

ARTICLE 56-02 OPTOMETRIST LICENSURE

Chapter	
56-02-01	Optometrist Examination and Licensure
56-02-02	Continuing Education
56-02-03	Unethical Practices
56-02-04	Equipment, Examination, Prescription, and Fee Requirements
56-02-05	Certification - Pharmaceutical Agents, Controlled Substances, and Treatment of Glaucoma
56-02-06	Disciplinary Action - Procedure
56-02-07	Prescription Drug Monitoring Program

CHAPTER 56-02-01 OPTOMETRIST EXAMINATION AND LICENSURE

Section	
56-02-01-01	Requirements for Licensure
56-02-01-02	Examination Questions Concerning Optometric Jurisprudence
56-02-01-03	Waiver of Practical Examination [Repealed]
56-02-01-04	Address of Each Optometric Office
56-02-01-05	Waiver of License Fee [Repealed]
56-02-01-06	Optometrist Compliance Verification
56-02-01-07	Licensure Fees
56-02-01-08	Licensure Renewal
56-02-01-09	Military Spouse Licensure

56-02-01-01. Requirements for licensure.

The board shall provide application forms to be completed by applicants and identify the examinations required of applicants and licensees to determine an individual's fitness under the law and this title for licensure. The board shall require applicants to pass the North Dakota state optometry law examination and to pass written national tests deemed reasonably necessary by the board. The board shall require applicants to take a practical examination and may require a licensee to take an examination on optometric knowledge and skills.

History: Amended effective December 1, 1987; April 1, 1990; January 1, 2020.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-16, 43-13-17

56-02-01-02. Examination questions concerning optometric jurisprudence.

The board shall refuse to admit an applicant to its examination for license to practice optometry unless and until the applicant shall have answered in the affirmative each of the following questions pertaining to optometric jurisprudence, and shall have satisfied the board of the applicant's honesty and good faith in so answering the questions:

1. Do you consider optometry a profession?
2. Would you sacrifice profit for the benefit of your patient?
3. Will you cooperate with practitioners of other professions in your work as an optometrist?
4. Will you continue as a student and take advantage of all educational opportunities to the best of your ability?

5. Will you endeavor to raise the standard of optometry and assist in every way possible to create a better understanding among fellow optometrists, professionally, educationally, and ethically?
6. Do you realize that under North Dakota law, you can only be employed by a licensed optometrist, a physician licensed under chapter 43-17, a hospital, or a clinic operated by licensed optometrists or by licensed physicians?
7. Would you consult a fellow optometrist in the interest of your patient's welfare?
8. Will you familiarize yourself with the North Dakota optometry law and the rulings of the board, abide by the same, and assist the board and other officers in enforcement of the law?

History: Amended effective December 1, 1987; April 1, 1990; July 1, 2008.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-22, 43-13-28

56-02-01-03. Waiver of practical examination.

Determined repealed by the office of the Legislative Council under subsection 3 of North Dakota Century Code section 28-32-03 because statutory authority supersedes the rule under S.L. 1999, ch. 377.

56-02-01-04. Address of each optometric office.

Registered optometrists shall at all times keep the board informed of the correct street addresses of each of their offices and their correct mailing addresses.

History: Amended effective December 1, 1987; January 1, 2020.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-11, 43-13-23

56-02-01-05. Waiver of license fee.

Repealed effective January 1, 1995.

56-02-01-06. Optometrist compliance verification.

The board may require any licensed optometrist to submit written answers to questions regarding the optometrist's compliance with this title or North Dakota Century Code chapter 43-13. The board may require that such answers be given under oath.

History: Effective December 1, 1987.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-14, 43-13-22

56-02-01-07. Licensure fees.

The following fees must be paid to the board:

1. A fee of two hundred dollars must accompany an application for a license to practice optometry.
2. A fee of two hundred dollars must be paid by any optometrist seeking to be licensed in this state by reciprocity.

3. A fee of two hundred dollars must be paid annually for renewal of a license to practice optometry.

History: Effective April 1, 1990; amended effective January 1, 1995; January 1, 2020.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-17, 43-13-18, 43-13-20

56-02-01-08. Licensure renewal.

The board shall provide forms upon which applications for renewal must be submitted. Renewal applications must be submitted annually, during December of each year. A license may be renewed by the board upon the satisfactory submission of:

1. A completed application for renewal form.
2. The fee for renewal of a license.
3. Documents indicating the applicant for renewal has met continuing education requirements.

History: Effective January 1, 2020.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-13-20

56-02-01-09. Military spouse licensure.

1. The board shall license individuals who meet the definition of military spouse set forth in North Dakota Century Code section 43-51-01 who meet the following requirements:
 - a. The military spouse demonstrates competency in optometry through methods or standards determined by the board which must include experience in optometry for at least two of the four years preceding application.
 - b. The board determines the issuance of the license will not substantially increase risk of harm to the public.
2. The board may require the submission of any information it deems necessary to assist it in making its determination. The board may deny a license if the board determines the applicant does not meet the above requirements. If the board determines the applicant substantially meets the above requirements, the board may issue a provisional license. When issuing a provisional license, the board may explain the steps necessary for the applicant to fully meet the above requirements and be issued a nonprovisional license. A provisional license must be automatically granted by the board if the board does not deny or grant the license within thirty days of application. The board may place conditions on any license or provisional license. Military spouses may not be assessed fees for the issuance of a license or provisional license under this section. A provisional license may be valid for up to two years. Provisional licenses expire if:
 - a. The board grants the application for license.
 - b. The board denies the application for licensure.
 - c. The provisional license expires.
 - d. The board revokes the provisional license to protect the public safety.
 - e. The applicant fails to meet any steps or conditions the board placed on the provisional license.

History: Effective January 1, 2020.

General Authority: NDCC 43-13-13

Law Implemented: NDCC 43-51-11.1