
BOARD OF OPTOMETRY RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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Subchapter 1

Organizational Rule

24.168.101 BOARD ORGANIZATION (1) The Board of Optometry hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in Chapter 1 of this title. (History: 37-10-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

Subchapter 2

Procedural Rules

24.168.201 PROCEDURAL RULES (1) The Board of Optometry hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in Chapter 2 of this title. (History: 37-10-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

24.168.202 CITIZEN PARTICIPATION RULES (1) The Board of Optometry hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in Chapter 2 of this title. (History: 37-10-202, MCA; IMP, 2-3-103, MCA; NEW, Eff. 11/25/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

24.168.203 BOARD MEETINGS (REPEALED) (History: 37-10-201, 37-10-202, MCA; IMP, 37-10-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2020 MAR p. 901, Eff. 5/16/20.)

Subchapter 3

Definitions

24.168.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "ACOE" means the Accreditation Council on Optometry Education of the American Optometric Association.

(2) "ARBO" means the Association of Regulatory Boards of Optometry.

(3) "Anterior segment of the eye" means that part of the eye anterior to the vitreous face.

(4) "Board" means the Board of Optometry as defined in 2-15-1736, MCA.

(5) "Department" means the Department of Labor and Industry as defined in 2-15-1701, MCA.

(6) "DPA" means certification by the board in diagnostic pharmaceutical agents.

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

(8) "TMOD" means the Treatment and Management of Ocular Disease multiple choice examination administered by NBEO.

(9) "TPA" means certification by the board in therapeutic pharmaceutical agents. (History: 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1993 MAR p. 398, Eff. 3/26/93; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Subchapter 4

General Provisions

24.168.401 FEE SCHEDULE

- | | |
|-------------------------------------|-------|
| (1) Application fee | \$175 |
| (2) Annual renewal | 175 |
| (3) Endorsement fee | 125 |
| (4) TPA certificate application fee | 75 |

(5) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-131, 37-1-134, 37-10-202, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-10-302, MCA; NEW, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1985 MAR p. 349, Eff. 4/12/85; AMD, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1993 MAR p. 2121, Eff. 9/17/93; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 2003 MAR p. 558, Eff. 3/28/03; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2005 MAR p. 651, Eff. 4/29/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08; AMD, 2010 MAR p. 1405, Eff. 6/11/10; AMD, 2017 MAR p. 788, Eff. 6/10/17.)

24.168.402 LICENSURE REQUIREMENTS (1) All applicants for licensure

shall submit a completed application.

(2) The application material must include the following:

- (a) verification of successful passage of all parts of the national optometry examination administered by the NBEO with scores sent directly from the examination agency;
- (b) verification of passage of the TMOD examination;
- (c) verification of graduation with a transcript sent directly from the college, university, or institution approved by the ACOE, and recognized by ARBO, in which the practice and science of optometry is taught;
- (d) license verifications from all states where a licensee has held or holds a license;
- (e) a copy of a self-query of the National Practitioner Data Bank;
- (f) the appropriate fee; and
- (g) any other information the board may require.

(3) Applicants actively licensed in another state, but not meeting the qualifications of (2)(a), (b), or (c), must pay an endorsement fee and shall be reviewed by the board on a case-by-case basis.

(4) If an applicant was licensed prior to the inclusion of TMOD in the NBEO examination (1993), the applicant shall:

- (a) provide proof of successful completion of a qualifying examination, or examinations, as defined in 37-10-304, MCA, administered by the licensing authority of the state or jurisdiction granting the license; and
- (b) meet all qualifications to be TPA and DPA certified.

(5) Applicants shall read and understand the statutes and rules of the board for compliance with their profession.

(6) Proof of an applicant's familiarity with the board statutes and rules is evidenced by attestation on the application. (History: 37-1-131, 37-10-202, 37-10-302, MCA; IMP, 37-1-131, 37-1-304, 37-10-301, 37-10-302, 37-10-304, MCA; Eff. 12/31/72; AMD, Eff. 6/4/74; AMD, Eff. 8/4/74; AMD, 1978 MAR p. 725, Eff. 5/26/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1991 MAR p. 1485, Eff. 8/16/91; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08; AMD, 2010 MAR p. 1405, Eff. 6/11/10; AMD, 2018 MAR p. 307, Eff. 2/10/18.)

