

PROSPECTIVE ANALYSIS

BOARD OF OPTOMETRY

IDAPA 24.10.01

RULE 175 EXAMINATIONS

Proposed Rule:

The written and the practical portions of the Idaho examination shall be parts one through three (1-3) of the National Board of Examiners in Optometry Examination (NBEOE). A passing grade for the NBEOE shall be that established by the test provider.

Current Rule:

The current rule requires a Board approved jurisprudence exam and sets the passing score of parts I-III of the National Board exam at 75%.

Legal Authority:

Idaho Code 54-1509(6) empowers the Board to, "conduct examinations to ascertain the qualifications and fitness of applicants to practice optometry or to recognize by rule a national testing agency for the administration and grading of such test." This is discretionary.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The language of proposed rule attempts to simplify the requirements. The National Board of Examiners in Optometry (NBEO) creates the exam and determines a passing score level, so it is not necessary to have this information spelled out in rule. In addition, if the passing score changes, as determined by the National Board of Examiners in Optometry, it is not necessary to go through formal rulemaking and update this rule. This provides greater flexibility to the Board.

The NBEO exam has a comprehensive examination which is a three-part exam and considered the "National Boards." This is referenced in the proposed rule text above as "parts on through three," and is also known as the "written and practical exam." NBEO also offers three additional special examination portions, including the "Treatment and Management of Ocular Disease," (TMOD) exam. Some jurisdictions require a jurisprudence examination as well. See https://www.nbeo.org/exam_descriptions.cfm and state law comparison, below.

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Federal Law Comparison (where applicable) Not applicable

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above and link to applicable rule: chrome-extension://efaidnbmnnnibpcajpcglefindmkaj/https://adminrules.idaho.gov/rules/current/24/241001.pdf	
Alaska	Alaska' examination criteria is more stringent. Alaska requires passage of the written and practical portions of NBEO exam in addition to a portion of the Injections Skill Examination (ISE) portion of the NBEO; the Treatment and Management of Ocular Diseases (TMOD) portion of the NBEO, and an Alaska State Optometry Law Examination. <i>See</i> 12 AAC 48.015. chrome-extension://efaidnbmnnnibpcajpcglefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/Optomtry_Statutes.pdf	N/A
Montana	Montana requires passage of the written and practical portions of the NBEO and TMOD. Montana does not require a jurisprudence examination. <i>See</i> ARM 24.168.402	N/A

	https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E168%2E402	
Nevada	Nevada requires passage of the written and practical portions of the NBEO and the TMOD, as well as a jurisprudence exam. <i>See</i> NAC 636.075. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://nvoptometry.org/wp-content/uploads/2020/10/IntegratedOPTOM-Regs-1.pdf	N/A
Oregon	Oregon requires a passing score of 80 or better on a Board-approved jurisprudence examination as well as the NBEO exam. https://www.oregon.gov/obo/licensing/Pages/req-licensure.aspx	N/A
South Dakota	South Dakota requires passage of parts I-III of the NBEO and the TMOD. <i>See</i> SDCL 20:50:02:06 https://sdlegislature.gov/Rules/Administrative/10203	N/A
Utah	Utah requires passage of board-approved national exam, clinical exam, and therapeutics exam. https://le.utah.gov/xcode/Title58/Chapter16A/58-16a-S302.html?v=C58-16a-S302_2022050420220504	N/A
Washington	Washington requires passage of past I-III of the NBEO and completion of a "jurisprudence questionnaire." WAC 264-851-490. https://app.leg.wa.gov/WAC/default.aspx?cite=246-851-490	N/A
Wyoming	Wyoming requires passage of portions I-III of the NBEO and the TMOD, as well as a jurisprudence examination. https://rules.wyo.gov/Search.aspx?Agency=056	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A- Idaho does not have a more stringent rule.

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule simplifies the examination requirements by allowing the testing agency to set the passing score and by eliminating the jurisprudence requirements. Many jurisdictions which have the jurisprudence exam make this examination an open book exam or simplified questionnaire. As such, it has limited value.

