmative vote of a 523  
majority of the board's members. 524

(B) An individual seeking a certificate of licensure 525  
pursuant to this section shall submit an application to the 526  
board. To receive the certificate of licensure, an applicant 527  
must meet all of the following conditions: 528

(1) Meet the same qualifications that an individual must 529  
meet under divisions (B) (1) to (3) of section 4725.12 of the 530  
Revised Code to receive a certificate of licensure under that 531  
section; 532

(2) Be licensed to practice optometry by a state or 533  
province that requires passage of a written, entry-level 534  
examination at the time of initial licensure; 535

(3) Be licensed in good standing by the optometry 536  
licensing agency of the other state or province, evidenced by 537  
submission of a letter from the licensing agency of the other 538  
state or province attesting to the applicant's good standing; 539

(4) Provide the board with certified reports from the 540  
optometry licensing agencies of all states and provinces in 541  
which the applicant is licensed or has been licensed to practice 542  
optometry describing all past and pending actions taken by those 543  
agencies with respect to the applicant's authority to practice 544

optometry in those jurisdictions, including such actions as 545  
investigations, entering into consent agreements, suspensions, 546  
revocations, and refusals to issue or renew a license; 547

(5) Have been actively engaged in the practice of 548  
optometry, ~~including the use of therapeutic pharmaceutical-~~ 549  
~~agents,~~ for at least three years immediately preceding making 550  
application under this section; 551

(6) Pay the nonrefundable application fee established 552  
under section 4725.34 of the Revised Code for a certificate of 553  
licensure; 554

(7) Submit all transcripts, reports, or other information 555  
the board requires; 556

(8) Participate in a two-hour instruction session provided 557  
by the board on the optometry statutes and rules of this state 558  
or pass an Ohio optometry jurisprudence test administered by the 559  
board; 560

(9) Pass all or part of the licensing examination accepted 561  
by the board under section 4725.11 of the Revised Code, if the 562  
board determines that testing is necessary to determine whether 563  
the applicant's qualifications are sufficient for issuance of a 564  
certificate of licensure under this section; 565

(10) Not have been previously denied issuance of a 566  
certificate of licensure by the board. 567

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 568  
Revised Code and by an affirmative vote of a majority of its 569  
members, the state vision professionals board, for any of the 570  
reasons specified in division (B) of this section, shall refuse 571  
to grant a certificate of licensure to practice optometry to an 572  
applicant and may, with respect to a licensed optometrist, do 573

one or more of the following:	574
(1) Suspend the operation of <del>any</del> <u>a</u> certificate of licensure granted by it to the optometrist;	575 576
(2) Permanently revoke the certificate of licensure;	577
(3) Limit or otherwise place restrictions on the certificate of licensure;	578 579
(4) Reprimand the optometrist;	580
(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.	581 582 583 584 585 586
(6) Require the optometrist to take corrective action courses <del>;</del>	587 588
<del>The</del> <u>The</u> amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.	589 590 591
(B) Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	592 593 594
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	595 596 597
(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;	598 599
(3) Being guilty of dishonesty or unprofessional conduct	600

- in the practice of optometry; 601
- (4) Being at any time guilty of a felony, regardless of 602  
the jurisdiction in which the act was committed; 603
- (5) Being at any time guilty of a misdemeanor committed in 604  
the course of practice, regardless of the jurisdiction in which 605  
the act was committed; 606
- (6) Violating the conditions of any limitation or other 607  
restriction placed by the board on ~~a~~ the optometrist's 608  
certificate of licensure ~~issued by the board;~~ 609
- (7) Engaging in the practice of optometry ~~as provided in~~ 610  
~~section 4725.01 of the Revised Code~~ when the optometrist's 611  
certificate of licensure ~~authorizing that practice~~ is under 612  
suspension, in which case the board shall permanently revoke the 613  
certificate of licensure; 614
- (8) Being denied a license to practice optometry in 615  
another state or country or being subject to any other sanction 616  
by the optometric licensing authority of another state or 617  
country, other than sanctions imposed for the nonpayment of 618  
fees; 619
- (9) Departing from or failing to conform to acceptable and 620  
prevailing standards of care in the practice of optometry as 621  
followed by similar practitioners under the same or similar 622  
circumstances, regardless of whether actual injury to a patient 623  
is established; 624
- (10) Failing to maintain comprehensive patient records; 625
- (11) Advertising a price of optical accessories, eye 626  
examinations, or other products or services by any means that 627  
would deceive or mislead the public; 628

