NATIONAL ADMINISTRATIVE REGISTER · JANUARY 6, 2004

AMENDING SECTION 2, RULE I; SECTION 6, RULE II; SECTIONS 43 AND 44, RULE VIII, SECTION 50, RULE XI; RULE XIII, AND INCLUDING RULE XIV OF RESOLUTION NO. 03, SERIES OF 1997 OF THE...

PRC BOARD OF OPTOMETRY RESOLUTION NO. 01-A, SERIES 2004, January 06, 2004

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Pursuant to SEC. 12, a. and SEC. 35 of R.A. No. 8050, known and cited as the "Revised Optometry Law of 1995", the Board of Optometry hereby promulgates, subject to the approval of the Professional Regulation Commission, the following amendments to the provisions of Res. No. 3, series of 1997, known and cited as the "Rules and Regulations Governing the Examination and Registration of Optometrists and the Regulation of the Practice of Optometry."

SECTION 1. The Agents "1. Phenylaprine, 4. Oxylenprocaine HCl and Flurecein strips" under the term Diagnostic Pharmaceutical Agents" of Sec. 2, Rule I are hereby modified to read as follows:

1. PHENYLEPHRINE

2.5% ophthalmic drops;

2. Tropicamide 0.5% ophthalmic drops;

3. Proparacaine 0.5% ophthalmic drops;

4. OXYBUPROCAINE HCI 0.4% ophthalmic drops; and

5. FLOURESCENT strips.

SECTION 2. Sec. 2, Rule I is hereby amended to include "N. DISPENSING which read as follows:

> "N. DISPENSING - THE ACT OF FILLING, TRANSLATING, AND FITTING OF SPECTACLES OR EYEGLASSES OR MOUNTING CONTACT LENSES WITH THEIR ACCESSORIES AND SOLUTIONS, VISUAL AIDS, PROSTHETICS, LOW VISION AIDS, AND OTHER PREVENTIVE AND CORRECTIVE OPTICAL OR OPHTHALMIC DEVICES FOR THE AID, CORRECTION, REHABILITATION OR RELIEF OF THE HUMAN EYE, OR FOR THE ATTAINMENT OF MAXIMUM VISION AND COMFORT".

SECTION 3. "M. Professional License" of Sec. 3, Rule I is hereby replaced with "M. CANVASSING" which shall read as follows:

> "M. CANVASSING - ACT/S BY ANY PERSON, NATURAL OR JURIDICAL, OR AGENT THEREOF WHO CARRIES OPTICAL MERCHANDISE FOR CONCURRENT SALE AND DELIVERY, AND WHO GOES FROM ONE PLACE TO ANOTHER SELLING THEMTO POTENTIAL CUSTOMERS. HE OR SHE MAY USE AUDIO VISUAL DEVICES, PUBLIC ADDRESS SYSTEMS, SHOUTING OR OTHER MEASURES IN ADVERTISING HIS/HER GOODS OR SERVICES FOR SALE."

SECTION 4. Section 6, a of Rule II is hereby amended to read as follows:

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"A UNLESS HE/SHE FOREGOES HIS/HER MEMBERSHIP OR RELINQUISHES HIS INTEREST BEFORE OR UPON TAKING HIS OATH, ANY PERSON WHO IS A MEMBER OF THE FACULTY, WHETHER FULL TIME OR PART TIME, WHO IS A LECTURER OF ANY SCHOOL OR COLLEGE OR UNIVERSITY WHERE A REGULAR COURSE IN OPTOMETRY IS TAUGHT, OR WHO HAS PECUNIARY INTEREST, DIRECTLY OR INDIRECTLY, IN SUCH INSTITUTION;"

SEC. 5. Section 43, Rule VIII is hereby amended to read as follows:

"SEC. 43. Practice. - The practice of Optometry shall be governed by the highest standards of professionalism with the aim of promoting the visual welfare of the public and the best standards of professional care.

