Agency Name: Board of Examiners in Optometry - Labor, Licensing and Regulation

Statutory Authority: 40-1-70, 40‑37‑40(A)(7), and 40‑37‑320

Document Number: 5099

Proposed in State Register Volume and Issue: 45/11

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Medical Affairs Committee

120 Day Review Expiration Date for Automatic Approval 05/11/2022

Status: Withdrawn

Subject: Optometrists' Offices

History: 5099

By Date Action Description Jt. Res. No. Expiration Date

- 11/26/2021 Proposed Reg Published in SR

- 01/11/2022 Received by Lt. Gov & Speaker 05/11/2022

H 01/11/2022 Referred to Committee

S 01/11/2022 Referred to Committee

S 04/07/2022 Committee Requested Withdrawal

 120 Day Period Tolled

- 04/07/2022 Withdrawn and Resubmitted 05/11/2022

- 04/28/2022 Agency Withdrawal

 120 Day Period Tolled

- 04/28/2022 Permanently Withdrawn

Resubmitted: April 7, 2022

Document No. 5099

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF EXAMINERS IN OPTOMETRY**

CHAPTER 95

Statutory Authority: 1976 Code Sections 40‑1‑70, 40‑37‑40(A)(7), and 40‑37‑320

95‑7. Optometrists’ Offices. General Requirements, Patient Records Handling, and Sanitary Standards.(New)

**Synopsis:**

The South Carolina Board of Examiners in Optometry proposes to amend Chapter 95 of the South Carolina Code of Regulations to add regulations for optometrists’ offices, which include mobile units, as authorized by S.C. Code Section 40‑37‑320.

A Notice of Drafting was published in the *State Register* on September 24, 2021.

**Instructions:**

Replace regulation as shown below. All other items and sections remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

95‑7. Optometrists’ Offices. General Requirements, Patient Records Handling, and Sanitary Standards.

 A. General Requirements.

 1. All office facilities, which include mobile units, shall be maintained adequately and appropriately for the practice of optometry. The minimum standard for all facilities shall include:

 a. Adequate heating and cooling;

 b. Sufficient ventilation in all areas;

 c. Sufficient lighting in all areas;

 d. Sanitary storage that is adequate for the size of the facility; and

 e. Proper identification of all personnel and displaying of license(s) in accordance with S.C. Code 40‑37‑325.

 2. In addition to the requirements of subsection (A)(1)(a)‑(e) above, mobile units must also ensure that carbon monoxide detection devices are installed and in proper working order.

 3. All equipment and instruments must be kept in working order. All office facilities, including mobile units, shall be equipped with, but not limited to, the following diagnostic equipment:

 a. Phoroptor

 b. Visual acuity testing distance and near charts and/or projector

 c. Retinoscope

 d. Keratometer and/or autokeratometer

 e. Ophthalmoscope: direct and binocular indirect with condensing lenses

 f. Tonometer

 g. Biomicroscope (Slit Lamp)

 h. Lensometer

 i. Color vision testing

 j. Stereopsis Testing

 k. Diagnostic pharmaceutical agents within expiration dates

 l. Foreign body removal kit

 m. Blood pressure measuring device

 n. Goniscopy lens.

 4. A licensed optometrist is responsible for maintaining an official business address of record and telephone number on file with the Board office for each registered branch office or mobile unit.

 5. Branch office registrations and mobile unit registrations shall be renewed in conjunction with the optometrist’s license renewal.

 6. An office facility, including a mobile unit, must comply with all applicable federal, state and local laws, regulations, and ordinances, and the office facility, including a mobile unit, shall possess all applicable county, state, and city licenses or permits to operate at the location(s) where services are being provided.

 7. Pharmaceutical agents must be stored in a secure, sanitary place.

 B. Patient Records Handling

 1. In addition to the requirements set forth in Regulation 95‑6, all patient records must include the office facility’s, including mobile unit’s name, contact information, including the official business address of record and the telephone number on file with the Board office, as well as the name(s) of the optometrist(s) rendering services.

 2. If the patient is a minor, the patient’s parent or legal guardian must be provided with a consent form prior to the examination. No services may be performed on a minor without a signed consent form from the minor’s parent or legal guardian. The consent form must be saved in the patient’s record and shall expire 1 year from the date of initial consent.

 3. If the patient is a minor, the patient’s parent or legal guardian must be provided with a copy or summary of the service information sheet. The information sheet must be saved in the patient’s record. The information sheet shall include, but is not limited to, the following:

 a. Facility contact information:

 b. Name(s) of the licensee(s) and other staff who provided services and applicable license number(s);

 c. Documentation of the patient encounter comprised of all subjective findings, objective findings, the assessment, and the treatment plan;

 d. Documentation of billed service codes, materials codes, and other fees associated with the examination;

 e. Recommendation that the patient see another licensee if the facility is unable to provide the follow‑up treatment described in subitem (c), if applicable.

 4. For all office facilities, including mobile units, medical records and patient information must be stored on the premises in a confidential, secured location not accessible to the public. Medical records and patient information must be stored either physically or with an electronic health record system.

 5. Mobile units must have written procedures for emergency or follow‑up care for patients treated in a mobile unit. If the mobile unit does not provide emergency or follow‑up care, the written procedures must include appropriate and accessible arrangements for said care in the area where services are being provided.

 6. Mobile units are to maintain a confidential record detailing each location where services are provided, including street address and service location, as well as the dates and times of when services are provided.

 C. Sanitary Standards.

 1. All office facilities, which include mobile units, shall provide and maintain sanitary facilities and conditions in accordance with the following:

 a. Premises shall be kept neat and clean, free of accumulated rubbish and substances of similar nature which create a public health nuisance.

 b. All instruments or equipment used for examination and treatment purposes shall be cleaned and disinfected between patients in accordance with prevailing industry standards.

 c. Instruments and testing equipment must be maintained in a clean and hygienic manner. This includes cleaning all clinical equipment that comes into contact with patients with alcohol wipes or other standard methods recommended by the CDC.

 d. Premises shall be kept free of all insects and vermin.

 e. Medical waste containers must be secure and properly maintained.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The updated regulations will provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulations will also provide guidance on the proper handling of patient records. The Board is providing guidance to ensure consistency across all office facilities in the interest of patient care and safety.