



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

May 19, 2023

**NOTICE OF FILING**

**ADMINISTRATIVE RULES**

To: Secretary of the Senate  
Clerk of the House of Representatives  
Joint Committee on Administrative Rules  
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-049-LR)  
Legislative Service Bureau (Secretary of State Filing #23-05-08)  
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-049-LR (Secretary of State Filing #23-05-08) on this date at 11:04 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Optometry – General Rules".

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson  
Secretary of State

Lashana Threlkeld, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

ORLENE HAWKS  
DIRECTOR

May 19, 2023

The Honorable Jocelyn Benson  
Secretary of State  
Office of the Great Seal  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

RECEIVED  
MICHIGAN SECRETARY OF STATE  
2023 MAY 24 AM 9:23  
J. J. S. / GREAT SEAL

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2022-49 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 12, 2023 for the Department of Licensing & Regulatory Affairs “**Optometry – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

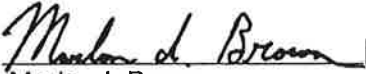
ORLENE HAWKS  
DIRECTOR

## CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, 16174, 16287, and 17431 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16287, and 333.17431 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 338.301, R 338.303, R 338.306, and R 338.321 of the Michigan Administrative Code are amended, R 338.302, R 338.305, R 338.307, R 338.309, R 338.311, R 338.313, R 338.315, R 338.317, R 338.319, and R 338.320 are rescinded, and R 338.322, R 338.323, R 338.325, R338.327, R 338.328, R 338.329, R 338.330, R 338.331, R 338.332, and R 338.333 are added.

Date: 03/22/2023

Adopted by:   
Marlon I. Brown  
Chief Administrative Officer  
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

## LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 12, 2023, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Optometry – General Rules**” by:

- ◆ Adding R 338.322, R 338.323, R 338.325, R338.327, R 338.328, R 338.329, R 338.330, R 338.331, R 338.332, and R 338.333.
- ◆ Amending R 338.301, R 338.303, R 338.306, and R 338.321.
- ◆ Rescinding R 338.302, R 338.305, R 338.307, R 338.309, R 338.311, R 338.313, R 338.315, R 338.317, R 338.319, and R 338.320.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: April 3, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,  
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated January 12, 2023, amending R 338.301, R 338.303, R 338.306, and R 338.321, rescinding R 338.302, R 338.305, R 338.307, R 338.309, R 338.311, R 338.313, R 338.315, R 338.317, R 338.319, and R 338.320, and adding R 338.322, R 338.323, R 338.325, R338.327, R 338.328, R 338.329, R 338.330, R 338.331, R 338.332, and R 338.333 of the Department's rules entitled "Optometry – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: April 3, 2023

LEGISLATIVE SERVICE BUREAU

By \_\_\_\_\_

Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OPTOMETRY - GENERAL RULES

Filed with the secretary of state on May 19, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16287, and 17431 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16287, and 333.17431 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.301, R 338.303, R 338.306, and R 338.321 of the Michigan Administrative Code are amended, R 338.302, R 338.305, R 338.307, R 338.309, R 338.311, R 338.313, R 338.315, R 338.317, R 338.319, and R 338.320 are rescinded, and R 338.322, R 338.323, R 338.325, R338.327, R 338.328, R 338.329, R 338.330, R 338.331, R 338.332, and R 338.333 are added, as follows:

PART 1. GENERAL PROVISIONS

R 338.301 Definitions.

Rule 1. (1)As used in these rules:

- (a) "AAO" means the American Academy of Optometry.
- (b) "ACOE" means the Accreditation Council on Optometric Education.
- (c) "Adverse drug reaction" means an adverse physical or psychological reaction experienced by an individual resulting from a diagnostic therapeutic agent administered by an optometrist that occurs within 24 hours after the therapeutic agent was administered. An adverse drug reaction includes any of the following:
  - (i) Red eye.
  - (ii) Painful eye.
  - (iii) Decrease in vision.
  - (iv) Pale or red swelling of the periocular or periorbital tissues.
  - (v) Nausea.
  - (vi) Vomiting.
  - (vii) Fainting.
  - (viii) Mental confusion.
  - (ix) Cessation of respiration.
- (d) "AOA" means the American Optometric Association.