"1. OPTOMETRIST SHALL PERFORM A COMPREHENSIVE EYE EXAMINATION ON HIS PATIENTS AND SHALL DULY RECORD HIS/HER FINDINGS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED, TO THE FOLLOWING:

- COMPLETE HISTORY

- COMPLETE VISUAL ACUITY FINDINGS

- COMPLETE EXAMINATION OF EXTERNAL EYE AND ADNEXAE

- COMPLETE EXAMINATION OF THE INTERNAL PARTS OF THE EYE

- CORNEA CURVATURE MEASUREMENTS

- OBJECTIVE REFRACTIVE FINDINGS

- SUBJECTIVE REFRACTIVE FINDINGS

- EXTRA-OCULAR MUSCLE BALANCE

- FUSION, STEREOPSIS AND COLOR VISION TEST

- VISUAL FIELDS, CENTRAL (AFTER AGE 40) AND PERIPHERAL FIELDS

- TONOMETRY ON ALL PATIENTS WHERE POSSIBLE, UNLESS CONTRAINDICATED (IF DPA CERTIFIED)

- BIOMICROSCOPY (SLITLAMP) IN THE COURSE OF FITTING CONTACT LENSES"

"[1] 2. THE PRACTICE OF OPTOMETRY SHALL BE CONDUCTED IN A REGULAR CLINIC/OFFICE OR OTHER PREMISES USED EXCLUSIVELY FOR OPTOMETRIC SERVICES:

M.

WHICH SHALL BE MAINTAINED IN KEEPING WITH PROFESSIONAL STANDARDS OF OTHER PRACTITIONERS IN PRIMARY CARE AND ALLIED HEALTH PROFESSIONS IN TERMS OF PRACTICE LOCATION, CLINICAL AND OFFICE ENVIRONMENT AND PROFESSIONAL ATTITUDES, DEVOID OF MERCANTILE OR BUSINESS CONSIDERATIONS; AND

N. WHICH SHALL BE CONDUCIVE FOR THE EXERCISE OF INDEPENDENT CLINICAL JUDGMENT SO AS TO PROMOTE AUTONOMY OF MANAGEMENT PROCEDURES, EXCEPT IN CASES OF MULTI-DISCIPLINARY MANAGEMENT, WITH MEMBERS OF ALLIED HEALTH PROFESSION;"

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[2] 3. An optometrist shall not conduct his practice by examining patients outside the regular office/clinic unless an unsolicited request is made for patients who are not ambulant, or for health reasons, are unable to visit the optometrist's regular office/clinic;

[3] 4. An optometrist shall not use mobile units for purpose of examining, dispensing or selling eyeglasses of other visual aids; unless with the permission and under the auspices of the concerned national or local public health officials AND/OR THE ACCREDITED PROFESSIONAL OPTOMETRIC ORGANIZATION THROUGH ITS LOCAL CHAPTER in relation to public services;

[4]

5. An optometrist may hold office/clinic together with the members of allied health professions.

SEC. 6. The title of Section 44 of the Rule VIII is hereby amended to read as follows:

"SEC. 44. Consultant, Advisor or Staff Optometrist" and the following paragraph is hereby included under the same Section."

"D. THE SERVICES OF AN OPTOMETRIST MAY BE ENGAGED BY NATURAL OR JURIDICAL PERSONS WHO ARE NOT OPTOMETRISTS OR PHYSICIANS, AS STATED IN SEC. 5 OF R.A. NO. 8050, ONLY IN CASES OF RETAINERSHIPS WHERE THE OPTOMETRIST SERVES AS AN IN-HOUSE OPTOMETRIST, CONSULTANT OR THE LIKE OR ONLY THE HEALTH/TECHNICAL NEEDS OF THE EMPLOYEES OF HIS/HER EMPLOYER AND NOT THOSE OF PATIENTS FROM THE GENERAL PUBLIC;"

SEC. 7. Section 45 of Rule IX is hereby amended to include Paragraph 9 which shall read as follows:

"9. LABORATORY EQUIPMENTS/DISPENSING TOOLS".

SEC. 8. Section 46 of Rule IX is amended to read as follows:

"SEC. 46. OFFICE/CLINIC."

A. AN OFFICE/CLINIC FOR THE PRACTICE OF OPTOMETRY SHALL EXCLUSIVELY BE USED AS SUCH. IT SHALL BE DEFINITE AND APART FROM SPACE OCCUPIED BY OTHER COMMERCIAL OR MERCANTILE CONCERNS OCCUPYING PROXIMATE SPACE. THE OPTOMETRIST SHALL NOTIFY THE BOARD OF THE LOCATION OF THIS OFFICE/CLINIC WITHIN THIRTY (30) DAYS FROM DATE OF SECURING THE PREMISES FOR THE PURPOSE.

B. ADVERTISING, SIGNS, AND DISPLAYS SHALL COMPLY WITH THE REQUIREMENTS PRESCRIBED IN THIS RULES AND REGULATIONS AND THE CODE OF PROFESSIONAL ETHICS.

C. THE OFFICE/CLINIC SHALL DISPLAY ONLY SUCH CERTIFICATES, DIPLOMAS, AND SIMILAR DOCUMENTS ATTESTING TO THE COMPETENCE AND EDUCATIONAL QUALIFICATIONS EARNED BY THE OPTOMETRIST."

