

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rulemaking related to licensure of optometrists  
and providing an opportunity for public comment**

The Board of Optometry hereby proposes to rescind Chapter 180, “Licensure of Optometrists,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 146.36, 154.3, 272C.3, 272C.4 and 272C.10.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 154 and 272C.

*Purpose and Summary*

These proposed rules set minimum standards for entry into the optometry profession. Iowa residents, licensees, and employers benefit from the proposed rules because they articulate the processes by which individuals apply for licensure as an optometrist in the state of Iowa, as directed in statute. This includes the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by making certain that any individual entering the profession has minimum competency. Requirements include the application process and examinations.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on January 31, 2024. Comments should be directed to:

Jessica O’Brien  
Department of Inspections, Appeals, and Licensing  
6200 Park Avenue  
Des Moines, Iowa 50321  
Phone: 515.281.6352  
Email: [jessica.o'brien@dia.iowa.gov](mailto:jessica.o'brien@dia.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 30, 2024  
11:50 a.m.

6200 Park Avenue  
Des Moines, Iowa  
Video call link:  
[meet.google.com/jji-jaoj-uqy](https://meet.google.com/jji-jaoj-uqy)  
Or dial: 1.904.330.1060  
PIN: 744 558 427#

January 31, 2024  
11:50 a.m.

6200 Park Avenue  
Des Moines, Iowa  
Video call link:  
[meet.google.com/jji-jaoj-uqy](https://meet.google.com/jji-jaoj-uqy)  
Or dial: 1.904.330.1060  
PIN: 744 558 427#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at a hearing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 180 and adopt the following **new** chapter in lieu thereof:

*OPTOMETRISTS*

- CHAPTER 180 LICENSURE OF OPTOMETRISTS
- CHAPTER 181 CONTINUING EDUCATION FOR OPTOMETRISTS
- CHAPTER 182 PRACTICE OF OPTOMETRISTS
- CHAPTER 183 DISCIPLINE FOR OPTOMETRISTS

CHAPTER 180  
LICENSURE OF OPTOMETRISTS

**645—180.1(154) Definitions.** For purposes of these rules, the following definitions will apply:

“Active license” means a license that is current and has not expired.

“Board” means the board of optometry.

“CELMO” means the Council on Endorsed Licensure Mobility for Optometrists.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period.

“Licensee” means any person licensed to practice as an optometrist in the state of Iowa.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice optometry to an applicant who is or has been licensed in another state.

“*Mandatory training*” means training on identifying and reporting child abuse or dependent adult abuse required of optometrists who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“*NBEO*” means the National Board of Examiners in Optometry.

“*Optometrist*” means an optometrist who is licensed to practice optometry in Iowa and who is certified by the board of optometry to employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of the conditions of the human eye and adnexa, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding Iowa Code section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy, with the exclusions cited in Iowa Code chapter 154.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—180.5(17A,147,272C) by which an inactive license is restored to active status.

“*Reinstatement*” means the process as outlined in rule 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions.

“*TPA*” means therapeutic pharmaceutical agents.

#### **645—180.2(154) Requirements for licensure.**

**180.2(1)** The following criteria applies to licensure:

a. Submit a completed online application and pay the non-refundable licensure fee specified in rule 645—5.12(147,154).

b. Applicants will submit proof of satisfactory completion of all educational requirements contained in Iowa Code chapter 154 including official copies of academic transcripts sent directly to the board from an accredited school or college of optometry.

c. Applicants will submit proof of passing all current NBEO examinations.

d. An applicant who has been licensed in another state will provide verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

- (1) Licensee’s name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

**180.2(2)** Reserved.

#### **645—180.3(154) Licensure by endorsement.**

**180.3(1)** Applicants who have been licensed as an optometrist in another state may apply for licensure by endorsement by submitting the following:

a. Verification the applicant meets the requirements of rule 645—180.2(154); and

b. Verification of current competence to practice as an optometrist by satisfying one of the following criteria:

- (1) Current CELMO certification;
- (2) Practice as an optometrist for a minimum of 2,080 hours during the preceding two-year period;
- (3) Employment as a faculty member teaching optometry in an accredited school of optometry for at least one academic year during the preceding two-year period;
- (4) Completion of a minimum of 50 hours of continuing education during the preceding two-year period; or

(5) Passing the NBEO examination during the preceding two-year period.

**180.3(2)** Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

**645—180.4(154) License renewal.**

**180.4(1)** The biennial license renewal period for a license to practice optometry will begin on July 1 of an even-numbered year and end on June 30 two years later. The licensee is responsible for renewing the license prior to its expiration.

**180.4(2)** An individual who was issued a license within six months of the license renewal date does not need to renew the license until the subsequent renewal two years later.

**180.4(3)** A licensee applying for renewal will:

*a.* Meet the continuing education requirements of rule 645—181.2(154) and the mandatory reporting requirements of subrule 180.5(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**180.4(4)** Mandatory reporter training requirements.

*a.* A licensee who examines, attends, counsels, or treats children, dependent adults, or both in the scope of the licensee's professional practice will complete the applicable department of health and human services training relating to the identification reporting of child abuse, dependent adult abuse, or both. Written documentation of training completion should be maintained for three years. The training is not required if the licensee is engaged in active duty military service or holds a waiver demonstrating a hardship in complying with these training requirements.

*b.* The board may select licensees for audit of compliance with the requirements in 645—Chapter 181.

**180.4(5)** A two-year license will be issued after the requirements of the rule are met. If the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**180.4(6)** The license certificate and proof of active licensure will be displayed in a conspicuous public place at the primary site of practice.

**180.4(7)** Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in 645—subrule 5.12(3). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

**180.4(8)** Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice until the license is reactivated.

**645—180.5(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license:

**180.5(1)** Submit a completed online reactivation application and payment of the non-refundable application fee.

**180.5(2)** If licensed in another jurisdiction, provide verification from the jurisdiction in which the licensee has most recently been licensed showing the licensee's name, date of initial licensure, current licensure status, and any disciplinary action taken against the licensee.

**180.5(3)** Verification of current competence to practice as an optometrist by satisfying one of the following criteria:

*a.* Practice as an optometrist for a minimum of 2,080 hours during the preceding two-year period;

*b.* Employment as a faculty member teaching optometry in an accredited school of optometry for at least one academic year during the preceding two-year period;

*c.* Completion of a minimum of 50 hours of continuing education during the preceding two-year period; or

*d.* Passing the NBEO examination during the preceding two-year period.

**645—180.6(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive board-approved reinstatement of the license and must apply for and be granted reactivation of the license prior to practicing as an optometrist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154 and 272C.