Additionally, this rule aligns the requirements for licensure by examination to those of licensure by endorsement because licensure by endorsement does not require passage of an Idaho jurisprudence examination.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

RULE 275 LICENSURE BY ENDORSEMENT

Proposed Rule:

The right to be granted a license to practice optometry in Idaho is subject to the following conditions set out below:

The submission of a completed application meeting the requirements of Subsection 175.01 including the applicable fee.

That the license or certificate of registration of the applicant shall be in good standing with any state or country or not subject to any pending or unresolved licensure action in any state or country.

For those licensed in another state the applicant must document to the Board for approval, the education, training, and examination for diagnostic and therapeutic privileges in the other state.

Current Rule:

The current rule is identical but has the additional requirement of continuous active practice for the three (3) of the four (4) years preceding application.

Legal Authority:

Discretionary. The Board of Optometry is empowered to, "To establish by rule the qualifications necessary to grant a license to practice optometry in Idaho by endorsement to persons licensed in other states or foreign countries." Idaho Code Section 54-1509(5).

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Zero-Based Regulatory framework offers the opportunity to eliminate redundancy, remove outdated requirements, and improve readability of IDAPA. As part of this process, some updated improvements to the rules are recommended.

The proposed rule put the Board rule in alignment with Universal Licensure because there is no requirement of a certain number of years of active practice under that statute. This ensures that there is clarity for potential licensees who opt for this pathway to licensure.

Federal Law Comparison (where applicable). Not applicable.

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho
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		rule more stringent? (if applicable)
Idaho	<p>See above. For rule, see:</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/241001.pdf</p> <p>*Please note that all state requirements listed <i>infra</i> are in addition to an active and valid license from the applicant's home jurisdiction.</p>	
Alaska	<p>Alaska offers licensure by credentials. 12 AAC 48.020. Alaska is more stringent and requires passage of an Alaska jurisprudence examination as well as certification of a certain number of clinical practice hours within the last three years.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/Optomety_Statutes.pdf</p>	N/A
Montana	<p>Montana has Universal Licensure, M.C.A. 37-1-304: A board shall issue a license to practice without examination to a person licensed in another state if the board determines that:</p> <p>(a) the other state's license standards at the time of application to this state are substantially equivalent to or greater than the standards in this state; and</p> <p>(b) there is no reason to deny the license under the laws of this state governing the profession or occupation.</p>	N/A

	https://leg.mt.gov/bills/mca/title_0370/chapter_0010/part_0030/section_0040/0370-0010-0030-0040.html	
Nevada	<p>Nevada's endorsement statute requires the applicant to have the following qualifications within the past five years preceding the application: continuous and active practice, no discipline, no adverse action reported to the National Practitioner Databank, and no civil or criminal liability in an US jurisdiction. NRS 636.206.</p> <p>https://www.leg.state.nv.us/nrs/NRS-636.html#NRS636Sec206</p>	N/A
Oregon	<p>Oregon requires continuous practice for the preceding two years, educational qualifications equivalent to Oregon's qualifications, passage of the "Treatment and Management of Ocular Disease" (TMOD) exam, passage of a jurisprudence exam, and documentation of continuing education. ORS 683.220.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oregon.gov/obo/Documents/board/Laws%20and%20Rules/Rule_Comp_Dec_2021.pdf</p>	N/A
South Dakota	<p>South Dakota requires passage of the TMOD, and active practice for the previous five years. SDCL 20:50:02:04:03</p> <p>https://sdlegislature.gov/Rules/Administrative/10203</p>	N/A
Utah	<p>Utah has Universal Licensure. R58-1-302 provides that the division shall issue a license to a person licensed in a district, state, or territory of the United State if the person has (1) at least one year of experience in their home state; (2) the license is in good standing; and (3) the license encompasses a similar scope of practice.</p> <p>https://le.utah.gov/xcode/Title58/Chapter1/58-1-S302.html#:~:text=License%20by%20endorsement.,-(1)&text=the%20division%20determines%20that%20the,license%20sought%20in%20this%20state.</p>	N/A

