

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

**SUBCHAPTER 140-50.1
HEALTH CARE PROFESSIONALS LICENSING RULES AND REGULATIONS**

Part 700

Optometrists and Optometry

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§ 140-50.1-701 Definitions

For the purposes of this part, the following terms shall have the meanings set forth below:

- (a) “The Board” means: the Medical Profession Licensing Board of the CNMI.
- (b) “Optometry” means: the care and services provided by or under the direction and supervision of an optometrist licensed pursuant to the regulations in this part.
- (c) “Optometrist” means: a person who has met all the conditions of the regulations in this part for licensure, and is licensed in the CNMI to practice optometry.
- (d) “Practice of optometry” means:
 - (1) The examination or refraction of the human eye and its appendages and the employment of any objective or subjective means or methods other than surgery for the purpose of diagnosing or treating any visual, muscular, neurological, or anatomical anomalies or diseases of the eye.
 - (2) The employment of any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or the possession of testing appliances for the purpose of the measurement of the powers of vision.
 - (3) The prescribing of contact lenses and spectacle lenses for, or the fitting or adaptation of contact and spectacle lenses to, the human eye.
 - (4) Prescribing or directing the use of any instrument or device to train the visual system or correct any abnormal condition of the eye or eyes and the prescribing, fitting, or employment of any lens, prism, frame, or mountings for the correction or relief of or aid to the visual function.
 - (5) Performance of optometric procedures which do not require an incision or the use of a therapeutic laser.
 - (6) The prescription of legend drugs and controlled substances, except those listed in schedules I and II as described in the United States Code, title 21, § 812, subject to the following limitations:
 - (i) Schedule III pharmaceutical agents shall be limited to an initial prescription, the duration of which does not exceed 48 hours, and may be extended only after consultation with an ophthalmologist. Prescriptions for controlled substances may not exceed in number the recommended dosage for the duration of the prescription, and may not be refilled without further examination and follow-up care. Optometrists shall not maintain inventories of controlled substances for dispensing or administering.
 - (ii) Optometrists may prescribe only for the treatment of conditions of the eye and adenexa.

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- (7) Optometry shall not include the performing of cataract surgery, radial keratometry, cryosurgery, or laser surgery including laser procedures for correction of refractive error.

§ 140-50.1-705 Practice of Optometry; License Required

- (a) License to Practice:
- (1) No person or persons shall open an office for the purpose of practicing optometry in the CNMI, or announce to the public in any way an intention to practice optometry in the CNMI, without first having obtained a license from the Board.
 - (2) No person or persons, except a licensed optometrist or optometrists under this part whose licenses have not been revoked or lapsed, shall hold himself out by the use of any sign, newspaper, advertisement, pamphlet, circular, or any other means as qualified to practice optometry.
 - (3) No person shall use the name or title “optometrist,” “optometric physician,” or “doctor of optometry,” or use the phrase “eye clinic,” “eye institute,” “eye doctor,” or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of optometry unless such person is licensed as an optometrist under this part. This subsection shall not be construed to prohibit an ophthalmologist licensed to practice medicine in the CNMI from using the terms “eye clinic,” “eye institute,” or “eye doctor,” however any term or phrase containing the words “optometrist,” “optometric,” or “optometry” may not be used by ophthalmologists.
 - (4) No person or persons, except a licensed optometrist or optometrists under this part whose licenses have not been revoked or lapsed, or a physician and surgeon licensed to practice in the CNMI, shall have possession of any trial lenses, trial frames, graduated test cards, or other appliances or instruments used in the practice of optometry for the purpose of rendering assistance to patrons in the selection of contact lenses, lenses, or eyeglasses, or sell ophthalmic lenses or replace broken contact lenses or lenses in eyeglasses except upon the prescription of a regularly licensed optometrist, or a physician and surgeon licensed to practice in the CNMI.
 - (5) No person not licensed under this part or who has not paid the annual renewal fee as provided in this part, shall practice optometry as defined in this part.
- (b) Education: Every applicant for licensure to practice optometry must attain the degree of doctor of optometry (O.D.) or its equivalent upon completion of a program in optometry from a college or university acceptable to the Board, whose program is accredited by the American Optometric Association’s Council on Optometric Education.
- (c) Examination: Applicants for licensure by examination must pass the National Board of Examiners in Optometry (NBEO) examination, parts I, II, and III. Credit will also be given to candidates who have passed parts I and II of the NBEO and the NERCOATS examination.
- (d) Qualifications for Licensure by Reciprocity: Applicants who meet all the requirements of the Board may be granted a license without examination if they are licensed to practice optometry in another

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state whose requirements for certification are substantially equivalent to those required in the CNMI. In order to be eligible for reciprocity, the optometrist must possess an unlimited license for the full scope of practice allowed for optometrists in the state of licensure.

