

**25 GAR PROFESSIONAL & VOCATIONAL REGULATIONS**  
**CH. 9 REGULATIONS FOR THE GUAM BOARD OF EXAMINERS FOR OPTOMETRY**

**CHAPTER 9**  
**REGULATIONS FOR THE GUAM BOARD OF EXAMINERS**  
**FOR OPTOMETRY**

**2011 COMPILER NOTE:** This entire Chapter was initially adopted by P.L. 21-122 (July 20, 1992). Entire chapter repealed and reenacted by rules submitted to the Legislature, March 10, 1997, which became effective, May 6, 1997, pursuant to the affirmative legislative decision to not act upon them pursuant to 5 GCA, Ch. 9, Administrative Adjudication Law.

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**§ 9101. Legislative Authority.**

Section 12503 of Title 10, Guam Code Annotated, authorizes the Guam Board of Examiners for Optometry to establish rules and regulations for the implementation and enforcement of the provisions of Article 5, Chapter 12 of Title 10, Guam Code Annotated.

**§ 9102. Definitions.**

(a) *Board* means the Guam Board of Examiners for Optometry.

(b) *Co-management* means an agreement between an optometrist and an ophthalmologist, who is licensed in and a resident of Guam, to share responsibility for patient care.

(c) *College of optometry* means an approved and accredited school of optometry in the United States or any approved and accredited foreign school of optometry.

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(d) *Contact lens* means any lens to be worn on the anterior segment of the human eye, to be prescribed, dispensed, employed, modified, provided, sold, and fitted by a licensed optometrist or physician.

(e) *Eyeglasses* means any optical device using ophthalmic lenses for the correction or relief of disturbances in and anomalies of human vision and includes spectacles and other devices using ophthalmic lenses.

(f) *Licensed optometrist* means those who have a current license to practice the healing art in optometry issued by the Guam Board of Examiners for Optometry.

(g) *Ophthalmic lens* means a lens which has a spherical, cylindrical, or prismatic value and which is ground pursuant to a prescription, and intended to be used as eyeglasses or spectacles.

(h) *Prescription* means a formula written for ophthalmic lenses for a patient by a person duly licensed and containing the essential elements:

(1) dioptic power of spheres, cylinders, and prisms, axes of cylinders, position of prism base, and if so desired by the prescriber, light transmission properties and lens curve values;

(2) designation of pupillary distance; and

(3) name of patient, date of prescription, expiration date, and the name and office location of prescriber.

(i) *Therapeutic optometrist* means a licensed optometrist, as described in this section, who is also certified pursuant to §§ 9110 (a) and (b) of these rules and regulations.

**§ 9103. License Required.**

(a) Unless licensed or exempted under these rules and regulations, no person shall:

(1) practice optometry;

(2) represent himself or herself or offer his or her services as being able to practice optometry;

(3) duplicate or replace an ophthalmic lens without a current prescription;

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(4) attempt the correction of anomalies of the refractive and functional ability of the visual system or the enhancement of visual performance including, but not limited to, the following:

- (A) the prescribing and employment of ophthalmic lenses;
- (B) the prescribing and fitting of contact lenses; and
- (C) the prescribing and employment of vision therapy, ocular exercises.

(5) represent himself or herself as a therapeutic optometrist unless certified pursuant to §§ 9110 (a) and (b) of these rules.

**§ 9104. Organization, Meetings, Compensation, Powers, and Duties.**

(a) The Board shall annually elect a chairperson, a vice chairperson, and a secretary-treasurer, each of whom shall serve until his or her successor is elected and qualified.

(b) The Board shall meet at least twice each year for the purpose of examining candidates for licensure. Special meetings may be called by the chairman and shall be called upon the written request of a majority of the Board members. Candidates for licensure by endorsement shall be examined at the next regular meeting after the date of their application. A majority of the members shall constitute a quorum.

(c) The Board shall:

(1) administer and enforce the provisions of Article 5, Chapter 12 of Title 10, Guam Code Annotated;

(2) adopt, with the approval of the Commission on Licensure, all rules and regulations for the implementation and enforcement of the provisions of Article 5, Chapter 12 of Title 10, Guam Code Annotated;

(3) adopt and use a seal;

(4) administer oaths and take testimony on any matters within the Board's jurisdiction;

(5) keep an accurate record of all its meetings, receipts, and reimbursements;

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(6) keep a record of all examinations held, together with the names and addresses of all persons taking such examinations, and the examination results;

(7) keep a book of registration in which the name, address, and license number of all licenses shall be recorded together with a record of all license renewals, suspensions, and revocations;

(8) grant and review licenses to practice optometry;

(9) deny, suspend, or revoke licenses to practice optometry in accordance with the provisions of the Administrative Adjudication Law for any cause stated in Article 5, Chapter 12 of Title 10, Guam Code Annotated.

