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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 852  
BOARD OF OPTOMETRY

**FILED**

11/22/2023 9:39 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Updates to Volunteer license rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2023 2:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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NEED FOR THE RULE(S)

Clarify scope of practice with a volunteer license and updates regarding notifying the Board of changes in licensure elsewhere.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Board meeting minutes--Board office

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rules apply to all licensees with this license type.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None--licensees pay fees for the license, and that hasn't changed. They can report changes in other licensure via email.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Board is comprised of 4 licensed OD's.

AMEND: 852-050-0021

RULE SUMMARY: Updates the Board's volunteer license rules to clarify reporting requirements and scope of practice within Oregon.

CHANGES TO RULE:

852-050-0021

Nonprofit Services ¶¶

An active or telehealth licensed doctor of optometry in Oregon who volunteers to provide professional services to a charitable nonprofit corporation may request the additional practice location license required for that location from the Board at no charge.¶¶

(1) Nonprofit corporation means a charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Optometry as providing optometric services by volunteer licensed doctors of optometry to populations with limited access to eye care at no charge or at a substantially reduced charge.¶¶

(2) "Voluntary basis" means working of one's own free will and without payment for services.¶¶

(3) Any entity that owns or operates a nonprofit charitable clinic that provides eye care services must name an actively licensed Oregon optometric physician as its vision services director who is subject to the provisions of ORS 683 and OAR 852. This director is responsible for the patient records on eye care services for the clinic.¶¶

(4) Any licensed optometric physician who works at a nonprofit clinic described in (1) above must:¶¶

(a) Display a portable multiple practice location license, and¶¶

(b) Comply with all other provisions of ORS 683 and OAR 852, including reporting start and end dates of providing services at any practice location.¶¶

(5) An optometrist licensed in another state can provide volunteer services in Oregon for up to 30 days per calendar year without compensation under the following conditions:¶¶

(a) The optometrist is actively licensed in another state and has no discipline in the state of licensure. The licensee's volunteer scope of practice is limited to the scope determined by their state(s) of active licensure, unless Oregon's scope is more restrictive. In that case, the scope of practice is restricted to Oregon's scope of practice law and rules.¶¶

(b) They report the volunteer location at least 10 days prior to commencing volunteer service through the Board's online system,¶¶

(c) They create an account in the Board's online licensing system and register as a volunteer-only optometrist, which includes attesting that they will receive no compensation for any services at the location,¶¶

(d) They maintain a valid legal address of record, phone number and email address with the Board.¶¶

(e) The optometrist must report and maintain CPR certification per OAR 852-080-0080 (2)(e).¶¶

(f) The optometrist will be liable for any late reporting fees as outlined in OAR 852-010-0080 (1)(d) and (g)¶¶

(g) The optometrist must report any discipline or license status change in ~~their primary state~~ any state they are licensed in to the Board within 14 calendar days.

Statutory/Other Authority: ORS 683, 182

Statutes/Other Implemented: ORS 683.010(3), 683.240(2), 683.270(k), 182.466