

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 15
OPTOMETRISTS

54-1501. PRACTICE OF OPTOMETRY DEFINED. Optometry is defined as the science which relates to the examination, diagnosis and treatment of conditions of or relating to the eyes and/or eyelids, the analysis of their function and the employment of preventive or corrective measures to ensure maximum vision and comfort. The practice of optometry is declared to be a learned profession. The practice of optometry affects the public health, welfare and safety and the public interest requires regulation and control of the practice of optometry and limitation of the practice to qualified persons. The "practice of optometry" means:

(1) To engage in the profession of examining, testing, measuring, treating, correcting, developing or improving the human visual apparatus;

(2) To display any sign, circular, advertisement or device offering to examine eyes, test eyes, fit glasses, adjust frames or prescribe lenses, or by any means or method set oneself forth as an optometrist, doctor of optometry, optometric physician, optical doctor, doctor of optical science, O.D., Opt. D., optician, optical specialist, eye specialist, or refractionist, or any other designation of like import;

(3) To employ in the examination, diagnosis or treatment of another, any means, including the use of diagnostic pharmaceutical agents and pharmaceutical agents for therapeutic use, for the measurement, improvement or development of any or all functions of human vision or the assistance of the powers of range of human vision or the determination of the accommodative or refractive status of human vision or the scope of its functions in general. The state board of optometry may, pursuant to rules adopted by it, issue a certificate to optometrists licensed in this state authorizing the optometrist to prescribe, administer and dispense such therapeutic pharmaceutical agents for the treatment of conditions of the eye and/or eyelid, as approved by the board of optometry and as identified in rules adopted by the board of optometry. Such certificate shall only be issued to an optometrist who:

(a) Has successfully passed the "treatment and management of ocular disease" section of the optometrist examination approved by the international association of boards of examiners in optometry, inc. or an equivalent examination as may be approved by the state board of optometry;

(b) Is the holder of a certificate for the use of diagnostic pharmaceutical agents issued by the state board of optometry; and

(c) Has completed such appropriate additional educational and clinical experience requirements as shall be established by the state board of optometry pursuant to section [54-1509](#), Idaho Code;

(4) To remove superficial foreign bodies and to diagnose and treat superficial conditions of the eye and eyelid. The practice of optometry shall not include the use of therapeutic lasers;

(5) To sell or offer for sale, otherwise than on prescription, any lens with spherical, prismatic or cylindrical power, including plano or cosmetic contact lenses;

(6) To prescribe or adapt lenses, including contact lenses, exercises, orthoptics, vision therapy or other physical means to correct defects or adjust human vision to the conditions of a special occupation; or

(7) To do or offer to do any of the foregoing with intent of receiving therefor, either directly or indirectly, any fee, gift, remuneration or compensation whatsoever.

[54-1501, added 1972, ch. 91, sec. 2, p. 179; am. 1981, ch. 73, sec. 1, p. 105; am. 1987, ch. 210, sec. 1, p. 443; am. 1989, ch. 33, sec. 1, p. 38; am. 1990, ch. 299, sec. 1, p. 826; am. 1993, ch. 110, sec. 1, p. 280; am. 1997, ch. 300, sec. 1, p. 891; am. 2009, ch. 118, sec. 1, p. 376.]

54-1502. LICENSE A PREREQUISITE TO PRACTICE. (1) It is unlawful for any person to practice optometry unless he shall obtain a license to do so as provided in this chapter.

(2) Any person who shall practice or attempt to practice optometry, as defined in this chapter, without having at the time of so doing a valid license to practice optometry issued by the state board of optometry shall be deemed guilty of a misdemeanor. Any person licensed under another chapter of Idaho Code to perform these functions shall be exempt from the provisions of this chapter. An optician lawfully practicing opticianry within the state of Idaho is not in violation of the provisions of this chapter.

(3) It is a misdemeanor for an optometrist to knowingly aid or abet any person or entity to practice optometry if such person or entity is not authorized by Idaho Code to practice according to the provisions of this chapter.

[54-1502, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 120, p. 138; am. 1997, ch. 300, sec. 2, p. 892; am. 2009, ch. 118, sec. 2, p. 377.]