(12) Being addicted to the use of alcohol, stimulants, 629  
narcotics, or any other substance ~~which~~that impairs the 630  
intellect and judgment to such an extent as to hinder or 631  
diminish the performance of the duties included in the person's 632  
practice of optometry; 633

~~(13) Engaging in the practice of optometry as provided in 634  
section 4725.01 of the Revised Code without authority to do so 635  
or, if authorized, in a manner inconsistent with the authority 636  
granted; 637~~

~~(14) Failing to make a report to the board as required by 638  
division (A) of section 4725.21 or section 4725.31 of the 639  
Revised Code; 640~~

~~(15) (14) Soliciting patients from door to door or 641  
establishing temporary offices, in which case the board shall 642  
suspend the optometrist's certificate of licensure held by the 643  
optometrist; 644~~

~~(16) (15) Except as provided in division (D) of this 645  
section: 646~~

(a) Waiving the payment of all or any part of a deductible 647  
or copayment that a patient, pursuant to a health insurance or 648  
health care policy, contract, or plan that covers optometric 649  
services, would otherwise be required to pay if the waiver is 650  
used as an enticement to a patient or group of patients to 651  
receive health care services from that optometrist. 652

(b) Advertising that the optometrist will waive the 653  
payment of all or any part of a deductible or copayment that a 654  
patient, pursuant to a health insurance or health care policy, 655  
contract, or plan that covers optometric services, would 656  
otherwise be required to pay. 657

~~(17)~~ (16) Failing to comply with the requirements ~~in of~~ 658  
section 3719.061 of the Revised Code before issuing for a minor 659  
a prescription for an analgesic controlled substance authorized 660  
pursuant to section 4725.091 of the Revised Code that is an 661  
opioid analgesic, as defined in section 3719.01 of the Revised 662  
Code; 663

~~(18)~~ (17) Violating the rules adopted under section 664  
4725.66 of the Revised Code; 665

~~(19)~~ (18) A pattern of continuous or repeated violations 666  
of division (E) (2) or (3) of section 3963.02 of the Revised 667  
Code. 668

(C) Any person who is the ~~holder of a certificate of~~ 669  
~~licensure, or who is an applicant for a certificate of licensure~~ 670  
~~against whom is preferred any charges, subject of a proposed~~ 671  
action under division (A) of this section shall be furnished by 672  
the board with a copy of the ~~complaint board's order proposing~~ 673  
the action and shall have a hearing before the board in 674  
accordance with Chapter 119. of the Revised Code. 675

(D) Sanctions shall not be imposed under division ~~(B) (16)~~ 676  
(B) (15) of this section against any optometrist who waives 677  
deductibles and copayments: 678

(1) In compliance with the health benefit plan that 679  
expressly allows such a practice. Waiver of the deductibles or 680  
copayments shall be made only with the full knowledge and 681  
consent of the plan purchaser, payer, and third-party 682  
administrator. Documentation of the consent shall be made 683  
available to the board upon request. 684

(2) For professional services rendered to any other 685  
optometrist licensed by the board, to the extent allowed by 686



sections 4725.01 to ~~4725.34~~4725.35 of the Revised Code and the 687  
rules of the board. 688

(E) The board shall not refuse to grant a certificate of 689  
licensure to practice optometry to an applicant because of a 690  
conviction of or plea of guilty to an offense unless the refusal 691  
is in accordance with section 9.79 of the Revised Code. 692

(F) If a violation described in this section has caused, 693  
is causing, or is about to cause substantial and material harm, 694  
the board may issue an order requiring that person to cease and 695  
desist from engaging in the violation. Notice of the order shall 696  
be mailed by certified mail, return receipt requested, 697  
immediately after its issuance to the person subject to the 698  
order and to all persons known to be involved in the violation. 699  
The board may thereafter publicize or otherwise make known to 700  
all interested parties that the order has been issued. 701