24.168.403 FEE ABATEMENT (1) The Board of Optometry adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2007 MAR p. 296, Eff. 3/9/07.)

Rule 24.168.404 reserved

24.168.405 EXAMINATIONS (REPEALED) (History: 37-10-202, MCA; IMP, 37-10-201, 37-10-302, MCA; Eff. 12/31/72; AMD, Eff. 6/4/74; AMD, Eff. 8/4/74; AMD, 1978 MAR p. 725, Eff. 5/26/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 318, Eff. 2/24/89; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1991 MAR p. 1485, Eff. 8/16/91; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

24.168.406 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as an optometrist.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as an optometrist. Satisfactory evidence includes:

- (a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 973, Eff. 5/9/14; AMD, 2018 MAR p. 307, Eff. 2/10/18.)

24.168.407 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2015 MAR p. 143, Eff. 2/13/15; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

24.168.408 LICENSURE BY ENDORSEMENT (REPEALED) (History: 37-1-131, 37-10-202, MCA; IMP, 37-1-304, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08; REP, 2010 MAR p. 1405, Eff. 6/11/10.)

24.168.409 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.168.410 reserved

24.168.411 GENERAL PRACTICE REQUIREMENTS (1) Optometrists may practice at any Montana location if:

(a) the practice is owned and under the direct supervision of a Montana licensed optometrist;

(b) the licensee associates with other duly licensed optometrists and/or medical doctors for the purpose of practicing optometry; or

(c) the licensee is an employee of or contracts with a hospital, medical center, or other similar health care facility.

(2) Licensees shall maintain accurate patient records for not less than five years from the last time the patient was treated. (History: 37-1-131, 37-10-202, MCA; IMP, 37-1-131, 37-10-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1983 MAR p. 1717, Eff. 11/26/83; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1988 MAR p. 1811, Eff. 8/12/88; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1995 MAR p. 1415, Eff. 7/28/95; AMD, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08; AMD, 2018 MAR p. 307, Eff. 2/10/18; AMD, 2020 MAR p. 901, Eff. 5/16/20.)

Rules 24.168.412 through 24.168.420 reserved

24.168.421 OPTOMETRIST'S ROLE IN POSTOPERATIVE CARE (1) A licensed optometrist may provide postoperative and/or follow-up care for any patient who has undergone any ocular surgical procedure. The optometrist may deliver postoperative and/or follow-up care after consultation with the surgeon and the patient. (History: 37-10-202, MCA; IMP, 37-10-101, MCA; NEW, 1993 MAR p. 398, Eff. 3/26/93; TRANS, from Commerce, 2003 MAR p. 2083.)

Subchapters 5 and 6 reserved

Subchapter 7

Diagnostic Pharmaceutical Agents

24.168.701 APPROVED COURSES AND EXAMINATIONS (REPEALED)

(History: 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.702 and 24.168.703 reserved

24.168.704 NEW LICENSEES (REPEALED) (History: 37-10-202, MCA;

IMP, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1999 MAR p. 511, Eff. 3/26/99; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.705 through 24.168.710 reserved

24.168.711 OPHTHALMOLOGICAL DIAGNOSTIC PERMISSIBLE DRUGS

(REPEALED) (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; REP, 2018 MAR p. 307, Eff. 2/10/18.)

