

Dear Senators VanOrden, Bjerke, Wintrow, and
Representatives Vander Woude, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Division of Occupational and Professional Licenses - State Board of Optometry:
IDAPA 24.10.01 - Rules of the State Board of Optometry-Proposed Rule (Docket No. 24-1001-2601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 09/21/2026. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/19/2026.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Division Manager - Matt Drake
DATE: September 03, 2026
SUBJECT: Division of Occupational and Professional Licenses - State Board of Optometry

IDAPA 24.10.01 - Rules of the State Board of Optometry-Proposed Rule (Docket No. 24-1001-2601)

Summary and Stated Reasons for the Rule

The Idaho Division of Occupational and Professional Licenses (DOPL) submits Notice of Rulemaking regarding the Rules of the State Board of Optometry. The proposed rule removes the \$75 Annual Fund fee, which the Division states is no longer collected by the Division due to statutory changes, and adds a provision allowing fees to be aggregated for biennial licensure. It changes the continuing education requirement from eighteen (18) hours in each calendar year to thirty-six (36) hours prior to license renewal, and raises the cap on asynchronous coursework from nine (9) to eighteen (18) hours. The rule also removes the definition of "low vision," consolidates into a single provision the qualifications for prescribing therapeutic pharmaceutical agents, deletes two grounds for discipline addressing compliance with standards of professional conduct and cooperation with Board investigations, corrects the acronym for the Health Insurance Portability and Accountability Act, and renumbers the affected provisions.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. No fiscal impact on the state general fund is anticipated.

Statutory Authority

The rulemaking appears to be within the statutory authority granted to the Board in Sections 54-1506(2) and 54-1509(7), (8), and (15), Idaho Code.

cc: Division of Occupational and Professional Licenses - State Board of Optometry
Ryan Bernard

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
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Tel: 208-334-2475
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.10.01 – RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [54-1509](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

**Thursday, August 13, 2026
9:00 a.m. (MT)**

**In person:
Thunderbolt Conference Room
Division of Occupational and Professional Licenses
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714**

**[Virtual Webex Meeting Link](#)
Meeting number (access code): 2634 545 8074
Meeting password: ymJ4jYpu9i3**

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This contemplated rulemaking: (1) removes the outdated Annual Fund fee from the fee table; (2) and removes outdated language from the rule chapter. Due to statutory changes, the Annual Fund fee is no longer a fee collected by the Division. This rulemaking does not propose a fee increase; it simply removes a fee altogether.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, [Vol 26-5, Pages 15-16](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 1st day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1001-2601
(Only Those Sections With Amendments Are Shown.)

24.10.01 – RULES OF THE STATE BOARD OF OPTOMETRY

002. DEFINITIONS.

~~01. Low Vision. Refer to Section 54-1501(5), Idaho Code, correcting defects may include low vision but is not limited to low vision rehabilitation.~~ (3-28-23)

~~021.~~ **021. Opticianry.** The professional practice of filling prescriptions from a licensed optometrist or ophthalmologist for ophthalmic lenses, contact lenses, and any other ophthalmic device used to improve vision. Opticianry does not include prescriptive authority. (3-28-23)

003. -- 099. (RESERVED)

100. LICENSURE AND REGISTRATION.

01. Method of Application- Examination of Applicants. Applications for license shall be made on forms approved by the Board. (3-28-23)

02. Application. The application must be accompanied by the required fee, a complete transcript of credits from any college of optometry attended, a photocopy of any diplomas granted by any college of optometry, and a copy of certified results establishing successful passage of the required examinations. (3-28-23)

03. Approved Exam. The written and the practical portions of the Idaho examination shall be parts one through three (1-3) of the National Board of Examiners in Optometry Examination (NBEOE). A passing grade for the NBEOE shall be ~~that~~ established by the test provider. (3-28-23) ()

04. Licensure by Endorsement. The right to be granted a license to practice optometry in Idaho is

subject to the following conditions set out below: (3-28-23)

a. The submission of a completed application meeting the requirements of Subsection 100.02 including the applicable fee. (3-28-23)

b. That the license or certificate of registration of the applicant shall be in good standing with any state or country or not subject to any pending or unresolved licensure action in any state or country. (3-28-23)

c. For those licensed in another state the applicant must document to the Board for approval, the education, training, and examination for diagnostic and therapeutic privileges in the other state. (3-28-23)

05. Continuing Education In Optometry. (3-28-23)

a. Hours Required. Each optometrist licensed by the state of Idaho shall attend ~~in each calendar year,~~ prior to license renewal, a minimum of ~~eighteen~~ thirty-six ~~(18)~~(36) full hours of approved optometric continuing education courses or meetings. Licensees are responsible for choosing quality continuing education programs that focus on protecting the health and safety of the public and/or contributing to their germane profession.

(3-28-23)()

b. Courses. The Board allows credits to be asynchronous and synchronous that are germane to the practice of optometry. No more than ~~nine~~ eighteen ~~(9)~~(18) hours of continuing education shall be asynchronous.

