

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS
FOR
OPTOMETRISTS**

CHAPTER 64 OPTOMETRY

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6400 GENERAL PROVISIONS

- 6400.1 This chapter shall apply to applicants for and holders of a license to practice optometry.
- 6400.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.
- 6400.3 Only the following persons may practice optometry in the District:
- (a) An optometrist;
 - (b) An ophthalmologist; or
 - (c) A student practicing under the supervision of an optometrist or ophthalmologist in accordance with § 6411.

6401 TERM OF LICENSE

- 6401.1 Subject to § 6401.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of March 31 of each even-numbered year.
- 6401.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last

day of the month of the birthdate of the holder of the license, or other date established by the Director.

6402 EDUCATIONAL REQUIREMENTS

- 6402.1 Except as otherwise provided in this subtitle, an applicant shall furnish proof satisfactory to the Board that the applicant has received a doctoral degree in optometry based upon completion of a program which was accredited at the time the degree was conferred by the Council on Optometric Education of the American Optometric Association in accordance with § 504(h) of the Act, D.C. Code § 2-3305.4(h) (1987 Supp.).
- 6402.2 An applicant for a license shall submit with a completed application a certified transcript of the applicant's educational record and certificate of graduation.

6403 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

- 6403.1 The Board may grant a license to practice optometry to an applicant who completed an educational program in an educational institution in a foreign country which program is not accredited by the Council on Optometric Education of the American Optometric Association if the applicant meets the following requirements:
- (a) Meets all requirements of this chapter except for § 6402.1; and
 - (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this subtitle and the Act in ensuring that the applicant is qualified to practice optometry by submitting the documentation required by § 6403.2.
- 6403.2 An applicant under this section shall, in lieu of meeting the requirements of § 6402.1, submit with the application a certification from a private education evaluation service approved by the Board that the applicant's foreign education is substantially equivalent to the education provided in an accredited program.
- 6403.3 The Board may interview an applicant under this section to determine whether the applicant's education or training meets the requirements of the Act and this chapter.
- 6403.4 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

6404 NATIONAL EXAMINATION

- 6404.1 To qualify for a license by examination, an applicant shall receive a passing score on the examination administered by the National Board of Examiners in Optometry (the national examination).
- 6404.2 An applicant who has passed an examination specified in § 6404.1 more than five (5) years prior to the application date, but who does not qualify for a license by reciprocity, shall not be required to retake the examination if the applicant demonstrates to the satisfaction of the Board that the applicant has been continuously licensed and practicing as an optometrist in the United States since the date the applicant passed the examination.

- 6404.3 An applicant shall submit to the Board with a completed application the applicant's examination results, certified by the National Board of Examiners in Optometry, to the Board.
- 6404.4 The passing score on the national examination shall be the passing score set by the National Board of Examiners in Optometry on each test that forms a part of the examination.
- 6404.5 Effective June 1, 1994, an applicant for licensure by examination shall receive a passing score on the practical examination portion of the national examination administered by the National Board of Examiners in Optometry (the national examination) which is designed to test an applicant's initial competency in the practice of optometry.

6405 DISTRICT EXAMINATION

- 6405.1 Prior to June 1, 1994 in order to qualify for a license under this chapter, an applicant shall receive a passing score, as determined by the Board, on a practical examination developed by the Board (the District examination) or the national examination including a practical examination portion.
- 6405.2 The Board shall administer the District examination at least two (2) times a year.
- 6405.3 An applicant shall not be eligible to take the District examination until the applicant meets all other requirements for a license.
- 6405.4 The District examination shall consist of a demonstration by the applicant of competency in the practice of optometry.
- 6405.5 Effective June 1, 1994, the Board will no longer administer the District examination. Instead, applicants shall comply with the requirements of subsection 6404.5. However, until that time applicants will have the option of sitting for the District practical examination separately or the national examination that includes a practical examination portion.