Washington	<p>Washington offers credentialing by endorsement. A license may be issued to an individual in another state that has licensing standard's substantially similar to Washington's. Unlike some other jurisdictions surveyed, Washington does not require a certain number of practice or experience hours preceding application. However, the applicant must certify that he or she has read portions of Washington's law which relates to the practice of optometry. <i>See</i> WAC 246-851-500.</p> <p>chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://app.leg.wa.gov/WAC/default.aspx?cite=246-851-500&pdf=true</p>	N/A
Wyoming	<p>Wyoming allows licensure by endorsement if the applicant successfully passes a jurisprudence examination and submits "evidence of competency" which their Board has interpreted to mean: (1) verification that licensure in the home jurisdiction is as stringent as that of Wyoming and (2) completion of 20 CE hours.</p> <p>https://rules.wyo.gov/Search.aspx?Agency=056</p>	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A- Idaho is less stringent than all other states surveyed.

What evidence is there that the rule, as proposed, will solve the problem?

The language of the proposed rule aligns with the language of the Universal Licensure statute, Idaho Code 67-9409.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

RULE 300 CONTINUING EDUCATION

Proposed Rule:

a. Hours Required. Each optometrist licensed by the state of Idaho shall attend in each calendar year prior to license renewal, a minimum of twelve (12) full hours of approved optometric continuing education courses or meetings. Licensees are responsible for choosing quality continuing education programs that focus on protecting the health and safety of the public and/or contributing to their germane profession. All Council on Optometric Practitioners Education (COPE) accredited courses are approved for continuing education credit.

b. Additional Hours Required to Use Therapeutic Pharmaceutical Agents. Each optometrist licensed by the state of Idaho to use therapeutic pharmaceutical agents shall attend in each calendar year prior to license renewal, a minimum of six (6) additional full hours of approved optometric courses or meetings. These six (6) hours of continuing education must be in courses involving ocular pharmacology and/or advanced ocular disease and are in addition to the twelve (12) hours of continuing education required under Subsection 300.01.

c. Courses. The Board allows credits to be asynchronous and synchronous that are germane to the practice of optometry. No more than nine (9) hours of continuing education shall be asynchronous.

d. Audit. The Board may conduct audits to confirm that the continuing education requirements have been met. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the license will not be renewed.

e. Documentation of Attendance. It shall be necessary for each licensed Idaho optometrist to provide documentation verifying attendance or completion of continuing education by securing authorized signatures, documentation, or electronic verification from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided upon request by the Board or its agent.

Current Rule:

The current rule is similar to the proposed rule but contains more detail as to the types of continuing education (CE's) will be accepted. The proposed rule attempts to simplify this by requiring CE's which are "germane to the profession," and focus on public safety.

Legal Authority:

Discretionary. Idaho Code 54-1509(7) allows the Board "To make and prescribe rules governing the minimum amount and kind of continuing education in optometry to be required annually of each optometrist seeking to renew his license to practice optometry in the state of Idaho."

<https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH15/SECT54-1509/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The proposed rule attempts to simplify and shorten the Continuing Education (CE) requirements to those that are “germane to the profession,” and focus on public safety. The prior rule was longer had potential for confusion. The requirement for 12 CE hours annually remains unchanged.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	Please see above.	N/A

<p>Alaska</p>	<p>Licenses must document at least 40 contact hours per two-year renewal cycle. CE's must include at least 24 contact hours of ocular pathology or pharmacology.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/Optomometry_Statutes.pdf</p>	<p>N/A</p>
<p>Montana</p>	<p>The Board requires 36 hours of CE every two years in scientific clinics, forums, or optometric education studies. A Board has specific categories of CE's which are deemed approved under Rule 24.168.2104.</p> <p>https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E168%2E2101</p>	<p>N/A</p>
<p>Nevada</p>	<p>A licensee must complete 40 hours of continuing education in a two-year renewal cycle. Licensees who are certified to administer and prescribe pharmaceutical agents must complete 50 hours of continuing education. The Board approves continuing education while certain types of CE's, such as a CE approved by a regional, state or national optometric association are deemed approved.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://nvoptomtry.org/wp-content/uploads/2020/10/IntegratedOPTOM-Regs-1.pdf</p>	<p>N/A</p>
<p>Oregon</p>	<p>Optometrists in Oregon are required to complete 18 hours of CE credits annually. Of the required 18 hours, at least 9 hours must be in the area of TMOD (treatment and management of ocular diseases). The courses must be of different content. No more than two hours of credit will be given for publishing a paper. New licensees must complete the Oregon Pain Management training. Up to five hours can be in US based CME courses. The Board maintains a list of approved courses.</p> <p>https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=ucBbPQSwo8AGyvgE-hoRtGK4vj6nLAWJqDD82ebsKmkVb-zocI17!-1045449680?ruleVrsnRsn=288077</p>	<p>N/A</p>