54-1502A. NONLICENSED PERSONS -- PENALTIES AND REMEDIES. (1) The board may investigate any person engaged in the practice of optometry within the state of Idaho or any person believed to have acted as an optometrist without being duly licensed as required by this chapter. Upon receipt of a written complaint, the board shall perform an investigation of the facts alleged. If the board investigation reveals that the facts alleged or received are sufficient to proceed with formal action, the board may authorize the filing of an administrative complaint against the person and may seek injunctive relief prohibiting such person from engaging in the practice of optometry. In addition or alternatively, the board may refer violators of the provisions of this chapter for prosecution pursuant to section [54-1513](#), Idaho Code.

(2) Each violation of the provisions of section [54-1502](#), Idaho Code, shall, upon conviction, result in a fine in an amount not to exceed one thousand dollars (\$1,000), or imprisonment in the county jail for not less than thirty (30) days but not more than ninety (90) days, or by both such fine and imprisonment.

(3) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person under this section shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

[54-1502A, added 2009, ch. 118, sec. 3, p. 378; am. 2018, ch. 348, sec. 6, p. 803.]

54-1503. STATE BOARD OF OPTOMETRY ESTABLISHED -- QUALIFICATIONS. (1) There is hereby established in the department of self-governing agencies a state board of optometry composed of five (5) members who shall be appointed by the governor. The governor may consider recommendations for appointment to the board from any optometric association or any individual residing in this state. Members will serve staggered terms of five (5) years each after the effective date of this act unless otherwise provided in this chapter. A vacancy in membership on the board shall occur when the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy because of the expiration of a regular term shall be filled by the governor by appointment of a member for a five (5) year term. Appointments to fill a vacancy occurring for some reason other than expiration of a term of office shall be made for the unexpired term which is being filled. The members of the board shall serve at the pleasure of the governor.

(2) Four (4) members of the state board of optometry shall be licensed optometrists in the state of Idaho and shall be residents of and lawfully practicing optometry within the state of Idaho for a period of not less than five (5) years immediately preceding their appointment. One (1) member shall be a member of the public with an interest in the rights of consumers of optometric services.

[54-1503, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 121, p. 138; am. 2000, ch. 469, sec. 124, p. 1585; am. 2009, ch. 118, sec. 4, p. 378; am. 2011, ch. 307, sec. 1, p. 875; am. 2016, ch. 340, sec. 18, p. 941.]

54-1506. LICENSE FEES. (1) All fees of any kind collected under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

(2) The annual fee for renewal of a license shall be established by board rule, not to exceed one hundred seventy-five dollars (\$175).

[54-1506, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 123, p. 138; am. 1986, ch. 109, sec. 1, p. 299; am. 1994, ch. 180, sec. 99, p. 491; am. 1999, ch. 151, sec. 1, p. 423; am. 2006, ch. 54, sec. 1, p. 164.]

54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EXPENSES. The board of optometry shall meet on or before September 15 of each year and select from its members a chairman and a secretary who shall serve at the pleasure of the board. The secretary shall keep the minutes of the meetings of the board, maintain the files and records of the board, maintain a roster of all persons licensed as optometrists under this act and on or before October 1 of each year, forward to the bureau of occupational licenses a certified list of those persons who have paid the fees required by this act.

The board of optometry may meet at stated times and places and shall meet upon the call of its chairman or upon written request of a majority of its members. Three (3) members shall constitute a quorum and a majority of the members present at a meeting at which a quorum is present shall determine the action of the board. Each member of the board shall be notified of any meeting called for any purpose.

Out of the moneys appropriated to the bureau from fees paid under section [54-1506](#)(2), Idaho Code, or otherwise appropriated from fees paid under section [54-1506](#)(2), Idaho Code, and deposited in the occupational license account established by section [67-2605](#), Idaho Code, the members of the board of optometry shall be compensated as provided by section [59-509](#)(n), Idaho Code.

[54-1508, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 125, p. 138; am. 1976, ch. 166, sec. 13, p. 606; am. 1980, ch. 247, sec. 61, p. 625; am. 1986, ch. 109, sec. 3, p. 300; am. 2006, ch. 54, sec. 3, p. 165.; am. 2010, ch. 65, sec. 1, p. 114.]

