

Regulatory Analysis Form (Completed by Promulgating Agency)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission October 7, 2025	
(All Comments submitted on this regulation will appear on IRRC's website)			
(1) Agency Department of State, Bureau of Professional and Occupational Affairs			
(2) Agency Number: 16A Identification Number: 16A-5217		IRRC Number: 3461	
(3) PA Code Cite: 49 Pa. Code §§ 23.1, 23.81-23.88, 23.91 and 23.301			
(4) Short Title: Continuing Education			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov . Secondary Contact: Shawn Jayman, Board Counsel, State Board of Optometry, P.O. Box 69523, Harrisburg, PA 17106-5923 (phone 717-783-7200) (fax 787-0251) shjayman@pa.gov			
(6) Type of Rulemaking (check applicable box): ☒ Proposed Regulation ☐ FINAL REGULATION ☐ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) The proposed regulation would amend the State Board of Optometry's ("Board") continuing education regulations. The Board proposes to reorganize its regulations and clarify, simplify and update continuing education requirements, including the sources that may be utilized to obtain the requisite 30 hours of continuing education as well as methods of continuing education to include distance education. Other amendments include providing additional time for continuing education providers to submit changes in course information, clarifying that continuing education glaucoma courses are not limited to certain types of glaucoma, recognizing the Accreditation Council for Continuing Medical Education (ACCME) or designee of the ACCME as a preapproved provider and reducing the number of years a licensee shall maintain evidence of completion of continuing education from 6 years to 4 years to conform the standards for licensees and providers.			

(8) State the statutory authority for the regulation. Include specific statutory citation.

The amendments are authorized under the Optometric Practice and Licensure Act (act) (63 P.S. §§ 244.1-244.12). Section 3(b)(14) of the act (63 P.S. § 244.3(b)(14)) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Under section 3(b)(12) of the act, the Board is authorized to establish and approve by rule and regulation courses of continuing professional optometric education. Additionally, under 63 Pa.C.S. § 3107.1(c) (relating to virtual operation), “[e]ach licensing board... shall establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act.”

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This proposed regulation is not mandated by any Federal or court order, or Federal regulation. The Board’s regulations currently allow for distance education, but do not specifically use the term distance education. The proposed regulations specifically establish regulations that provide for distance education, as required under 63 Pa.C.S. § 3107.1(c).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

There are approximately 2,745 actively licensed optometrists that will benefit from the proposed amendments. The regulated community, including licensees and continuing education providers, will benefit from this regulation because it clarifies continuing education requirements, including the sources that may be utilized to obtain the requisite 30 hours of continuing education as well as methods of continuing education to include distance education. The proposed rulemaking will further benefit the regulated community because it updates, simplifies and clarifies the Board’s regulations in other areas, including providing additional time for continuing education providers to submit changes in course information, recognizing ACCME or designee of the ACCME as a preapproved provider and reducing the number of years a licensee shall maintain evidence of completion of continuing education from 6 years to 4 years to conform the standards for licensees and providers.

Regarding the amendments to continuing education glaucoma courses, neither the act nor the regulations limit the types of glaucoma optometrists may treat, thus, it is not appropriate for the Board to limit continuing education to certain types of glaucoma. Updating the Board’s continuing education regulations in this way will benefit patients because optometrists should have the opportunity to obtain continuing education in all areas in their scope of practice.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The proposed regulations do not include standards that are more stringent than Federal laws or regulations.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The Board does not believe that this proposed regulation will adversely affect Pennsylvania's ability to compete with other states. In fact, the Board believes that its proposed amendments will have a positive impact on the regulated community and this Commonwealth. The main purpose of this regulation is to simplify, update and reorganize the Board's continuing education regulations to ensure that the regulated community has clear standards within its regulations. The Board updated outdated provisions and clarified its distance education regulations consistent with the Board's existing statement of policy regarding individualized study programs. The substantive amendments include providing additional time for continuing education providers to submit changes in course information, which is beneficial to providers and the regulated community. The amendments also recognize ACCME or designee of the ACCME as a preapproved provider, reduce the number of years a licensee shall maintain evidence of completion of continuing education from 6 years to 4 years to conform the standards for licensees and providers. The Board's proposed amendments regarding online continuing education do not substantively change the Board's regulations, but rather, clarify the regulations to ensure that the regulated community has clear regulatory standards regarding online courses.

