

Statutes and Regulations **Optometrists**

July 2023



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 72.
OPTOMETRISTS**

Article

- 1. Board of Examiners in Optometry (§§ 08.72.010 – 08.72.060)**
- 2. Licensing (§§ 08.72.110 – 08.72.270)**
- 3. Miscellaneous Provisions (§§ 08.72.272 – 08.72.290)**
- 4. General Provisions (§§ 08.72.300 – 08.72.310)**

**ARTICLE 1.
BOARD OF EXAMINERS IN OPTOMETRY**

Section

- 10. Creation and purpose of board**
- 20. Membership of board**
- 40. Qualifications**
- 50. Regulations**
- 60. Miscellaneous powers and duties of board**

Sec. 08.72.010. Creation and purpose of board. There is created the Board of Examiners in Optometry to regulate and control the practice of optometry and to protect and promote the public health, welfare, and safety.

Sec. 08.72.020. Membership of board. The board consists of five persons.

Sec. 08.72.025. Removal of board members. *[Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.020.]*

Sec. 08.72.030. Vacancies. *[Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.035.]*

Sec. 08.72.040. Qualifications. Four board members shall be licensed, practicing optometrists who have been residents for at least three years. One board member shall be a public member.

Sec. 08.72.050. Regulations. The board shall adopt regulations

- (1) necessary for the proper performance of its duties;
- (2) governing the applicants and applications for licensing;
- (3) for the licensing of optometrists;
- (4) necessary to govern the practice of optometry, including the prescription and use of pharmaceutical agents for the treatment of eye disease;
- (5) prescribing requirements that a person licensed under this chapter must meet to demonstrate continued professional competency;
- (6) developing uniform standards for the practice of optometry.

Sec. 08.72.060. Miscellaneous powers and duties of board. (a) The board or a member designated by the board, may issue subpoenas, administer oaths, and take testimony concerning any matter within its jurisdiction.

(b) The board may

- (1) adopt a seal;
- (2) define professional conduct and adopt rules of professional conduct.

(c) The board shall

- (1) elect a chair and secretary from among its members;
- (2) order a licensee to submit to a reasonable physical examination if the licensee's physical capacity to practice safely is at issue;
- (3) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n);
- (4) publish advisory opinions regarding whether optometry practice procedures or policies comply with acceptable standards of the practice of optometry, as provided under this chapter.

(d) *[Repealed, § 3 ch 59 SLA 1966.]*

(e) *[Repealed, § 23 ch 75 SLA 1980.]*

(f) *[Repealed, § 3 ch 59 SLA 1966.]*

Sec. 08.72.070. Applicability of Administrative Procedure Act. *[Repealed, § 23 ch 75 SLA 1980.]*

Sec. 08.72.080. Compensation of board and secretary. *[Repealed, § 3 ch 59 SLA 1966.]*

Sec. 08.72.090. Record of proceedings. *[Repealed, § 23 ch 75 SLA 1980.]*

Sec. 08.72.100. Bond of secretary. *[Repealed, § 3 ch 59 SLA 1966.]*

ARTICLE 2. LICENSING

Section

- 110. License required**
- 140. Qualifications for licensure**
- 150. Application for examination and issuance of license**
- 160. Examination**
- 170. Licensure by credentials**
- 181. Renewal of license**
- 185. Retired license status**
- 191. Fees**
- 230. Fees and disbursements**
- 240. Grounds for imposition of disciplinary sanctions**
- 260. Revocation of license by court**
- 270. Practice not at place of business**

Sec. 08.72.110. License required. (a) A person may not practice, attempt to practice, or offer to practice optometry without first obtaining a license from the board.

(b) A person not licensed as an optometrist may not fit, sell, or dispose of or take, receive, or solicit an order for fitting, sale, or disposition of spectacles, eyeglasses, or lenses for the correction or relief of an optical or visual defect of the human eye or sell spectacles, eyeglasses, or lenses from house to house, or in the streets or highways. This chapter does not apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses, or complete ready-made spectacles and eyeglasses sold only as merchandise, or the sale or repair of eyeglass frames, or repair or replacement of lenses without pretense of adapting them to the eyes.

Sec. 08.72.115. Malpractice insurance. *[Repealed, § 40 ch 1179 SLA 1978.]*

Sec. 08.72.120. Registration. *[Repealed, § 9 ch 50 SLA 1988.]*

Sec. 08.72.125. Licensing of branch offices. *[Repealed, § 3 ch 94 SLA 1996.]*

Sec. 08.72.130. Optometry register. *[Repealed, § 13 ch 37 SLA 1986.]*

Sec. 08.72.140. Qualifications for licensure. An applicant for licensure as an optometrist

- (1) shall be a graduate of a school or college of optometry recognized by the board;
- (2) may not have committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed;
- (3) may not have been disciplined by an optometry licensing entity in another jurisdiction and may not be the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure;
- (4) shall have successfully completed
 - (A) the written and practical portions of an examination on ocular pharmacology approved by the board that tests the licensee's or applicant's knowledge of the characteristics, pharmacological effects, indications, contraindications, and emergency care associated with the prescription and use of pharmaceutical agents;
 - (B) a nontopical therapeutic pharmaceutical agent course of at least 23 hours approved by the board or an examination approved by the board on the treatment and management of ocular disease; and
 - (C) an optometry and nontopical therapeutic pharmaceutical agent injection course of at least seven hours approved by the board or equivalent training acceptable to the board; and
- (5) shall meet other qualifications for licensure as established under this chapter and regulations adopted by the board under AS 08.72.050; the regulations must include qualifications for licensees who hold a valid federal Drug Enforcement Administration registration number that address training in pain management and opioid use and addiction.

Sec. 08.72.150. Application for examination and issuance of license. An applicant shall apply for the examination by filing an application with the department together with the examination fee by the deadline established by the department in regulations. The department may require the applicant to submit a photograph of the applicant for its files; however, the photograph may not be forwarded with the application to the board for review. Upon

successful completion of the examination by the applicant and payment of the license fee, the board shall issue a license to the successful applicant. The applicant may practice optometry in the state upon receipt of the license.

Sec. 08.72.160. Examination. (a) The examination must consist of two sections:

(1) all or part of a national or international examination designated by regulation by the board; and
(2) an examination approved by the board that is designed to test the applicant's knowledge of the laws of Alaska governing the practice of optometry and the regulations adopted under those laws.

(b) *[Repealed, § 9 ch 49 SLA 1988.]*

(c) An applicant who fails the examination may retake the examination upon payment of a fee established under AS 08.01.065.

