

**ALABAMA BOARD OF OPTOMETRY  
ADMINISTRATIVE CODE****CHAPTER 630-X-12  
RULES OF CONDUCT****TABLE OF CONTENTS**

630-X-12-.01	Definition Of Unprofessional Conduct
630-X-12-.02	False Or Misleading Advertising
630-X-12-.03	Release Of Patient Records
630-X-12-.04	Failure To Render Emergency Care
630-X-12-.05	Practicing Beyond The Scope Of License
630-X-12-.06	Failure To Meet Standard Of Care
630-X-12-.07	Definition Of Invasive Surgery
630-X-12-.08	Emergency Services Information When the Licensee is not Available

**630-X-12-.01      Definition Of Unprofessional Conduct.**

The Board hereby defines unprofessional conduct to consist of any conduct conflicting with the governing statute of the practice of optometry, the rules of this chapter and any other behavior placing at risk the welfare of a patient. Violation of this chapter shall be considered grounds for disciplinary action by the Board under the provisions of these rules. The listing below of any specific events of unprofessional conduct shall not, and is not intended to, limit the generality of this definition.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-23.

**History:** Filed July 9, 1990.

**630-X-12-.02      False Or Misleading Advertising.**

The Board shall deem it unprofessional conduct for a licensee to participate in false or misleading advertising. False or misleading advertisements shall include those where price, quality, or services are presented in a misleading manner. It shall also be considered misleading advertising for a licensee to advertise or otherwise assume a title not granted by this act or to represent himself as superior to other licensees.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-23(17).

**History:** Filed July 9, 1990.

**630-X-12-.03      Release Of Patient Records.**

The Board shall deem it unprofessional conduct for a licensee to fail to release information in a patient's record to said patient, provided, however, that no record need be released until all reasonable fees have been paid by said patient to the licensee, and provided further that a reasonable fee may be charged for providing a copy of information to said patient. This rule shall include the release of contact lens prescriptions, sufficient to order replacement lenses, to the patient, provided that a complete contact lens prescription has been determined and evaluated. A reasonable expiration date shall be set forth on all prescriptions. After said expiration date, a licensee shall be required to release said prescription only to a licensed optometrist or ophthalmologist of the patient's choice and said prescription shall be clearly marked with the expiration date and the words "EXPIRED. FOR INFORMATION PURPOSES ONLY." The Board shall deem it unprofessional conduct for a licensee to fail to maintain, in his or her possession, all records pertaining to a patient for a period of not less than seven years from the date of the last service provided to that patient.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-23(17).

**History:** Filed July 9, 1990. **Amended:** Filed December 16, 1991.

**Amended:** Filed August 27, 1993; effective October 1, 1993.

**630-X-12-.04      Failure To Render Emergency Care.**

It shall be deemed unprofessional conduct for a licensee to refuse to render emergency care, within the scope of this act, to one of said licensee's patients. This section shall require a licensee to render professional services to a patient of said licensee in an emergency regardless of the patient's ability to pay for said services. An emergency shall consist of a potentially sight-threatening situation for the patient and shall not consist of routine visual care.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-23(17).

**History:** Filed July 9, 1990.

**630-X-12-.05      Practicing Beyond The Scope Of License.**

The Board shall consider it unprofessional conduct for a licensee to practice in a manner inconsistent with this act. This shall include the use of any agents or techniques not within the scope of practice of optometry, as established by the Board or otherwise

authorized in this act. From time to time, the Board may issue advisory opinions defining what methods, means, primary eye care procedures, other procedures, or laboratory tests are within the scope of the practice of optometry and/or rational to either the diagnosis or treatment of diseases or disorders of the eye and its adjacent structures or disorders of the visual system. Licensees may also request an advisory opinion from the board regarding whether a certain procedure is within the scope of optometry. The Board shall mail to all licensees a summary of such advisory opinions in a timely fashion. The Board shall consider it unprofessional conduct for a licensee to treat or attempt to treat any disease of the eye or its adjacent structures in a manner for which that licensee is not adequately trained or does not have adequate equipment as determined by the Board.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-42.

**History:** Filed July 9, 1990. **Amended:** Filed August 28, 1995; effective October 2, 1995.

#### 630-X-12-.06

#### Failure To Meet Standard Of Care.

The Board shall consider it unprofessional conduct for a licensee to provide for a patient care that is less than the generally accepted standard of care. This standard of care shall include, but not be limited to, providing certain minimum testing for the patient when performing a comprehensive eye exam. A comprehensive eye examination shall include any examination wherein a prescription for glasses or contact lenses, or necessity thereof, is determined. Minimum testing for a comprehensive eye exam shall include a case history, determination of refractive error, binocular vision evaluation, ophthalmoscopy, evaluation of health of external eye and adjacent structures, tonometry or other appropriate glaucoma testing, and such other tests as are necessary under the circumstances. Failure to perform said minimum testing during a comprehensive eye exam shall constitute failure to meet standard of care.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-23(17).

**History:** Filed July 9, 1990. **Amended:** Filed December 16, 1991.

**Ed. Note:** Previous Chapter 630-X-12 Time Within Which Licensing Must Be Completed Rules 630-X-12-.01 "Time Prescribed For Completion Of Requirements," 630-X-12-.02 "Failure To Complete Requirement Within Prescribed Time" filed September 13, 1982.

**Repealed:** Filed July 9, 1990.

**630-X-12-.07      Definition Of Invasive Surgery.**

For the purpose of this act, invasive surgery is defined as any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or other means except as specifically allowed by this act.

**Author:** Dr. Larry Carter

**Statutory Authority:** Code of Ala. 1975, §34-22-42.

**History: New Rule:** Filed August 26, 1995; effective September 20, 1996.

**630-X-12-.08      Emergency Services Information When the Licensee is not Available.**

The licensee shall have an established and appropriate procedure for the provision of services to patients in the event of an emergency outside of normal practice hours, or when the licensee is not available due to vacation, illness, attendance at professional meetings or continuing education programs, or other absences of a similar nature. The procedure referred to herein may include, but is not limited to, cooperative arrangements with another licensed optometrist or licensed physician, a telephone answering system or pager through which the patient can obtain access to services, or written instructions to patients setting out how reasonable access to services may be obtained.

**Author:** Dr. Fred Wallace

**Statutory Authority:** Code of Ala., 1975, §34-22-23(17).

**History: New Rule:** Filed May 10, 2007; effective June 14, 2007.

**Ed. Note:** Previous Chapter 630-X-13 Necessary Equipment For Operation Of A Branch Office Rules 630-X-13-.01 "Minimum Equipment," 630-X-13-.02 "Offices Established Prior To January 1, 1976" filed September 13, 1990. Repealed: Filed July 9, 1990.