January 12, 2023

(e) "Board" means the Michigan board of optometry.

(f) "Classroom hour," for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, MCL 333.17412 and 333.17435, means a 50 to 60 minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour."

(g) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(h) "COPE" means the Council on Optometric Practitioner Education.

(i) "Course of study in general and clinical pharmacology" means a course of study that is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code, MCL 333.17412. Not less than 30 of the 60 classroom hours of the course of study must be allocated to ocular pharmacology and must emphasize the systemic effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.

(j) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study that is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, is completed in a board-approved school or college, and is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.

(k) "CPDO" means the Continued Professional Development in Optometry.

(l) "CPR" means cardiopulmonary resuscitation.

(m) "Department" means the department of licensing and regulatory affairs.

(n) "Established patient" means an individual who has received a professional service from a provider within the optometrist's practice group within the preceding 3 years and 1 day.

(o) "Informed consent for an established patient" means consent by a patient or a patient's legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for the patient or the patient's legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.

(p) "Informed consent for a new patient" means a written agreement or documentation of a verbal agreement by a patient or a patient's legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for the patient or the patient's legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.

(q) "MOA" means the Michigan Optometric Association.

(r) "NBEO" means the National Board of Examiners in Optometry.

(s) "New patient" means a patient who has not received a professional service from a provider in the optometrist's practice group within the preceding 3 years and 1 day.

(t) "TMOD" means Treatment and Management of Ocular Disease.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.303 Training standards for identifying victims of human trafficking; requirements.

Rule 3. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual who is licensed or seeking licensure shall have completed training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
    - (i) Understanding the types and venues of human trafficking in this state or the United States.
    - (ii) Identifying victims of human trafficking in healthcare settings.
    - (iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.
    - (iv) Identifying resources for reporting the suspected victims of human trafficking.
  - (b) Acceptable providers or methods of training include any of the following:
    - (i) Training offered by a nationally recognized or state-recognized health-related organization.
    - (ii) Training offered by, or in conjunction with, a state or federal agency.
    - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
    - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer-reviewed journal, healthcare journal, or professional or scientific journal.
  - (c) Acceptable modalities of training may include any of the following:
    - (i) Teleconference or webinar.
    - (ii) Online presentation.
    - (iii) Live presentation.
    - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
  - (b) A self-certification statement by the individual. The certification statement must include the individual's name and 1 of the following:
    - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
    - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer-reviewed journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

R 338.305 Rescinded.

R 338.306 Telehealth services; requirements.

Rule 6. (1) An optometrist who provides telehealth services shall obtain informed consent for an established patient or a new patient before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.



(2) An optometrist who provides a telehealth service shall maintain evidence of the informed consent in the patient record in compliance with section 16213 of the code, MCL 333.16213.

(3) An optometrist who provides a telehealth service shall comply with section 16285 of the code, MCL 333.16285.

(4) An optometrist providing a telehealth service may prescribe a drug if the optometrist is a prescriber acting within the scope of the optometrist's practice and in compliance with section 16285 the code, MCL 333.16285, if the optometrist does both of the following:

(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.

(b) Makes himself or herself available to provide follow-up care services to the patient or to refer the patient to another provider for follow-up care.

(5) An optometrist may provide a telehealth service only when the optometrist complies with all of the following:

(a) Part 174 of the code, MCL 333.17401 to 333.17437.

(b) The eye care consumer protection law, part 55A of the code, MCL 333.5551 to 333.5571, including the duty to perform an examination and evaluation, under sections 5551 to 5559 of the code, MCL 333.5551 to 333.5559.