(d) *[Repealed, § 7 ch 27 SLA 2010.]*

Sec. 08.72.170. Licensure by credentials. The board shall issue a license by credentials to an applicant who

(1) is a graduate of a school or college of optometry recognized by the board;
(2) has passed a written examination approved by the board that is designed to test the applicant's knowledge of the laws of Alaska governing the practice of optometry and the regulations adopted under those laws;

(3) holds a current license to practice optometry in another state or territory of the United States or in a province of Canada that has licensure requirements that the board determines are equivalent to those established under this chapter;

(4) at some time in the past, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the person to have passed the National Board of Examiners in Optometry examination to qualify for licensure;

(5) was engaged in the active licensed clinical practice of optometry in a state or territory of the United States or in a province of Canada for at least 3,120 hours during the 36 months preceding the date of application under this section;

(6) has not committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed; and

(7) has not been disciplined by an optometry licensing entity in another jurisdiction and is not the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine whether the person is qualified for licensure; and

(8) has received education in pain management and opioid use and addiction adequate for the practice of optometry, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number; an applicant may include past professional experience or professional education as proof of professional competence.

Sec. 08.72.175. License endorsement. *[Repealed, § 7 ch 27 SLA 2010.]*

Sec. 08.72.181. Renewal of license. (a) *[Repealed, § 49 ch 94 SLA 1987.]*

(b) An optometrist licensed in this state and serving in the military service of the United States, while in the discharge of official duties, may maintain eligibility to practice in this state without paying a renewal fee by registering the optometrist's name and place of residence with the department.

(c) An application for license renewal must contain the name, office and post office address, date and license number of the licensee, and other information the board considers necessary.

(d) Before a license may be renewed, the licensee shall submit to the board evidence that, during the

(1) preceding licensing period, the licensee has met continuing education requirements as may be prescribed by regulations of the board to ensure the continued protection of the public; and

(2) two years preceding the application for renewal, the licensee has completed at least two hours of education in pain management and opioid use and addiction, unless the licensee demonstrates to the satisfaction of the board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number.

(e) Before a license may be renewed, the licensee shall provide evidence of continued professional competency in accordance with the regulations adopted by the board under AS 08.72.050(5).

Sec. 08.72.185. Retired license status. (a) On retiring from practice and on payment of an appropriate one-time fee, a licensee in good standing with the board may apply for the conversion of an active or inactive license to a retired status license. A person holding a retired status license may not practice optometry in the state. A retired status license is valid for the life of the license holder and does not require renewal. A person holding a retired status license is exempt from license renewal requirements of AS 08.72.181.

(b) A person with a retired status license may apply for active licensure. Before issuing an active license under this subsection, the board may require the applicant to meet reasonable criteria, as determined under regulations of the board.

Sec. 08.72.190. Fee for license by reciprocity. *[Repealed, § 10 ch 76 SLA 1969.]*

Sec. 08.72.191. Fees. The department shall set fees under AS 08.01.065 for the following:

- (1) examination;
- (2) reexamination;
- (3) licensure by credentials;
- (4) license;
- (5) renewal.

Sec. 08.72.200 – 08.72.220. Examination, certificate and renewal fees. *[Repealed, § 10 ch 76 SLA 1969.]*

Sec. 08.72.230. Fees and disbursements. The department shall collect all fees and keep a record of each transaction, and shall remit to the Department of Revenue all money received.

Sec. 08.72.240. Grounds for imposition of disciplinary sanctions. The board may impose disciplinary sanctions when the board finds after a hearing that a licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
- (7) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) failure to keep informed of or use current professional theories or practices;
 - (C) addiction or severe dependency on alcohol or other drugs that impairs the licensee's ability to practice safely;
 - (D) physical or mental disability;
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (9) failed to refer a patient to a physician after ascertaining the presence of ocular or systemic conditions requiring management by a physician;
- (10) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.72.276;
- (11) procured, sold, prescribed, or dispensed drugs in violation of a law, regardless of whether there has been a criminal action or harm to the patient.

Sec. 08.72.250, 08.72.255. Disciplinary sanctions; limits or conditions on license; discipline. *[Repealed, § 49 ch 94 SLA 1987.]*

Sec. 08.72.260. Revocation of license by court. A license may be revoked by the superior court upon proof of violation of law or for a cause for which the board may refuse admittance to its examination. The attorney general shall prosecute appropriate judicial proceedings upon request of a member of the board.

Sec. 08.72.270. Practice not at place of business. (a) A licensed optometrist, who temporarily practices optometry away from the optometrist's regular place of business, shall display a license and deliver to each patient or person fitted or supplied with glasses or contact lenses a receipt showing the optometrist's permanent place of business or post office address and the amount charged.

(b) This section may not be construed as permitting peddling or canvassing by licensed optometrists.

ARTICLE 3. MISCELLANEOUS PROVISIONS

Section

272. Use of pharmaceutical agents
273. Removal of foreign bodies
274. Exemption
275. Lenses and frames for eyeglasses and sunglasses
276. Maximum dosage for opioid prescriptions
278. Limitation on practice
280. Prohibited acts
290. Criminal penalty

Sec. 08.72.272. Use of pharmaceutical agents. (a) A licensee may prescribe and use a pharmaceutical agent, including a controlled substance, in the practice of optometry if the pharmaceutical agent is used in a manner consistent with standards adopted by the board in regulation. The standards must include limitations on practice adopted under AS 08.72.278.

(b) *[Repealed, § 7 ch 27 SLA 2010.]*

(c) *[Repealed, § 7 ch 27 SLA 2010.]*

(d) In this section, "controlled substance" has the meaning given in AS 11.71.900.

Sec. 08.72.273. Removal of foreign bodies. A licensee may remove superficial foreign bodies from the eye and its appendages. This section is not intended to permit a licensee to perform invasive surgery.

Sec. 08.72.274. Exemption. Except for AS 08.72.275, this chapter and regulations adopted under this chapter do not limit the practice of an optician licensed under AS 08.71.

Sec. 08.72.275. Lenses and frames for eyeglasses and sunglasses. (a) A person may not fabricate, distribute, sell, exchange, deliver or possess with intent to distribute, sell, exchange or deliver eyeglasses or sunglasses unless they are fitted with plastic lenses, laminated lenses, heat-treated glass lenses, or glass lenses made impact resistant by other methods. All plastic and heat-treated glass lenses, before they are mounted in frames, shall be capable of withstanding the impact of a five-eighths inch steel ball dropped on the lens from a height of 50 inches. The impact test shall be conducted at room temperature, with the lens supported by a plastic tube one inch inside diameter, one and one-fourth inch outside diameter, with a one-eighth inch by one-eighth inch neoprene gasket on the top edge.

(b) A person may not fabricate, distribute, sell, exchange, deliver or possess with intent to distribute, sell, exchange or deliver eyeglasses or sunglasses having frames manufactured from cellulose nitrate or other highly flammable materials.

(c) A licensee may sell, exchange, or deliver eyeglasses or sunglasses that do not meet the requirements of (a) of this section if the sale, exchange, or delivery is authorized in a written request signed by the patient.

(d) A person who violates this section is punishable by a fine of not less than \$50 nor more than \$100.

