

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Board of Optometry

Department _____

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules ACA §17-90-204

Rule Title: Amendment to Chapter 5, Article IX, Governing Prescribing Controlled Substances

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

11/03/15

12/10/15

1/12/16

12/10/15

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kevin M. O'Dwyer

kodwyer@htolaw.com

Contact Person

E-mail Address

Date 1/25/16

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Howard L. Shippe
Signature

501-268-4351

aroptometry@sbcglobal.net

Phone Number

E-mail Address

Executive Director

Title

1/25/16
Date

AMENDMENT PROPOSED

CHAPTER 5
ARTICLE IX
PRESCRIBING CONTROLLED SUBSTANCES

Section 1- Arkansas optometrist licensed as optometric physician who applies for and possess a DEA number shall:

- A. Prescribe schedules III, IV, and V controlled substances only.
- B. Administer and prescribe controlled substances for the diagnosis and treatment of diseases and conditions of the eye, lids, and adnexa.
- C. Not sell any prescription medication including controlled substances.
- D. Be responsible for knowing and abiding by all state and federal regulations pertaining to controlled substances with emphasis on the "Mid Level Practitioner's Manual", published by the DEA, and all State Board rules and regulations pertaining to controlled substances. Record the names and directions of prescribed controlled substances in the patient's record.
- E. A prescriber who has been found by the Arkansas State Board of Optometry to be in violation of a rule or law involving prescription drugs shall be required by the board to register with the Prescription Drug Monitoring Program and access patient information before writing a prescription for an opioid. The board, in its discretion, may remove this requirement after a period of time if the board deems removal of the requirement appropriate.
- F. Within the first two (2) years of being granted a license in the state, a prescriber shall obtain a minimum of three (3) hours of prescribing education approved by the Arkansas State Board of Optometry. The education approved by the board under this section shall include:
 - 1. Options for online and in-person programs; and
 - 2. Information on prescribing rules, regulations, and laws that apply to individuals who are licensed in the state.
 - 3. Information and instructions on prescribing controlled substances, record keeping and maintaining safe and professional boundaries.

This section shall apply to all prescribers licensed after December 31, 2015.

Section 2-

- A. Only optometrists certified as optometric physicians, and/or approved by the Board, shall apply for or possess a DEA number to prescribe controlled substances.
- B. Optometrists not specifically approved by the Board to prescribe controlled substances:
 - 1. Cannot apply for, obtain or possess a DEA number
 - 2. Cannot prescribe controlled substances without being in violation of State and Federal laws.