<p>South Dakota</p>	<p>An optometrist must complete 45 hours of continuing education per three-year renewal cycle. Optometrists who are certified to use pharmaceutical agents must have obtained 15 of the total hours in continuing pharmaceutical education. The Board determines acceptable courses.</p> <p>https://sdlegislature.gov/Rules/Administrative/10270</p>	<p>N/A</p>
<p>Utah</p>	<p>Utah requires optometrists to complete 30 CE hours per two-year reporting period. All CE's must be approved by (1) COPE; or (2) Council on Medical Education. An optometrist can receive credit for a maximum of two hours of first aid training.</p> <p>https://adminrules.utah.gov/public/search/R156-16a-101/Current%20Rules</p>	<p>N/A</p>
<p>Washington</p>	<p>An optometrist is required to complete 50 hours of continuing education per two-year renewal cycle. The courses must include 25 hours of education from optometry-specific organizations, a maximum of 20 credit hours can be earned from non-optometry specific course and program sources (First aid, CRP, etc.), a maximum of 10 credit hours for teaching, a maximum of 10 credit hours for publishing, and a maximum of 10 credit hours for practice management course.</p> <p>The Board does not authorize or approve courses. WAC 246-851-090 through 245.</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=246-851</p>	<p>The number of CE hours and type of hours accepted in Washington for CE credit is more stringent than Idaho. However, Washington does not require</p>

		CE hours to be approved by the Board.
Wyoming	Licensees must complete 40 hours of CE's per two-year renewal period. There is an enumerated list of types of CE credits the Board shall approve- all other types must be submitted to the Board for pre-approval. https://rules.wyo.gov/Search.aspx?Agency=056	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho requires fewer CE hours per reporting cycle than any of the surrounding states, Alaska, and South Dakota. Some surrounding states maintain a list of Board-approved courses and licensees who take these courses do not need Board pre-approval.

What evidence is there that the rule, as proposed, will solve the problem?

The rule, as proposed, simplifies and streamlines a prior enumerated list. The rule is designed to provide simplification for the licensee and reduce unnecessary restrictions by allowing that CE's which are "germane to the profession" will be approved.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
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Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	N/A
Net change in restrictive word count	N/A

RULES 300.02 AND 600- USE/PRESCRIPTION OF THERAPEUTIC PHARMACEUTICAL AGENTS

Proposed Rule:

This rule contains two portions. One pertains to the use of topically applied pharmaceutical agents, while the other portion of the rule pertains to both the use and prescriptive authority. The proposed text reads as follows:

The right to obtain and use topically applied diagnostic pharmaceutical agents for use in diagnosis of another in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below:

Optometrists can prescribe, administer, and dispense therapeutic pharmaceutical agents, and use only those listed below: All medications for use in the diagnosis of conditions of the human eye and/or eyelid.

All over-the-counter agents.

Such other diagnostic pharmaceutical agents as may be approved by the Board of Optometry.

In order to prescribe, administer and dispense the therapeutic medications you must meet the requirements set out below:

License in good standing, and successful passage of the "Treatment and Management of Ocular Diseases" exam.

Current Rule:

The current rule requires Board certification of the optometrist for both use and prescriptive authority. As part of this certification process, the optometrist must have 55 hours of classroom instruction in pharmacology and emergency medical care in a board-approved program, and complete routine CPR refresher courses. This is the certification for use of therapeutic pharmaceutical agents.