Sec. 08.72.276. Maximum dosage for opioid prescriptions. (a) A licensee may not issue

(1) an initial prescription for an opioid that exceeds a four-day supply to an adult patient for outpatient use;

(2) a prescription for an opioid that exceeds a four-day supply to a minor; upon issuance of a prescription for an opioid to a minor, the licensee shall discuss with the parent or guardian of the minor why the prescription is necessary and the risks associated with opioid use.

(b) Notwithstanding (a) of this section, a licensee may issue a prescription for an opioid that exceeds a four-day supply to an adult or minor patient if the licensee determines that more than a four-day supply of an opioid is necessary

(1) to treat the patient's medical condition or for chronic pain management; the licensee may write a prescription for an opioid for the quantity needed to treat the patient's medical condition or chronic pain; the licensee shall document in the patient's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a four-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) for a patient who is unable to access a practitioner within the time necessary for a refill of the four-day supply because of a logistical or travel barrier; the licensee may write a prescription for an opioid for the quantity needed to treat the patient for the time that the patient is unable to access a practitioner; the licensee shall document in the patient's medical record the reason for the prescription of an opioid in a quantity that exceeds a four-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; in this paragraph, "practitioner" has the meaning given in AS 11.71.900.

Sec. 08.72.278. Limitation on practice. (a) A licensee may perform the services of optometry as defined in AS 08.72.300 only if the services are within the scope of the licensee's education, training, and experience as established by regulations adopted by the board.

(b) A licensee may not perform ophthalmic surgery unless the procedure is

(1) within the scope of the licensee's education and training from an accredited school of optometry; and

(2) authorized by regulations adopted by the board.

(c) In this section, "ophthalmic surgery" means an invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, laser, or other means to treat diseases of the human eye, alter or correct refractive error, or alter or enhance cosmetic appearance; "ophthalmic surgery" does not include the procedure described under AS 08.72.273.

Sec. 08.72.280. Prohibited acts. A person may not falsely personate a licensed optometrist, or buy, sell, or fraudulently obtain a license issued to another or advertise the practice of optometry in violation of regulations of the board. Practicing or offering to practice optometry without a license is sufficient evidence of a violation of this chapter.

Sec. 08.72.290. Criminal penalty. A person who violates this chapter is guilty of a misdemeanor and is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment for a term of not less than 10 days nor more than 90 days, or by both.

ARTICLE 4. GENERAL PROVISIONS

Section

300. Definitions

310. Short title

Sec. 08.72.300. Definitions. In this chapter,

- (1) “board” means the Board of Examiners in Optometry;
- (2) “department” means the Department of Commerce, Community, and Economic Development;
- (3) “opioid” includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;
- (4) “optometry” means the examination, evaluation, diagnosis, treatment, or performance of preventive procedures related to diseases, disorders, or conditions of the human eyes or adjacent and associated structures, consistent with this chapter and regulations adopted by the board;
- (5) “practicing optometry” means the performance of, or offer to perform, optometry for compensation;
- (6) “recognized school or college of optometry” means a school or college approved by the American Optometric Association or a committee of the American Optometric Association.

Sec. 08.72.310. Short title. This chapter may be cited as the Optometry Law.

CHAPTER 48.
BOARD OF EXAMINERS IN OPTOMETRY.

Article

- 1. Application Requirements (12 AAC 48.010 — 12 AAC 48.064)**
- 2. Continuing Education (12 AAC 48.200 — 12 AAC 48.230)**
- 3. Standards of Practice (12 AAC 48.300 — 12 AAC 48.330)**
- 4. General Provisions (12 AAC 48.900 — 12 AAC 48.1121)**

ARTICLE 1.
APPLICATION REQUIREMENTS.

Section

- 10. (Repealed)**
- 11. License by examination**
- 15. Examinations**
- 20. License by credentials**
- 21. (Repealed)**
- 22. Restricted licenses**
- 25. (Repealed)**
- 26. Retired status license**
- 30. (Repealed)**
- 35. Temporary military courtesy license**
- 40. Expanded therapeutic procedure**
- 64. (Repealed)**

12 AAC 48.010. BOARD MEMBERSHIP. Repealed 3/12/86.

12 AAC 48.011. LICENSE BY EXAMINATION. (a) An applicant for a license by examination to practice optometry, with the prescriptive authority as described in AS 08.72.272, must submit or ensure the submission of

- (1) a completed and notarized application on a form provided by the department;
 - (2) documentation showing that the applicant has passed, not earlier than the four years immediately preceding the date of application, all parts of the examinations required in 12 AAC 48.015(a)(1) and (2) sent directly to the department from the National Board of Examiners in Optometry (NBEO); if the applicant has graduated in accordance with (3) of this subsection two years or more before the date of the application, the applicant must provide verification of the completion of 36 hours of approved continuing education taken not earlier than the two years immediately preceding the date of application, in ocular pathology or pharmacology that meets the requirements of 12 AAC 48.210(b);
 - (3) college transcripts verifying graduation from a recognized school or college of optometry, sent directly to the department from the institution;
 - (4) if the applicant has been licensed in another jurisdiction, verification of licensure, including the disposition of any disciplinary action taken or pending against the applicant, from each licensing jurisdiction in which the applicant holds or has ever held an optometry license;
 - (5) the applicable fees required by 12 AAC 02.300;
 - (6) the completed Alaska State Optometry Law Examination required under 12 AAC 48.015; and
 - (7) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist;
 - (8) references from three individuals not related to the applicant by blood or marriage attesting to the applicant's good moral character and capacity to competently and safely practice optometry; the reference must be on a form provided by the department, signed before a notary, and sent directly to the department by the individual providing the reference; to be eligible to provide a reference under this paragraph, the individual must be one of the following:
 - (A) an optometrist currently licensed in this state or another state or territory of the United States or in a province of Canada;
 - (B) an instructor or official from the applicant's school of optometry;
 - (C) a supervisor of the applicant through applicant's employment in optometry or in a related field;
 - (9) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has complied with the requirement for education in pain management and opioid use and addiction under AS 08.72.181(d).
- (b) The board will not review an application until the fees required by 12 AAC 02.300(1) and (2) and documents required in (a)(1) – (4), (7), and (8) of this section have been received by the department.

(c) The board may request additional information from a licensing jurisdiction and other applicable sources if an applicant's license history received under (a)(4) of this section shows disciplinary action that the board determines needs further review.

(d) The board will issue a license by examination to practice optometry, with prescriptive authority described in AS 08.72.272, to an applicant who meets the requirements of AS 08.72 and this chapter.

Authority:	AS 08.72.050	AS 08.72.150	AS 08.72.170
	AS 08.72.110	AS 08.72.160	AS 08.72.272
	AS 08.72.140		

Editor's note: Information regarding examinations by the National Board of Examiners in Optometry described in 12 AAC 48.011 may be obtained from the National Board of Examiners in Optometry, 200 South College, Ste. 1920, Charlotte, N.C. 28202, phone (704) 332-9565.