The notice shall specify the particular act, omission, 702  
practice, or transaction that is subject to the cease-and-desist 703  
order and shall set a date, not more than fifteen days after the 704  
date of the order, for a hearing on the continuation or 705  
revocation of the order. The person shall comply with the order 706  
immediately upon receipt of notice of the order. 707

The board may, on the application of a party and for good 708  
cause shown, continue the hearing. Chapter 119. of the Revised 709  
Code applies to the hearing to the extent that that chapter does 710  
not conflict with the procedures set forth in this section. The 711  
board shall, within fifteen days after objections are submitted 712  
to the hearing officer's report and recommendation, issue a 713  
final order either confirming or revoking the cease-and-desist 714  
order. The final order may be appealed as provided under section 715  
119.12 of the Revised Code. 716

The remedy under this division is cumulative and 717  
concurrent with the other remedies available under this section. 718

**Sec. 4725.20.** On receipt of a notice pursuant to section 719  
3123.43 of the Revised Code, the state vision professionals 720  
board shall comply with sections 3123.41 to 3123.50 of the 721  
Revised Code and any applicable rules adopted under section 722  
3123.63 of the Revised Code with respect to a certificate of 723  
licensure to practice optometry issued by the board under this 724  
chapter. 725

**Sec. 4725.21.** (A) If an optometrist licensed by the state 726  
vision professionals board has reason to believe that another 727  
optometrist licensed currently or previously by the board has 728  
engaged in any course of treatment or other services to a 729  
patient that constitutes unprofessional conduct under section 730  
4725.19 of the Revised Code, or has an addiction subject to 731  
board action under section 4725.19 of the Revised Code, the 732  
optometrist shall make a report to the board. 733

(B) Any person may report to the board in a signed writing 734  
any information that the person may have that appears to show a 735  
violation of any provision of sections 4725.01 to ~~4725.34~~ 736  
4725.35 of the Revised Code or the rules adopted under those 737  
sections. 738

(C) Each complaint or allegation of a violation received 739  
by the board shall be assigned a case number and shall be 740  
recorded by the board. 741

(D) In the absence of fraud or bad faith, no person who 742  
reports to the board under this section or testifies in any 743  
adjudication conducted under Chapter 119. of the Revised Code 744  
shall be liable to any person for damages in a civil action as a 745

result of the report or testimony. 746

**Sec. 4725.23.** (A) The state vision professionals board 747  
shall investigate evidence that appears to show that a person 748  
has violated any provision of sections 4725.01 to ~~4725.34~~ 749  
4725.35 of the Revised Code or any rule adopted under those 750  
sections. Investigations of alleged violations shall be 751  
supervised by the member of the board appointed by the board to 752  
act as the supervising member of investigations. The supervising 753  
member shall not participate in the final vote that occurs in an 754  
adjudication of the case. 755

(B) In investigating a possible violation, the board may 756  
administer oaths, order the taking of depositions, issue 757  
subpoenas, and compel the attendance of witnesses and production 758  
of books, accounts, papers, records, documents, and testimony. A 759  
subpoena for patient record information shall not be issued 760  
without consultation with the attorney general's office and 761  
approval of the secretary of the board and the board's 762  
supervising member of investigations. Before issuance of a 763  
subpoena for patient record information, the secretary and 764  
supervising member shall determine whether there is probable 765  
cause to believe that the complaint filed alleges a violation of 766  
sections 4725.01 to ~~4725.34~~ 4725.35 of the Revised Code or any 767  
rule adopted under those sections and that the records sought 768  
are relevant to the alleged violation and material to the 769  
investigation. The subpoena may apply only to records that cover 770  
a reasonable period of time surrounding the alleged violation. 771

On failure to comply with any subpoena issued by the board 772  
and after reasonable notice to the person being subpoenaed, the 773  
board may move for an order compelling the production of persons 774  
or records pursuant to the Rules of Civil Procedure. 775

A subpoena issued by the board may be served by a sheriff, 776  
the sheriff's deputy, or a board employee designated by the 777  
board. Service of a subpoena issued by the board may be made by 778  
delivering a copy of the subpoena to the person named therein, 779  
reading it to the person, or leaving it at the person's usual 780  
place of residence. When the person being served is an 781  
optometrist licensed under this chapter, service of the subpoena 782  
may be made by certified mail, restricted delivery, return 783  
receipt requested, and the subpoena shall be deemed served on 784  
the date delivery is made or the date the optometrist refuses to 785  
accept delivery. 786