SEC. 9. Section 47, g. of Rule X is hereby amended to read as follows:

"G. NATURAL PERSONS WHO ARE NOT OPTOMETRISTS OR PHYSICIANS AS STATED IN SEC. 5

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OF R.A. NO. 8050 OR JURIDICAL PERSONS SHALL BE ALLOWED TO DIRECTLY OR INDIRECTLY ENGAGE IN THE PRACTICE OF OPTOMETRY BY HIRING OR ENGAGING THE SERVICES OF OPTOMETRISTS TO SELL OPHTHALMIC LENSES, PRISMS, CONTACT LENSES, AND THEIR ACCESSORIES AND SUPPLIES OWNED BY SUCH NATURAL OR JURIDICAL PERSONS INTENDED TO CORRECT AND TREAT DEFECTS, DEFICIENCIES AND ABNORMALITIES OF VISION. NEITHER SHALL AN OPTOMETRIST AID AND ABET ANY NATURAL OR JURIDICAL PERSON IN SUCH UNLAWFUL PRACTICE OF OPTOMETRY. ANY OPTOMETRIST FOUND GUILTY OF SUCH VIOLATION SHALL BE SUSPENDED FROM THE PRACTICE OF OPTOMETRY OR HIS/HER CERTIFICATE OF REGISTRATION SHALL BE REVOKED;"

SEC. 10. Section 50, a. of Rule XI is hereby amended to read as follows:

"SEC. 50. Patient's Records. -

a. AN OPTOMETRIST SHALL KEEP A COMPREHENSIVE RECORD OF PATIENTS DATA, FINDINGS, RESULTS OF EXAMINATION, AND ACTUAL SERVICES FOR A MINIMUM OF FIVE YEARS AFTER THE LAST CONSULTATION.

- Complete history

- Uncorrected Visual Acuity

- Detailed report of the external findings

- Ophthalmoscopic examination (media, fundus, blood vessels, disc)

- Corneal curvature measurements

- Static retinoscopy

- Amplitude of convergence and accommodation

- Ocular muscle balance

- Refraction test

- Fusion

- Stereopsis

- Color Vision

- Visual fields (confrontational)

- Visual field central (after age 40)

- Prescription given and visual acuity obtained

- Biomicroscopy (slitlamp)

- Tonometry

- Prognosis, stable or unstable

- ASSESSMENT AND MANAGEMENT

- RECORDS OF OTHER TEST ADMINISTERED TO THE PATIENT

- LABORATORY PRESCRIPTION

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- An optometrist shall comply with a patient's request for a copy of the patient's spectacle prescription within two (2) years from the patient's last eye examination. Requests for spectacle prescription based on examination made two (2) years prior to the request or for the contact lens prescription, may be complied with at the discretion of the optometrist.

- An optometrist professional Identification Card number and its expiry date shall appear on the prescription written, signed, and issued by that optometrist.

SECTION 11. Rule XIII shall be titled PENAL PROVISIONS with Sec. 62 as the new provision which shall read as follows:

"SEC. 62. - PENAL PROVISIONS - COMMISSION OF ANY OF THE UNLAWFUL PRACTICE AND PROHIBITED ACTS SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN EIGHT (8) YEARS, OR A FINE OF NOT MORE THAN TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN FORTY THOUSAND PESOS (P40,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

IN ADDITION, THE ADMINISTRATIVE PENALTIES SPECIFIED IN SECTION 26 OF R.A. NO. 8050 SHALL BE IMPOSED WHENEVER APPLICABLE TO PARTNERSHIP, CORPORATION OR ANY OTHER INSTITUTION.

IF THE VIOLATION IS COMMITTED BY AN ASSOCIATION, PARTNERSHIP, CORPORATION OR ANY OTHER PERSONS LIABLE FOR THE PENALTIES PROVIDED FOR IN THIS ACT."

SECTION 12. Rule XIII shall be amended to be titled and read now as RULE XIV MISCELLANEOUS PROVISIONS and Sec. 62 Separability Clause and Sec. 63 Effectivity Clause shall now be Sec. 63 and 64, respectively.

SECTION 13. EFFECTIVITY. THIS RESOLUTION SHALL TAKE EFFECT AFTER FIFTEEN (15) DAYS FOLLOWING ITS PUBLICATION IN THE OFFICIAL GAZETTE OR IN A NEWSPAPER OF GENERAL CIRCULATION.

Adopted: 05 January 2004

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Chairman

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