In comparing the Board's amendments to other states, the Board looked at licensing standards of contiguous states, including Delaware, Maryland, New jersey, New York, Ohio and West Virginia. The Board researched the number of years licensees have to maintain evidence of completion of continuing education in the contiguous and found that states varied between 2 and 6 years. All but one state (New York) required licensees to maintain records four years or less. Regarding the Board's proposal to recognize ACCME, Maryland and Ohio specifically recognize ACCME as an approved provider. Delaware, New Jersey, New York, and West Virginia all have approval mechanisms in place to allow the respective boards to approve ACCME as a board approved provider or through course event approvals.

The proposed regulations would require at least 50 % of the required continuing education to be in person or live, which includes synchronous distance education and would allow up to 50% (or 15 credits) of asynchronous distance education. The Board's proposed regulations do not change the Board's current distance education standards, but rather, reorganize and clarify those standards. The Board reviewed how much distance education contiguous states permit The Board found that

- Delaware allows licensees to obtain 100% of the required continuing education online, which includes synchronous and asynchronous distance education.
- Maryland allows licensees to obtain 60% of its continuing education online, which includes synchronous and asynchronous distance education.
- New Jersey allows licensees to obtain 40% of the required continuing education online, which includes synchronous and asynchronous distance education.
- New York requires licensees to take a minimum of 75%, of continuing education in person or live (synchronous distance education). Licensees may only take 25% of the continuing education through asynchronous continuing education.
- Ohio allows licensees to obtain 60% of its continuing education online, which includes synchronous and asynchronous education.
- West Virginia allows licensees to obtain 25% of the required continuing education online, which includes synchronous and asynchronous education.

The Board's approach to it continuing education is comparable with other states. Distance education makes a variety of continuing education more accessible to licensees, especially in rural areas. Distance education provides flexibility to licensees and offers a cost-effective way of obtaining continuing

education. Other Boards under the Bureau of Professional and Occupational Affairs, including the Medical Board, have taken similar approaches to distance education. Of course, licensees may continue taking in person courses if they prefer to do so.

Based on the comparisons to the other states, this regulation will not place this Commonwealth at a competitive disadvantage. This regulation will provide clarity to the Board's existing standards and will update and modernize the Board's regulations, which will have a positive impact on the regulated community, the public and this Commonwealth.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed regulation will have no effect on other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses, and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board discussed this proposed regulation at several public Board meetings in 2023 and 2024. Representatives of the Pennsylvania Optometric Association (POA) regularly attend these meetings. In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), on January 30, 2025, the Board sent an exposure draft to interested parties and stakeholders.

The Board received two comments from interested parties and stakeholders. One comment, from the Pennsylvania Optometric Association highlighted the differences between virtual and in-person continuing education courses concerning quality. The comment raised the points of "lack of hands-on experience and practical learning," "decreased engagement and retention of information," "reduced peer-to-peer and instructor interaction," and "compromised exam integrity and attendance verification." Another commentor addressed areas where virtual continuing education may have short falls for professional development, detailing "limited interactivity and hands-on experience," networking and peer collaboration," "accountability and engagement," "increased distraction in virtual environments," and "quality assurance and accreditation."