Each witness who appears before the board in obedience to 787  
a subpoena shall receive the fees and mileage provided for under 788  
section 119.094 of the Revised Code. 789

(C) Information received by the board pursuant to an 790  
investigation is confidential and not subject to discovery in 791  
any civil action. 792

The board shall conduct all investigations and proceedings 793  
in a manner that protects the confidentiality of patients and 794  
persons who file complaints with the board. The board shall not 795  
make public the names or any other identifying information about 796  
patients or complainants unless proper consent is given. 797

The board may share any information it receives pursuant 798  
to an investigation, including patient records and patient 799  
record information, with other licensing boards and governmental 800  
agencies that are investigating alleged professional misconduct 801  
and with law enforcement agencies and other governmental 802  
agencies that are investigating or prosecuting alleged criminal 803  
offenses. A board or agency that receives the information shall 804  
comply with the same requirements regarding confidentiality as 805

those with which the state vision professionals board must 806  
comply, notwithstanding any conflicting provision of the Revised 807  
Code or procedure of the board or agency that applies when the 808  
board or agency is dealing with other information in its 809  
possession. The information may be admitted into evidence in a 810  
criminal trial in accordance with the Rules of Evidence, but the 811  
court shall require that appropriate measures are taken to 812  
ensure that confidentiality is maintained with respect to any 813  
part of the information that contains names or other identifying 814  
information about persons whose confidentiality was protected by 815  
the state vision professionals board when the information was in 816  
the board's possession. Measures to ensure confidentiality that 817  
may be taken by the court include sealing its records or 818  
deleting specific information from its records. 819

**Sec. 4725.231.** The state vision professionals board may 820  
issue a cease-and-desist order against any person engaging in 821  
the practice of optometry without having received a license 822  
under sections 4725.01 to ~~4725.34~~4725.35 of the Revised Code 823  
that the board reasonably suspects has violated, is currently 824  
violating, or is about to violate this chapter. The board's 825  
authority to issue a cease-and-desist order under this section 826  
is in addition to any action the board may take under section 827  
4725.23 of the Revised Code. 828

**Sec. 4725.24.** If the secretary of the state vision 829  
professionals board and the board's supervising member of 830  
investigations determine that there is clear and convincing 831  
evidence that an optometrist has violated division (B) of 832  
section 4725.19 of the Revised Code and that the optometrist's 833  
continued practice presents a danger of immediate and serious 834  
harm to the public, they may recommend that the board suspend 835  
without a prior hearing the optometrist's certificate of 836

licensure. Written allegations shall be prepared for 837  
consideration by the full board. 838

The board, upon review of those allegations and by an 839  
affirmative vote of three members other than the secretary and 840  
supervising member may order the suspension without a prior 841  
hearing. A telephone conference call may be utilized for 842  
reviewing the allegations and taking the vote on the summary 843  
suspension. 844

The board shall issue a written order of suspension by 845  
certified mail or in person in accordance with section 119.07 of 846  
the Revised Code. The order shall not be subject to suspension 847  
by the court during pendency of any appeal filed under section 848  
119.12 of the Revised Code. If the individual subject to the 849  
summary suspension requests an adjudicatory hearing by the 850  
board, the date set for the hearing shall be within fifteen 851  
days, but not earlier than seven days, after the individual 852  
requests the hearing, unless otherwise agreed to by both the 853  
board and the individual. 854

Any summary suspension imposed under this ~~division~~section 855  
shall remain in effect, unless reversed on appeal, until a final 856  
adjudicative order issued by the board pursuant to section 857  
4725.19 of the Revised Code and Chapter 119. of the Revised Code 858  
becomes effective. The board shall issue its final adjudicative 859  
order within sixty days after completion of its hearing. A 860  
failure to issue the order within sixty days shall result in 861  
dissolution of the summary suspension order but shall not 862  
invalidate any subsequent, final adjudicative order. 863