**§ 9105. Fees.**

(a) The following fees shall be required in connection with the licensing of applicants:

Application by examination	250.00
Application by endorsement	250.00
Application for re-examination	250.00
License fee (initial)	150.00
License renewal	150.00
Reinstatement	100.00
Temporary work permit	10.00
Duplicate license	100.00
Inactive license	75.00
Practice Act	5.00
Administrative Rules & Regulations	10.00
Photocopy (5 pages or less)	3.00
Photocopy (each additional sheet)	.50
License verification	15.00

**§ 9106. Qualifications for Licensure as an Optometrist.**

(a) Each applicant for licensure as an optometrist shall furnish evidence satisfactory to the Board that the applicant is:

(1) at least eighteen (18) years of age; and

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(2) of good moral character; and

(3) a citizen of the United States or is a permanent resident alien of the United States. For the purposes of these rules and regulations, a permanent resident alien is defined as an immigrant who is residing in the United States or the territory of Guam and is eligible for and has applied for citizenship to the United States; and,

(4) a graduate of or has been issued a Doctor of Optometry degree from a school or college of optometry approved and accredited by the Council on Optometric Education for the American Optometric Association. Each applicant shall furnish a notarized copy, satisfactory to the Board, of his or her Doctor of Optometry diploma.

(b) Applicants who meet the requirements of subsection (a) of this section, except for that portion pertaining to graduation from schools recognized and accredited by the Council on Optometric Education, shall be considered for licensing upon furnishing satisfactory evidence that the course of instruction is equivalent to the course of instruction given by an accredited school, and of having completed the full number of academic years of undergraduate courses required for graduation in an accredited school or college of optometry. A list of the schools or colleges of optometry approved and accredited by the Council on Optometric Education for the American Optometric Association shall be kept on file with the Board.

(c) The Board may deny a license to any person who has:

(1) been convicted of a felony. A conviction within the meaning of this section means a guilty plea, verdict of guilty, or a conviction following a plea of nolo contendere. Any action which the Board may take following a conviction shall be taken after the time for appeal has lapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order. No person shall be denied a license solely on the basis that he or she has been convicted of a misdemeanor or if he or she has met all applicable requirements of the criterion of rehabilitation as developed by the Board.

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(2) committed any act involving dishonesty, fraud, or deceit with the intent to substantially benefit him or herself, or another, or to substantially injure another.

(3) committed any act which if done by a licensee, would be grounds for suspension or revocation of license.

(4) willfully made a false statement of fact on the application for a license.

**§ 9107. Licensure by Examination**

(a) An applicant meeting the qualifications as set forth in § 9106 of these rules and regulations:

(1) shall file an application under oath, on forms supplied by the Board, along with the required application fee as established by the Board.

(2) shall satisfactorily pass the written portion of the Board examinations. For the purposes of this requirement, the Board accepts the written examinations of the National Board of Examiners in Optometry, a standardized examination given throughout the jurisdictions of the United States. Each applicant under this section shall be required to successfully complete all parts of the National Board of Examiners in Optometry examinations being administered in the year of application for license.

(3) may, in addition to the requirements of these rules and regulations, exercise his or her option to write the section on Treatment and Management of Ocular Disease (TMOD) if the applicant so desires; however, should the applicant write the section on TMOD and fail to attain a passing grade of seventy-five percent (75%), it will not affect the overall score.

(4) shall demonstrate by oral, clinical, and practical methods, in addition to the written examination, satisfactory to the Board, proficiency in, at least, the following areas:

(A) complete analytical refraction, including case history, proposed therapy, and final prescription for glasses;

(B) use of the retinoscope;

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- (C) use of ophthalmoscope, hand held;
- (D) use of keratometer;
- (E) use of binocular slit-lamp;
- (F) use of tonometer, either applanation or non-contact type;
- (G) use of lensometer; and
- (H) use of radiuscope.

**§ 9108. Licensure by Endorsement.**

(a) Each applicant meeting the qualifications set forth in § 12506 of Title 10, Guam Code Annotated and § 9106 of these rules and regulations, shall file his or her application for licensure by endorsement on forms supplied by the Board. In addition, the applicant must furnish satisfactory proof to the Board that the applicant:

(1) holds a current valid license from any of the fifty (50) states of the United States;

(2) has graduated from an accredited school or college of optometry approved by the Board;

(3) has been actively engaged in the practice of optometry in the jurisdiction of licensure or in the federal service for seven (7) consecutive years immediately prior to the year in which application is made;

(4) shall be examined to the satisfaction of the Board by practical, oral, and clinical demonstration in the presence of a majority of the Board and a detailed record of such examination shall be kept and made available to the applicant at the applicant's request.