The Board considered the comments during its May 8, 2025, Board meeting. The Board declined to make further amendments to the proposed regulations as it believes that the proposed regulations ensure educational effectiveness and appropriate learner engagement and accountability. Significantly, the Board's proposed regulations do not change the Board's existing standards regarding synchronous or asynchronous distance education, but rather, reorganize and clarify those standards. For many years the Board has permitted up to 50% of the required 30 hours (or 15 credit hours) of correspondence programs, taped study programs, online or webinar programs, journal courses, and other individual study. In 2023, the Board clarified under its statement of policy at § 23.301 that the Board considers live virtual courses and programs with real-time (synchronous) video and audio communication as live, in person, continuing education. Therefore, under the Board's existing regulations, a license may satisfy continuing education requirements by obtaining 30 credit hours of in person continuing education, which includes synchronous distance education. To ensure that the regulated community has clear and concise regulatory standards, this proposed regulation incorporates the provisions of this statement of policy, which was published on October 28, 2023.

The Board, like most Boards across the United States, believes that today's current technology provides sufficient ability to interact between the participant and the presenter and other attendees. Other Boards under the Bureau of Professional and Occupational Affairs (Bureau), permit distance education. Significantly, both the Medical Board and the Osteopathic Medicine Board under the Bureau allow distance education for 100 % of the required continuing education. Regarding synchronous distance education, it provides real-time interaction with instructors and peers; optometrists are provided opportunity to interact, clarify concepts and ask questions. Importantly, synchronous distance education provides optometrists with opportunities to learn from experts without geographical constraints which can provide more access to specialized knowledge and cutting-edge techniques that may not be available locally. Additionally, under § 23.86(a) and (b) (relating to sources of continuing education hours), the Board ensures that pre-approved and Board-approved providers meet the requisite standards for providers. Further, under § 23.84 (relating to provider and program registration), providers who are not pre-approved or Board-approved providers must apply to the Board for course approval. During this application process, the Board ensures the quality of courses and methods for certifying and assuring attendance.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are currently 2,745 actively licensed optometrists that will be affected by the amendments. In addition, providers of continuing education courses will be impacted; however, the Board does not track the number of providers that offer optometric continuing education.

According to the Small Business Administration (SBA), there are approximately 1,131,036 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,131,036 small businesses, 228,272 are small employers (those with fewer than 500 employees) and the remaining 902,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. According to the PA Department of Labor and Industry, the top three estimated employment industries in Pennsylvania for optometrists in 2023 were categorized as Offices of Other Health Practitioners (54%), Health and Personal Care Retailers (36%), and Self-Employed Workers, Primary Job (8%).

Small businesses are defined in Section 3 of the Regulatory Review Act, 71 P.S. § 745.3 which states that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where optometrists may work, for Offices of All Other Miscellaneous Health Practitioners (NAICS code 621399), the small business threshold is \$10 million or less in average annual receipts and for All Other Health and Personal Care Retailers (NAICS code 456199) the small business threshold is \$9.5 million or less in average annual receipts.

Based on this variety of employers, the Board believes that most optometrists in Pennsylvania are employed in small businesses. The Board does not collect information on the size of the businesses where its licensees are employed. However, for purposes of determining the economic impact on small businesses, the Board assumes that a large number of its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act. The Board also assumes that providers of continuing education may also be small businesses.

The Board does anticipate adverse effects on any person or business, be it large or small. Optometrists and providers of continuing education are provided greater clarity from the proposed rulemaking.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All 2,745 currently licensed optometrists will be required to comply with the regulations. Licensees who choose to attend distance education courses are required to meet the Board's regulations though licensees are not required to obtain continuing education through distance education.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed regulation will have a positive impact because it will provide clarity to the Board's existing standards and will update and modernize the Board's regulations, which will have a positive impact on the regulated community, the public and this Commonwealth. The Board does not anticipate any negative financial, economic or social impact of this proposed regulation. Distance education makes available a variety of continuing education more accessible to licensees, especially in rural areas. Distance education provides flexibility to licensees and offers a cost-effective way of obtaining continuing education.