6406 CONTINUING EDUCATION REQUIREMENTS

- 6406.1 Subject to § 6406.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring March 31, 1992, and for subsequent terms.
- 6406.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.
- 6406.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6407.
- 6406.4 An applicant for renewal of a license shall submit proof of having completed thirty- six (36) hours of approved continuing education credit during the two (2) year period preceding the date the license expires. Such proof shall be submitted within thirty (30) days after it is requested by the Board.
- 6406.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Code § 2-3305.11 (1987 Supp.) who submits an application to reactivate a license shall submit proof of having completed twelve (12) hours of approved

continuing education credit for each license year after March 31, 1990, that the applicant was in inactive status.

- 6406.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof of having completed twelve (12) hours of approved continuing education credit for each year after March 31, 1990, that the applicant was not licensed.
- 6406.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 6406.8 An applicant under this section shall prove completion of continuing education course work that was audited under § 6408.3 by submitting with the application a signed statement from the instructor on college stationery for each class attended.
- 6406.9 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting proof pursuant to § 6406.7 and by paying the required late fee.
- 6406.10 Upon submitting proof and paying the late fee, the applicants shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 6406.11 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 6406.12 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.

6407 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 6407.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence to practice optometry and which meet the other requirements of this section.
- 6407.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 6407.3:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;
 - (c) An educational program given at a conference;

- (d) In-service training; and
 - (e) A correspondence course.
- 6407.3 To qualify for approval by the Board, a continuing education program shall do the following:
- (a) Be current in its subject matter;
 - (b) Be developed and taught by qualified individuals; and
 - (c) Meet one of the following requirements:
 - (1) Be administered or approved by a recognized optometry organization;
 - (2) Be taught as part of an accredited program under § 6402.1; or
 - (3) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.
- 6407.4 The Board may issue and update a list of approved continuing education programs.
- 6407.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 6407.6 The Board may approve the following continuing education activities:
- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training; and
 - (b) Publishing a book or a chapter in a book or publishing a book review, article, or abstract in a professional journal or bulletin.

6408 CONTINUING EDUCATION CREDITS

- 6408.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.
- 6408.2 The Board may grant a maximum of two (2) continuing education credits per year for attending programs under § 6407.2 or completing activities under § 6407.6 determined by the Board to be in practice management.
- 6408.3 The Board may grant fifteen (15) hours of continuing education credit for each semester hour and ten (10) hours of continuing education credit for each quarter hour for undergraduate or graduate courses under § 6407.2(a).
- 6408.4 The Board may grant a maximum of five (5) continuing education credits per year to an applicant for attending in-service education programs under § 6407.2(d).
- 6408.5 The Board may grant a maximum of twenty-five percent (25%) of the applicant's continuing education requirement for taking correspondence courses under § 6407.2(e).
- 6408.6 The Board may grant a maximum of fifty percent (50%) of an applicant's continuing education requirement for completing continuing education activities under § 6407.6.
- 6408.7 The Board may grant an applicant who serves as an instructor or speaker under § 6407.6(a) credit for preparation and presentation time, subject to the following restrictions:

- (a) The maximum amount of credit that may be granted for preparation time is twice the amount of the associated presentation time;
- (b) If an applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
- (c) The presentation shall have been completed during the period for which credit is claimed.

6408.8 The Board may grant continuing education credit for publications under § 6407.6(b) only if the applicant proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.

6408.9 The Board may not grant continuing education credit for programs or activities designed to promote specific instruments or other products of profit-making entities.

6409 MINIMUM COMPLETE EXAMINATION

6409.1 An optometrist shall maintain a record for each patient that accurately reflects the evaluation and treatment of the patient. These records shall be kept for seven (7) years after last seeing the patient or seven (7) years after a minor patient reaches eighteen (18) years of age.

6409.2 In the absence of good clinical reasons to the contrary as documented in the patient record, an optometrist shall perform the following minimum examination on each patient, record his or her findings in the patient record, and maintain the patient record as required in § 6409.1 of this chapter:

- (a) Complete case history, including medical conditions and medications;
- (b) Visual acuity including:
 - (1) Monocular and binocular; and
 - (2) Aided or unaided;
- (c) External examination, including pupil reactivity;
- (d) Internal examination;
- (e) Subjective refraction to test visual acuity at distance and near;
- (f) Measurement of binocularity and ocular motility;
- (g) Tonometry, on patients twelve and older or as needed in the professional opinion of the optometrist;
- (h) Documentation of treatment, diagnosis; recommendations and directions to the patients, including prescriptions; and
- (i) Documentation in the patient chart of the name of attending optometrist.