(6) An optometrist who provides a telehealth service shall exercise the same standard of care applicable to a traditional, face-to-face healthcare service, including any necessary face-to-face appointments with a patient to assess, reassess, and update the patient's medical condition and the effectiveness of treatment modalities.

R 338.307 Rescinded.

R 338.309 Rescinded.

R 338.311 Rescinded.

R 338.313 Rescinded.

R 338.315 Rescinded.

R 338.317 Rescinded.

R 338.319 Rescinded.

R 338.320 Rescinded.

## PART 2. EDUCATIONAL PROGRAMS, EXAMINATIONS, LICENSES AND CERTIFICATIONS

R 338.321 Professional optometric degree program; approval standards.

Rule 21. (1) The board approves and adopts by reference the standards of ACOE set forth in the publication entitled, "Accreditation Council on Optometric Education Policy

and Procedure Manual,” published June 2022, which provides for the accreditation of professional optometric degree programs. A copy of the Accreditation Manual of ACOE is available free of charge from the AOA’s website at [https://www.aoa.org/AOA/Documents/Education/ACOE/ACOE\\_Policy\\_and\\_Procedure\\_Manual\\_07\\_2021.pdf](https://www.aoa.org/AOA/Documents/Education/ACOE/ACOE_Policy_and_Procedure_Manual_07_2021.pdf). Printed copies also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) A professional optometric degree program accredited by ACOE is considered approved by the board.

R 338.322 Examination approval and adoption; limitations; passing score.

Rule 22. (1) The board approves and adopts the NBEO examinations developed, administered, and scored by the NBEO or its successor.

(2) An applicant applying for licensure shall have achieved a passing score on all of the following parts of the NBEO examinations:

(a) Part I.

(b) Part II, including a passing score on the TMOD examination imbedded in Part II.

(c) Part III.

(3) An applicant for licensure is limited to attempting to achieve a passing score on the NBEO examination to no more than 6 attempts. A licensee shall not sponsor an applicant for licensure that is attempting to achieve a passing score on the NBEO examination if the applicant has previously attempted to pass the examination 6 or more times.

(4) The accepted passing score for each part of the NBEO examination for licensure is the passing scores established by the NBEO or its successor.

R 338.323 Initial licensure by examination.

Rule 23. An applicant for initial licensure by examination shall submit a completed application on the form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a professional optometric degree program approved by the board under R 338.321, and hold the doctor of optometry degree.

(b) Have achieved a passing score on parts I, II, and III of the NBEO examinations approved under R 338.322, including a passing score on the TMOD examination imbedded in part II.

(c) Have achieved a minimum scaled score of 75 on the optometry jurisprudence examination developed and administered by the department or an entity approved by the department.

R 338.325 Licensure by endorsement.

Rule 25. An applicant for licensure by endorsement shall hold an active license in good standing in another state or province of Canada and submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall comply with all of the following requirements as noted by (√):

(a) For an applicant who is licensed in another state:		Licensed for less than 3 years.	Licensed 3 years or more.
(i)	Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(iii)	Graduate from a school of optometry approved by the board under R 338.321.	√	
(iv)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the TMOD examination given by NBEO or its successor organization.	√	
(v)	Achieve a minimum scaled score of 75 on the optometry jurisprudence examination developed and administered by the department or an entity approved by the department.	√	√
(vi)	Hold a license in good standing granting therapeutic prescriptive certification at the highest level authorized in the state of the United States where the applicant is currently licensed.	√	√
(vii)	Hold a valid CPR certificate issued by any of the following: (A) The Red Cross.	√	√

	<p>(B) The American Heart Association.</p> <p>(C) An accredited hospital.</p> <p>(D) An organization or institution comparable to those identified in subparagraphs (A) to (C) of this paragraph.</p>		
(viii)	<p>Comply with both of the following:</p> <p>(A) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>	√	√
	(b) For an applicant who is licensed in a province of Canada:	Licensed less than 10 years.	Licensed 10 years or more.
(i)	Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code,	√	√