54-1509. STATE BOARD OF OPTOMETRY -- POWERS AND DUTIES. In order to protect the public in the practice of optometry, better enable members of the public to fix professional responsibility and further safeguard the doctor-patient relationship, the state board of optometry shall have the following powers and duties:

(1) To make and prescribe rules for a fair and wholly impartial method of examination of candidates to practice optometry.

(2) To make and prescribe rules defining for the optometrists what shall constitute a school, college or university or department of a university or other institution reputable and in good standing and to determine the reputability and good standing of a school, college or university or department of a university or other institution by reference to a compliance with such rules.

(3) To make and prescribe rules to establish a standard of preliminary education deemed requisite to admission to a school, college or university and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

(4) To make and prescribe rules governing the relicensing of persons applying for a license to practice optometry in the state of Idaho after a failure to maintain a license for a period in excess of five (5) years.

(5) To establish by rule the qualifications necessary to grant a license to practice optometry in Idaho by endorsement to persons licensed in other states or foreign countries.

(6) To conduct examinations to ascertain the qualifications and fitness of applicants to practice optometry or to recognize by rule a national testing agency for the administration and grading of such test.

(7) To make and prescribe rules governing the minimum amount and kind of continuing education in optometry to be required annually of each optometrist seeking to renew his license to practice optometry in the state of Idaho.

(8) To make, prescribe and promulgate rules prescribing a code of ethics and standards of professional conduct in practice for the purpose of regulating and governing the practice of optometry by licensed optometrists within the state of Idaho and to change and modify its rules or prescribe new rules in order to improve the practice of optometry for the benefit of the people of the state of Idaho.

(9) To make, prescribe and promulgate rules regarding the establishment of "branch offices" in the state of Idaho by persons licensed to practice optometry.

(10) To make, prescribe and promulgate rules regarding advertising by optometrists licensed to practice in Idaho.

(11) To make, prescribe and promulgate rules defining "gross incompetence" as grounds for suspension or revocation of an optometrist's license as provided in section [54-1510](#), Idaho Code.

(12) To make, prescribe and promulgate rules governing the verification by an optometrist of the accuracy in compounding and the quality of the workmanship and materials used by any person, firm or corporation in the course of filling or compounding the optometrist's prescriptions for vision aids of any type prior to delivery by the optometrist.

(13) To make, prescribe and promulgate rules governing the issuance and release of prescriptions or copies of prescriptions by optometrists out of the office of the optometrist.

(14) To make, prescribe and promulgate rules governing the type and kind of records to be kept by each optometrist pertaining to all patients examined or for whom he has adapted optical accessories.

(15) To make, prescribe and promulgate such other rules required by this chapter or necessary or desirable for its enforcement and administration.

(16) The state board of optometry shall have the power to administer oaths, take depositions of witnesses in and out of the state of Idaho in the manner of civil cases, require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing before it or deposition authorized by it, pertaining in any manner to any matters of which it has authority to investigate and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers directed to the sheriff of any county of the state of Idaho, where such witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a civil case is returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in civil cases. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the proceeding is held upon application of the board, to compel obedience in proceedings for contempt as in the case of disobedience of the requirements of any subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceeding shall have the same right of subpoena upon making application to the board as set out in this chapter.

(17) The state board of optometry shall have the power to hire attorneys, investigators, hearing officers or other employees for carrying out the purpose of this chapter or to promote the interests of the profession of optometry.

(18) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

[54-1509, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 126, p. 138; am. 1986, ch. 109, sec. 4, p. 301; am. 1989, ch. 33, sec. 1, p. 38; am. 1999, ch. 151, sec. 2, p. 423; am. 2009, ch. 118, sec. 6, p. 379.]

54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued under the provisions of this chapter shall be subject to suspension, revocation or other discipline upon any of the following grounds pursuant to the procedures set forth in [chapter 52, title 67](#), Idaho Code. All hearings con-

ducted pursuant to this section, whether before the board or a hearing officer, shall be held in Ada county unless otherwise designated by the board.

(1) Fraud or deception in procuring license.

(2) Practicing optometry under a false or assumed name or as a representative or agent of any person, firm or corporation other than another licensed optometrist, a physician licensed to practice medicine and surgery under [chapter 18, title 54](#), Idaho Code, or a professional entity, which has been incorporated under the authority of part 9, [chapter 21, title 30](#), Idaho Code, by persons licensed to practice optometry under [chapter 15, title 54](#), Idaho Code, or licensed to practice medicine and surgery under [chapter 18, title 54](#), Idaho Code.