**Sec. 4725.25.** Sections 4725.01 to ~~4725.34~~4725.35 of the 864  
Revised Code do not confer on an optometrist the title of 865  
medical doctor, physician, surgeon, oculist, ophthalmologist, or 866

any other word or abbreviation indicating that the optometrist 867  
is engaged in the practice of medicine. 868

**Sec. 4725.26.** ~~Division (A) of section~~ Section 4725.02 of 869  
the Revised Code does not apply to the following: 870

(A) Physicians authorized to practice medicine and surgery 871  
or osteopathic medicine and surgery under Chapter 4731. of the 872  
Revised Code; 873

(B) Persons who sell optical accessories but do not assume 874  
to adapt them to the eye, and neither practice nor profess to 875  
practice optometry; 876

(C) An instructor in a school of optometry that is located 877  
in this state and approved by the state vision professionals 878  
board under section 4725.10 of the Revised Code who holds a 879  
valid current license to practice optometry from a licensing 880  
body in another jurisdiction and limits the practice of 881  
optometry to the instruction of students enrolled in the school. 882

(D) A student enrolled in a school of optometry, located 883  
in this or another state and approved by the board under section 884  
4725.10 of the Revised Code, while the student is participating 885  
in this state in an optometry training program provided or 886  
sponsored by the school, if the student acts under the direct, 887  
personal supervision and control of an optometrist licensed by 888  
the board or authorized to practice pursuant to division (C) of 889  
this section. 890

(E) An individual who is licensed or otherwise 891  
specifically authorized by the Revised Code to engage in an 892  
activity that is included in the practice of optometry. 893

(F) An individual who is not licensed or otherwise 894  
specifically authorized by the Revised Code to engage in an 895

activity that is included in the practice of optometry, but is 896  
acting pursuant to the rules for delegation of optometric tasks 897  
adopted under section 4725.09 of the Revised Code. 898

(G) An individual who holds in good standing a valid 899  
license to practice optometry from a licensing body in another 900  
jurisdiction and is practicing as a volunteer without 901  
remuneration during a charitable event that lasts not more than 902  
seven days. 903

When an individual meets the conditions of this division, 904  
the individual shall be deemed to hold, during the course of the 905  
charitable event, a license to practice optometry from the state 906  
vision professionals board and shall be subject to the 907  
provisions of this chapter authorizing the board to take 908  
disciplinary action against a license holder. Not less than 909  
seven calendar days before the first day of the charitable 910  
event, the individual or the event's organizer shall notify the 911  
board of the individual's intent to engage in the practice of 912  
optometry at the event. During the course of the charitable 913  
event, the individual's scope of practice is limited to the 914  
procedures that an optometrist licensed under this chapter is 915  
authorized to perform unless the individual's scope of practice 916  
in the other jurisdiction is more restrictive than in this 917  
state. If the latter is the case, the individual's scope of 918  
practice is limited to the procedures that an optometrist in the 919  
other jurisdiction may perform. 920

~~Sec. 4725.27. The testimony and reports of an optometrist-~~ 921  
~~licensed by the state vision professionals board under this-~~ 922  
~~chapter shall be received by~~ All of the following apply to any 923  
state, county, municipal, school district, or other public 924  
board, body, agency, institution, or official and by any private 925



educational or other institution receiving public funds: 926

(A) The board, body, agency, official, or institution 927  
shall receive the testimony and reports of an optometrist 928  
licensed by the state vision professionals board as competent 929  
evidence with respect to any matter within the scope of the 930  
practice of optometry. ~~No such~~ 931

(B) The board, body, agency, official, or institution 932  
shall not interfere with any individual's right to a free choice 933  
of receiving services from either an optometrist or a physician. 934  
~~No such~~ 935

(C) The board, body, agency, official, or institution 936  
shall not discriminate against an optometrist performing 937  
procedures that are included in the practice of optometry ~~as~~ 938  
~~provided in section 4725.01 of the Revised Code if the~~ 939  
~~optometrist is licensed under this chapter to perform those~~ 940  
~~procedures.~~ 941

**Sec. 4725.31.** An optometrist licensed by the state vision 942  
professionals board shall promptly report to the board any 943  
instance of a clinically significant drug-induced side effect in 944  
a patient due to the optometrist's administering, employing, 945  
applying, or prescribing a ~~topical ocular or therapeutic~~ 946  
pharmaceutical agent to or for the patient. The board, by rule 947  
adopted in accordance with Chapter 119. of the Revised Code, 948  
shall establish reporting procedures and specify the types of 949  
side effects to be reported. The information provided to the 950  
board shall not include the name of the patient or any other 951  
identifying information about the patient. 952