In addition, adding preapproved provider organizations accredited by ACCME or designee of the ACCME, will increase the available providers and courses by which optometrists may obtain continuing education hours required for renewal.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Board cannot discern any adverse effects from this proposed regulation, which reorganizes, updates and clarifies continuing education provisions. The regulated community, including licensees and continuing education providers, will benefit from this regulation because it clarifies continuing education requirements, including the sources that may be utilized to obtain the requisite 30 hours of continuing education as well as methods of continuing education to include distance education. The proposed rulemaking will further benefit the regulated community because it updates the Board's regulations in other areas, including providing additional time for continuing education providers to submit changes in course information, recognizing ACCME or designee of the ACCME as a preapproved provider and reducing the number of years a licensee shall maintain evidence of completion of continuing education from 6 years to 4 years to conform the standards of licensees and providers.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no fiscal impact to the regulated community associated with this proposed rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to local governments associated with this rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

This rulemaking should have no fiscal impact on State government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This proposed regulation does not require additional legal, accounting, consulting, reporting, recordkeeping or paperwork.

(22a) Are forms required for implementation of the regulation? No

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

N/A

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 24-25	FY +1 25-26	FY +2 26-27	FY +3 27-28	FY +4 28-29	FY +5 29-30
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A

Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 2022-2023 (Actual)	FY -2 2023-2024 (Actual)	FY -1 2024-2025 (Budgeted)	Current FY 2024-2025 (Proposed)
State Board of Optometry	\$196,619.49	\$221,152.65	\$217,000.00	\$214,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
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- (a) As noted above, this regulation will not have an adverse impact on small businesses.
 - (b) There is no paperwork associated with this rulemaking.
 - (c) Small businesses will not be impacted by this regulation.
 - (d) The Board could discern no less intrusive or less costly method of achieving the purpose of the regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Board has not identified a particular group for which special provisions are needed.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Other than consideration of limiting synchronous distance education, as discussed in Question # 14, the Board did not consider alternative regulatory provisions.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The Board did not conduct a regulatory flexibility analysis because there is no adverse impact on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The rulemaking is not based on any data, studies, or references.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period: 30 days

B. The date or dates on which public meetings or hearings will be held:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. The Board discussed this regulation during board meetings on February 1, 2024, May 9, 2024, August 8, 2024 and May 8, 2025.

C. The expected date of promulgation of the proposed regulation as a final-form regulation: Fall 2025

D. The expected effective date of the final-form regulation: Upon publication as final.

E. The date by which compliance with the final-form regulation will be required: Upon publication as final.

F. The date by which required permits, licenses or other

approvals must be obtained:	N/A
(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation. The Board continually reviews the efficacy of its regulations, as part of their annual process pursuant to Executive Order 1996-1. The Board generally meets quarterly. The Board plans to meet on the following remaining dates in 2025: August 7 and December 11. More information can be found on the Board's website.	

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

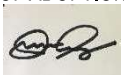
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Independent Regulatory
Review Commission

October 7, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: <u></u> (DEPUTY ATTORNEY GENERAL) 9/29/2025 _____ DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached.	Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by: <u>State Board of Optometry</u> (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>16A-5217</u> DATE OF ADOPTION: _____ BY: <u></u> John A. Godfrey, O.D. TITLE <u>Board Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	Copy below is hereby approved as to form and legality. Executive or Independent Agencies. Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o, ou, email=cymontgome@pa.gov, c=US Date: 2025.08.15 09:48:32 -04'00' BY: <u></u> (Chief Counsel, Independent Agency) (Strike inapplicable title) August 15, 2025 _____ DATE OF APPROVAL ☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.
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NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OPTOMETRY

TITLE 49 PA CODE CHAPTER 23

§§ 23.1, 23.81—23.88, 23.301

CONTINUING EDUCATION

The State Board of Optometry (Board) proposes to amend §§ 23.1, 23.81--23.88, 23.91 add § 23.86a (relating to acceptable methods of continuing education) and rescind § 23.301 (relating to interpretation relating to sources of continuing education hours—statement of policy) to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory authority

The amendments are authorized under the Optometric Practice and Licensure Act (act) (63 P.S. §§ 244.1-244.12). Section 3(b)(14) of the act (63 P.S. § 244.3(b)(14)) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Under section 3(b)(12) of the act, the Board is authorized to establish and approve by rule and regulation courses of continuing professional optometric education. Additionally, Under 63 Pa.C.S. § 3107.1(c) (relating to virtual operation), “[e]ach licensing board... shall establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act.”