	MCL 333.16174.		
(iii)	Graduate from a school of optometry approved by the board under R 338.321.	√	√
(iv)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the TMOD examination given by NBEO or its successor organization.	√	
(v)	Achieve a minimum scaled score of 75 on the optometry jurisprudence examination of developed and administered by the department or an entity approved by the department.	√	√
(vi)	Hold a license in good standing granting therapeutic prescriptive certification at the highest level authorized in the province of Canada where the applicant is currently licensed.	√	√
(vii)	Hold a valid CPR certificate issued by any of the following: (A) The Red Cross. (B) The American Heart Association. (C) An accredited hospital. (D) An organization or institution comparable to those identified in subparagraphs (A) to (C) of this paragraph.	√	√
(viii)	Comply with both of the following:	√	√

	<p>(A) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>		
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R 338.327 Limited licenses.

Rule 27. (1) The board may issue an educational limited license, under section 16182(2)(a) of the code, MCL 333.16182, to an individual that meets the requirements of the code and the administrative rules promulgated under the code and who meets both of the following:

(a) Has graduated from a board-approved professional optometric degree program, or who will graduate from the program not more than 3 months after applying for an educational limited license.

(b) Is enrolled in a postgraduate course of study or participates in a residency program that is offered by the United States Department of Veterans Affairs or an institution approved by the ACOE.

(2) The board may issue a clinical academic limited license, under section 16182(2)(c) of the code, MCL 333.16182, to an individual who meets the requirements of the code and the administrative rules promulgated under the code and who is a graduate of a board-approved professional optometric degree program and who is employed as a faculty member at a board-approved professional optometric degree program. An optometrist who is licensed under this subrule may perform procedures on patients while employed as a faculty member at a board-approved professional optometric degree program, if these procedures are performed under the general supervision of a faculty member who is fully licensed as an optometrist. An individual who is licensed under this subrule shall not do either of the following:

(a) Hold himself or herself out to the public as being engaged in the practice of optometry other than as a faculty member.

(b) Provide optometric services outside of his or her employment as a faculty member.  
 (3) An individual who applies for a limited license under section 16182(2)(a) or (c) of the code, MCL 333.16182(2), shall meet all of the following requirements:

- (a) Comply with section 16174 of the code, MCL 333.16174.  
 (b) Submit proof of graduation from an accredited professional optometric degree program that is approved by the board under R 338.321.  
 (c) Submit proof of appointment to either of the following:  
 (i) A postgraduate course of study or a residency program, under subrule (1) of this rule.  
 (ii) A faculty position at a board-approved professional optometric degree program, under subrule (2) of this rule.

(4) A limited license may be renewed 1 time. When applying for renewal, the limited licensee shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions.

#### R 338.328 Relicensure.

Rule 28. (1) An applicant whose license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, if the applicant meets the requirements of the code and the administrative rules promulgated under the code and satisfies the following requirements as noted by (√):

(a) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or in Canada:		Lapsed 3 years or less.	Lapsed more than 3 years, but less than 6 years.	Lapsed 6 years or more.
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 40 hours of continuing education as required under R 338.331, that was earned within the 2-year period	√	√	√

	<p>immediately preceding the date of relicensure, subject to both of the following:</p> <p>(A) At least 2 of the 40 hours of continuing education must be in pain and symptom management, as provided under R 338.331(3).</p> <p>(B) If certified to administer therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education must be in pharmacological management of ocular conditions, as provided under R 338.331(2), and the applicant shall hold a current CPR certificate.</p>			
(v)	Achieve a minimum scaled score of 75 on the optometry jurisprudence examination developed and administered by the department, or an entity approved by the department.		√	√
(vi)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the CPDO examination given by NBEO or its successor organization.			√
(vii)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another	√	√	√