If the optometrist also seeks prescriptive authority, he or she is required to meet the above requirements and, in addition, pass the Treatment and Management of Ocular Diseases (TMOD) exam as well as complete 100 hours of classroom instruction in ocular pharmacology and therapeutics and an institution accredited by the US Department of Education.

There is an additional Continuing Education (CE) component of the optometry rules (present rule 300.02) which applies to optometrists who may use or prescribe therapeutic agents. This rule requires six (6) additional hours per renewal cycle for prescribing optometrists. The CE rule remains unchanged.

Legal Authority:

The statute overall is discretionary, but has a mandatory component, which is explained below.

The statute governing the use of therapeutic pharmaceutical agents is found in the definition of the "practice of optometry" in Idaho Code 54-1501. Subsection three (3) of this statute allows the State Board of Optometry to issue a certificate to prescribe and use therapeutic pharmaceutical agents. The language of the statute states that the Board "may," which is permissive language. I.C. § 54-1501(3).

However, for an optometrist with prescriptive authority, the statute states that the certificate "shall only be issued" to an optometrist who has met certain requirements. Specifically, the optometrist must hold a certificate to use pharmaceutical agents and has passed the TMOD examination.

Reading the two portions of the statute together, the Board is permitted, but not required, to issue a certificate for use/or prescriptive authority for pharmaceutical agents. However, should the Board choose to issue such certificates, a licensee seeking prescriptive authority must also hold a certificate for use of pharmaceutical agents and pass the TMOD.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

As part of the Zero-Based Regulation process (ZBR), certain rules are being rewritten for clarity, and to remove outdated language. The proposed rule eliminates the classroom education component, which as contained in the prior rule was vague and presented a significant obstacle due to the high number of hours. The proposed rule specifically references the TMOD exam, which is the universally accepted exam for the use/prescription of therapeutic pharmaceutical agents. The prior rule contained a reference to the TMOD but also required a designated number of classroom hours. The proposed rule is consistent with the purposes of ZBR because competency is demonstrated through the passage of the TMOD.

Federal Law Comparison (where applicable). Not applicable.

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent

		? (if applicable)
Idaho	<p>Please see above, as well as the links to Rule 600 and I.C. 54-1501(3); 54-1522:</p> <p>chrome-extension://efaidnbmnnnibpcjpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/241001.pdf</p> <p>https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch15/sect54-1501/</p> <p>https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch15/sect54-1522/</p>	N/A
Alaska	<p>Applicant for licensure must have completed: examination in ocular pharmacology; non-topical pharmaceutical agents course of at least 23 hours approved by the Board; non-topical therapeutic agent injection course of at least 7 hours, approved by the Board.</p> <p><i>See Sec. 08.72.272; AS 08.72.140.</i></p> <p>chrome-extension://efaidnbmnnnibpcjpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/OptometyStatutes.pdf</p>	N/A
Montana	<p>Every applicant for licensure is required to complete course on topical application of diagnostic agents to the eye and: pass an examination on diagnosis, treatment and management of ocular disease that is (1) of the association of regulatory boards or (2) conducted by an accredited institution.</p> <p><i>See MCA 37-10-304</i></p>	N/A

	https://leg.mt.gov/bills/mca/title_0370/chapter_0100/part_0030/section_0040/0370-0100-0030-0040.html	
Nevada	<p>Statute sets forth requirements to obtain certificate to administer and prescribe pharmaceutical agents which includes: valid license; successful completion of TMOD portion of NBEO exam or equivalent examination approved by Board; 40 hours of clinical training in administering and prescribing pharmaceutical agents conducted by an ophthalmologist and approved by the Board.</p> <p><i>See</i> NRS 636-287; NAC 636.730.</p> <p>https://law.justia.com/codes/nevada/2020/chapter-636/statute-636-287/</p> <p>https://www.leg.state.nv.us/nac/nac-636.html#NAC636Sec730</p>	N/A
Oregon	<p>To “employ the use” of pharmaceutical agents, must have completed a course in pharmacology by an accredited institution and approved by the Board; and demonstrate clinical competency to the Board.</p> <p>Separate requirements for topical and non-topical use.</p> <p>Topical: obtain certificate from Board and pass TMOD or 100-hour TPA course approved by the Board. Non topical: Meet topical TPA certification; pass didactic non topical TPA course of at least 23 hours; obtained certification for topical and non-topical use from Board.</p> <p><i>See</i> OAR 852-080-0020 et. seq.</p> <p>https://oregon.public.law/rules/oar_852-080-0020</p>	N/A
South Dakota	<p>May use therapeutic pharmaceutical agents for treatment of glaucoma or ocular hypertension upon completion of education with emphasis on treatment and management of glaucoma and ocular hypertension from an accredited institution and pass a Board-approved exam.</p>	N/A