- (e) **Passing of Treatment and Management of Ocular Disease Examination:** All applicants for licensure (by examination or by reciprocity) must submit proof of passing the examination on the treatment and management of ocular disease (TMOD) which is administered by the NBEO. Passing part III of the NBEO examination (which includes the TMOD) will satisfy this requirement.
- (f) **Continuing Education Requirements:** In order to renew the license, the optometrist must submit proof that he/she has, during the preceding twenty-four months, received a minimum of fifty clock hours of continuing education from sources approved by the Board. Approved courses include those approved by the Council on Optometric Practitioner Education (COPE), or those sponsored by the American Optometric Association, the American Academy of Optometry, the American Academy of Ophthalmology, or any school of optometry or school of medicine in the United States that is recognized by the Board. Courses relating to business or practice management shall not be counted toward this requirement.

§ 140-50.1-710 **Application for Licensure**

- (a) An application for licensure as an optometrist must be made on forms supplied by the Board. The application must state:
 - (1) The date and place of birth as well as the various places of employment since the date of graduation from high school.
 - (2) The applicant's educational background, including schools attended, length of time in attendance at each, and whether or not the applicant is a graduate of those schools.
 - (3) Whether or not the applicant has ever applied for a license or certificate as an optometrist in another place and, if so, when and where and whether the application was approved.
 - (4) The applicant's practical training and experience.
 - (5) Whether or not the applicant has ever had a license or certificate as an optometrist revoked, restricted, or suspended or whether proceedings involving such a revocation, restriction, or suspension have ever been instituted against the applicant.
 - (6) Whether the applicant has ever been convicted of a felony or an offense involving moral turpitude.
 - (7) Whether the applicant has ever been addicted to the use of narcotics, controlled substances, or alcohol.
 - (8) Whether the applicant has ever been investigated for, charged with, or convicted for the use or illegal sale or dispensing of controlled substances.
- (b) The application must include the address of the applicant's practice or intended practice and the address of any satellite offices.

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- (c) The applicant must submit to the Board proof of:
 - (1) Completion of training as an optometrist in a program accredited by the American Optometric Association's Council on Optometric Education.
 - (2) Passage of parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examination, or passage of parts I and II of the NBEO and the NERCOATS examination.
- (d) The Board may require other documents or proof of qualifications, as it may deem proper.
- (e) Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.
- (f) The applicant must submit the application to the Secretary of the Board at least 30 days before the next meeting of the Board.
- (g) All required fees must accompany the application.

§ 140-50.1-715 Rejection of Application

An application may be rejected if it appears that:

- (a) An applicant for licensure as an optometrist is not qualified to perform the duties and responsibilities of an optometrist as established by the Board pursuant to § 140-50.1-701; or
- (b) Is not of good moral character or reputation; or
- (c) Any credential submitted is false; or
- (d) The application is not made in proper form or other deficiencies appear in it.

§ 140-50.1-720 Term of License

The license of an optometrist shall be valid for a period of two years.

§ 140-50.1-725 Renewal of License

The license of an optometrist shall be renewed through an application signed by the optometrist accompanied by all required fees. Additional documents may be required if needed to establish that the applicant continues to meet all requirements for licensure.

§ 140-50.1-730 Grounds for Revocation of License

The license of any optometrist may be revoked by the Board when, after notice and hearing in accordance with the provisions of the regulations in this part, it finds that the optometrist engaged in any of the following activities:

- (a) Providing services beyond the scope of the practice of optometry as defined in this part.

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- (b) Practicing or attempting to practice the profession of optometry while under the influence of intoxicating beverages or narcotic drugs.
- (c) Giving or receiving rebates.
- (d) Gross negligence or repeated or continuing acts of negligence or incompetence in the practice of optometry.
- (e) Any conduct or practice, including incompetency, which constitutes a danger to the health, welfare, or safety of patients or the public.
- (f) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of the profession of optometry.
- (g) Refusing to divulge to the Board upon demand the means, methods, devices, or instrumentalities used for optometric examination or therapy.
- (h) Failing to comply with a Board order or consent agreement.
- (i) Fraud, forgery, unsworn falsification, false swearing, or perjury involving a matter before the Board or a written instrument submitted to the Board.
- (j) Willfully and without legal justification failing to furnish in a timely manner information which is necessary for the Board to conduct an investigation under this part and which has been requested or subpoenaed by the Board.

§ 140-50.1-735 Notice of Charges, Hearing, Service of Notice

Before the Board revokes the license of an optometrist, the Board shall give the optometrist a written notice specifying the charges made against the optometrist and stating that the charges will be heard at the time and place indicated in the notice.

§ 140-50.1-740 Prior Regulations Superseded

The Optometry Rules and Regulations codified in this part shall supersede the prior Optometry Rules and Regulations published at chapter VII, volume 11, no. 9, page 6427 of the Commonwealth Register, dated September 15, 1989.