	<p>country, shall do both of the following:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>			
	(b) For an applicant who has let his or her Michigan license lapse and is currently licensed in another state or in Canada:	Lapsed 3 years or less.	Lapsed more than 3 years, but less than 6 years.	Lapsed 6 years or more.
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 40 hours of continuing education as required under R 338.331, that was earned within the 2-year period immediately preceding the date of relicensure,	√	√	√

	<p>subject to both of the following:</p> <p>(A) At least 2 of the 40 hours of continuing education must be in pain and symptom management, as provided under R 338.331(3).</p> <p>(B) If certified to administer therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education must be in pharmacological management of ocular conditions, as provided under R 338.331(2), and the applicant shall hold a current CPR certificate.</p>			
(v)	<p>Achieve a minimum scaled score of 75 on the optometry jurisprudence examination developed and administered by the department, or an entity approved by the department.</p>		√	√
(vi)	<p>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174,</p>	√	√	√

	including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.			
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(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.329 Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards; prohibitions.

Rule 29. (1) An applicant for certification to administer a topical ocular diagnostic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Successfully complete a course of study in general and clinical pharmacology related to the practice of optometry as required in section 17412(2)(a) of the code, MCL 333.17412. The course of study must include passing an examination on general and ocular pharmacology. The applicant has successfully completed the required course of study when the applicant has been granted the credit hours designated for the course of study by the teaching institution where the course is offered.

(b) Establish a board-approved emergency plan, under section 17412(2)(d) of the code, MCL 333.17412, for the management and referral of patients who experience any adverse drug reaction. To be board-approved, the emergency plan must include all of the following:

- (i) Patient instructions related to an adverse drug reaction.
- (ii) A referral procedure for a patient reporting an adverse drug reaction.
- (iii) The names and contact information of not less than 3 physicians, clinics, or hospitals to whom the patient reporting an adverse drug reaction may be referred.
- (iv) A documentation procedure for the information to be included in the patient's medical record regarding the report of an adverse drug reaction.

(c) Successfully complete a course in CPR as required by section 17412(2)(c) of the code, MCL 333.17412, approved by the department of health and human services, and offered or approved by any of the following:

- (i) The Red Cross.
- (ii) The American Heart Association.
- (iii) An accredited hospital.
- (iv) An organization or institution comparable to those identified in paragraphs (i) to (iii) of this subdivision.

(2) A licensed optometrist shall not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer topical ocular diagnostic pharmaceutical agents.

R 338.330 Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications.

Rule 30. (1) An applicant for certification to administer and prescribe a therapeutic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Meet the certification requirements to administer diagnostic pharmaceutical agents under R 338.315.

(b) Successfully complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents as required in section 17435(2)(b) of the code, MCL 333.17435.

(c) Establish a board-approved management plan that complies with section 17435(2)(c) of the code, MCL 333.17435.

(2) A licensed optometrist shall not administer or prescribe therapeutic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents.

### PART 3. CONTINUING EDUCATION AND LICENSE RENEWAL

R 338.331 License renewal; continuing education, requirements, limitations.

Rule 31. (1) An applicant for license renewal shall satisfy the requirements of the R 338.7001 to R 338.7005 and accumulate not less than 40 continuing education hours approved by the board under R 338.332 or R 338.333 during the 2 years immediately preceding the date of application for renewal.

(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall do both of the following:

(a) Accumulate not less than 20 hours of board-approved continuing education in pharmacological management of ocular conditions. The 20 required hours are part of, and not in addition to, the 40 hours required in subrule (1) of this rule. A continuing education program that falls within COPE categories listed in R 338.332(7)(n)(iii)(A) to (I) meets the requirements of this subdivision.

(b) Hold a valid CPR certificate issued by any of the following:

(i) The Red Cross.

(ii) The American Heart Association.

(iii) An accredited hospital.

