

Department of Health
Rulemaking Hearing Rules
Board of Optometry
Division of Health Related Boards

Chapter 1045-2
General Rules Governing the Practice of Optometry

Amendments

Rule 1045-2-.09, Ocular and Contact Lens Prescriptions and Office Equipment, is amended by adding the following language as new paragraph (2), and renumbering the present paragraphs (2) and (3) as paragraphs (3) and (4):

- (2) A contact lens prescription shall expire one (1) year after the date on which the prescription was issued, unless the optometrist who issued the prescription specifies an earlier expiration date based solely on the optometrist's professional judgment regarding the ocular health of the patient.

Authority: T.C.A. §§ 4-5-202, 4-5-204, and 63-8-112.

Rule 1045-2-.10, Disciplinary Actions, Civil Penalties, Declaratory Orders, Assessment of Costs, and Subpoenas, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (6) and renumbering the present paragraphs (6) and (7) as paragraphs (7) and (8), so that as amended, the new catchline and the new paragraph (6) shall read:

1045-2-.10 Disciplinary Actions, Civil Penalties, Declaratory Orders, Screening Panels, Assessment of Costs, and Subpoenas.

- (6) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-8-112, and 63-8-120.

1045-2-.11, Scope of Practice, is amended by adding the following language as new paragraph (6):

- (6) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the titles "Optometrist," "Doctor of Optometry," "Optometric Physician," or "O.D." and to practice optometry, as defined in T.C.A. §§ 63-8-102. Violation of this rule or T.C.A. §§ 63-8-113 and 63-8-120 regarding use of titles shall constitute unprofessional conduct and subject the licensee to disciplinary action.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-146, 63-8-102, 63-8-112, 63-8-113, and 63-8-120.

Legal Contact: Nicole Armstrong, Assistant General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120, (615) 741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 5th Ave. North, Nashville, TN 37247-1010, (615) 532-4397.

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Scott L. Spivey, O.D., Chairman
Board of Optometry

The roll call vote by the Board of Optometry on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Jeff Foster, O.D.	<u>X</u>	_____	_____	_____
Scott L. Spivey, O.D.	<u>X</u>	_____	_____	_____
Richard C. Orgain, O.D.	<u>X</u>	_____	_____	_____
Jerry Richt, O.D.	<u>X</u>	_____	_____	_____
Eddie Abernathy, O.D.	<u>X</u>	_____	_____	_____
Pier S. Briley	_____	_____	_____	<u>X</u>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Optometry on the 30th day of November, 2005.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 15th day of August, 2005 and such notice of rulemaking hearing having been published in the September 15th, 2005 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 24th day of October, 2005.

Robbie H. Bell, Director
Division of Health Related Boards

Subscribed and sworn to before me this the 30th day of November, 2005.

Notary Public

My commission expires on the 25th day of March, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 10th day of July, 2006, and will become effective on the 23rd day of September, 2006.