12 AAC 48.015. EXAMINATIONS. (a) Except as provided in 12 AAC 48.020, to qualify for a license to practice optometry, an applicant must provide verification of having passed

(1) not earlier than the four years immediately preceding the date of application, parts I, II, and III of the written and practical examination, and the Injections Skill Examination (ISE), offered by the National Board of Examiners in Optometry (NBEO) with a minimum passing score as determined by the NBEO;

(2) not earlier than the four years immediately preceding the date of application, the Treatment and Management of Ocular Disease (TMOD) examination offered by the National Board of Examiners in Optometry; and

(3) the Alaska State Optometry Law examination covering the provisions of AS 08.72 and this chapter with a passing score of at least 90 percent.

(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 applicant. An examination completed by mail must be returned to the department within 30 days after mailing, as shown by the postmark dates.

Authority:	AS 08.72.050	AS 08.72.160
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12 AAC 48.020. LICENSE BY CREDENTIALS. (a) The board will issue a license by credentials to practice optometry, with the prescriptive authority as described in AS 08.72.272, to an applicant who meets the requirements of AS 08.72.140, AS 08.72.170, and this section.

(b) An applicant for a license under this section must submit

(1) a complete and notarized application on a form provided by the department;

(2) the applicable fees required by 12 AAC 02.300;

(3) an affidavit certifying at least 3,120 hours of active licensed clinical practice experience in optometry at the highest therapeutic level authorized by the licensing authority in their jurisdiction not earlier than the three years immediately preceding the date of application, signed by a licensed health care professional who is familiar with the applicant's practice; the board may require further documentation verifying the 3,120 hours of active licensed clinical practice;

(4) the completed Alaska State Optometry Law examination required in 12 AAC 48.015(3).

(c) In addition to the requirements of (b) of this section, an applicant for a license under this section shall arrange for and ensure the submission of the following:

(1) college transcripts verifying graduation from a recognized school or college of optometry, sent directly to the department from the institution;

(2) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice optometry, showing that the applicant's license has not been the subject of any disciplinary action and that there are no pending or unresolved actions against the applicant, sent directly to the department from the licensing jurisdiction;

(3) verification that the applicant has successfully completed all the requirements for, and, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the applicant to have passed the National Board of Examiners in Optometry (NBEO) examination, sent directly to the department from the licensing jurisdiction;

(4) verification from a licensing jurisdiction in another state or a territory of the United States or in a province of Canada, showing that the applicant holds a current active license to practice optometry, sent directly to the department from the licensing jurisdiction;

(5) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist;

(6) verification of having passed the National Board of Examiners in Optometry (NBEO) examination, sent directly to the department from the NBEO;

(7) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has complied with the requirement for education in pain management and opioid use and addiction under AS 08.72.181(d).

Authority: AS 08.72.050 AS 08.72.170 AS 08.72.272
AS 08.72.110

12 AAC 48.021. PHARMACEUTICAL AGENT USE ENDORSEMENT. Repealed 10/16/2011.

12 AAC 48.022. RESTRICTED LICENSES. (a) The board may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry, only to an optometrist who has been issued a license on or before June 2, 2010 but does not have a license endorsement under former AS 08.72.175 issued before June 2, 2010.

(b) The board may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry except for use of a drug topically applied to the human eye and its appendages as permitted under former AS 08.72.175(c) and former AS 08.72.272(c), only to an optometrist who has a license issued on or before June 2, 2010 and a license endorsement issued under former AS 08.72.175(c), as it read on the day before June 2, 2010.

(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.

(d) The board may remove the restrictions on a license issued under this section if the licensee has met the requirements of AS 08.72.140(4). If restrictions on a license are removed, the licensee may not be issued a restricted license under this section on or after the date the restrictions are removed.

(e) A licensee holding a restricted license may not apply for or be granted a retired status license under AS 08.72.185.

(f) If a licensee holding a restricted license allows the license to lapse, the license is considered as permanently lapsed and may not be reinstated in restricted status. The former licensee under this section must apply for a new license under AS 08.72 and this chapter.

Authority: AS 08.72.050 AS 08.72.150 AS 08.72.181
AS 08.72.110 AS 08.72.170

12 AAC 48.025. PHARMACEUTICAL AGENT PRESCRIPTION AND USE ENDORSEMENT. Repealed 10/16/2011.

12 AAC 48.026. RETIRED STATUS LICENSE. (a) If the licensee holds an optometry license that is not restricted, the licensee may apply for a retired status license by submitting

- (1) a completed application on a form provided by the department;
- (2) the applicable fee established in 12 AAC 02.300.

(b) The board will issue an active license to practice optometry, with prescriptive authority as described in AS 08.72.272, as appropriate, to a person holding a retired status license under AS 08.72.185, for five years or less in this state if the applicant meets the requirements of AS 08.72 and this chapter and submits a completed and notarized application on a form provided by the department. The completed application must include

- (1) documentation of satisfying AS 08.72.140(2) and (3) and 08.72.181(d) and (e);
- (2) the applicable fees established in 12 AAC 02.300; and
- (3) documentation of satisfying the continuing education requirements under AS 08.72 and 12 AAC 48.200 – 12 AAC 48.230 that would have been required to maintain an active license during the period the person held the retired status license.

(c) The board will issue an active license to practice optometry, with the prescriptive authority as described in AS 08.72.272, to a person holding a retired status license that has been retired for more than five years, but less than 10 years, if the applicant meets the requirements of AS 08.72 and this chapter and submits the following:

- (1) a completed and notarized application on a form provided by the department;
- (2) the applicable fees required by 12 AAC 02.300;
- (3) documentation showing the applicant has engaged in 400 hours of clinical practice per year in another state or territory of the United States or in a province of Canada under an active license to practice optometry in that jurisdiction and the practice was not earlier than the two years immediately before the date of application;
- (4) the completed Alaska State Optometry Law examination required under 12 AAC 48.015(a)(3);
- (5) a statement of the dates and places of employment involving the clinical practice of optometry after the license was retired under AS 08.72;
- (6) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice optometry in another state or a territory of the United States or in a province of Canada, if any, for the entire period the license has been retired under AS 08.72, showing that the applicant's license has not been the subject of any

disciplinary action and that there are no pending or unresolved actions against the applicant; to be considered under this paragraph, the verification must be sent directly to the department from the licensing jurisdiction;

(7) if the applicant is, or has ever been, employed as an optometrist with a federal agency, after the license was retired under AS 08.72, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist;

(8) a license that has been retired for 10 years or more may not be converted under AS 08.72.185 to an active or inactive license, and the former licensee must apply for a new license under AS 08.72 and this chapter.