(iv) An organization or institution comparable to those identified in paragraphs (i) to (iii) of this paragraph.

(3) An applicant for license renewal shall accumulate not less than 2 hours of board approved continuing education in pain and symptom management related to the practice of optometry. A continuing education program that falls within COPE categories listed

in R 338.332(6)(n)(iv)(A) to (C) meets the requirements of this subrule. Continuing education hours in pain and symptom management, as they relate to the practice of optometry, may include, but are not limited to, the following:

- (a) Ethics and health policy related to pain.
  - (b) Pain definitions.
  - (c) Basic sciences related to pain, including pharmacology, psychology, sociology, and anthropology.
  - (d) Clinical sciences related to pain, including specific pain conditions and pain in special contexts and settings.
  - (e) Clinician-patient communications related to pain.
  - (f) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
  - (g) Ensuring quality pain care.
  - (h) Michigan programs and resources relevant to pain.
- (4) A minimum of 20 of the required continuing education hours must be completed in a live, synchronous learning format. The remaining hours may be completed in any other format.
- (5) An applicant for license renewal may earn a maximum of 9 continuing education hours per licensure cycle in practice management. A continuing education program that falls within COPE categories listed in R 338.332(6)(n)(ii)(A) and (B) meets the requirements of this subrule.
- (6) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule.
- (7) An optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years after the date of applying for license renewal. The licensee's documentation must show the licensee's name, number of credits earned per program or activity, the sponsor's name or the name of the organization that approved the program or activity, and the date that the program was held or activity was completed. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
- (8) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department at least 30 days before the last regularly scheduled board meeting before the expiration date of the license.

R 338.332 Adoption of standards and criteria by reference; board approval of continuing education programs.

Rule 32. (1) The board approves and adopts by reference the standards and criteria of COPE for accreditation of an activity or qualification of a course that are set forth in the publications entitled "Activity Accreditation Manual," revised July 2022, and "Course Qualification Manual," revised July 2022. A copy of the publications may be obtained at no cost from the Association of Regulatory Boards of Optometry's website at <http://www.arbo.org>. Printed copies also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) A continuing education program related to the practice of optometry that has been accredited by COPE is considered approved by the board.

(3) A course or continuing education program related to the practice of optometry offered by a college or university program approved by the board under R 338.321 is considered approved by the board.

(4) A continuing education program related to the practice of optometry that has been approved or sponsored by the AAO, the AOA, or the MOA is considered approved by the board.

(5) A continuing education program related to the practice of optometry that has been approved by another state board of optometry is considered approved by the board.

(6) A continuing education program that is not approved by the board under subrules (1) to (5) of this rule, or as provided in R 338.333, may apply for board approval by submitting an application to the department. The application must be received not less than 90 calendar days before the program presentation. An application received less than 90 days before the program presentation will be denied as untimely.

(7) An application for approval of a continuing education program must include all the following:

- (a) The sponsor's name.
- (b) The sponsor's address.
- (c) The program name.
- (d) The date of the next scheduled program.
- (e) The program location.
- (f) The program outline, including all of the following:
  - (i) An explanation of how the program is designed to further educate the licensee through acquisition and application of knowledge, that results in improved patient outcomes.
  - (ii) The topics and the name of the speaker of each topic.
  - (iii) The times of the specific topics and breaks included in the program.
- (g) The résumé of each speaker or instructor for the program.
- (h) A description of the delivery method, or methods to be used, and the techniques that will be employed to ensure active participation.
- (i) A brief description of the sponsoring organization.
- (j) The name, title, and address of the program director and a description of his or her qualifications to direct the program.
- (k) A description of how participants will be notified that continuing education credit has been earned.
- (l) A description of the physical facilities or laboratory available to ensure a proper learning environment.
- (m) A description of how attendance is monitored and the name of the individual monitoring attendance.
- (n) The number of hours of course instruction including all of the following:
  - (i) The number of hours related to clinical optometry, which may include any of the following COPE categories:
    - (A) Contact lenses (CL).
    - (B) Functional vision/pediatrics (FV).
    - (C) General optometry (GO).