(3-28-23)()

c. Audit. The Board may conduct audits to confirm that the continuing education requirements have been met. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the license will not be renewed. (3-28-23)

d. Documentation of Attendance. It shall be necessary for each licensed Idaho optometrist to provide documentation verifying attendance or completion of continuing education by securing authorized signatures, documentation, or electronic verification from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided upon request by the Board or its agent. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

200. PRACTICE STANDARDS.

01. Standards of Professional Conduct. Licensees must comply with the following standards of professional conduct: (3-28-23)

a. Practicing optometry in a manner which meets the standard of optometric care provided by other qualified licensees in the same or similar community, taking into account education, training, and experience. (3-28-23)

b. Employing only those techniques or methods of practice in treating or prescribing to a patient for which the licensee has the necessary education, training, and experience. (3-28-23)

c. Referring a patient suffering from any apparent or suspected pathological condition to a person competent and licensed to properly treat or diagnose the condition. (3-28-23)

d. Verifying the specifications of all lenses provided to a patient and advising a patient of possible danger when a lens provided to the patient does not meet impact resistant standards set forth in 21 CFR 801.410. (3-28-23)

02. Vision Therapy. Any person who assesses, diagnoses, treats, or prescribes treatment for conditions

of the visual system or manages a patient with vision therapy, visual training, visual rehabilitation, orthoptics or eye exercises or who holds him/herself out as being able to do so for the rehabilitation and/or treatment of physical, physiological, sensorimotor, neuromuscular or perceptual anomalies of the eyes or vision system or who prescribes or utilizes lenses, prisms, filters, occlusion or other devices for the enhancement, rehabilitation and/or treatment of the visual system or prevention of visual dysfunctions, except under the supervision and management of a licensed optometrist, is engaged in the practice of optometry. (3-28-23)

03. Prescriptions for Spectacles and Contact Lenses. Eyeglasses and contact lenses, including plano or cosmetic contact lenses, may only be dispensed upon a current prescription issued by an optometrist or medical physician. Every prescription written or issued by an optometrist practicing in Idaho shall contain at least the following information: (3-28-23)

a. Prescription for Spectacles. Prescriptions for spectacles must contain the following: Sphere, cylinder, axis, prism power, and additional power, if applicable. The standard expiration date of the prescription must be at least one (1) year from the date the prescription was originally issued. (3-28-23)

b. All Prescriptions for Rigid/Soft Contact Lenses. All prescriptions for contact lenses must contain at least the following information: base curve, lens manufacturer or “brand” name, overall diameter, power; and the standard expiration date of the prescription must be at least one (1) year from date the prescription was originally issued. A shorter prescription period may be allowed when based upon a documented medical condition. (3-28-23)

04. Expired Contact Lens Prescription. A person may not fill an expired contact lens prescription. (3-28-23)

05. Fitting and Dispensing Contact Lenses. (3-28-23)

a. Contact lenses may be fitted only by an optometrist, or licensed physician. (3-28-23)

b. An ophthalmic dispenser may dispense contact lenses on a fully written contact lens prescription issued by an optometrist or licensed physician. (3-28-23)

c. Notwithstanding Subsection 200.05.b., an optometrist, or licensed physician who issues a contact lens prescription remains professionally responsible to the patient. (3-28-23)

06. Preceptorship Program. An optometrist may use a student of optometry in their office under their direct supervision for educational purposes. (3-28-23)

07. The Right to Obtain and Use Pharmaceutical Agents. The right to obtain and use pharmaceutical agents for use in diagnosis and/or treatment of another in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below: (3-28-23)

a. Optometrists can prescribe, administer, and dispense therapeutic pharmaceutical agents, and use only those listed below: (3-28-23)

i. All medications for use in the diagnosis of and/or conditions of the human eye and/or eyelid. (3-28-23)

ii. All over-the-counter agents. (3-28-23)

b. In order to prescribe, administer and dispense the therapeutic medications a person must ~~meet the requirements set out below:~~ hold an Idaho license in good standing and successfully pass the “Treatment and Management of Ocular Diseases” exam. (3-28-23)()

i. ~~License in good standing, and successful passage of the “Treatment and Management of Ocular Diseases” exam.~~ (3-28-23)

201. -- 299. (RESERVED)

300. DISCIPLINE.

In addition to the grounds for discipline set forth in Idaho Code, every person licensed by the Board is subject to discipline upon any of the following grounds: (3-28-23)

01. Gross Incompetence. Engaging in practice or behavior which demonstrates a manifest inability or unreasonable lack of professional skill to practice his or her profession, including performing procedures without having successfully completed the necessary education, training, or certification. (3-28-23)

~~**02. Failing to Comply with Standards of Professional Conduct as set forth in these Rules.**~~ (3-28-23)

~~**03. Failing to Maintain Adequate Records.**~~ Adequate records mean legible records which contain, at a minimum, evidence of examination and treatment plan, copies of prescriptions issued to the patient or client and copies of statements of charges delivered or provided to the patient or client. Must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). (3-28-23)()

04. Illegal Prescription Sale, Administration, Distribution, or Use of Drugs. Prescribing, selling, administering, distributing, giving, or using drugs legally classified as a controlled substance or as an addictive or dangerous drug for other than accepted diagnostic or therapeutic purposes. (3-28-23)

05. Other Discipline. Inability to obtain or renew a license or disciplinary action against a license to practice optometry by any other state or jurisdiction unless it can be shown that such action was not related to the competence of the person to practice optometry or to any conduct which constitutes grounds for discipline by the Board. (3-28-23)

06. Confidentiality. Failing to safeguard the confidentiality of patient records or other medical information pertaining to identifiable patients, except as required or authorized by law. (3-28-23)

07. Prescription and Records. Failure to release a spectacle or contact lens prescription to a patient or to transfer patient records to another provider when requested to do so by the patient or the patient's legally designated representative. (3-28-23)

~~**08. Failure to Cooperate.**~~ Failing to cooperate with the Board during any investigation or disciplinary proceeding, even if such investigation or disciplinary proceeding does not personally concern the particular licensee. (3-28-23)

301. -- 399. (RESERVED)

400. FEES.

These fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)
License Application	\$100
Annual Fund	\$75
Annual Renewal	\$75
Reinstatement	As provided in Section 67-2614, Idaho Code

(3-28-23)()

401. -- 999. (RESERVED)