Authority:	AS 08.72.050	AS 08.72.170	AS 08.72.185
	AS 08.72.110	AS 08.72.181	AS 08.72.272
	AS 08.72.150		

12 AAC 48.030. BRANCH OFFICE CERTIFICATE. Repealed 4/24/97.

12 AAC 48.035. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice optometry, with the prescriptive authority set out under AS 08.72.272, to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

(1) must submit a completed application on a form provided by the department;

(2) must pay the temporary military courtesy license fee set out under 12 AAC 02.300;

(3) must submit a copy of

(A) the applicant's current active duty military orders showing assignment to a duty station in this state; or

(B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;

(4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;

(5) may not have been convicted of a crime that affects the applicant's ability to practice optometry competently and safely, as determined by the board; and

(6) must submit documentation required under 12 AAC 48.020(c)(7) and of having completed the Treatment and Management of Ocular Disease (TMOD) examination offered by the National Board of Examiners in Optometry or a nontopical therapeutic pharmaceutical agent course, as determined under AS 08.72.140(4)(B).

(c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be extended for an additional 180-day period, at the discretion of the board.

(d) A temporary military courtesy license holder may not perform injections or expanded therapeutic procedures until written authorization is granted by the board upon confirmation that the temporary military courtesy license holder has successfully met the applicable requirements set out under 12 AAC 48.040.

(e) While practicing under a temporary military courtesy license issued under this section, a temporary military courtesy license holder must comply with the standards of practice set out under AS 08.72 and this chapter, and is subject to discipline under AS 08.72.240.

(f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.72.240.

Authority:	AS 08.01.062	AS 08.72.050	AS 08.72.170
	AS 08.01.063	AS 08.72.110	AS 08.72.272

12 AAC 48.040. EXPANDED THERAPEUTIC PROCEDURE. (a) A licensee may not perform ophthalmic surgery as defined in AS 08.72.278(c), unless the procedure is an expanded therapeutic procedure as defined under this section and the licensee is authorized by the board to perform the procedure.

(b) The board may authorize a qualified licensee to perform an expanded therapeutic procedure or procedures in the practice of optometry. A licensee requesting authorization to perform an expanded therapeutic procedure shall have satisfactorily completed a course in the expanded therapeutic procedure provided by an institution accredited by the Council for Higher Education Accreditation and approved by the board, and shall further satisfy the requirements of this section.

(c) The board may authorize a licensee to perform an expanded therapeutic procedure if the licensee provides:

(1) proof of a current license in good standing to practice optometry in this state; and

(2) evidence satisfactory to the board that the licensee successfully completed a course of instruction in an expanded therapeutic procedure approved by the board.

(d) To be approved by the board, a course in an expanded therapeutic procedure shall include:

(1) didactic classroom instruction in

(A) laser physics, hazards, and safety;

- (B) biophysics of lasers;
 - (C) laser application on clinical optometry;
 - (D) laser tissue interactions;
 - (E) laser indications, contraindication, and potential complications;
 - (F) gonioscopy;
 - (G) laser therapy for open angle glaucoma;
 - (H) laser therapy for angle closure glaucoma;
 - (I) laser posterior capsulotomy;
 - (J) common complication of the lids, lashes, and the lacrimal system;
 - (K) local complications;
 - (L) medicolegal aspects of anterior segment procedures;
 - (M) peripheral iridotomy;
 - (N) laser trabeculoplasty;
 - (O) minor surgical procedures;
 - (P) an overview of surgical instruments, asepsis, and Occupational Safety and Health Administration regulations;
 - (Q) surgical anatomy of the eyelids;
 - (R) emergency surgical procedures;
 - (S) chalazion management;
 - (T) epiluminescence microscopy;
 - (U) local anesthesia techniques and complications;
 - (V) anaphylaxis and other office emergencies;
 - (W) radiofrequency surgery; and
 - (X) post-operative wound care;
- (2) clinical or laboratory experience incorporating:
- (A) video demonstration;
 - (B) in vitro observation or participation; and
 - (C) in vivo observation;
- (3) passage of a formal clinical or laboratory practical examination; and
- (4) passage of a written test administered by the educational institution providing the course, that uses the National Board of Examiners in Optometry format.
- (e) A course of instruction may be considered for approval by the board if the course;
- (1) meets the requirements of (d) of this section;
 - (2) is provided by an accredited optometry school under (b) of this section;
 - (3) is at least 32 clock hours in length;
 - (4) is completed after graduation from optometry school; and
 - (5) is completed after January 1, 2016.
- (f) The board may consider a course of instruction for approval if the course satisfies the requirements of (e)(1) through (e)(4) of this section, but was completed before January 1, 2016, if the licensee
- (1) has been practicing in a state that allows expanded therapeutic procedures immediately preceding the date of request for authorization of expanded therapeutic procedures;
 - (2) has continuously practiced in that state from the time of completion of the approved course; and
 - (3) provides an affidavit verifying a minimum of 1,040 hours of active clinical practice in optometry for each year since the date of completion of the approved course.
- (g) An optometrist licensed and authorized by the board to perform an expanded therapeutic procedure in the practice of optometry shall be limited within the scope of the board's authorization under (b) of this section. A license issued to the licensee must expressly identify each approved expanded therapeutic procedure the licensee is authorized to perform.
- (h) Notwithstanding any other provision of this section, a licensee may not perform ophthalmic surgery for the following procedures, but may provide preoperative and postoperative care for
- (1) retina laser procedures;
 - (2) laser-assisted in situ keratomileusis (LASIK) and photorefractive keratectomy (PRK);
 - (3) surgery related to removal of the eye from a living human being;
 - (4) surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the intraocular pressure;
 - (5) penetrating keratoplasty or lamellar keratoplasty;
 - (6) non-laser surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy;
 - (7) non-laser surgery requiring incision of the vitreous;
 - (8) surgery requiring incision of the retina;
 - (9) surgical extraction of the crystalline lens;
 - (10) surgical implantation of intraocular lens implants;
 - (11) incisional or excisional surgery of the extraocular muscles;
 - (12) non-laser surgery of the eyelid for eyelid malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy;

- (13) surgery of the bony orbit, including orbital implants;
- (14) incisional or excisional non-laser surgery of the lacrimal system other than lacrimal probing or related procedures;
- (15) surgery requiring full thickness conjunctivoplasty with graft or flap;
- (16) any non-laser surgical procedure that does not provide for the correction and relief of ocular or ocular adnexa abnormalities;
- (17) injection into the posterior chamber of the eye to treat any macular or retinal disease.
- (i) A licensee treating a patient with an eyelid or adnexal lesion found to be malignant shall refer the patient to a practitioner trained and qualified to treat those lesions.
- (j) A licensee may not perform an injection into the posterior segment or chamber, or retinal tissue to treat any macular or retinal disease.
- (k) A licensee who performs an expanded therapeutic procedure without board authorization may be subject to disciplinary sanctions under AS 08.72.240.
- (l) For the purpose of this section, "expanded therapeutic procedure" means an ophthalmic surgery approved by the board in compliance with AS 08.72.278, and may include anterior segment laser procedures, anterior segment surgical procedures, YAG laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty.

Authority: AS 08.72.050 AS 08.72.273 AS 08.72.278

12 AAC 48.064. ADVERTISING. Repealed 8/8/84.

ARTICLE 2. CONTINUING EDUCATION.

