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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Glenn Hoskinson
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 8, 2021

RE: Filed Permanent Regulations: Board of Examiners in Optometry

Board of Examiners in Optometry Regulations re: updates to the licensing and practice of optometry (12 AAC 48)

Attorney General File:	2021200096
Regulation Filed:	7/8/2021
Effective Date:	8/7/2021
Print:	239, October 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF EXAMINERS IN OPTOMETRY


The attached five pages of regulations, dealing with examinations, restricted licenses, renewals and continuing education, unprofessional conduct, reinstatement, prescription requirements, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Examiners in Optometry adopted at its April 28, 2021 teleconference meeting, under the authority of AS 08.01.100, AS 08.72.050, AS 08.72.060, AS 08.72.110, AS 08.72.150, AS 08.72.160, AS 08.72.170, AS 08.72.181, and AS 08.72.240, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Examiners in Optometry paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 4/28/21
Fairbanks, Alaska



Damien Delzer, OD, Chair
Alaska Board of Examiners in Optometry

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 8, 2021 at 10:59 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

As 

Kevin Meyer, Lieutenant Governor

Effective: August 7, 2021.

Register: 23rd October 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 48. Board of Examiners in Optometry.

12 AAC 48.015(b) is amended to read:

(b) The Alaska State Optometry Law Examination is an open book examination. The **department will provide electronic examination and study materials to an approved applicant and will notify an applicant when material is available using the electronic mail address provided on the applicant's completed application. A completed electronic examination must be submitted to the department within 30 days after the department sends the electronic mail message, as shown by the date-stamp on the message. At an applicant's request, or if an electronic mail address is not provided by the applicant, examination and study materials** will be mailed directly to **the** [EACH] applicant. **An examination completed by mail** [COMPLETED EXAMINATIONS] must be returned to the department within 30 days after mailing, as shown by the postmark dates. (Eff. 6/14/80, Register 74; am 4/22/83, Register 86; am 2/26/89, Register 109; am 3/20/93, Register 125; am 4/24/97, Register 142; am 11/2/2002, Register 164; am 9/17/2003, Register 167; am 10/16/2011, Register 200; am 12/2/2012, Register 204; am 11/29/2017, Register 225; am 8 / 7 / 2021, Register 239)

Authority: AS 08.72.050 AS 08.72.160

12 AAC 48.022(c) is amended to read:

(c) A restricted license issued under (a) or (b) of this section may be renewed under the same conditions that apply to other licenses issued under AS 08.72, **and upon successful completion of the applicable continuing education required under 12 AAC 48.200 and 12 AAC 48.210** [EXCEPT THAT

(1) THE HOLDER OF A RESTRICTED LICENSE UNDER (a) OF THIS

SECTION IS NOT REQUIRED TO COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS OF AS 08.72.181(d)(1) AND (2);

(2) THE HOLDER OF A RESTRICTED LICENSE UNDER (b) OF THIS SECTION IS NOT REQUIRED TO COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS OF AS 08.72.181(d)(2)].

(Eff. 10/16/2011, Register 200; am 8 / 7 / 2021, Register 239)

Authority: AS 08.72.050 AS 08.72.170 [SLA 2010]
AS 08.72.110 [SEC. 8, CH. 27] AS 08.72.181
AS 08.72.150

12 AAC 48.200(a) is amended to read:

(a) In order to be approved by the board, an applicant for renewal of a license must pay the appropriate renewal fee and submit **documentation** [EVIDENCE] of completing continuing education courses, related to the practice of optometry, as specified in (b) or (c) of this section within the two-year renewal period as specified in 12 AAC 48.210.

(Eff. 4/24/71, Register 37; am 2/10/83, Register 85; am 2/16/89, Register 109; am 11/2/2002, Register 164; am 12/31/2005, Register 176; am 10/16/2011, Register 200; am 4/30/2015, Register 214; am 2/21/2019, Register 229; am 8 / 7 / 2021, Register 239)

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.330(d) is amended to read:

(d) **An** [NO] optometrist may **only** represent **themselves** [HIMSELF OR HERSELF] as a specialist **if they are currently** [IN AN OPTOMETRIC FIELD UNLESS THE OPTOMETRIST IS] certified **as a**

(1) [AS A] diplomate of the American Academy of Optometry [IN CONTACT LENSES, BINOCULAR VISION, GERIATRIC CARE, OR LOW VISION]; [OR]

(2) [AS A] fellow of the College of **Optometrists in** Vision Development [IN VISION TRAINING OR DEVELOPMENTAL VISION]; **or**

(3) fellow of the Neuro-Optometric Rehabilitation Association.

(In effect before 7/28/59; am 9/10/65, Register 21; am 4/24/71, Register 37; am 2/14/78, Register 65; am 7/6/78, Register 67; am 6/14/80, Register 74; am 8/8/84, Register 91; am 3/12/86, Register 97; am 8 / 7 / 2021, Register 239)

Authority: AS 08.72.050 [AS 08.72.060(b)] AS 08.72.240

AS 08.72.060

12 AAC 48.900(b)(1) and (2) are amended to read:

(1) the required **fee** [FEES] established in [12 AAC 02.105 AND] 12 AAC 02.300; and

(2) **evidence** [DOCUMENTATION] that all continuing education requirements of 12 AAC 48.200 – 12 AAC 48.220 have been met.

12 AAC 48.900(c)(2) is amended to read:

(2) the [FEES] required **fee established in** [BY 12 AAC 02.105 AND] 12 AAC 02.300 for the entire period the license has been lapsed;

(Eff. 2/10/83, Register 85; am 2/26/89, Register 109; am 4/11/2008, Register 186; am

8 / 7 / 2021, Register 239)

Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

12 AAC 48.920(a)(2) is amended to read:

(2) [SOFT] contact lenses, the

- (A) base curve or appropriate designation;
- (B) diameter when appropriate;
- (C) power;
- (D) manufacturer;
- (E) lens brand; [TINT, IF INDICATED; AND]
- (F) material, if applicable; [EXPIRATION DATE; AND]
- (G) center thickness, if applicable; and
- (H) expiration date;

12 AAC 48.920(a)(3) is repealed:

(3) repealed 8 / 7 / 2021.

12 AAC 48.920(b) is amended to read:

(b) The expiration date under (a)(2) [AND (3)] of this section [SUBSECTION] may not be less than one year from the issue date of the prescription, unless the prescriber determines the ocular health of the patient requires an expiration date of less than one year. (Eff. 3/12/86, Register 97; am 10/11/95, Register 136; am 12/31/2005, Register 176; am 8 / 7 / 2021, Register 239)

Authority: AS 08.72.050

12 AAC 48.990(b) is repealed:

(b) Repealed 8 / 7 / 2021. (In effect before 7/28/59; am 9/10/65, Register 21; am

Register 239, October 2021 **PROFESSIONAL REGULATIONS**

4/24/71, Register 37; am 2/14/78, Register 65; am 6/14/80, Register 74; am 3/12/86, Register 97;
am 3/20/93, Register 125; am 4/14/95, Register 134; am 4/11/2008, Register 186; am

8 / 7 / 2021, Register 239)

Authority: AS 08.72.050