PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

Agency: Department of Health- Board of Optometry

☐ **Preproposal Statement of Inquiry was filed as WSR ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR ; or**
☒ **Proposal is exempt under RCW 34.05.310(4).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

Title of rule and other identifying information: (Describe Subject)
WAC 246-851-490 Examination and licensure, and New Section WAC 246-851-540 Optometry Inactive Status are being proposed by the Board of Optometry in response to Engrossed Substitute Senate Bill 5535, enacted by the 2006 legislature. This law directs that all optometrists licensed in Washington be licensed at the full scope of practice by January 1, 2011. The law also authorizes an inactive status for optometrists.

Hearing location(s): Department of Health
Center Point Corporate Park
20435 72nd South
Kent, Washington

Date: September 15, 2006 Time: 11:00 a..m.

Date of intended adoption: 09/15/2006
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: Judy Haenke, Program Manager
Address: P O Box 47870
Olympia WA 98504-7870
(360) 236-4947 judy.haenke@doh.wa.gov
Website: http://www3.doh.wa.gov/policyreview/
fax (360) 236-4947 by (date) 09/12/2006

Assistance for persons with disabilities: Contact Judy Haenke by 09/07/2006
TTY (800) 833-6388 or () 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed rules will implement ESSB 5535, enacted by the 2006 legislature directing all optometrists to complete required training to authorize full scope of practice by January 1, 2011, which includes topical and oral prescriptive authority, limited controlled substances and administration of epinephrine by injection. The law also provides for an inactive status. The purpose of the law is to provide clarification to the public regarding what level of care optometrists can provide. This proposal amends WAC 246-851-490 examination and licensure to include the timetable by which all currently licensed optometrists and applicants must qualify for the full scope of practice. A proposed new section sets forth the process for obtaining and maintaining an inactive license.

Reasons supporting proposal:
Legislation enacted in 2006, sets a required timeline for all Washington licensed optometrists to reach the highest level of licensure. The highest level of licensure includes authorization for prescribing or administering topical drugs, oral drugs and limited controlled substances and administering epinephrine by injection. The law also provides for an inactive status. The law will clarify for the public what level of care optometrists can provide, simplify processing of insurance claims, and provide clarity for pharmacists who fill prescriptions.

Statutory authority for adoption:
RCW 18.54.070(2)

Statute being implemented:
RCW 18.53.010

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE 08/01/06

NAME (type or print)
Jeffrey Sutro, O.D.

SIGNATURE Jeffrey Sutro

TITLE
Chair, Board of Optometry

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 1 2006

TIME 1237 AM PM
WSR 06-16-116

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health-Board of Optometry

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Judy Haenke, Program Manager	P O Box 47870, Olympia WA 98504-7870	(360) 236-4947
Implementation	Judy Haenke, Program Manager	P O Box 47870, Olympia WA 98504-7870	(360) 236-4947
Enforcement	Judy Haenke, Program Manager	P O Box 47870, Olympia WA 98504-7870	(360) 236-4947

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:
Name:
Address:

phone
fax
e-mail

☒ No. Explain why no statement was prepared.
The rule is exempt from a Small Business Economic Impact Statement under RCW 19.85.025, which does not apply to rules adopted under RCW 34.05.310(4)(c).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:

phone
fax
e-mail

☒ No: Please explain: The rule is exempt from the cost-benefit analysis requirements under RCW 34.05.328(5)(b)(iii).

AMENDATORY SECTION (Amending WSR 96-20-087, filed 10/1/96, effective 11/1/96)

WAC 246-851-490 Examination and licensure. To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations; the Part III having been administered and successfully completed after January 1, 1993((~~,~~)).

(2) Applicants who completed the NBEO Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease((~~, and~~)).

(3) Successfully complete a jurisprudence questionnaire((~~, and~~)).

(4) Be a graduate of a state accredited high school or equivalent((~~, and~~)).

(5) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry((~~, and~~)).

(6) Be of good moral character.

(7) Effective January 1, 2007, all applicants who receive their initial (first) license in Washington state must meet all the certification requirements of RCW 18.53.010 (2)(a), (b), (c), and (d).

(8) Effective January 1, 2009, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2)(a) and (b).

(9) Effective January 1, 2011, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2)(a), (b), (c), and (d).

NEW SECTION

WAC 246-851-540 Inactive credential. (1) An optometrist may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active practice from inactive practice, an optometrist must:

(a) Meet the requirements of RCW 18.53.010 (2)(a), (b), (c), and (d);

(b) Provide verification from all jurisdictions in which the

applicant holds a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(c) Meet the requirements of chapter 246-12 WAC, Part 4.