6409.3 In addition to the requirements set forth in § 6409.1, an optometrist may perform the following tests as part of a minimum examination:

- (a) Retinoscopy or equivalent; and
- (b) Color vision screening.

- 6409.4 In addition to the requirements set forth in § 6409.1, a contact lens examination, excluding a follow-up exam; shall include at a minimum the following:
- (a) Assessment of corneal curvature;
 - (b) Assessment of acuity through the contact lens;
 - (c) Directions for the care and handling of lenses and an explanation of the implications of contact lenses with regard to eye health and vision;
 - (d) Assessment of contact lens fit; and
 - (e) Documentation of contact lenses used in fitting procedures.

6410 MINIMUM EQUIPMENT LIST

- 6410.1 Each licensed optometrist owning or operating an optometry practice in the District shall maintain in good working order the equipment necessary to provide a routine eye examination which shall include, but not be limited to, the following minimum equipment:
- (a) A device for the accurate measurement of visual acuity, distance and near;
 - (b) A lensometer;
 - (c) An instrument for examination of the internal structures of the eye;
 - (d) A retinoscope or its equivalent;
 - (e) An instrument for the measurement of intra-ocular pressure;
 - (f) A refracting instrument or its equivalent;
 - (g) An instrument for measurement of corneal curvature;
 - (h) An instrument for the measurement of visual fields;
 - (i) A biomicroscope; and
 - (j) A color vision-testing device.
- 6410.2 In addition to the requirements set forth in § 6410.1, the minimum equipment in an optometrist's office may also include a blood pressure measuring device.

6411 PRACTICE OF OPTOMETRY BY STUDENTS

- 6411.1 A student may perform actions which require a license as an optometrist only in accordance with the Act and this chapter.
- 6411.2 Only a student fulfilling the education requirements under § 103(c) of the Act, D.C. Code § 2-3301.3 (1987 Supp.) and § 6402 shall be authorized to practice under this section.
- 6411.3 Only an optometrist or ophthalmologist may supervise practice by students under this section.
- 6411.4 A student may practice only under the general or immediate supervision of an optometrist or ophthalmologist who is available in person on the premises, but who need not be physically present in the room at the time the student practices.

- 6411.5 For at least ten percent (10%) of supervised practice during any one (1) month period, a supervising optometrist or ophthalmologist shall be physically with the student and either discussing or observing the student's practice.
- 6411.6 A supervising optometrist or ophthalmologist shall review a student's optometric examination findings before a patient leave the office.
- 6411.7 A student shall see patients on a randomly selected basis without bias toward a particular type of patient care, such as Medicare, Medicaid, or union contract.
- 6411.8 A student shall identify himself or herself as a student before performing actions of an optometrist.
- 6411.9 A supervising optometrist or ophthalmologist shall sign all prescriptions for eyeglasses or contact lenses.
- 6411.10 A supervising optometrist or ophthalmologist is fully responsible for all supervised practice by a student during the period of supervision, and is subject to disciplinary action for any violation of the Act or this chapter by the student.
- 6411.11 A student shall not receive compensation of any nature, directly or indirectly, from a patient, except for a salary based on hours worked in the training program.
- 6411.12 A student shall be subject to all of the applicable provisions of the Act and this subtitle. The Board may deny an application for a license by, or take other disciplinary action against, a student who is found to have violated the Act or this subtitle, in accordance with chapter 41 of this title.
- 6411.13 If the Board finds that a student has violated the Act or this subtitle, the Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