**Sec. 4725.34.** (A) The state vision professionals board 953  
shall charge the following nonrefundable fees: 954

(1) Three hundred fifty dollars for application for a certificate of licensure to practice optometry;	955 956
(2) Three hundred fifty dollars for renewal of a certificate of licensure to practice optometry;	957 958
(3) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;	959 960
(4) One hundred twenty-five dollars for late renewal of a certificate of licensure <u>to practice optometry</u> that has expired;	961 962
(5) Additional fees to cover administrative costs incurred by the board, including <del>fees</del> <u>a fee</u> for replacing <del>licenses issued by the board</del> <u>a certificate of licensure to practice optometry</u> and <u>a fee for providing</u> <del>rosters</del> <u>a roster</u> of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.	963 964 965 966 967 968 969 970
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.	971 972 973 974
(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.	975 976 977 978
<b>Sec. 4725.35.</b> An optometrist <del>licensed</del> <u>who holds a certificate of licensure to practice optometry issued</u> under this chapter may provide telehealth services in accordance with section 4743.09 of the Revised Code.	979 980 981 982

**Sec. 4725.501.** (A) As used in this section, "license" and 983  
"applicant for an initial license" have the same meanings as in 984  
section 4776.01 of the Revised Code, except that "license" as 985  
used in both of those terms refers to the types of 986  
authorizations otherwise issued or conferred under ~~this~~ 987  
~~chapter~~sections 4725.40 to 4725.59 of the Revised Code. 988

(B) In addition to any other eligibility requirement set 989  
forth in ~~this chapter~~sections 4725.40 to 4725.59 of the Revised 990  
Code, each applicant for an initial license shall comply with 991  
sections 4776.01 to 4776.04 of the Revised Code. The state 992  
vision professionals board shall not grant a license to an 993  
applicant for an initial license unless the applicant complies 994  
with sections 4776.01 to 4776.04 of the Revised Code. 995

**Sec. 4725.531.** On receipt of a notice pursuant to section 996  
3123.43 of the Revised Code, the state vision professionals 997  
board shall comply with sections 3123.41 to 3123.50 of the 998  
Revised Code and any applicable rules adopted under section 999  
3123.63 of the Revised Code with respect to a ~~license~~ 1000  
certificate of licensure to practice as a dispensing optician 1001  
issued by the board pursuant to this chapter. 1002

**Sec. 4725.59.** (A) Sections 4725.40 to 4725.59 of the 1003  
Revised Code do not apply to: 1004

(1) A physician authorized under Chapter 4731. of the 1005  
Revised Code to practice medicine and surgery or osteopathic 1006  
medicine and surgery, or to persons while in the employment and 1007  
under the supervision of a physician at the physician's office; 1008

(2) An optometrist licensed under sections 4725.01 to 1009  
~~4725.34-4725.35~~ of the Revised Code, or to persons while in the 1010  
employment and under the supervision of an optometrist at the 1011

optometrist's office. 1012

(B) Nothing in sections 4725.40 to 4725.59 of the Revised 1013  
Code shall prevent or restrict any individual, firm, or 1014  
corporation from employing or from engaging in optical 1015  
dispensing through persons licensed or registered under such 1016  
sections. 1017

**Section 2.** That existing sections 4725.01, 4725.011, 1018  
4725.02, 4725.09, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 1019  
4725.16, 4725.18, 4725.19, 4725.20, 4725.21, 4725.23, 4725.231, 1020  
4725.24, 4725.25, 4725.26, 4725.27, 4725.31, 4725.34, 4725.35, 1021  
4725.501, 4725.531, and 4725.59 of the Revised Code are hereby 1022  
repealed. 1023

**Section 3.** That section 4725.131 of the Revised Code is 1024  
hereby repealed. 1025

**Section 4.** That the versions of sections 4725.13, 4725.18, 1026  
and 4725.26 of the Revised Code that are scheduled to take 1027  
effect December 29, 2023, be amended to read as follows: 1028

