

**Readopt with amendment Opt 301.01 through Opt 301.06, effective 9/16/17 (Document #12383), to read as follows:**

Opt 301.01 Application Process.

(a) Any person who is not licensed as an optometrist in any state or other jurisdiction and who wishes to apply for a license in New Hampshire shall do so by submitting an application ~~[provided by the board which contains the information specified by Opt 301.02]~~ **described in Opt 301.02**, and the application fee ~~[specified]~~ **required** by ~~[Opt 303.04]~~ **Plc 1001.08 and Plc 1002.37.**

(b) ~~[An application shall not be accepted for filing and shall be returned to the applicant if it:~~

~~(1) Is not signed by the applicant;~~

~~(2) Is not accompanied by a valid check for the application fee;~~

~~(3) Does not comply with the indicated filing deadlines; or~~

~~(4) Lacks a required attachment or plainly reveals that a required item of information is absent and unaccompanied by a request for waiver of the missing attachment or information.~~

~~— (c) Unless expressly rejected within 2 weeks of its receipt by the board, the application shall be deemed accepted on the date it was first received by the board. An application shall not be considered on file with the board until it has been accepted for filing.~~

~~— (d) The board shall acknowledge the receipt of all applications within 60 days from acceptance for filing, and shall also notify the applicant in writing of any deficiencies in the application or any further information needed to evaluate the applicant's qualifications. This additional information shall be provided by the applicant within 30 days from the date of the board's letter. Failure to provide such information shall result in the denial of the application.~~

~~— (e) Unless a waiver of the following time limit has been requested by the applicant and granted by the board, the board shall, within 120 days from acceptance for filing, either grant the application or deny the application until the issues identified in the denial order have been resolved.~~

~~— (f) The board shall not grant a license on an application until it receives notice from the National Board of Examiners in Optometry (NBE) that the applicant has passed the NBE examination, and until any investigation into the applicant's qualification for licensure is completed.~~

~~— (g) If an application is denied, the applicant shall be provided an opportunity to request a hearing on the deficiencies identified by the board within 30 days of the board's order. If a timely hearing is not requested, denial shall be final.] **The application and supporting documents shall be processed in accordance with Plc 304.06 through Plc 304.11.**~~

Opt 301.02 Application Forms. Applicant[s] for licensure shall ~~[provide, or cause to be provided, the following on a "Application for Licensure" form, effective August 2017, supplied by the board]~~ **complete and submit:**

(a) ~~[The applicant's full name and address]~~ **The "Universal Application for Initial Licensure required by Plc 304.01(a)(1); and**

~~[(b) Birth date, place of birth, and social security number;~~

~~— (c) The name(s), address(es) and degree(s) of all colleges or junior colleges attended at either an undergraduate or graduate level, and an official transcript showing each degree awarded;~~

~~— (d) The name(s), address(es), and degree(s) of all optometry colleges attended, and an official transcript showing each degree awarded;]~~

**(b) The “Optometrist Addendum to the Universal Application for Initial Licensure” requiring the following information:**

~~[(e)](1) [A statement as to w] **Whether or not** the applicant has passed **all parts of** the National Board of Examiners in Optometry (NBEO) Exam[~~, parts I, II and III~~];~~

~~(2) [~~, and if so, a statement that a~~] **If the answer to (1) above is in the affirmative has the** request [~~has~~] been made for the NBEO to forward a certified copy of the score report directly to the [~~board as required by Op 301.05(a)~~] **OPLC**;~~

~~[(f) If the applicant passed the NBEO exam prior to December 1, 1993, proof of passage of the separate Therapeutic Management of Ocular Disease (TMOD) exam given by the NBEO pursuant to Opt 301.05(d);]~~

~~[(g)](3) [A statement as to w] **Whether or not** the applicant has passed the New England Regional Clinical Optometric Assessment Testing Service (NERCOATS) exam[~~, or its successor~~];~~

~~(4) [~~, and if so, a statement that a~~] **If the answer to (3) above is in the affirmative has the** request has been made for the testing authority to forward a certified score report directly to the [~~board pursuant to Opt 301.06(e)~~] **OPLC**; **and**~~

~~[(h) Original letters of reference from 2 practicing doctors of optometry, which identifies the name and address of each such doctor;~~

~~— (i) A copy of a valid certificate verifying that the applicant has completed a program that certifies ability to perform cardio-pulmonary resuscitation (CPR) for adult, child and infant life support;]~~

~~[(j)](5) [~~If the~~] **Whether or not the** applicant graduated from an accredited college of optometry prior to January 1, 1993;~~