6412 ADMINISTRATION OF DIAGNOSTIC PHARMACEUTICAL AGENTS

- 6412.1 For purposes of this section, "diagnostic pharmaceutical agent" means any pharmaceutical agent used in the diagnosis of ocular disease and conditions of the visual system.
- 6412.2 Only an optometrist certified in accordance with this section or a physician may administer a diagnostic pharmaceutical agent.
- 6412.3 An applicant for certification to administer diagnostic pharmaceutical agents shall do the following:
- (a) Submit a completed, notarized application; and
 - (b) Demonstrate to the satisfaction of the Board that he or she:
 - (1) Has either applied for licensure under this chapter as an optometrist, or has been issued a license under this chapter as an optometrist;
 - (2) Has completed a course approved by the Board in general and ocular pharmacology that meets the requirements of § 207 of the Act, D.C. Code § 2-3302.7, and has arranged for the institution to submit a transcript directly to the Board; and
 - (3) Has passed the treatment and management of ocular disease (TMOD) section of the examination administered by the National Board of Examiners in Optometry, or any other examination approved by the National Board of

Examiners in Optometry or the Board, and has arranged for the test results to be submitted directly to the Board.

6412.4 A course approved by the Board shall be any course in the treatment and management of ocular disease offered or approved by an institution with an accredited program.

6412.5 An optometrist authorized under this section to administer a diagnostic pharmaceutical agent shall not do the following:

- (a) Administer a diagnostic pharmaceutical agent by any means other than topical application to the eye;
- (b) Administer a diagnostic pharmaceutical agent when the medical condition of the patient contraindicates such use; or
- (c) Administer any pharmaceutical agent for therapeutic purposes unless authorized in accordance with the provisions of section 6413 of this chapter.

6413 ADMINISTRATION OF THERAPEUTIC PHARMACEUTICAL AGENTS

6413.1 As used in this section, the term "therapeutic pharmaceutical agents" means appropriate topical drugs and oral systemic drugs, including antibiotics, appropriate analgesics, antihistamines, non-steroidal anti-inflammatories, and anti-glaucoma medications. The term "therapeutic pharmaceutical agents" includes topical steroidal anti-inflammatories and antivirals, or oral medications for the emergency treatment of angle closure glaucoma. The term "therapeutic pharmaceutical agents" does not include oral and injectable antiviral and antifungal agents and other oral and injectable agents not authorized in this section, except for an injectable to counter an anaphylactic reaction.

6413.2 Only an optometrist certified pursuant to this section may administer therapeutic pharmaceutical agents.

6413.3 An applicant for certification to administer therapeutic pharmaceutical agents shall do the following:

- (a) Submit a completed, notarized application and pay the fee provided in Chapter 35 of this title; and
- (b) Demonstrate to the satisfaction of the Board that he or she:
 - (1) Has either applied for licensure under this chapter as an optometrist, or has been issued a license under this chapter as an optometrist;
 - (2) If a graduate of an accredited school of optometry prior to July 1, 1992, has completed a Board approved course consisting of a minimum of one hundred (100) clock hours in general and ocular pharmacology which meets the requirements of § 207 of the Act, D.C. Code § 2-3302.7, and has arranged for the institution to transmit a transcript of the courses taken directly to the Board; and
 - (3) Has passed the treatment and management of ocular disease (TMOD) section of the examination administered by the National Board of Examiners in Optometry, or any other examination approved by the National Board of Examiners in Optometry or the Board, has arranged for the test results to be submitted directly to the Board.

- 6413.4 A course approved by the Board shall be any course in the treatment and management of ocular disease offered or approved by an accredited school of optometry.
- 6413.5 An optometrist certified pursuant to this section shall not administer a therapeutic pharmaceutical agent when the medical condition of the patient contraindicates such use.
- 6413.6 Prior to initiating treatment for glaucoma, an optometrist shall consult with the patient's physician or other appropriate health professional. The treatment of angle closure glaucoma shall be limited to the initiation of immediate emergency treatment.
- 6413.7 An optometrist certified for the administration of therapeutic pharmaceutical agents shall prove to the Board's satisfaction that he or she has completed six (6) hours of approved continuing education credits pursuant to section 6408.