(b) The Board shall issue a license to practice corresponding in scope as nearly as practicable to the license issued to the applicant by the jurisdiction where he or she came, except where prohibited by Guam's laws.

**§ 9109. Temporary Work Permit.**

(a) A temporary work permit may be granted to a fourth (4th) year student who is attending an approved and accredited school of optometry

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as defined in § 9104 of these rules and regulations or an applicant for license by endorsement provided that:

(1) the temporary work permit shall be valid for not more than ninety (90) days from date of issuance and upon payment of applicable fee;

(2) the applicant shall be allowed to perform optometric procedures only under the direct supervision and control of an optometrist licensed to practice on Guam. A licensed optometrist must be present at all times while a person with a temporary work permit provides optometric services;

(3) a fourth (4th) year student must have a letter of recommendation and approval from the dean of the college of optometry for the school which the student is attending stating that he or she is a fourth (4th) year student in good and regular standing academically and has been recommended for a period of externship to enhance or complete optometric training; and

(4) any licensed optometrist supervising a person with a temporary work permit must so inform the patient on which that person will perform optometric services and receive the patient's written consent prior to the performance of those services. All persons who receive a temporary work permit shall notify the Board under whose supervision they intend to train and any subsequent changes of supervision.

**§ 9110. Use of Pharmaceutical Agents.**

(a) The Board shall issue a certificate for the use of topical diagnostic ocular pharmaceutical agents to those optometrists licensed in Guam who have completed their application for the use of these drugs on forms provided by the Board and who have submitted proof of the following:

(1) completion of a course in ocular pharmacology offered by an institution approved and accredited by a regional or national accreditation organization as it applies to ocular pharmacology; and

(2) completion of a post graduate course of at least seventy (70) hours in ocular pharmacology as it applies to optometry. This course must be accredited and approved by the Board.



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(b) The Board shall issue a certificate for the use of therapeutic pharmaceutical agents to those optometrists licensed on Guam who meet the requirements of § 9106 (a) of these rules and regulations, have completed the application described in § 9110 (a) of these rules and regulations, have a current co-management agreement on file with the Board, and have submitted proof of one (1) of the following:

(1) having satisfactorily completed and passed the appropriate tests of a postgraduate course consisting of a minimum of ninety (90) hours of didactic education and supervised clinical training approved by the Board as it pertains to the diagnosis and treatment of ocular disease; or

(2) having graduated after October 1, 1991 and passed the TMOD section of the National Board Examination with a score of seventy-five percent (75%) or greater.

(c) With reference to subsection (e) of § 12101 of Title 10, Guam Code Annotated, as amended, the following rules shall apply to co-management:

(1) Co-management is defined as an agreement between an optometrist and an ophthalmologist, who is licensed in, and a resident of Guam, to share responsibility for patient care, a statement of which shall be filed with the Board. The optometrist shall have the responsibility of advising the Board, in writing, if this co-management agreement is terminated. At that time the therapeutic certification will be limited to the independent use of pharmaceuticals as described in § 12101 (e)(1) of Title 10, Guam Code Annotated, as amended.

(2) The Board shall provide the Guam Board of Pharmacy with a list of therapeutic optometrists including a list of the categories of pharmaceuticals they are licensed to prescribe. The Guam Board of Pharmacy shall also be advised of any suspensions of certification under this section.

**§ 9111. License Renewal.**

(a) Each license shall be renewed annually on or before October 1st of each year by remitting to the Board's secretary the proper fee established by the Board and proof of the licensee having fulfilled the continued education requirement as required by regulation of the Board.

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Notice of renewal shall be sent to each licensee at least thirty (30) days prior to October 1st of that year. This notice shall be deemed to have been legally given if sent to the address last furnished by the licensee to the Board. Failure to receive notice does not relieve a licensee of the responsibility of renewal. Licensees who have not submitted the proper forms and fees to the Board by October 1st and who continue to practice on or after that date shall be considered to have a lapsed license and shall be considered to be an illegal practitioner. A lapsed license can be reinstated by submitting appropriate documentation and by paying the renewal fee up to December 31st. However, after November 1st and up to December 31st, an additional twenty-five percent (25%) is charged as a late fee. A license lapsed beyond the December 31st is renewable only as if submitting an application to the Board for the first time.

(b) Each optometrist applying for the renewal of his or her license shall furnish evidence satisfactory to the Board that the optometrist has acquired at least eighteen (18) hours of continuing education in the year preceding renewal. Additional hours of continuing education may be carried forward for one (1) year. The secretary of the Board shall send written notice of the continuing education requirements at least thirty (30) days prior to the September 1st of each year, to the last known address of each licensee. Failure to receive notice does not relieve a person of the responsibility of submitting evidence of the continuing education requirements.