Background and purpose

The Board performed an extensive review of its existing continuing education regulations. Over the past several years, the Board has made amendments to its continuing education regulations but has not reviewed the regulations in totality. In proposing the amendments, the Board’s intent is to simplify the requirements and to clarify the regulations governing its continuing education standards. On October 28, 2023, the Board published a statement of policy at § 23.301 to clarify that the Board

considers live virtual courses with real-time (synchronous) video and audio communication as live, in person continuing education. This proposed regulation incorporates the provisions of this statement of policy. Therefore, when this proposed regulation is published as final, the statement of policy will be rescinded.

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), on January 30, 2025, the Board sent an exposure draft of the proposed regulation to interested parties and stakeholders. After a 30-day informal comment period, the Board received two comments, one of which was from the Pennsylvania Optometric Association. Both comments pertain to the Board's distance education regulations. Issues raised include the importance of hands-on experience and practical learning, potential for decreased engagement and retention of information, less peer-to-peer and instructor interaction, potential for compromise in learning assessment and attendance verification, increased distractions in distance education and potential for lesser standards for quality control of educational standards.

The Board considered the comments during its May 8, 2025, Board meeting. The Board declined to make revisions to the proposed regulations because it believes that the proposed regulations ensure educational effectiveness and appropriate learner engagement and accountability. Significantly, the Board's proposed regulations do not change the Board's existing standards regarding synchronous or asynchronous distance education, but rather, reorganize and clarify those standards. For many years the Board has permitted up to 50% of the required 30 hours (or 15 credit hours) of correspondence programs, taped study programs, online or webinar programs, journal courses and other individual study. In 2023, the Board clarified under its statement of policy at § 23.301 that the Board considers live virtual courses and programs with real-time (synchronous) video and audio communication as live, in person, continuing education.

Therefore, under the Board’s existing regulations, a licensee may satisfy the continuing education requirements by obtaining 30 credit hours of in person continuing education, which includes synchronous distance education. To ensure that the regulated community has clear and concise regulatory standards, this proposed rulemaking incorporates the provisions of this statement of policy, which was published on October 28, 2023.

The Board, like most Boards across the United States, believes that today's current technology provides sufficient ability to interact between the participant and the presenter and other attendees. Other Boards under the Bureau of Professional and Occupational Affairs (Bureau), permit distance education. Significantly, both the State Board of Medicine and the State Board of Osteopathic Medicine under the Bureau allow distance education for 100 % of the required continuing education. Regarding synchronous distance education, it provides real-time interaction with instructors and peers; and optometrists are provided opportunity to interact, clarify concepts and ask questions. Importantly, synchronous distance education provides optometrists with opportunities to learn from experts without geographical constraints which can provide more access to specialized knowledge and cutting-edge techniques that may not be available locally. Additionally, under § 23.86(a) and (b) (relating to sources of continuing education hours), the Board ensures that pre-approved and Board-approved providers meet the requisite standards for providers. Further, under § 23.84 (relating to provider and program registration), providers who are not pre-approved or Board-approved providers must apply to the Board for course approval. During this application process, the Board ensures the quality of courses and methods for certifying and assuring attendance.

Description of the proposed amendments

Initially, the Board proposes to amend § 23.1 (relating to definitions) to clarify the Board’s standards for distance education. In doing so, consistent with the statement of policy at § 23.301, the Board proposes to define the terms “asynchronous distance education,” “distance education” and “synchronous distance education”. The Board’s continuing education requirements currently allow for distance education. The proposed definitions provide additional clarity by distinguishing live or real-time distance education (synchronous distance education) and online distance education which does not involve real-time interaction between the inductor and student (asynchronous distance education). Additionally, the Board proposes to delete the definition of “continuing education program” because this definition is unnecessary given the proposed amendments in § 23.84(relating to provider and program registration).