6414 STANDARDS OF CONDUCT

- 6414.1 Any holder of a license under this Chapter or any person authorized to practice optometry under this Chapter shall comply with the standards of ethical and professional conduct established by the American Optometric Association in its publication entitled "Code of Ethics," as it may be amended or republished from time to time.

6415 DISPLAY OF NAME

- 6415.1 An optometrist licensed under the Act shall include the designation "O.D."; "Optometrist"; or "Doctor of Optometry" following his or her name in the District of Columbia.

6416 EYEGLOSS PRESCRIPTION EXPIRATION PERIOD

- 6416.1 An eyeglass prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.

6417 CONTACT LENS PRESCRIPTIONS

- 6417.1 A contact lens prescription shall contain sufficient information for the complete and accurate filling of a prescription, including the following:
- (a) Name of the patient;
 - (b) Date of the examination;
 - (c) Issue date and expiration date of the prescription;
 - (d) Name, license number, postal address, telephone number, facsimile telephone number, and original signature of the prescriber; and
 - (e) Brand of lens, power, base, curve, and diameter;
- 6417.2 In the case of a private label contact lens, a contact lens prescription may also contain the name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name by the same manufacturer, but sold under the labels of other sellers.

- 6417.3 A contact lens prescription may also include the diameter, axis, add power, cylinder, peripheral curve, optical zone, and center thickness and any additional information necessary in order that the prescription is accurately filled.
- 6417.4 A contact lens prescription shall be given to the patient after the completion of the contact lens fitting whether or not it is requested by the patient, or at the time of the examination if the person is an established patient where no change in the prescription was made.
- 6417.5 A prescriber shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription.
- 6417.6 A contact lens prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.
- 6417.7 The issue date on a contact lens prescription shall be the date of the examination.
- 6417.8 A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirements for ophthalmic goods. Presentation of proof of insurance coverage for that service shall be deemed to be a payment.
- 6417.9 When specialty or custom-made contact lenses are necessary to complete the fitting process, the prescriber may charge patients an additional fee for such lenses as part of the cost of the fitting process and as such may condition the release of a contact lens prescription on payment of the fitting fee.
- 6417.10 A prescriber shall not:
- (a) Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of the prescription;
 - (b) Require a payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription or verification of a prescription; or
 - (c) Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

6418 CONTINUING COMPETENCY

- 6418.1 An optometrist who has met the requirements for licensure and has satisfied the requirement of completing thirty- six (36) hours of approved continuing education credit pursuant to 17 DCMR § 6406.4 is deemed competent to practice the profession of optometry.

6499 DEFINITIONS

- 6499.1 As used in this chapter, the following terms have the meanings ascribed:

Applicant - a person applying for a license to practice optometry under this chapter.

Board - the Board of Optometry, established by § 207 of the Act, D.C. Code § 2-3302.7 (1987 Supp.).

Contact Lens Fitting - the process that begins after the initial eye examination and ends when a successful fit has been achieved as determined by the examining optometrist or ophthalmologist. In the case of a renewal prescription, the fitting ends when the prescriber determines that no change in the existing prescription is required or a new fitting is completed after medically necessary follow-up examinations.

Continuing competency:

- (a) The ability to provide comprehensive eye and vision care by meeting the needs of patient with the objectives of achieving appropriate outcomes and maintaining or improving the patients quality of life;
- (b) The ability to support an integrated healthcare system by collaborating with other healthcare professionals and service providers to facilitate the management of the overall health needs and to encourage the well-being of patients;
- (c) The ability to apply management skills to optimize the care of patients and make efficient use of health resources; and
- (d) The ability to educate patients with the goal of encouraging appropriate, effective, and comprehensive eye and vision care.

Ophthalmologist - a physician specializing in ophthalmology.

Optometrist - a person licensed to practice optometry under the Act.

Physician - a person licensed to practice medicine under the Act.

Private label contact lenses - contact lenses that are sold under the label of a seller where the contact lenses are identical to lenses made by the same manufacturer but sold under the labels of other sellers.

6499.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and apply to this chapter.