Section

- 200. License renewals and continuing education**
- 210. Hours of continuing education required**
- 220. Report of continuing education**
- 230. Exemption from continuing education requirements for active duty military service in a combat zone, danger pay post, or qualified hazardous duty area**

12 AAC 48.200. LICENSE RENEWALS AND CONTINUING EDUCATION. (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 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.

(b) The following continuing education courses, if related to the practice of optometry, are accepted by the board for renewal of a license to practice optometry:

- (1) education courses offered at the American Optometric Association (AOA) Convention or offered at any American Optometric Association affiliate state association convention;
- (2) seminars held by committees of the AOA or organized regional Optometric Extension Program Foundation seminars for educational purposes;
- (3) postgraduate courses offered by recognized schools or colleges of optometry;
- (4) remote learning, online, and correspondence courses, except that no more than 10 hours of continuing education credits may be claimed in a single licensing renewal period;
- (5) courses approved by the Council on Optometric Practitioner Education (COPE);
- (6) educational courses offered by the American Academy of Optometry (AAO).

(c) Other continuing education courses not listed in (b) of this section, if related to the practice of optometry under this chapter and AS 08.72, may be approved by the board upon written request of the licensee, if request is submitted not later than 30 days following course completion. The request must include the following information:

- (1) name and address of organization sponsoring courses;
- (2) course title and outline of subject matter to be covered;
- (3) instructors name and credentials; and
- (4) location and dates of the course;

(d) If the applicant for renewal holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has met the requirements of AS 08.72.181(d).

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED. (a) On or after February 21, 2019, an applicant for renewal of a biennial optometry license, must document at least 40 contact hours of continuing education credit that meets the requirements of 12 AAC 48.200, and that was completed during the concluding licensing period.

(b) Continuing education credit received under (a) of this section must include at least 24 contact hours of ocular pathology or pharmacology.

(c) No more than three contact hours of credit in practice management is acceptable as continuing education credit under (a) of this section for each license period.

(d) If the applicant for renewal holds a valid federal Drug Enforcement Administration registration number, document that the applicant

(1) has complied with the requirements of AS 08.72.181(d); and

(2) is registered with the Prescription Drug Monitoring Program controlled substance prescription database under AS 17.30.200 and 12 AAC 48.360.

(e) An applicant for renewal of an optometry license for the first time must document completion of at least one-half of the continuing education requirements in this section for each complete calendar year that the applicant was licensed during the concluding license period.

Authority: AS 08.72.050 AS 08.72.181 AS 08.72.272

12 AAC 48.220. REPORT OF CONTINUING EDUCATION. (a) An applicant for renewal of a license to practice optometry shall submit, on a form provided by the department, a statement of the continuing education instruction required by 12 AAC 48.200 – 12 AAC 48.220 that the applicant has completed during the concluding license period.

(b) Falsification of any written evidence submitted under this section or 12 AAC 02.960 is unprofessional conduct and constitutes grounds for license reprimand, revocation, or suspension.

Authority: AS 08.72.050 AS 08.72.181

12 AAC 48.230. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE IN A COMBAT ZONE, DANGER PAY POST, OR QUALIFIED HAZARDOUS DUTY AREA. (a) An optometrist who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 48.200(a) – (c) and 12 AAC 48.220(a) – (c) as specified in this section for renewal of an optometrist license for the biennial licensing period immediately following a period of service by an optometrist during which an optometrist was engaged in active duty military service in the armed forces of the United States, in a combat zone, danger pay post, or qualified hazardous duty area.

(b) To obtain an exemption under this section, an optometrist must submit official documentation satisfactory to the board of active duty military service, in a combat zone, danger pay post, or qualified hazardous duty area.

(c) The board will waive half of the continuing education hours required in 12 AAC 48.210 if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States, in a combat zone, danger pay post, or qualified hazardous duty area, for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 48.210 if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States in a combat zone, danger pay post, or qualified hazardous duty area, for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

(1) "engaged in active duty military service" means military personnel serving in an active capacity, including active duty personnel in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or reservists;

(2) "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat;

(3) "danger pay post" means a post so designated by the United States Secretary of State in the Department of State Standardized Regulations for purposes of danger pay under 5 U.S.C. 5828; and

(4) "qualified hazardous duty area" means an area that, during the applicant's deployment, is treated as if it were a combat zone for purposes of a federal tax exemption under 26 U.S.C. 112 (Internal Revenue Code).

Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

ARTICLE 3. STANDARDS OF PRACTICE.

Section

300. When a practice is conveyed to another

310. Visual analysis records

320. (Repealed)

330. Unprofessional conduct

340. Prescription and use of a pharmaceutical agent or controlled substance

350. Use of controlled substances; limitations

360. Registration with the prescription drug monitoring program controlled substance prescription database

12 AAC 48.300. WHEN A PRACTICE IS CONVEYED TO ANOTHER. When an optometrist disposes of his established practice to a successor, the successor shall, within a reasonable time, remove from all signs, cards, stationery, and directories connected with the practice he has acquired or is acquiring, all words or phrases such as “successor to,” “associate of,” or words of like import. Under no circumstances may the use of these signs, cards, stationery or advertising continue for more than two years.

Authority: AS 08.72.050(4)

12 AAC 48.310. VISUAL ANALYSIS RECORDS. Every optometrist shall keep a record of examinations and visual analyses made and prescriptions issued and for whom the prescriptions were prepared. The record shall be preserved for a period of at least five years from the date services were rendered, except in the case of death of the patient.

Authority: AS 08.72.050(4)

12 AAC 48.320. ROUTINE VISION EXAMINATION. Repealed 12/31/2005.

12 AAC 48.330. UNPROFESSIONAL CONDUCT. (a) No optometrist may advertise professional services in a false or misleading manner. Conduct prohibited by this subsection includes

(1) using any false, deceptive, or misleading representation in connection with any advertising concerning ophthalmic products or optometric services; and

(2) lending, leasing, renting, or in any other manner placing a certificate of registration at the disposal of or in the service of a person not licensed to practice optometry in this state.

(b) Repealed 3/12/86.

(c) Repealed 3/12/86.

(d) An optometrist may only represent themselves as a specialist if they are currently certified as a

(1) diplomate of the American Academy of Optometry;

(2) fellow of the College of Optometrists in Vision Development; or

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

(e) No optometrist required to be licensed under AS 08.72 may allow his or her professional conduct or judgement in the practice of optometry to be directed or controlled by a person who is not an optometrist licensed to practice optometry in Alaska.

Authority: AS 08.72.050 AS 08.72.060 AS 08.72.240

12 AAC 48.340. PRESCRIPTION AND USE OF A PHARMACEUTICAL AGENT OR CONTROLLED SUBSTANCE. (a) A licensee may not prescribe, order, or administer a pharmaceutical agent, including a controlled substance, for the treatment of eye disease unless the use of the pharmaceutical agent or controlled substance is

(1) within the scope of the licensee’s education and training from an accredited school of optometry;

(2) in compliance with 12 AAC 48.350 and this section; and

(3) for the treatment of ocular disease or conditions, ocular adnexal disease or conditions, or emergency anaphylaxis.