~~(6) [~~, a statement as to weather~~] **If the applicant answered (5) above in the affirmative, has** the applicant [~~has~~] successfully completed a 105 hour post-graduate course that meets the requirements of Opt 301.03(c); **and**~~

~~(7) [~~and if so, a statement that~~] **If the applicant answered (6) above in the affirmative, has** a request has been made for the college of optometry to provide a certificate of completion showing fulfillment of all the requirements of Opt 301.03(c) **to the OPLC**;~~

~~[(k) A statement as to whether the applicant is currently or has been, but is not now, licensed to practice optometry in any state or other jurisdiction, and if so:~~

~~(1) The type of license;~~

~~(2) The issuing jurisdiction;~~

~~(3) The dates of the license; and~~

~~(4) The reason the applicant no longer holds the license, if applicable.~~

~~—— (l) A statement as to whether the applicant has ever been refused a license by any optometry licensing body, and if so, the name of the board, the date of denial and the reasons for denial;~~

~~—— (m) A statement as to whether the applicant has ever had a license to practice optometry suspended or revoked in any jurisdiction and, if yes, an explanation of such suspension or revocation;~~

~~—— (n) A statement as to whether the applicant has ever been convicted of a felony or misdemeanor that has not been annulled, and, if so, the name of the court, the details of the offense, the date of conviction and the sentence imposed;~~

~~—— (o) A recent, unretouched 2" x 2" photograph of the applicant;~~

~~—— (p) A statement that cash, a check or money order, made out to the Treasurer, State of New Hampshire in the amount of the application fee required by Opt 303.01(a) is enclosed with the application;~~

~~—— (q) A declaration that the applicant shall practice ethically and within the rules and laws governing the practice of optometry;~~

~~—— (r) A declaration that the applicant shall comply with all of the rules of the board, specifically including those governing renewals and requirements for continuing education, Opt 400;~~

~~—— (s) A declaration that the applicant is the person identified in the application and that all information contained in the application is true and correct; and~~

~~—— (t) The date and signature of the applicant.]~~

**(c) Documents required to be submitted in support of the applications for initial licensure shall be:**

**(1) If the applicant took the national examination after December 1, 1993 proof of passage of all parts of the NBEO exam;**

**(2) If the applicant passed the NBEO exam prior to December 1, 1993, proof of passage of the separate Therapeutic Management of Ocular Disease (TMOD) exam given by the NBEO pursuant to Opt 301.05(d), sent directly to the OPLC by the NBEO;**

**(3) A copy of a valid certificate verifying that the applicant has completed a program that certifies ability to perform cardio-pulmonary resuscitation (CPR) for adult, child and infant life support.**

Opt 301.03 Educational Qualifications.

(a) Each applicant for licensure shall have completed a minimum of 2 years at a college of arts and sciences.

(b) Each applicant shall have graduated from an optometry college which requires a minimum of 4 years of training and is accredited by an established accrediting body recognized by the U.S. Department of Education.

(c) Applicants who graduated from optometry college prior to January 1, 1993 shall have completed a total of 105 hours of post-graduate coursework which meet the following requirements:

(1) The post-graduate courses shall be given or sponsored by an accredited college of optometry, as specified in Opt 301.03(b);

(2) The post-graduate coursework shall include a total of 80 hours of didactic instruction made up of the following subjects:

- a. General, systemic and ocular pharmacology;
- b. Diagnosis and treatment of anterior segment disease;
- c. Diagnosis and treatment of glaucoma; and
- d. Pre-surgical and post-surgical care; and

(3) The post-graduate coursework shall include at least 25 hours of direct clinical training that includes all subjects listed above.

(d) Each applicant shall arrange for the college of optometry to submit a certificate of completion of the requirements of Opt 301.03 directly to the ~~board~~ **OPLC**.

(e) Education gained in the armed services, to be creditable, shall be of a character equivalent to that which would have been gained in the civilian sector.

Opt 301.04 Character Qualifications. An application shall be denied if:

(a) The applicant, or someone acting on the applicant's behalf, has submitted false information to the ~~board~~ **OPLC** which is material to the board's **or the OPLC's** assessment of the applicant's qualifications for licensure, or has neglected to disclose information which is material to the board's **or the OPLC's** assessment of the applicant's qualifications for licensure;

(b) Evidence of past disciplinary action taken by another licensing body indicates the applicant cannot be relied upon to practice competently, safely, and honestly, or adhere to the ethical standards required by Opt 502.01; or

(c) Evidence of convictions of a felony or misdemeanor indicates the applicant cannot be relied upon to practice competently, safely, and honestly, or adhere to the ethical standards required by Opt 502.01.