- (D) Low vision/vision impairment & rehabilitation (LV).
- (E) Public health (PB).
- (ii) The number of hours related to practice management, which may include the following COPE categories:
  - (A) Practice management (PM).
  - (B) Ethics/jurisprudence (EJ).
- (iii) The number of hours related to pharmaceutical management, which may include any of the following COPE categories:
  - (A) Glaucoma (GL).
  - (B) Injection skills (IS).
  - (C) Laser procedures (LP).
  - (D) Peri-operative management of ophthalmic surgery (PO).
  - (E) Surgery procedures (Optometric) (SP).
  - (F) Treatment and management of ocular disease (TD).
  - (G) Neuro-optometry (NO).
  - (H) Pharmacology (PH).
  - (I) Systemic diseases (SD).
- (iv) The number of hours related to pain management, which may include any of the following COPE categories:
  - (A) Pharmacology (PH).
  - (B) Treatment and management of ocular disease (TD).
  - (C) Functional vision/pediatrics (FV).

R 338.333 Approved continuing education activities; limitations; documentation.  
 Rule 33. The board approves all of the following as continuing education if the subject matter falls within an approved COPE category as listed in R 338.331(7)(n):

	Activity and Proof of Completion	Number of Continuing Education Hours Granted or Permitted for Activity
(a)	Attendance at a continuing education program related to optometric topics approved for category 1 continuing education by the Michigan board of medicine or the Michigan board of osteopathic medicine and surgery.  If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates that the program was held or activity completed.	One continuing education hour in clinical optometry is earned for each 50 to 60 minutes of program attendance. A maximum of 8 continuing education hours may be earned for this activity in each renewal period.
(b)	Attendance at a continuing education	One continuing education hour in

	<p>program related to optometric pharmacological topics approved for continuing education by the Michigan board of pharmacy.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates that the program was held or activity completed.</p>	<p>pharmacological management is earned for each 50 to 60 minutes of program attendance. A maximum of 8 continuing education hours may be earned for this activity in each renewal period. Applicants for renewal who hold certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, may earn continuing education hours without limitation.</p>
(c)	<p>Initial presentation of or at a continuing education program approved by the board.</p> <p>If audited, a licensee shall submit a letter from the program's sponsor, verifying the licensee's presentation of educational materials and lecture at the continuing education program.</p>	<p>One continuing education hour in the appropriate COPE category is earned for each 50 to 60 minutes of program presentation, without limitation.</p>
(d)	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional optometric organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the date of the presentation.</p>	<p>Two hours of continuing education in clinical optometry are earned for each presentation. No additional credit is granted for preparation of the presentation.</p>
(e)	<p>Initial publication of either of the following:</p> <p>(i) A scientific article relating to the practice of optometry in a peer-reviewed journal or periodical.</p> <p>(ii) A chapter or a portion of a chapter related to the practice of optometry in either a professional healthcare textbook or peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.</p>	<p>Six hours of continuing education in clinical optometry are earned for serving as the primary author. Three hours of continuing education in clinical optometry are earned for serving as a secondary author.</p>



(f)	<p>Participating on either of the following:</p> <p>(i) A peer review committee dealing with quality of patient care as it relates to the practice of optometry.</p> <p>(ii) A national or state committee, board, council, or association related to the practice of optometry.</p> <p>Participation on a committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of optometry.</p> <p>If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	<p>Six hours of continuing education in clinical optometry are earned for participating on a committee. A maximum of 6 continuing education hours may be earned for this activity in each renewal period.</p>
(g)	<p>Taking and passing any nationally recognized advanced competency examination in optometry.</p>	<p>Every 2 years, 12 hours of continuing education in pharmacology management or clinical optometry are earned.</p>

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