In § 23.81 (relating to coverage), the Board proposes to clarify continuing education requirements pertaining to reactivation. In doing so, the Board proposes to add a cross-reference to § 23.87 (relating to reporting of continuing education credit hours). The Board proposes amendments in § 23.82(a) (relating to continuing education hour requirements; continuing education reporting; audit and enforcement) to clarify that the 30 hours of required continuing education must meet the requirements of § 23.83 (relating to continuing education subject matter). The Board also proposes minor amendments for clarity and to correct an erroneous citation in § 23.82(a)(1) and (b).

In § 23.83(c), the Board proposes to delete the types of glaucoma for course criteria because neither the act nor the Board’s regulations specify or limit the types of glaucoma optometrists may treat. The Board proposes to amend § 23.83(d) to change the terminology from “provider and programs” to “courses” to reflect the Board’s approval process more accurately. Under the regulations, the Board may approve courses or multiple courses within a program. Thus, using the

term “courses” covers applications for individual and multiple courses within a program. To that end, the Board also proposes to amend § 23.91 (relating to fees) by deleting the reference to program in the “application for continuing education course or program approval” fee. The Board proposes to delete the term “provider” because providers are addressed in § 23.86 (relating to sources of continuing education hours).. In § 23.86 (i)(5), the Board’s regulations permit up to 2 hours of continuing education per biennium in jurisprudence or ethics The Board proposes to include this provision in new § 23.83(e) because it relates to subject matter of continuing education and is more appropriately included in § 23.83. The Board also added a cross-reference to subsection (e) in § 23.83(a) to clarify that courses in jurisprudence or ethics may be part of the required 30 hours of continuing education.

In § 23.84, the Board proposes to amend the heading from “Provider and program registration” to “Course registration.” When the Board amended its continuing education regulations in May of 2021, it clarified under § 23.86(b)(2) that the Board may approve continuing education providers on a biennial basis. Providers may apply to become a Board-approved provider under § 23.86 (b); therefore, there is no reason to also address providers under this section. Under the proposed regulations, § 23.84 would relate only to course registration. Accordingly, the Board proposes deletion of subsection (a) because it relates to provider registration. The Board proposes to amend subsection (b) to clarify that a provider who is not a pre-approved or Board-approved provider under § 23.86(a) or (b), may submit an application for course approval. The Board clarifies that an application must be submitted, along with the application fee under § 23.91 (relating to fees). The Board proposes to change the term “program” to “course” in subsection (c) and throughout the proposed regulation to describe the purpose of this subsection more accurately. The Board also proposes minor clarifications in subsection (c) and proposes to delete paragraph

(8) and (9), which require a provider number and provider category in the course application. The provider number requirement is an outdated provision relating to provider approval and is unnecessary for course approvals. The Board has determined that requiring a provider category is unnecessary information given all the other information required under subsection (c). In subsection (c), the Board proposes to add a description of facilities and instructional materials to the information needed for course registration in new paragraphs (15) and (16). The Board requires a description of facilities and instructional materials for Board-approved providers; the Board believes it is equally important for course providers.

The Board further proposes to delete subsection (e) because this subsection relates to providers and is not applicable to course applications. In subsection (f), the Board proposes amendments that would delete references to providers and clarifies that courses shall meet the requirement in § 23.83(a)-(c) and (e). Additionally, the Board proposes to decrease the number of days a provider must submit a change in course information. Under the proposed regulation, a provider would be required to submit a change in course information 10 days from the start of the course instead of 60 days. This proposed amendment will give more flexibility to continuing education providers and will still provide the Board with sufficient time to review changes in course information. Subsection (f) also provides that providers would be required to reregister a course each biennial renewal period. Subsection (g) includes a statement that the Board will notify applicants of disapproval as soon as possible. This statement is vague and unnecessary and thus, the Board proposes to delete it. The Board proposes to delete subsection (h) because it relates to Board-approved providers, which is more appropriately addressed in § 23.86(b)(2). In subsection (i), the Board proposes to delete certificates of attendance standards for pre-approved providers and would propose to add this provision to § 23.85(d)(relating to standards for providers).