(3) Having been convicted or having received a withheld judgment or suspended sentence in this or any other state of a felony, a crime involving moral turpitude, or any act related to the qualifications, functions or duties of an optometrist.

(4) Gross incompetency.

(5) Inability to practice optometry with reasonable skill and safety by reason of:

(a) Mental illness;

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills;

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients.

(6) Failure to pay to the board or the bureau of occupational licenses the annual fee and to secure a renewal license, whereupon after twenty (20) days' notice by registered mail the license of such delinquent may be revoked; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding twenty-five dollars (\$25.00) as may be fixed by the board of optometry, shall excuse the default.

(7) Any practice or behavior of a character likely to deceive or defraud the public.

(8) Obtaining of any fee or compensation by fraud, deceit or misrepresentation.

(9) Employing, either directly or indirectly, any suspended or unlicensed optometrist to do optometric work.

(10) Advertising the practice of optometry in a false, misleading or deceptive manner.

(11) Employment or use of what are known as "cappers" or "steerers."

(12) Consistently accepting referrals that violate the laws of the state of Idaho.

(13) For willfully permitting or allowing or causing a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric finding to fit contact lenses upon a person or member of the public.

(14) For violation of any of the provisions of this chapter or the rules or code of ethics made and promulgated by the state board of optometry, as authorized in section [54-1509](#), Idaho Code.

(15) For willfully attempting to violate, directly or indirectly, conspiring to violate, or assisting or participating in or abetting the violation of any of the provisions of this chapter or the rules or code of ethics

made, prescribed or promulgated by the state board of optometry pursuant to the authority granted in this chapter.

(16) Having engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient.

(17) Having committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude.

[54-1510, added 1972, ch. 91, sec. 2, p. 179; am. 1973, ch. 286, sec. 1, p. 609; am. 1974, ch. 13, sec. 127, p. 138; am. 1989, ch. 33, sec. 2, p. 40; am. 1993, ch. 216, sec. 64, p. 647; am. 2009, ch. 118, sec. 7, p. 380; am. 2015, ch. 251, sec. 7, p. 1049.]

54-1512. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person holding a license, seeking a license, or renewing a license under the provisions of this chapter, the board of optometry may impose one (1) or more of the following penalties:

(a) Suspension of the offender's license for a term to be determined by the board;

(b) Revocation of the offender's license;

(c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of optometry in a particular manner for a term to be determined by the board;

(d) Refusal to renew offender's license;

(e) Placement of the offender on probation and supervision by the board for a period of time and under terms and conditions to be determined by the board;

(f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) plus costs of prosecution and reasonable attorney's fees; or

(g) Written letters of censure or reprimand which shall become a permanent record in the files of the licensee.

(2) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person holding a license, seeking a license, or renewing a license under this chapter shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

(3) Any person whose license to practice optometry in this state has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(4) Nothing herein shall be construed as barring criminal prosecutions for violations of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(5) All final decisions by the board shall be subject to judicial review pursuant to the provisions of the administrative procedure act.

[54-1512, added 1989, ch. 33, sec. 5, p. 43; am. 2018, ch. 348, sec. 7, p. 803.]

54-1513. DUTY OF PROSECUTING ATTORNEY -- DUTY OF ATTORNEY GENERAL. It shall be the duty of the prosecuting attorney of each county to prosecute all violations of this chapter constituting a violation of criminal law and it shall be the duty of the attorney general of the state of Idaho to prosecute any actions brought under the provisions of section [54-1524](#), Idaho Code, if requested by the state board of optometry.

[54-1513, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 130, p. 138; am. 1993, ch. 216, sec. 66, p. 649.]

54-1514. PUBLICATION OF DIRECTORY AND LAW. The bureau of occupational licenses shall each year make available the names and addresses of all licensed optometrists of the state of Idaho and the laws applicable to the practice of optometry.

[54-1514, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 131, p. 138; am. 2009, ch. 118, sec. 8, p. 381.]