	<p>Board may approve prior classroom and clinical experience dealing with diagnosis and treatment of ocular disease. Must complete 5 CE credits each year in the area of diagnosis and treatment of ocular disease.</p> <p><i>See</i> SDCL 36-7-1.</p> <p>https://sdlegislature.gov/Statutes/Codified_Laws/2059585</p>	
Utah	<p>Prescribing and using pharmaceutical agents for the eye is included in the scope of practice of optometry. Limitations on administration and prescription of controlled substance (hydrocodone and schedule III drugs).</p> <p><i>See</i> UCA 58-16a-601; R156-16a-101.</p> <p>https://le.utah.gov/xcode/Title58/Chapter16A/58-16a-S601.html</p> <p>chrome-extension://efaidnbmnmnibpcjpcglclefindmkaj/https://dopl.utah.gov/laws/R156-16a.pdf</p>	See analysis below.
Washington	<p>Using and prescribing topical drugs and oral drugs is included in the practice of optometry by statute but certification has additional requirements.</p> <p>Use of topical drugs for diagnostic purposes requires a minimum of 60 hours of didactic and clinical instruction in general and ocular pharmacology.</p> <p><i>See</i> RCWA 18.53.010(2)(a); WAC 246-851-420.</p> <p>https://app.leg.wa.gov/rcw/default.aspx?cite=18.53&full=true#18.53.010</p> <p>https://app.leg.wa.gov/wac/default.aspx?cite=246-851-420</p>	N/A

<p>Wyoming</p>	<p>Optometrists are allowed to administer and prescribe pharmaceutical agents related to the practice of optometry for the treatment of ocular disease; excluding Schedule I and Schedule II narcotics, but allowing for hydrocodone regardless of schedule. <i>See</i> WS 33-23-102.</p> <p>chrome-extension://efaidnbmninnibpcapjpcglcfindmkaj/https://nvoptometry.org/wp-content/uploads/2022/07/07212022-Agenda-PLUS-MATERIALS.pdf</p>	<p>See analysis below.</p>
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If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

It is important to note that many of the surveyed states require the TMOD exam, or an equivalent therapeutic exam, as part of their initial licensure by examination requirements for all optometrists. Based on the language of the cited rule/statute in isolation, it appears as if Idaho is more stringent than both Utah and Wyoming, above, because Idaho requires the TMOD for therapeutic prescriptive authority. However, that analysis would be incorrect because Wyoming requires passage of the TMOD for all licensure applicants, and Utah requires passage of a board-approved therapeutics examination. Therefore, Idaho's proposed rule is not more stringent than these jurisdictions- it is in alignment.

For text of the rules referenced above, please see the initial licensure requirements of Utah, available at:

https://le.utah.gov/xcode/Title58/Chapter16A/58-16a-S302.html?v=C58-16a-S302_2022050420220504

And Wyoming, available at:

<https://rules.wyo.gov/Search.aspx?Agency=056>

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule eliminates additional classroom hour requirements, which are more stringent than some surrounding states. Additionally, the proposed rules allows a licensee to demonstrate competency through the passage of the TMOD examination.

The TMOD is universally used by other jurisdictions as a measure of competency, and the rules as proposed brings Idaho into alignment with these jurisdictions. See <https://www.optometry.org/exams/tmod>

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	It may be easier for licensees in solo or small optometry practices to obtain and use therapeutic agents which could have a positive impact for these small businesses.
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

