

Part 3 Licensing

58-16a-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of optometry, except as specifically provided in Section 58-1-307 or 58-16a-305.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of optometrist.

Enacted by Chapter 13, 1997 General Session

58-16a-302 Qualifications for licensure.

An applicant for licensure as an optometrist shall:

- (1) submit an application in a form the division approves;
- (2) pay a fee as determined by the division under Section 63J-1-504;
- (3)
 - (a)
 - (i) be a doctoral graduate of a recognized school of optometry accredited by the American Optometric Association's Accreditation Council on Optometric Education; or
 - (ii) be a graduate of a school of optometry located outside the United States that meets the criteria that would qualify the school for accreditation under Subsection (3)(a), as demonstrated by the applicant for licensure; or
 - (b) if the applicant graduated from a recognized school of optometry before July 1, 1996, have successfully completed a course of study satisfactory to the division, in consultation with the board, in general and ocular pharmacology and emergency medical care;
- (4) have passed examinations the division, in consultation with the board, approves and that include:
 - (a) a standardized national optometry examination;
 - (b) a standardized clinical examination; and
 - (c) a standardized national therapeutics examination;
- (5) meet with the board and representatives of the division, if requested by either party, for the purpose of evaluating the applicant's qualifications for licensure; and
- (6)
 - (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 443, 2025 General Session

58-16a-303 Term of license -- Expiration -- Renewal.

- (1)
 - (a) Each license issued under this part shall be issued in accordance with a two-year renewal cycle established by rule.
 - (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

- (2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as required under Section 58-16a-304.
- (3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

58-16a-304 Continuing education.

- (1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete 30 hours of qualified continuing professional education in accordance with standards defined by rule.
- (2) If a renewal period is extended or shortened under Section 58-16a-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 13, 1997 General Session

58-16a-305 License -- Exemptions.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included in the definition of the practice of optometry subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) a person who sells contact lenses on prescription provided by a person authorized under state law to practice either optometry or medicine and surgery if the person complies with Section 58-16a-801;
- (2) a person who sells eyeglasses or spectacles as articles of merchandise or who fabricates them from a prescription if the person complies with Subsection 58-16a-801(2), and if the person:
 - (a) does so in the ordinary course of trade from a permanently located and established place of business;
 - (b) does not traffic or attempt to traffic upon assumed skill in testing the eye and adapting lenses according to the test;
 - (c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in the case of an emergency;
 - (d) does not use in the testing of the eyes any lenses or instruments other than the lenses actually sold; and
 - (e) does not give or offer eyeglasses or spectacles as premiums as defined in Section 13-26-2; and
- (3) a person who fits contact lenses under the following conditions:
 - (a) he has a current certification from both the American Board of Opticianry and the National Contact Lens Examiners;
 - (b) he does not give or offer contact lenses as premiums;
 - (c) he does not perform a refraction, over-refraction, or attempt to traffic upon assumed skill in testing the eye;
 - (d) he operates in the ordinary course of trade from a permanently located and established place of business;
 - (e) he performs the work involved in fitting contact lenses himself and does not delegate the contact lens fitting to any other individual who is not qualified under this Subsection (3);
 - (f) he does not use in the testing of the eye any lenses or instruments other than the lenses he actually will sell;

- (g) he provides services only to a patient who:
 - (i) presents an unexpired contact lens prescription; or
 - (ii) has had an eye examination within the prior six months by an optometrist or ophthalmologist meeting the requirements under Section 58-16a-306;
- (h) he maintains a copy of the patient's contact lens prescription for not less than seven years;
- (i) he enters into a written agreement with an optometrist or an ophthalmologist before July 1, 2000, to fit contact lenses prescribed by that optometrist or ophthalmologist;
- (j) he fits contact lenses for at least two years under the direct supervision of the optometrist or ophthalmologist identified in Subsection (3)(i) before July 1, 2000, as documented in the written agreement; and
- (k) the optometrist or ophthalmologist described in Subsection (3)(i):
 - (i) ensures that the final contact lens is accurate;
 - (ii) presents a written copy of the prescription to the person fitting the contact lens; and
 - (iii) ensures that a copy of the prescription is provided to the patient, except as provided in Section 58-16a-306.

Amended by Chapter 256, 2012 General Session

58-16a-306 Contact lens prescription -- Qualifications.

- (1) An optometrist or physician issuing a contact lens prescription shall:
 - (a) be licensed under this title to practice in Utah;
 - (b) ensure the final contact lens prescription is accurate;
 - (c) present a written copy of the prescription to the patient after fitting; and
 - (d) provide a copy of the patient's contact lens prescription to a person who sells contact lenses upon the request of the patient or the person selling the contact lenses.
- (2) An optometrist or physician may not be held liable as a result of providing a prescription to a patient as required by Subsection (1).
- (3) Application of the provisions of this section shall be consistent with 45 C.F.R. Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

Amended by Chapter 270, 2003 General Session

58-16a-307 Licenses held on effective date.

An individual holding a current license as an optometrist that was issued under any prior state law is considered to hold a current license in the same scope of practice under this chapter.

Enacted by Chapter 13, 1997 General Session