**Sec. 4725.13.** (A) The state vision professionals board, by 1029  
an affirmative vote of a majority of its members, shall issue 1030  
under its seal a certificate of licensure authorizing the holder 1031  
to engage in the practice of optometry ~~under its seal~~ to every 1032  
applicant who passes all parts of the licensing examination 1033  
accepted by the board under section 4725.11 of the Revised Code 1034  
and otherwise complies with the requirements of sections 4725.01 1035  
to ~~4725.34~~ 4725.35 of the Revised Code. 1036

(B) Each person to whom a certificate of licensure is 1037  
issued pursuant to this section by the board shall keep the 1038  
certificate of licensure displayed in a conspicuous place in the 1039  
location at which that person practices optometry and shall 1040

whenever required exhibit the certificate of licensure to any 1041  
member or agent of the board. If an optometrist practices 1042  
outside of or away from the location at which the optometrist's 1043  
certificate of licensure is displayed, the optometrist shall 1044  
deliver, to each person examined or fitted with optical 1045  
accessories by the optometrist, a receipt signed by the 1046  
optometrist in which the optometrist shall set forth the amounts 1047  
charged, the optometrist's post-office address, and the number 1048  
assigned to the optometrist's certificate of licensure. The 1049  
information may be provided as part of a prescription given to 1050  
the person. 1051

~~(C) Chapter 4796. of the Revised Code does not apply to~~ 1052  
~~certificates issued under division (A) (2) or (3) of this~~ 1053  
~~section.~~ 1054

**Sec. 4725.18.** (A) The state vision professionals board may 1055  
issue, by endorsement, a certificate of licensure ~~by endorsement~~ 1056  
to an individual licensed as an optometrist by a Canadian 1057  
province if the board determines that the province has standards 1058  
for the practice of optometry that are at least as stringent as 1059  
the standards established under sections 4725.01 to ~~4725.34~~ 1060  
4725.35 of the Revised Code and the individual meets the 1061  
conditions specified in division (B) of this section. The 1062  
certificate of licensure may be issued only by an affirmative 1063  
vote of a majority of the board's members. 1064

(B) An individual seeking a certificate of licensure 1065  
pursuant to division (A) of this section shall submit an 1066  
application to the board. To receive the certificate of 1067  
licensure, an applicant must meet all of the following 1068  
conditions: 1069

(1) Meet the same qualifications that an individual must 1070

meet under divisions (B) (1) to (3) of section 4725.12 of the Revised Code to receive a certificate of licensure under that section;

(2) Be licensed to practice optometry by a Canadian province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the province, evidenced by submission of a letter from the licensing agency of the province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, ~~including the use of therapeutic pharmaceutical agents,~~ for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application fee established under section 4725.34 of the Revised Code for a certificate of licensure;

(7) Submit all transcripts, reports, or other information the board requires;

(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state

or pass an Ohio optometry jurisprudence test administered by the board;

(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure under this section;

(10) Not have been previously denied issuance of a certificate of licensure by the board.

(C) The board shall issue a certificate of licensure in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of optometry in a state that does not issue that license or certificate.

**Sec. 4725.26.** ~~Division (A) of section~~ Section 4725.02 of the Revised Code does not apply to the following:

(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) A nonresident instructor in a school of optometry that is located in this state and approved by the state vision

professionals board under section 4725.10 of the Revised Code 1128  
who holds a valid current license to practice optometry from a 1129  
licensing body in another jurisdiction and limits the practice 1130  
of optometry to the instruction of students enrolled in the 1131  
school. The state vision professionals board shall not require a 1132  
nonresident instructor who holds a license in another state to 1133  
obtain a license in accordance with Chapter 4796. of the Revised 1134  
Code to practice optometry in the manner described under this 1135  
division. 1136

(D) A student enrolled in a school of optometry, located 1137  
in this or another state and approved by the board under section 1138  
4725.10 of the Revised Code, while the student is participating 1139  
in this state in an optometry training program provided or 1140  
sponsored by the school, if the student acts under the direct, 1141  
personal supervision and control of an optometrist licensed by 1142  
the board or authorized to practice pursuant to division (C) of 1143  
this section. 1144