Subchapter 8 reserved

Subchapter 9

Therapeutic Pharmaceutical Agents

24.168.901 APPROVED TPA COURSE (1) An approved course, as referred to in 37-10-304(2)(a)(ii), MCA, shall consist of a minimum of 100 hours of didactic classroom and clinical instruction. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.902 and 24.168.903 reserved

24.168.904 APPLICANTS FOR LICENSURE (REPEALED) (History: 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.905 and 24.168.906 reserved

24.168.907 THERAPEUTIC PHARMACEUTICAL AGENTS (REPEALED) (History: 37-1-131, 37-1-319, 37-10-202, MCA; IMP, 37-1-131, 37-10-103, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1994 MAR p. 153, Eff. 1/28/94; AMD, 1999 MAR p. 2760, Eff. 12/3/99; AMD, 2002 MAR p. 1551, Eff. 5/31/02; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.908 through 24.168.910 reserved

24.168.911 OCULAR THERAPEUTIC APPROVED DRUGS (1) The board hereby approves the following drugs for the use in ocular treatment limited to the anterior segment of the eye and adnexa:

- (a) anti-infective agents, including:
 - (i) antibiotic;
 - (ii) antiviral;
 - (iii) antifungal; and
 - (iv) antiparasitic;
- (b) autoimmune agents, including:
 - (i) antiallergy;
 - (ii) antihistamines;
 - (iii) decongestants;
 - (iv) mast cell stabilizers; and
 - (v) antianaphylaxis;
- (c) analgesics;
- (d) anti-inflammatory agents;
- (e) antiglaucoma agents;
- (f) hyperosmotic agents;
- (g) autonomic agents; and
- (h) over the counter agents. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1994 MAR p. 153, Eff. 1/28/94; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Subchapters 10 through 20 reserved

Subchapter 21

Continuing Education and Renewals

24.168.2101 CONTINUING EDUCATION REQUIREMENTS – AUDIT

(1) Licensed optometrists shall complete 36 hours of continuing education (CE) every two years in scientific clinics, forums, or optometric educational studies.

(2) Licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of license renewal.

(3) A person who graduates from an accredited school of optometry and becomes a licensee within one year of graduation is excused from the CE requirement during the first applicable CE cycle.

(4) A licensee who is enrolled in a residency program accredited by the ACOE is excused from the CE requirement while the licensee is in the residency program and during the first applicable CE cycle.

(5) The board may randomly audit up to 50 percent of all renewed licensees. It is the responsibility of each optometrist to maintain adequate records of participation and completion, and make them available upon board request.

(a) Random audits will be conducted in odd-numbered years.

(6) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-1-321, MCA; Eff. 12/31/72; AMD, Eff. 8/4/74; AMD, 1979 MAR p. 738, Eff. 7/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1999 MAR p. 511, Eff. 3/26/99; AMD, 2002 MAR p. 1550, Eff. 5/31/02; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2010 MAR p. 1405, Eff. 6/11/10; AMD, 2017 MAR p. 788, Eff. 6/10/17; AMD, 2020 MAR p. 901, Eff. 5/16/20.)

Rules 24.168.2102 and 24.168.2103 reserved

24.168.2104 APPROVED CONTINUING EDUCATION (1) Continuing education consists of educational activities designed to:

- (a) review existing concepts and techniques;
- (b) convey information beyond the basic professional education; and
- (c) update knowledge on the practice of and advances in optometry.

(2) CE approved by the board must directly relate to the scope of practice of optometry as defined in board statutes and rules.

(3) The primary objective of CE is the protection of the health, safety, and welfare of the public, and deals primarily with the scope of practice, professional conduct, or ethical obligations of the license held. Licensees are responsible for selecting quality programs that contribute to their knowledge and competence and meet these objectives.

(a) Courses in which the principal purpose is to promote, sell, or offer goods, products, or services to optometrists, or to promote the personal interests of the licensees do not meet CE requirements.

(4) Approved CE includes courses:

(a) affiliated with national, regional, or state optometric associations, academies, or colleges of optometry;

(b) approved by the ARBO's Council on Optometric Practitioner Education (COPE); or

(c) accredited by the Accreditation Council for Continuing Medical Education (ACCME).

(5) CE courses offered and completed on the Internet or via other similar electronic means must comply with all the requirements in this rule.

(6) The board will grant up to four hours of credit for practice management courses and up to twelve hours of credit for CE correspondence courses or Internet courses every CE cycle. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; Eff. 12/31/72; AMD, Eff. 8/4/74; AMD, 1979 MAR p. 738, Eff. 7/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 152, Eff. 1/28/94; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2020 MAR p. 901, Eff. 5/16/20.)

