# CHAPTER 56-02-04
# EQUIPMENT, EXAMINATION, PRESCRIPTION, AND FEE REQUIREMENTS

Section
56-02-04-01 Minimum Equipment Requirements
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### 56-02-04-01. Minimum equipment requirements.

The minimum requirements of office equipment and accessories for optometrists, all of which shall be maintained in good working condition at each location where examinations are conducted, shall be those customarily used and available according to the prevailing standards of the profession in the state of North Dakota.

**History:** Amended effective December 1, 1987.
**General Authority:** NDCC 43-13-13
**Law Implemented:** NDCC 43-13-22

### 56-02-04-02. Minimum examination requirements.

The minimum care which an optometrist shall provide in all cases shall include the patient's case history, records, examination, diagnosis, and treatment as meet the generally accepted standard of care for the practice of optometry, but not less than required by law and these rules. An optometrist shall keep and maintain permanent records of each patient for a minimum of six years from the last contact with the patient documenting the care, case history, records, examination, diagnosis, and treatment of each patient.

**History:** Amended effective January 1, 1995.
**General Authority:** NDCC 43-13-13
**Law Implemented:** NDCC 43-13-13, 43-13-13.2, 43-13-13.3

### 56-02-04-03. Minimum prescription and fee standards.

1. Optometrists shall make available to their patients a copy of their spectacle (not contact lenses) prescription upon request. Every spectacle prescription shall have noted thereon an expiration date not to exceed thirty-six months.

2. Optometrists shall make available to their patients a copy of their contact lens prescription upon completion of the fitting. An optometrist may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the optometrist requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods. For purposes of the preceding sentence, presentation of proof of insurance coverage for that service shall be deemed to be a payment. Every contact lens prescription shall have noted thereon an expiration date not to exceed twelve months.

3. Every licensed optometrist shall make available to the patient, upon request, information showing how the fee was calculated, including the amount charged for professional services rendered and for the laboratory cost of the ophthalmic materials used.

**History:** Amended effective December 1, 1987; January 1, 1995; July 1, 2008.
**General Authority:** NDCC 43-13-13
**Law Implemented:** NDCC 43-13-22

**56-02-04-04. Failure to comply with minimum equipment, examination, and prescription standards.**

In the absence of compelling reason to the contrary, it shall be considered grossly incompetent for an optometrist to willfully or repeatedly fail or neglect to comply with the minimum equipment, examination, and prescription standards of this chapter.

**General Authority:** NDCC 43-13-13
**Law Implemented:** NDCC 43-13-13