(E) An individual who is licensed or otherwise 1145  
specifically authorized by the Revised Code to engage in an 1146  
activity that is included in the practice of optometry. 1147

(F) An individual who is not licensed or otherwise 1148  
specifically authorized by the Revised Code to engage in an 1149  
activity that is included in the practice of optometry, but is 1150  
acting pursuant to the rules for delegation of optometric tasks 1151  
adopted under section 4725.09 of the Revised Code. 1152

(G) A nonresident individual who holds in good standing a 1153  
valid license to practice optometry from a licensing body in 1154  
another jurisdiction and is practicing as a volunteer without 1155  
remuneration during a charitable event that lasts not more than 1156  
seven days. 1157



When an individual meets the conditions of this division, 1158  
the individual shall be deemed to hold, during the course of the 1159  
charitable event, a license to practice optometry from the state 1160  
vision professionals board and shall be subject to the 1161  
provisions of this chapter authorizing the board to take 1162  
disciplinary action against a license holder. Not less than 1163  
seven calendar days before the first day of the charitable 1164  
event, the individual or the event's organizer shall notify the 1165  
board of the individual's intent to engage in the practice of 1166  
optometry at the event. During the course of the charitable 1167  
event, the individual's scope of practice is limited to the 1168  
procedures that an optometrist licensed under this chapter is 1169  
authorized to perform unless the individual's scope of practice 1170  
in the other jurisdiction is more restrictive than in this 1171  
state. If the latter is the case, the individual's scope of 1172  
practice is limited to the procedures that an optometrist in the 1173  
other jurisdiction may perform. 1174

The board shall not require a nonresident individual who 1175  
holds a license in another state to obtain a license in 1176  
accordance with Chapter 4796. of the Revised Code to practice 1177  
optometry as a volunteer in the manner described under this 1178  
division. 1179

**Section 5.** That the existing versions of sections 4725.13, 1180  
4725.18, and 4725.26 of the Revised Code that are scheduled to 1181  
take effect December 29, 2023, are hereby repealed. 1182

**Section 6.** The State Vision Professionals Board may take 1183  
any action it considers necessary to convert each valid 1184  
certificate of licensure, topical ocular pharmaceutical agents 1185  
certificate, and therapeutic pharmaceutical agents certificate 1186  
issued under sections 4725.01 to 4725.35 of the Revised Code, as 1187

those sections existed immediately prior to the effective date 1188  
of H.B. 509 of the 134th General Assembly and immediately prior 1189  
to the effective date of this section, into a certificate of 1190  
licensure to practice optometry, in accordance with those 1191  
sections as amended, enacted, and repealed by H.B. 509 of the 1192  
134th General Assembly and by this act. The conversion of the 1193  
certificates does not expand or otherwise alter the authorized 1194  
practice of either of the following types of optometrists: 1195

(A) An optometrist who holds a certificate of licensure 1196  
authorizing the practice of optometry only as defined in 1197  
division (A)(1) of section 4725.01 of the Revised Code, as that 1198  
division existed immediately prior to the effective date of H.B. 1199  
509 of the 134th General Assembly; 1200

(B) An optometrist who holds a certificate of licensure 1201  
and a topical ocular pharmaceutical agents certificate 1202  
authorizing the practice of optometry only as defined in 1203  
division (A)(2) of section 4725.01 of the Revised Code, as that 1204  
division existed immediately prior to the effective date of H.B. 1205  
509 of the 134th General Assembly. 1206

**Section 7.** The General Assembly, applying the principle 1207  
stated in division (B) of section 1.52 of the Revised Code that 1208  
amendments are to be harmonized if reasonably capable of 1209  
simultaneous operation, finds that the following sections, 1210  
presented in this act as composites of the sections as amended 1211  
by the acts indicated, are the resulting versions of the 1212  
sections in effect prior to the effective date of the sections 1213  
as presented in this act: 1214

The version of section 4725.13 of the Revised Code that is 1215  
scheduled to take effect December 29, 2023, as amended by both 1216  
H.B. 509 and S.B. 131 of the 134th General Assembly. 1217

The version of section 4725.18 of the Revised Code that is	1218
scheduled to take effect December 29, 2023, as amended by both	1219
H.B. 509 and S.B. 131 of the 134th General Assembly.	1220