**(d) The application failed to pass all parts of the NBEO Exam which shall be administered by the NBEO or any successor agency.**

**(e) The applicant graduated from optometry collage described in Opt 301.03(c) before January 1, 1993 and failed to take and pass the TMOD examination.**

**(f) The applicant failed to pass a clinical proficiency examination given by NBEO, NERCOATS, or their successors.**

Opt 301.05 Written Examination.

(a) ~~[An]~~ **All** applica[~~tion~~]**nts** shall ~~[be denied unless the applicant]~~ pass[es] **all parts of** the NBEO Exam~~[, parts I, II and III]~~ which shall be administered by the NBEO or any successor agency ~~[designated by the board. The applicant shall make arrangements to have the NBEO send the scores directly to the board].~~

**(b) An applicant who passed the NBEO prior to December 1, 1993 shall also show proof of passage of the TMOD.**

~~[(b)]~~**(c)** The **OPLC on behalf** board shall administer an examination consisting of questions requiring a knowledge of RSA 327, ~~[and the]~~ rules of the board, **and** current federal and state laws pertaining to prescriptive privileges and requirements, including those pertaining to controlled substances. The passing grade shall be 75% or greater.

~~[(e)]~~**(d)** Each applicant shall be informed of the results of the New Hampshire law examination within 30 days of the completion of the exam.

~~[(d) An applicant who passed the NBEO prior to December 1, 1993 shall also show proof of passage of the TMOD.]~~

Opt 301.06 Proficiency Exam.

(a) An applica[~~tion~~]**nt** shall ~~[be denied unless the applicant]~~ successfully pass[es] a clinical proficiency examination given by NBEO, NERCOATS, or its successor agency.

(b) The clinical proficiency examination shall require the applicant to demonstrate clinical proficiency in, but not limited to the following:

- (1) Diagnosis and treatment of visual disorders;
- (2) Diagnosis and treatment of ocular diseases;
- (3) Use of current instrumentation;
- (4) Clinical methods used in optometry; and
- (5) Interpretation of the results of these devices and methods.

(c) Each applicant shall arrange for the testing agency to send test scores directly to the ~~[board]~~ **OPLC.**

**Repeal Opt 301.07, effective 9/16/17 (Document #12383), as follows:**

~~[Opt 301.07 – Frequency of Examinations. The New Hampshire law exam shall be administered by the board by appointment at the board’s regularly scheduled meeting held at the board’s office in Concord.]~~

**Readopt with amendment and renumber Opt 301.08 and Opt 301.09, effective 9/16/17 (Document #12383), as Opt 301.07 and Opt 301.08 to read as follows:**

Opt 301.0[8]7 Prohibition on Pharmaceutical Agents. [~~(a)~~] No optometrist licensed in New Hampshire shall utilize any pharmaceutical agents unless therapeutic pharmaceutical agent (TPA) or therapeutic pharmaceutical agent/glaucoma (TPA/G) certification has been issued by the [~~board~~] **OPLC**.

~~[(b) Optometrists licensed in New Hampshire shall display in a conspicuous manner a notation indicating whether or not the optometrist is certified to use pharmaceutical agents, as either a TPA or TPA/G certified optometrist.~~

~~—(c) Optometrists licensed in New Hampshire shall make available to all consumers a brochure provided by the board describing the services available from non TPA, TPA and TPA/G certified optometrists. The brochure shall be intended for use as information only and shall state the required information consistent with the laws and with this rule.]~~

Opt 301.0[9]8 Application for TPA Certification.

(a) [~~In order to~~] **To** obtain TPA certification any optometrist licensed in New Hampshire prior to January 1, 1993 shall [~~file~~] **complete and submit to the OPLC** an “Application for Therapeutic Certification” form[~~, effective August 2017, with the board~~].

(b) The [~~a~~] **“Application for Therapeutic Certification”** shall [~~include the following~~] **require the following information:**

- (1) The name and New Hampshire license number of the applicant;
- (2) The business address and telephone number of the applicant; **and**
- (3) [~~Certification from NBEOL that~~] **Whether or not** the applicant has successfully passed the TMOD exam given by [~~that organization~~] **the NBEOL**;

**(c) The applicant shall provide the following with the applications described in (a) and (b) above:**

~~[(4)]~~**(1)** A copy of an original certified certificate from an American Heart Association, American Red Cross, National Safety Council, or American Safety and Health Institute qualified instructor showing that the applicant has successfully completed a course in CPR, level C for adult and child life support; and

~~[(5)]~~**(2)** A letter **or transcripts** from an accredited college of optometry in the United States showing proof of passage of a 105 hour post-graduate level course in the treatment and management of ocular disease which shall include at least 25 hours of direct clinical training.