(1) Therapeutic optometrists must submit evidence satisfactory to the Board that at least eight (8) continuing education hours were for the treatment and management of ocular disease.

(2) In addition, each therapeutic optometrist shall submit a current signed co-management agreement. Failure to do so will result in suspension of co-management privileges.

(c) Failure to meet the continuing education requirement by October 1st shall be grounds for revocation of an optometrist's license. A license revoked for this reason may be reinstated by the Board upon presentation of evidence that the licensee has met the continuing education requirements.

(d) After each optometrist has received his or her license, but before engaging in actual practice, he or she shall notify the secretary of the

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Board, in writing, of the address at which he or she intends to practice and any subsequent changes in the location of his or her practice.

(e) Any notices the Board is required to give shall be considered legally given when delivered to the last address furnished by the licensee to the Board.

(f) In the event a person who has qualified and been issued a license to practice optometry on Guam decides not to maintain an active practice, but desires to maintain a current license, the Board shall grant an inactive license to that person upon receipt of request, provided that the person granted this type of license, shall continue to fulfill the continuing education requirement annually and shall remit a yearly renewal fee of fifty percent (50%) of the regular fee. Should the person maintain inactive status for a period of more than five (5) continuous years, he or she may be required to submit to a practical examination by the Board before being issued an active license to resume an active practice.

**§ 9112. Refusal, Suspension, or Revocation of License.**

(a) The Board may refuse to issue, suspend, or revoke any license for any one of the following reasons:

(1) conviction of a felony, as shown by a certified copy of the record of the court of conviction;

(A) the Board may reissue a license to a person who has been convicted of a felony upon being shown substantial evidence that the person has been rehabilitated in a manner satisfactory to the Board;

(2) malpractice as evidenced by a judgment in a court of law;

(3) incompetence as evidence by failure to adhere to the standards of care as determined by the Board based upon standards as determined by the American Optometry Association;

(4) continued practice by a licensee knowingly having an infectious or contagious disease;

(5) advertising by means of knowingly false, misleading, or deceptive statements, advertising or attempting to practice under a name different than one's own;

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(6) habitual drunkenness or habitual use of addictive drugs;

(7) aiding, abetting, or allowing an unlicensed person to practice in this territory;

(8) lending, leasing, or in any manner, placing a certificate at the disposal, or in the service, of any person not licensed to practice optometry on Guam;

(9) employing, procuring, or inducing an unlicensed person to practice optometry on Guam;

(10) violating any of the provisions of the Medical Practice Act, Chapter 12 of Title 10, Guam Code Annotated, as applicable or violating any of the provisions of the rules and regulations adopted by the Board;

(12) representing oneself as a therapeutic optometrist, unless certified pursuant to subsection 9110 (b) of these rules and regulations, or while such certification is suspended;

(13) using any ocular pharmaceutical agents unless certified pursuant to subsections 9110 (a) and (b) of these rules and regulations.

(b) The Board considers the following acts not to conform to the professional standards of an optometrist in the community; consequently, the Board may take action against a licensee under Article 5, Chapter 12 of Title 10, Guam Code Annotated, or § 9112 (a)(1)(J) of these rules and regulations, for any of the following acts:

(1) duplication or replacement of contact lens without a current prescription not more than one (1) year old;

(2) assistance to anyone in a retail store or optical shop which sells ready-made glasses for the purpose of determining correct dioptric power to aid in the correction of a sight anomaly;

(3) failure to keep on file a signed prescription for at least one (1) year. The Board may request to inspect and copy any or all of the prescriptions kept on file by a licensee, and the licensee's failure to allow inspection and copying may be cause for action against the licensee.

**2011 NOTE:** Subsection (b) references § 9112 (a)(1)(J) which does not exist.

**§ 9113. Standard of Care and Minimum Required Equipment.**

(a) Each licensed optometrist shall strive to maintain an optimum standard of care, and to this end, the following is considered the minimum required equipment for the practice of optometry:

- (1) ophthalmoscope;
- (2) biomicroscope;
- (3) subjective refractor;
- (4) keratometer;
- (5) retinoscope;
- (6) tonometer;
- (7) visual acuity chart.

(b) A one (1) year grace period from the date these rules become effective for licensees is granted to acquire the minimum required equipment.

(c) Each licensed optometrist is required to maintain records for each patient encounter, including personal identification information, relevant history, results of objective testing, and treatment plan.

(d) When an optometrist encounters a patient with an anomaly beyond the optometrist's scope of understanding or licensure, he or she or she must refer the patient to an appropriate health care provider.

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