

WSR 24-23-045

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed November 14, 2024, 3:23 p.m., effective December 15, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Licensed optometrist continuing education (CE) and reducing barriers to licensure. To implement and comply with section 8 of 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077, and to reduce barriers for entering into and remaining in the health care workforce, the board of optometry (board) is adopting an amendment to WAC 246-851-490 that removes the jurisprudence (JP) examination requirement from initial licensure.

The board is also adopting amendments to WAC 246-851-090 that adds the JP exam as a requirement for a licensed optometrist's first full CE reporting period, allowing it to count for a maximum of three hours within the existing CE hour requirements. The board is also adopting amendments to clarify the number of allowable CE hours in specific course settings by limiting the number of CE credit hours that may be obtained through asynchronous learning and adding a minimum number of CE credit hours that must be obtained through synchronous and in-person learning.

Citation of Rules Affected by this Order: Amending WAC 246-851-090 and 246-851-490.

Statutory Authority for Adoption: RCW 18.54.070 and 18.130.077.

Adopted under notice filed as WSR 24-18-030 on August 26, 2024.

A final cost-benefit analysis is available by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-8562, TTY 711, email amber.freeberg@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: November 14, 2024.

Melissa Dacumos, OD, Chair
Board of Optometry

OTS-5564.2

AMENDATORY SECTION (Amending WSR 23-22-068, filed 10/25/23, effective 11/25/23)

WAC 246-851-090 Continuing education requirement. (1) The definitions in this subsection apply throughout this section:

(a) "Asynchronous" means the course instructor and learner are not together at the same time, have no real-time communications, and the content is learner-paced.

(b) "Synchronous in-person" means the instructor is in the same room and face-to-face with the learner, even if other formats are used as audiovisual aids for teaching the course.

(c) "Synchronous virtual" means the course instructor is not physically present but is meeting with learners in real time and can provide immediate feedback.

(2) A licensed optometrist must complete and document 50 total hours of continuing education every two years in compliance with WAC 246-12-170 through 246-12-235. Of the 50 total credit hours:

(a) A licensed optometrist shall complete and successfully pass the board-approved jurisprudence examination during their first full continuing education reporting period after initial licensure. Three hours of continuing education will be granted toward the 50-hour requirement.

(b) A minimum of 10 credit hours must be completed through synchronous in-person learning;

~~((b))~~ (c) A maximum of 25 credit hours may be completed through asynchronous learning;

~~((e))~~ (d) The remaining credit hours may be completed through any combination of synchronous virtual ~~((learning and asynchronous))~~ or synchronous in-person learning; and

~~((d))~~ (e) In the event of a declaration of emergency for the state of Washington or federal declaration of emergency affecting the state of Washington, all credit hours may be completed through synchronous virtual or asynchronous learning for the duration of the declared emergency.

(3) Documentation of continuing education credit hours is a certificate of completion, letter, or other document which must:

(a) Verify or confirm attendance or completion of continuing education hours, with the exception of hours earned under WAC 246-851-170 category 5;

(b) Be provided by the organization providing the education activity; and

(c) Contain at least the following information:

(i) Date of attendance or completion;

(ii) Hours earned; and

(iii) Course title or subject.

(4) A licensed optometrist may alternatively meet the continuing education requirements of this section by providing proof that the licensee:

(a) Holds a current certification by the American Board of Optometry or other certification program deemed substantially equivalent to American Board of Medical Specialties' programs; or

(b) Is practicing solely outside of Washington state and meets the continuing education requirements of the state or territory in which the licensee practices.

(5) Nothing in this section exempts a licensed optometrist from the education and training requirements for:

(a) Suicide prevention in WAC 246-851-245; ~~((e))~~

- (b) Health equity in WAC 246-851-225; or
(c) Jurisprudence examination in this section.

AMENDATORY SECTION (Amending WSR 06-22-104, filed 11/1/06, effective 12/2/06)

WAC 246-851-490 Examination and licensure. To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations; the Part III having been administered and successfully completed after January 1, 1993.

(2) Applicants who completed the NBEO Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease.

(3) ~~((Successfully complete a jurisprudence questionnaire.~~

~~(4))~~ Be a graduate of a state accredited high school or equivalent.

~~((5))~~ (4) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry.

~~((6))~~ (5) Be of good moral character.

~~((7))~~ (6) Effective January 1, 2007, all applicants who receive their initial (first) license in Washington state must meet all the certification requirements of RCW 18.53.010 (2) (a), (b), (c), and (d).

~~((8))~~ (7) Effective January 1, 2009, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2) (a) and (b).

~~((9))~~ (8) Effective January 1, 2011, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2) (a), (b), (c), and (d).