**Change the chapter heading for Opt 302 to read as follows:**

PART Opt 302 LICENSURE BY [~~ENDORSEMENT~~] **RECIPROCITY**

**Readopt with amendment Opt 302.01, effective 9/16/17 (Document #12383), to read as follows:**

**Opt 302.01 Application Process. To apply to become licensed as an optometrist by reciprocity all applicants shall comply with Plc 313.**

~~[(a) Any person wishing to apply for an optometry license based upon possession of a current and valid license from a jurisdiction which meets the requirements of Opt 302.04(a)(2) shall do so by submitting an “Application for Licensure” form, effective August 2017, provided by the board which contains the information specified by Opt 302.02, and the application fee specified by Opt 303.01(a).~~

~~— (b) Applications for licensure by endorsement shall be accepted for filing and processed in accordance with the procedures in Opt 301.01.]~~

**Repeal Opt 302.02 through Opt 302.04, effective 9/16/17 (Document #12383), to read as follows:**

~~[Opt 302.02 Requirements for Licensure by Endorsement. Each applicant for licensure by endorsement shall meet the requirements of Opt 301.01, and provide the following additional information:~~

~~— (a) A chronological record of the applicant's professional practice from the date of first licensure in any jurisdiction, including the name and address of the practice, and a thorough description of the nature of the practice;~~

~~— (b) A statement as to whether the applicant has been the subject of disciplinary action of any kind by an optometric or other professional licensing authority, or has entered into a settlement agreement or consent decree with any such licensing authority, and, if so, the name of the licensing authority and a complete description of the misconduct alleged and the discipline or settlement involved;~~

~~— (c) A statement as to whether, at the time of application, the applicant is the subject of a misconduct investigation or disciplinary proceeding, or is negotiating a settlement of any misconduct allegations, with an optometric or other professional licensing authority in any jurisdiction, and, if so, the name of the licensing authority and a complete description of the misconduct alleged or the settlement involved; and~~

~~— (d) The name and address of any optometric specialty or certification board with which the applicant is now, or has previously been, credentialed, and the dates during which the applicant was credentialed.~~

~~e and pass the written exam as defined in Opt 301.05(b).~~

~~— Opt 302.03 New Hampshire Law Examination. Applicants for licensure by endorsement shall take and pass the written exam as defined in Opt 301.05(b).~~

~~— Opt 302.04 Acceptance or Denial of Licensure by Endorsement.~~

~~— (a) An application shall be denied if the applicant does not demonstrate that:~~

~~(1) He or she holds a valid and current license from another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico; and~~

~~(2) The licensing standards of the licensing jurisdiction in question are equivalent to or higher than those of New Hampshire, and specifically meet the requirements of RSA 327.~~

~~(b) An application shall be denied if the applicant does not pass the state examination specified in Opt 301.05(b).]~~

**Readopt with amendment Opt 303.01, effective 9/10/19 (Document #12865), to read as follows:**

Opt 303.01 ~~Fee [Schedule]. [The f] Fees [required by the board under RSA 327] shall be as [set forth in Table 303.1 Fee Schedule below]~~ **required by Plc 1001.08 and Plc 1002.37.**

[Table 303.1 Fee Schedule

Initial Application Fee	\$300.00
Biennial Renewal Application Fee	\$300.00
Reinstatement of License Pursuant to RSA 327:13-a.	\$300.00
Application Fee for TPA Certification	\$ 25.00
Registration as an out of state contact lens dispenser	\$300.00
Annual Renewal of out of state contact lens dispenser permit	\$150.00
Duplicate license pocketcard	\$ 10.00
Duplicate wall certificate	\$ 25.00
Verification of license	\$ 20.00
List of licensed optometrists on paper or labels	\$ 50.00
List of licensed optometrists on disk or by email	\$ 25.00]

**Readopt with amendment Opt 304.01 and Opt 304.02, effective 9/16/17 (Document #12383), to read as follows:**

Opt 304.01 Application for Registration as an Out of State Contact Lens Dispenser. Applicants for registration of an out of state contact lens dispenser shall pay the registration fee [specified in Opt 303.01] **required by Plc 1001.08 and Plc 1002.37** and [provide the following on a] **complete and submit to the OPLC the** “Application for Registration as an Out of State Contact Lens Dispenser” form[, effective August 2017, supplied by the board] **requiring the following information:**