54-1515. LIMITATIONS ON APPLICATION OF CHAPTER. A license to practice optometry, as provided in this chapter, is not required for the following practices:

1. Practice by persons authorized under the laws of this state to practice medicine and surgery.

2. The sale of eyeglasses or spectacles in or from a store, shop, or other permanently established place of business on prescription from persons authorized under the laws of this state to practice either optometry or medicine and surgery, by persons, firms and corporations who neither practice nor attempt to practice optometry.

3. The sale of ready-to-wear glasses equipped with convex spherical lenses, or sunglasses equipped with plano lenses, or industrial glasses or goggles with plano lenses used for industrial or agricultural eye protection, when the same are sold as merchandise and where the selection of the glasses is at the discretion of the purchaser, by persons, firms and corporations who neither practice nor attempt to practice optometry nor use in the testing of the eye therefor lenses other than the lenses actually sold, and who neither give nor offer spectacles or eyeglasses as premiums.

[54-1515, added 1972, ch. 91, sec. 2, p. 179.]

54-1516. LIMITATION ON APPLICATION OF CHAPTER -- NURSES, SCHOOL TEACHERS OR WELFARE WORKERS. It is not the intent of this chapter to prevent any nurse, school teacher or welfare worker, employed in public service, from ascertaining the probable need of visual services, provided such person does not attempt to diagnose or prescribe or to recommend any particular practitioner or system of practice.

[54-1516, added 1972, ch. 91, sec. 2, p. 179.]

54-1517. OPHTHALMIC LENS OR PRISM -- ACCEPTANCE FOR DUPLICATION BY OTHER THAN LICENSED OPTOMETRIST OR PHYSICIAN PROHIBITED -- EXCEPTION. It shall be unlawful for any person other than a licensed optometrist or physician to accept or offer to accept for purpose of duplication any ophthalmic lens or prism ordinarily used before the human eye for corrective purposes, or for assisting vision; provided, however, that any manufac-

turing, dispensing or surfacing optician is hereby permitted to grind or supply, dispense, replace or duplicate any such lens in conformity with the prescription or instruction of any optometrist or physician duly licensed to practice within the state of Idaho. Contact lenses may be sold or dispensed in a retail or wholesale outlet or other permanently established place of business with an optical department only when the prescription specifically states on its face that it is intended for contact lenses and includes the type and specifications of the contact lens being prescribed.

[54-1517, added 1972, ch. 91, sec. 2, p. 179; am. 1985, ch. 67, sec. 1, p. 138.]

54-1518. BUREAU OF OCCUPATIONAL LICENSES -- POWERS AND DUTIES. The bureau of occupational licenses shall have the following powers and duties:

1. To accept applications for examinations and issue licenses to optometrists pursuant to requirements of this chapter.

2. To maintain a registry of persons licensed to practice optometry in the state of Idaho available to the members of the general public and all applicants and rejected applicants for licenses.

3. To forward complaints against a licensed optometrist to the state board of optometry for review and investigation.

4. To assist in the investigation and prosecution of complaints filed against an optometrist under section [54-1510](#), Idaho Code.

5. At the discretion of the chief of the bureau and upon apparent failure or refusal of the state board of optometry to investigate or prosecute a complaint against an optometrist, to investigate the complaint and forward the report of investigation to the state board of optometry, and upon apparent failure or refusal of the state board of optometry to take further action to initiate proceedings under section [54-1510](#), Idaho Code, against an optometrist violating the terms of this act.

[54-1518, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 132, p. 138; am. 1993, ch. 216, sec. 67, p. 649.]

54-1519. EXAMINATIONS -- APPLICATIONS. Any person who shall desire to begin the practice of optometry in the state of Idaho shall file an application in his own handwriting on forms furnished by the board for an examination, which application shall state among other things, his correct name, age, place of residence, the name and location of the school or schools attended by the applicant, and date of such attendance, and whether the applicant is graduated from such school, and the place and with whom he has served as an intern and the exact length of time and nature of such internship. Such applications must be signed by the applicant under oath.

[54-1519, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 133, p. 138.]

54-1520. LICENSE -- QUALIFICATIONS OF APPLICANTS -- ISSUANCE. (1) Every applicant for a license to practice optometry shall:

(a) Be a person of good moral character;

(b) Be more than twenty-one (21) years of age;

(c) Present certified evidence of graduation from an accredited college or university of optometry that meets the requirements in rules of the board;

- (d) Pass an examination as provided in rules of the board; and
- (e) Be certified to use therapeutic pharmaceutical agents as provided in section [54-1501](#) (3), Idaho Code, and in rules of the board.

