

## **Optometry Newsletter**

### **A Reminder for Licensees Regarding Advertising**

Pennsylvania optometrists must remain in compliance with “The Optometric Practice and Licensure Act” (Act), and must also follow the regulations outlined in the Pennsylvania Code. The Act and regulations define our scope of practice, business practices and all the aspects of licensure. The Act and the regulations are available on the State Board of Optometry (Board) website. All licensed optometrists should familiarize themselves with the provisions of both since it may have been a while since you have paged through either.

The Board reminds all optometrists that Section 23.31(a) of the Board’s regulations provides:

Advertising by publication, transmission, posting or distribution is permitted if it is not misleading, deceptive or fraudulent on its face, by inference, or by its effect in actual practice.

This rule encompasses the many mediums of promotion that exist from printed advertising to social media. Optometrists must take care, in their efforts to differentiate themselves in the eyes of the consumer, to not advertise in any way that may be viewed as misleading, deceptive or fraudulent. Advertisements, including listing memberships in associations or certifications achieved, are not permitted if they are misleading, deceptive or fraudulent. Appropriate designations that may be used by optometrists in a telephone directory may be found at Section 23.31(d) of the Board’s regulations.

Equal effort and care must be exercised when advertising price. Guidance and prohibitions on advertisements for free services and combining prices of examinations with ophthalmic products may be found Section 23.31(b) of the Board’s regulations.

The Act and regulations should remain the guide for your professional practice. Please reference these documents when questions arise, and if questions remain, you may direct questions to the Board’s staff.

Carl J. Urbanski, O.D.

Vice Chairperson of the State Board of Optometry

### **Have you met your current CE requirements?**

Renewal applications require Pennsylvania licensed optometrists (licensees) to answer some questions, including whether licensees have met current continuing education (CE) requirements. In answering these questions on renewal applications, licensees should take steps to ensure that they know and understand optometric CE requirements.

The purpose of this article is to provide an overview of CE requirements. While this overview should assist licensees in understanding CE requirements, licensees should also review the

Optometric Practice and Licensure Act (Act) and regulations, which are available on the State Board of Optometry (Board) website.

Under the Act, as a condition of biennial renewal, licensees must obtain 30 hours of Board approved CE within the immediately preceding two-year period. The biennial license period is December 1 of the previous even-numbered year through November 30 of the current even-numbered year (i.e. your license expiration date). Only CE taken during this period may be counted toward license renewal. Licensees who renew late (within the 30 days after the expiration of their license) cannot use CE taken from December 1 through the actual renewal date. Licensees who do not complete the CE requirement prior to November 30 of the renewal year will be required to reactivate their licenses after the required CE has been obtained. Please note that for reactivation, CE must be obtained within two years immediately preceding the date of the reactivation application.

For licensees certified to prescribe and administer pharmaceutical agents for therapeutic purposes, at least six hours of the required 30 hours of CE must concern the prescription and administration of pharmaceutical agents for therapeutic purposes.

For licensees certified to prescribe and administer pharmaceutical agents for the treatment of certain types of glaucoma, at least four hours of the required 30 hours of CE must concern the prescription and administration pharmaceutical agents for the treatment of glaucoma. The four hours taken in the treatment of glaucoma may be applied toward the six hours required to maintain therapeutic certification.

Only Board approved courses may be used to meet CE requirements. Section 23.86 of the Board's regulation lists pre-approved providers. In accordance with Section 23.83(a), "acceptable courses of study are limited to the use of means or methods for the examination, diagnosis and treatment of conditions of the human visual system and may include examination for and adapting and fitting of all types of lenses. The Board will not accept courses of study which do not relate to the actual practice of optometry such as studies in office management and financial procedures." Therefore, even if a course is provided by a pre-approved provider, licensees must also verify that course content is appropriate. For example, courses designated as "Practice Management" are not acceptable courses.

For courses not provided by pre-approved providers, submission of an application is required. Providers may submit applications prior to conducting a conference. Individuals may also submit an application prior to attending a course for individual approval.

Individuals who wish to obtain CE for service as a teacher, preceptor, lecturer or speaker and for publications, articles books and research relating to the practice of optometry must also submit an application. The application should be submitted prior to the service to assure approval will be given by the Board to the program. Otherwise, the licensee will be required to seek retroactive approval as outlined in Section 23.86(b) of the regulations.

Licenses must maintain their certificates of attendance for a minimum of six years after the completion of educational courses. Additionally, approvals for CE must be retained for six years.

Please note that Act 31 Child Abuse Recognition and Reporting CE is counted towards the total 30 hours of required CE. The Board will accept up to three hours of Act 31 Child Abuse Recognition and Reporting CE per biennial period.

Board Administrator  
State Board of Optometry

### **Have you complied with the liability insurance requirement?**

The professional liability insurance requirements for Pennsylvania are listed in Section 3(a) (2.5) of the Optometric Practice and Licensure Act (Act), which is accessible on the Board's website, [www.dos.pa.gov/opt](http://www.dos.pa.gov/opt) under "Board Laws and Regulations."

Professional liability insurance (or the establishment of self-insurance) is required in the minimum amounts of \$200,000 per occurrence and \$600,000 per annual aggregate. In accordance with Section 4.2(b) of the Act, therapeutically licensed optometrists who prescribe and administer pharmaceutical agents for the treatment of glaucoma are required to obtain and maintain professional liability insurance in accordance with section 3(a)(2.5), except that the amount shall be a minimum of \$1,000,000 per occurrence and \$3,000,000 per annual aggregate.

Licenses are required to notify the Board within 30 days of the failure to be covered by the required insurance. Licensees who fail to notify the Board are subject to discipline and/or criminal sanctions under Sections 7 or 8 of the Act. Further, the license to practice will be automatically suspended upon failure to be covered by the required insurance. The license will not be restored until the Board has received satisfactory evidence that the licensee has the required professional liability insurance coverage.

Board Administrator  
State Board of Optometry