- (a) The name and address of the business;
- (b) The telephone number of the business;
- (c) The type of business organization and names and titles of all principal owners or officers of the business;
- (d) The names and business addresses of all subsidiaries, branches or divisions of the business which provide spectacles or contact lenses for retail sale or which provide optometric or ophthalmic care;



(e) ~~[A declaration that]~~ **Whether or not** the business is in compliance with all applicable laws and regulations in the state in which it is physically located;

**(f) If the answer to (e) above is in the negative a detailed explanation of the no answer;**

~~[(f)]~~**(g)** ~~[A declaration that]~~ **Whether or not** the business will comply with all applicable laws and regulations in the conduct of its business in New Hampshire; and

**(h) If the answer to (g) above is in the negative a detailed explanation of the no answer;**

~~[(g)]~~**(i)** The signature **and date of signing** of the principal owner or officer of the business.

Opt 304.02 Duties of Out of State Contact Lens Dispensers.

(a) Out of state contact lens dispensers shall comply with all applicable requirements of RSA 327 and the rules adopted thereunder.

(b) Out of state contact lens dispensers shall only accept prescriptions from licensed optometrists ~~[and ophthalmologists]~~ who meet the requirements of Opt 502.02(q) **and licensed ophthalmologists.**

(c) Out of state contact lens dispensers shall notify, in writing, the optometrist who issued the prescription whenever that prescription is filled by the out of state dispenser.

(d) Facsimile copies of prescription forms shall be valid for use by out of state contact lens dispensers pursuant to Opt 502.03(a)(4).

(e) Out of state contact lens dispensers shall not sell contact lenses at retail to anyone in New Hampshire unless they are in possession of a written prescription which meets the requirements of Opt 502.02(q).

**Readopt with amendment Opt 305, effective 9/16/17 (Document #12383), to read as follows:**

PART Opt 305 FACILITATED LICENSING FOR **ACTIVE** MILITARY **AND MILITARY** SPOUSES

Opt 305.01 Licensing for Active Duty Military and Military Spouses. **Active duty military and military spouses shall apply for facilitated licensing in accordance with Plc 304.02.**

~~[(a) Each applicant for licensure who is a military spouse pursuant to RSA 332-G:7, III shall apply to the board for licensure on an application for licensure form as specified in Opt 301.02 and pay the fee set forth in Opt 303.01.~~

~~— (b) Each applicant for facilitated licensing as a military spouse shall provide a copy of the military member's orders showing proof of active duty status.~~

~~— (c) Each applicant who applies for facilitated licensing as a military spouse shall be eligible to obtain a facilitated license if the military spouse is licensed or registered in another state or jurisdiction, provided that the other state's or jurisdiction's licensure or registration requirements are consistent with RSA 327:6 and Opt 301.03 — Opt 301.06.~~

~~— (d) Verification of licensure and examination shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state or jurisdiction for approval.~~

~~— (e) A military spouse who obtains a facilitated license shall comply with all license renewal requirements pursuant to Opt 401.03.]~~

**APPENDIX A - Statutes Implemented**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Opt 301.01	RSA 327:6; RSA 327:31, I
Opt 301.02	RSA 327:6; RSA 327:31, I
Opt 301.03	RSA 327:6; RSA 327:31, II
Opt 301.04	RSA 327:6; RSA 327:31, II
Opt 301.05	RSA 327:6; RSA 327:31, III
Opt 301.06	RSA 327:6; RSA 327:31, III
Opt 301.07 (repeal)	RSA 327:6; RSA 327:31, III
Opt 301.07 (formerly Opt 301.08)	RSA 327:6; RSA 327:6-a; RSA 327:31, II & III
Opt 301.08 (formerly Opt 301.09)	RSA 327:6; RSA 327:6-a; RSA 327:31, I
Opt 302.01	RSA 327:6; RSA 327:31, I
Opt 302.02 (repeal)	RSA 327:6; RSA 327:31, II
Opt 302.03 (repeal)	RSA 327:6; RSA 327:31, III
Opt 302.04 (repeal)	RSA 327:6; RSA 327:31, I
Opt 303.01	RSA 327:6; RSA 327:13; RSA 327:31, VI
Opt 304.01	RSA 327:31, I
Opt 304.02	RSA 327:31, IV
Opt 305.01	RSA 541-A:16, I (b) intro.; RSA 332-G:7, IV (c)