(2) An applicant meeting the qualifications required in this chapter shall be issued a license to practice optometry in this state.

[54-1520, added 1972, ch. 91, sec. 2, p. 179; am. 2017, ch. 230, sec. 1, p. 557.]

54-1521. CONDUCT OF EXAMINATIONS -- SUBJECT INCLUDED. Except as herein otherwise provided, each applicant shall be examined to determine his knowledge of the subjects essential to the practice of optometry. Examinations shall be written and practical, and shall include the required subjects enumerated in the rules and regulations of the state board of optometry.

[54-1521, added 1972, ch. 91, sec. 2, p. 179.]

54-1522. LICENSE -- RENEWAL AND REINSTATEMENT -- CERTIFICATION REQUIREMENT. (1) License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(2) Effective January 1, 2021, every holder of a license to practice optometry must be certified to use therapeutic pharmaceutical agents as provided in section [54-1501](#) (3), Idaho Code, and in rules of the board.

(3) Any license under this chapter issued to a licensee who has not met the qualifications and been certified to use therapeutic pharmaceutical agents pursuant to section [54-1501](#) (3), Idaho Code, shall expire on December 31, 2020, and shall not be subject to renewal or reinstatement; provided however, that licensees who received their license prior to 1990 shall be excused from the provisions of this subsection, and their licenses shall be accorded grandfather rights.

[54-1522, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 134, p. 138; am. 1998, ch. 252, sec. 1, p. 822; am. 2003, ch. 21, sec. 9, p. 82; am. 2016, ch. 116, sec. 1, p. 329; am. 2017, ch. 230, sec. 2, p. 557.]

54-1523. FEES. Each applicant for examination or reexamination after failure in a former examination shall remit a fee as established by board regulation not to exceed two hundred fifty dollars (\$250) with each application to the board.

[54-1523, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 135, p. 138; am. 1980, ch. 94, sec. 1, p. 204.]

54-1524. INJUNCTION PROCEDURE. The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation or partnership from persisting in the doing of any acts constituting a violation of this chapter. Such action shall be brought in the district court of the county in which said act or acts or some of them are claimed to have been or are being committed, by filing a complaint setting forth said acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ enjoining the defendant from the commission of

any such act or acts pending final disposition of the cause. The cause shall proceed as in other cases for injunction. If at the trial the commission of said act or acts by the defendant be established, and the court further finds that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining said defendant from thereafter committing said or similar acts.

[54-1524, added 1972, ch. 91, sec. 2, p. 179; am. 1974, ch. 13, sec. 136, p. 138.]

54-1525. REFERRALS BY OPTICAL FIRMS PROHIBITED. It shall be unlawful for any person engaged in the business of manufacturing, selling or dispensing any ophthalmic materials, in any manner to influence or attempt to influence any patron in the choice of an optometrist or physician for the purpose of examining, treating, dispensing or prescribing any ophthalmic materials for such patron, and it shall be unlawful for any such person in any manner to suggest or imply to any such patron that such patron consult with or be examined or treated by or procure a prescription for ophthalmic materials from any specific optometrist or physician, or one or more of several specific optometrists or physicians; provided, that any such person may show or supply to any such patron a typed or printed list containing the names and addresses of all physicians in the community covered by such list who specialize in whole or in part in the care of the eyes and containing also the names and addresses of all optometrists in such community; provided, however, that such list shall not be prepared or marked so as to draw unnecessary attention to one or more of the names thereon; and provided, further, that such list shall segregate and designate separately those practitioners licensed in this state to practice medicine and surgery and those licensed therein to practice optometry. The word "person," as used in this section, shall include any person, firm, corporation or association, and any employee or agent of any of the foregoing. The word "patron," as used in this section, shall include prospective as well as actual patrons or customers, and shall include also those acting for or on behalf of any such patron or prospective patron. The words "ophthalmic materials," as used in this section, shall include spectacles, eyeglasses, lenses, prisms, contact lenses, frames and mountings, and any other optical appliances or devices for visual correction.

[54-1525, added 1972, ch. 91, sec. 2, p. 179.]