(b) A licensee may prescribe, order, or administer a controlled substance if the requirements of (a) of this section are met and

(1) the controlled substance is not a schedule IA, IIA, or VIA controlled substance; however, a licensee may prescribe, order, or administer a pharmaceutical agent containing hydrocodone;

(2) the licensee has filed with the department a current federal Drug Enforcement Administration number that is valid for the substance prescribed, ordered, or administered;

(3) the licensee has registered with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200 and 12 AAC 48.360; and

(4) the licensee prescribes in accordance with AS 08.72.276.

(c) In this section, “controlled substance” has the meaning given in AS 11.71.900.

Authority: AS 08.72.050 AS 08.72.170 AS 08.72.278
AS 08.72.140 AS 08.72.272

12 AAC 48.350. USE OF CONTROLLED SUBSTANCES; LIMITATIONS. (a) Before prescribing ordering, or administering a controlled substance, a licensee shall

(1) evaluate the patient and include complete medical, pain, alcohol, and substance abuse histories;

(2) diagnose the patient and document in the patient’s medical record the nature of the underlying disease,

presence of pain, and pain mechanism if discernable;

(3) develop an individual treatment plan and document in the patient's medical record medical justification for controlled substance therapy; and

(4) ensure that any outpatient or guardian is informed verbally and in writing of the benefits and risks of controlled substance therapy and any reasonable non-opioid alternative, or if the patient is admitted to a health care facility, ensure that inpatient standards of informed consent are applied.

(b) A licensee who has complied with (a) of this section and prescribes a controlled substance shall

(1) document and maintain, in the patient's medical record, accurate and complete records of all history, physical, and other examinations and evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, controlled substance and other medication therapy, informed consents, periodic assessments, and reviews;

(2) maintain complete records of each controlled substance that the licensee prescribes, orders, or administers; the records shall clearly identify the controlled substance, the patient, the date of prescription, and the amount prescribed;

(3) make records required by this section available for examination, inspection, or copying, not later than 10 days after a request by the board or its designee.

Authority: AS 08.72.050 AS 08.72.276 AS 08.72.278
AS 08.72.272

12 AAC 48.360. REGISTRATION WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. A licensed optometrist who has a federal Drug Enforcement Administration registration number must register with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200.

Authority: AS 08.72.050 AS 08.72.272 AS 17.30.200
AS 08.72.060

ARTICLE 4. GENERAL PROVISIONS.

Section

- 900. Reinstatement of a lapsed license**
- 905. (Repealed)**
- 910. Display of certificate**
- 920. Prescription requirements**
- 990. Definitions**
- 1100. (Repealed)**
- 1121. (Repealed)**

12 AAC 48.900. REINSTATEMENT OF A LAPSED LICENSE. (a) If a license lapses for any reason, the lapsed license holder is prohibited under AS 08.72.110 from the practice of optometry in Alaska until the license is reinstated by the board.

(b) A license that has been lapsed for less than two years will be reinstated by the board upon submission of

(1) the required fee established in 12 AAC 02.300; and

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

(c) A license that has been lapsed for two years but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) a new, completed application as required by 12 AAC 48.011;

(2) the required fee established in 12 AAC 02.300 for the entire period the license has been lapsed;

(3) evidence of completion of all continuing educational requirements in 12 AAC 48.200 - 12 AAC 48.220 that would have been required to maintain a current license for the entire period the license has been lapsed;

(4) a statement of the dates and places of employment after the license lapsed;

(5) verification of all optometry licenses held in other states, if any, for the entire period the Alaska license has been lapsed, and a signed statement from a licensing official from each of those states which verifies that no restrictions have been placed on the license and that no disciplinary sanctions have been taken against the licensee; and

(6) if the applicant is, or has ever been, employed as an optometrist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist.

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed, and the former licensee must apply for a new license under AS 08.72 and this chapter.

Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

12 AAC 48.905. REINSTATEMENT OF A LAPSED LICENSE ENDORSEMENT. Repealed 10/16/2011.

12 AAC 48.910. DISPLAY OF CERTIFICATE. A licensee's registration and renewal certificate must be displayed in the office in which the holder practices optometry. Every licensee, whenever requested, shall exhibit the certificate to a member of the board or an employee of the department and shall notify the department and the board of his or her address and changes of his or her address within five days after any change.

Authority: AS 08.72.050(4)

12 AAC 48.920. PRESCRIPTION REQUIREMENTS. (a) As used in AS 08.72 and this chapter, "prescription" means a written formula by a person licensed under AS 08.72 that contains the issue date of the prescription, the name and office location, and contact information of the prescriber, the name of the patient, and, for

- (1) eyeglasses, the
 - (A) dioptic power of spheres, cylinders, and prisms;
 - (B) axis of cylinders and position of prism base;
 - (C) designation of inter-pupillary distances; and
 - (D) expiration date;
- (2) contact lenses, the
 - (A) base curve or appropriate designation;
 - (B) diameter when appropriate;
 - (C) power;
 - (D) manufacturer;
 - (E) lens brand;
 - (F) material, if applicable;
 - (G) center thickness, if applicable; and
 - (H) expiration date;
- (3) repealed 8/7/2021.

(b) The expiration date under (a)(2) of this section 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.

Authority: AS 08.72.050

12 AAC 48.990. DEFINITIONS. (a) In this chapter

- (1) "ophthalmic prosthetic products" means a device used for or incident to correction of a visual anomaly including eye glasses, lenses, contact lenses, frames, or any component of them;
 - (2) "board" means the Alaska Board of Examiners in Optometry;
 - (3) "contact hour" means a minimum of 50 minutes of instruction;
 - (4) "department" means the Department of Commerce, Community, and Economic Development;
 - (5) deleted 11/9/2006.
- (b) Repealed 8/7/2021.

Authority: AS 08.72.050

12 AAC 48.1100. Repealed 4/24/71.

12 AAC 48.1121. Repealed 4/24/71.

APPENDIX

CHAPTER 30. CONTROLLED SUBSTANCES

Sec. 17.30.200. Controlled substance prescription database. (a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule II, III, or IV controlled substance under federal law dispensed in the state to a person other than under the circumstances described in (t) of this section.

