

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number Opt 300

<p>1. Agency Name &amp; Address:</p> <p><b>Board of Registration in Optometry c/o Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 327-31, I, II; RSA 541-A:16, I (b) intro.</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal <u>X</u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Initial Licensure, Registration, and Examination**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**The Board of Registration in Optometry (Board) is proposing to readopt with amendment and repeal various parts of Opt 300 as follows:**

**Readopt with amendment Opt 301.01 describing the application process. The rule is being amended to remove the Board’s requirements and direct the applicant to the Office of Professional Licensure and Certification’s (OPLC) rules for information on the application process and fees associated with initial licensure. The rule change also directs the licensee to the specific rule, in the Opt rules, where the applications are described;**

**Readopt with amendment Opt 301.02 describing the application forms. The rule is being amended as follows:**

- **Remove the Board’s description of their form;**
- **Require the use of the “Universal Application for Initial Licensure”;**
- **Create an addendum to the “Universal Application” requiring information specific to the Board; and**
- **Create a specific section describing listing the documents required to be submitted with the applications;**

**Readopt with amendment Opt 301.03 describing the educational qualification for each applicant. The rule is being amended to require all documents be submitted to the OPLC;**

**Readopt with amendment Opt 301.04 describing the character qualifications and circumstances when an application is denied. The rule is being amended to deny an application for submitting false information to the Board or the OPLC or when the application failed to pass the National Board of Optometry (NBEO), Therapeutic Management of Ocular Disease (TMOD), or the proficiency examination;**

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**Readopt with amendment Opt 301.05 describing the written examination. The rule is being amended to makes various editorial changes;**

**Readopt with amendment Opt 301.06 describing the proficiency examination. The rule is being amended to require documents to be submitted directly to the OPLC and make various editorial changes;**

**Repeal Opt 301.07 describing the frequency of examinations and when and how the exam should be administered;**

**Readopt with amendment Opt 301.08 renumbered as Opt 301.07 describing prohibited pharmaceutical agents. The rule is being amended to remove the requirement to display a license in a conspicuous place and remove the requirement to provide a brochure developed by the Board describing services available from non-Therapeutic Pharmaceutical Agent (TPA) and Therapeutic Pharmaceutical Agent/Glaucoma (TPA/G) certified optometrists;**

**Readopt with amendment Opt 301.09 renumbered as Opt 301.08 describing an application for TPA certification. The rule is being amended to allow transcripts or a letter from an accredited college of optometry and make various editorial changes;**

**The heading of PART Opt 302 is being changed from “Licensure by Endorsement” to “Licensure by Reciprocity”;**

**Readopt with amendment Opt 302.01 describing the application process for reciprocity. The rule is being amended to remove all requirements and point to the procedures described in Plc 313;**

**Repeal Opt 302.02 through Opt 302.04 describing the requirements for licensure by endorsement, the New Hampshire law examination for licensure by endorsement, and the acceptance or denial of licensure by endorsement as that is now a function of OPLC;**

**Readopt with amendment Opt 303.01 describing fees. The rule is being amended to remove the fee table and point license to the Plc rules for complete information on fees;**

**Readopt with amendment Opt 304.01 describing the application for registration as an out of state contact lens dispenser. The rule is being amended to point to the OPLC rules to find fees, require a written explanation of negative answers to the yes or no questions on the application, and make various editorial changes;**

**Readopt Opt 304.02 describing the duties of the out of state contact lens dispensers. The rule is being amended to require the out of state lens dispenser to only accept prescriptions from licensed ophthalmologists; and**

**Readopt with amendment Opt 305.01 describing facilitated licensing for active military and military spouses. The rule is being amended to remove all Board requirements and direct those interested in the process to go to the OPLC rules.**

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6. (b) Brief description of the groups affected:

**The group affected by these proposed rules are those applying for an optometrist license in the State of NH, those license optometrist’s wishing to obtain a therapeutic certification, and those individuals wishing to register an out of state contact lens dispensary.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<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)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley**

Title: **Rules Coordinator**

Mailing Address: **Office of Professional  
Licensure & Certification  
7 Eagle Square  
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **None**

E-mail: **OPLC-Rules@opl.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, December 20, 2024 at 4:00 pm.**

Fax

E-mail

Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **Tuesday, December 10, 2024 at 9:15 a.m.**

Physical Location: **Office of Professional Licensure and Certification  
7 Eagle Square  
Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 24:239 , dated 10/28/2024

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**  
There is no difference in costs when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**  
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**  
When comparing the proposed rules to the existing rules there is no increase in costs or benefits. While the fee schedule is being removed from Opt 303.01, the established fees are now included in Plc 1001.08 and Plc 1002.27. Any change in costs would be attributable to the Plc rules.
  - A. **To State general or State special funds:**  
None
  - B. **To State citizens and political subdivisions:**  
None
  - C. **To independently owned businesses:**  
None

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**This proposal does not violate Part I, Article 28-a of the New Hampshire Constitution. The proposal does not mandate or assign this program to any political subdivision in any way.**