Rules 24.168.2105 through 24.168.2114 reserved

24.168.2115 RENEWALS (REPEALED) (History: 37-1-141, 37-10-202, MCA; IMP, 37-1-141, MCA; NEW, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2015 MAR p. 143, Eff. 2/13/15.)

Subchapter 22 reserved

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Subchapter 23

Unprofessional Conduct

24.168.2301 UNPROFESSIONAL CONDUCT (1) The following constitutes unprofessional conduct by licensees or license applicants:

(a) making a false or misleading statement regarding the licensee's skill or the efficacy or value of the medicine, device, treatment, or remedy prescribed by or used at the licensee's direction in the treatment of any disease or other condition;

(b) negligence in the practice of optometry as determined by the board;

(c) gross incompetence in the practice of optometry as determined by the board;

(d) a pattern of practice or other behavior that demonstrates rendering of substandard care, either individually or as part of a third-party reimbursement agreement or any other agreement;

(e) commission of any act of sexual abuse, misconduct, or exploitation related to the licensee's practice of optometry;

(f) allowing one's professional conduct or judgment in the practice of optometry to be directed, managed, or controlled by a person who is not licensed to practice optometry in Montana;

(g) prescribing, selling, administering, distributing, or giving any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than accepted diagnostic or therapeutic purposes;

(h) prescribing, selling, administering, distributing, or giving a drug legally classified as a controlled substance or as an addictive or dangerous drug to self or a family member;

(i) violating any state or federal law or regulation relating to a drug legally classified as a controlled substance;

(j) obtaining any fee by fraud, deceit, or misrepresentation;

(k) sanctions or disciplinary actions taken by a peer review body, a hospital or other health care institution, or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;

(l) surrender of a license or authorization to practice optometry in another state or jurisdiction, or surrender of membership on any staff or in any professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;

(m) any adverse judgment, award, or settlement against the licensee resulting from a professional liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;

- (n) failure to respond to board inquiry or furnish information requested by the board, department investigators, or board representatives;
- (o) violation of any provision(s) of Title 37, chapter 10, MCA, or the rules and regulations of the board or of an action, stipulation, or agreement of the board;
- (p) the designation of any person licensed under Title 37, chapter 10, MCA, other than by the terms "Optometrist," "Doctor of Optometry," or "O.D.";
- (q) for a licensee to knowingly submit or cause to be submitted any misleading, deceptive, or fraudulent representation on a claim form, bill, or statement;
- (r) selling or offering to sell any eyeglasses or lenses for the correction of refractive error, except for over-the-counter readers between the powers of +.75 diopters to +5.50 diopters, except on prescription of a licensed optometrist or licensed physician;
- (s) providing ophthalmic lenses and materials that do not meet federally established impact resistance standards; or
- (t) persistently maintaining, in the practice of optometry, unsanitary offices, practices, or techniques. (History: 37-1-131, 37-1-319, 37-10-202, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, 37-10-301, MCA; NEW, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 2001 MAR p. 659, Eff. 4/27/01; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2008 MAR p. 2181, Eff. 10/10/08; AMD, 2015 MAR p. 143, Eff. 2/13/15; AMD, 2018 MAR p. 307, Eff. 2/10/18; AMD, 2020 MAR p. 901, Eff. 5/16/20.)

Rules 24.168.2302 and 24.168.2303 reserved

24.168.2304 COMPLAINT PROCEDURE (REPEALED) (History: 37-10-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.2305 and 24.168.2306 reserved

24.168.2307 SCREENING PANEL (1) The board screening panel shall consist of three board members including the optometrist board member who has served longest on the board, and the public member of the board. The board president may reappoint screening panel members, or replace screening panel members as necessary at the board president's discretion. (History: 37-1-131, MCA; IMP, 37-1-131, 37-1-307, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2018 MAR p. 442, Eff. 2/10/18.)