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those dispensed or administered under the circumstances described in (t) of this section, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a daily basis:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;

(4) the name, address, and date of birth of the person for whom the prescription was written;

(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;

(7) the name of the drug outlet dispensing the controlled substance; and

(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

(c) The board shall maintain the database in an electronic file or by other means established by the board to facilitate use of the database for identification of

(1) prescribing practices and patterns of prescribing and dispensing controlled substances;

(2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;

(3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and

(4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

(d) The database and the information contained within the database are confidential, are not public records, are not subject to public disclosure, and may not be shared with the federal government. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the database only to the following persons, and in accordance with the limitations provided and regulations of the board:

(1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;

(2) authorized board personnel or contractors as required for operational and review purposes;

(3) a licensed practitioner having authority to prescribe controlled substances or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance; the agent or employee must be licensed or registered under AS 08;

(4) a licensed or registered pharmacist having authority to dispense controlled substances or an agent or employee of the pharmacist whom the pharmacist has authorized to access the database on the pharmacist's behalf, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance; the agent or employee must be licensed or registered under AS 08;

(5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant or order issued by a court establishing probable cause for the access and use of the information;

(6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed \$10;

(7) a licensed pharmacist employed by the Department of Health and Social Services who is responsible for administering prescription drug coverage for the medical assistance program under AS 47.07, to the extent that the information relates specifically to prescription drug coverage under the program;

(8) a licensed pharmacist, licensed practitioner, or authorized employee of the Department of Health and Social Services responsible for utilization review of prescription drugs for the medical assistance program under AS 47.07,

to the extent that the information relates specifically to utilization review of prescription drugs provided to recipients of medical assistance;

(9) the state medical examiner, to the extent that the information relates specifically to investigating the cause and manner of a person's death;

(10) an authorized employee of the Department of Health and Social Services may receive information from the database that does not disclose the identity of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying and monitoring public health issues in the state; however, the information provided under this paragraph may include the region of the state in which a patient, prescriber, and dispenser are located and the specialty of the prescriber; and

(11) a practitioner, pharmacist, or clinical staff employed by an Alaska tribal health organization, including commissioned corps officers of the United States Public Health Service employed under a memorandum of agreement; in this paragraph, "Alaska tribal health organization" has the meaning given to "tribal health program" in 25 U.S.C. 1603.

(e) The failure of a pharmacist-in-charge or a pharmacist to register or submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist. The failure of a practitioner to register or review the database as required under this section is grounds for the practitioner's licensing board to take disciplinary action against the practitioner.

(f) The board may enter into agreements with (1) dispensers in this state that are not regulated by the state to submit information to and access information in the database, and (2) practitioners in this state to access information in the database, subject to this section and the regulations of the board. The board shall prohibit a dispenser that is not regulated by the state from accessing the database if the dispenser has accessed information in the database contrary to the limitations of this section, discloses information in the database contrary to the limitations of this section, or allows unauthorized persons access to the database.

(g) The board shall promptly notify the president of the senate and the speaker of the house of representatives if, at any time after September 7, 2008, the federal government fails to pay all or part of the costs of the controlled substance prescription database.

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

(i) A person who has reason to believe that prescription information from the database has been illegally or improperly accessed shall notify an appropriate law enforcement agency.

(j) The board shall notify any person whose prescription information from the database is illegally or improperly accessed.

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure and time frame for registration with the database;

(4) that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient; the regulations must provide that a practitioner is not required to review the information in the database before dispensing, prescribing, or administering

(A) a controlled substance to a person who is receiving treatment

(i) in an inpatient setting;

(ii) at the scene of an emergency or in an ambulance; in this sub-subparagraph, "ambulance" has the meaning given in AS 18.08.200;

(iii) in an emergency room;

(iv) immediately before, during, or within the first 48 hours after surgery or a medical procedure;

(v) in a hospice or nursing home that has an in-house pharmacy; or

(B) a nonrefillable prescription of a controlled substance in a quantity intended to last for not more than three days.

(l) A person

(1) with authority to access the database under (d) of this section who knowingly

(A) accesses information in the database beyond the scope of the person's authority commits a class A misdemeanor;

(B) accesses information in the database and recklessly discloses that information to a person not entitled to access or to receive the information commits a class C felony;

(C) allows another person who is not authorized to access the database to access the database commits a class C felony;

(2) without authority to access the database under (d) of this section who knowingly accesses the database or knowingly receives information that the person is not authorized to receive under (d) of this section from another person commits a class C felony.

(m) To assist in fulfilling the program responsibilities, performance measures shall be reported to the legislature annually. Performance measures

(1) may include outcomes detailed in the federal prescription drug monitoring program grant regarding efforts to

(A) reduce the rate of inappropriate use of prescription drugs by reporting education efforts conducted by the Board of Pharmacy;

(B) reduce the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit;

(C) increase coordination among prescription drug monitoring program partners;

(D) involve stakeholders in the planning process;

(2) shall include information related to the

(A) security of the database; and

(B) reductions, if any, in the inappropriate use or prescription of controlled substances resulting from the use of the database.

(n) A pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law shall register with the database by a procedure and in a format established by the board.

(o) The board shall promptly notify the State Medical Board, the Board of Nursing, the Board of Dental Examiners, the Board of Examiners in Optometry when a practitioner registers with the database under (n) of this section.

(p) The board is authorized to provide unsolicited notification to a pharmacist, practitioner's licensing board, or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice. An unsolicited notification to a practitioner's licensing board under this section

(1) must be provided to the practitioner;

(2) is confidential;

(3) may not disclose information that is confidential under this section;

(4) may be in a summary form sufficient to provide notice of the basis for the unsolicited notification.

(q) The board shall update the database on at least a daily basis with the information submitted to the board under (b) of this section.

(r) The Department of Commerce, Community, and Economic Development shall

(1) assist the board and provide necessary staff and equipment to implement this section; and

(2) establish fees for registration with the database by a pharmacist or practitioner required to register under (n) of this section so that the total amount of fees collected by the department equals the total operational costs of the database minus all federal funds acquired for the operational costs of the database; in setting the fee levels, the department shall

(A) set the fees for registration with the database so that the fees are the same for all practitioners and pharmacists required to register; and

(B) consult with the board to establish the fees under this paragraph.

(s) Notwithstanding (p) of this section, the board may issue to a practitioner periodic unsolicited reports that detail and compare the practitioner's opioid prescribing practice with other practitioners of the same occupation and similar specialty. A report issued under this subsection is confidential and the board shall issue the report only to a practitioner. The board may adopt regulations to implement this subsection. The regulations may address the types of controlled substances to be included in an unsolicited report, the quantities dispensed, the medication strength, and other factors determined by the board.

(t) A practitioner or a pharmacist is not required to comply with the requirements of (a) and (b) of this section if a controlled substance is

(1) administered to a patient at

(A) a health care facility; or

(B) a correctional facility;

(2) dispensed to a patient for an outpatient supply of 24 hours or less at a hospital

(A) inpatient pharmacy; or

(B) emergency department.

(u) In this section,

(1) "board" means the Board of Pharmacy;

(2) "database" means the controlled substance prescription database established in this section;

(3) "knowingly" has the meaning given in AS 11.81.900;

(4) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;

(5) "pharmacist-in-charge" has the meaning given in AS 08.80.480.

(v) This section does not apply to a schedule II, III, or IV controlled substance prescribed or dispensed by a veterinarian licensed under AS 08.98 to treat an animal.