The Board proposes to amend § 23.85(c) to require that providers ensure that instructors are qualified and knowledgeable in the subject matter. This proposed amendment is more specific than the existing standard which requires instructors have “suitable qualifications” and are of “good reputation and character.” The Board also proposes to add subsection (d) which would require providers to indicate on the certificate of attendance how many credits could apply toward the requirement for renewal of therapeutic or glaucoma certification. As noted above, this requirement is currently in § 23.84(i), but more appropriately is relocated with other standards for providers in § 23.85.

The Board proposes to reorganize § 23.86 (relating to sources of continuing education hours) to clarify acceptable sources of continuing education and acceptable methods of continuing education. In doing so, to clarify the content of this section, the Board proposes to amend the title of § 23.86 to “Sources of continuing education *course* hours.” Additionally, the Board proposes to add four subsection headings as follows: (a) Preapproved providers; (b) Board-approved providers; (c) Reevaluation and rescission; and (d) Continuing education courses. In subsection (a)(6), the Board proposes to recognize as a preapproved provider organizations accredited by the Accreditation Council for Continuing Medical Education (ACCME) or designee of the ACCME. Under its regulations, the State Board of Medicine accepts continuing education from organizations accredited by ACCME. The Board believes organizations accredited by ACCME are a reliable source of continuing education for optometrists. In subsection (a), the Board proposes adding subsections (a)-(c) and (e) to the reference to § 23.83. Next, the Board proposes to update subsection (b)(1)(i) to incorporate the Board’s use of online application forms. Additionally, the Board proposes to cross-reference § 23.85 in subsection (b)(1)(iii) to clarify that the standards for providers are applicable to Board-approved providers. In subsection (b)(1)(iv), the Board also

proposes to reference § 23.83(a)-(c) and (e) to clarify which subsections are applicable. Under subsection (c), the Board proposes to clarify that course approvals are subject to reevaluation and recession. In subsection (d), the Board proposes to delete the reference to § 23.83 and replace it with § 23.84 to clarify that providers who are not preapproved or Board-approved providers must register continuing education courses under § 23.84. Section 23.84 requires adherence to § 23.83, so including § 23.83 in this provision is redundant.

In reviewing subsection (e), the Board determined that retroactive approval for attending lectures and college, or university courses is an outdated form of continuing education. The Board has not received applications for this type of continuing education in many years as it is no longer a viable source of continuing education for optometrists. This type of continuing education was important years ago when continuing education was not as available as it is today. As such, the Board proposes to delete the corresponding fee in § 23.91 for retroactive approval of continuing education obtained under § 23.86(e).

To clarify that subsection (f)--(h) relate to acceptable methods of continuing education, the Board proposes to delete § 23.86 (f) through (h) and incorporate these provisions into new § 23.86a (relating to acceptable methods of continuing education). For the most part, the Board's proposed amendments under § 23.86a track the requirements in § 23.86(f)--(i) as well as the Board's statement of policy at § 23.301. Under § 23.86a, the Board proposes to add subsection (a), which pertains to in-person continuing education and synchronous distance education. New § 23.86a(a) tracks existing § 23.86(i)(1). Section 23.86a(a) requires licensees to complete at least 50% of the 30 hours of required continuing education through in-person continuing education or synchronous distance education, offered by preapproved or Board-approved providers or through an approved

course under § 23.86 (a), (b) or (d). This is the same standard reflected in the Board’s current regulations and statement of policy at § 23.301. The Board proposes to add subsection (b), which tracks § 23.86 (g) and (i)(3) and § 23.301 and allows asynchronous distance education and other individual study to account for up to 50 % of the required hours provided that the course is offered by providers under § 23.86(a), (b) or (d). Continuing education credits under this section may account for up to 50 % of the required hours provided that the requirements of subsection (a) and § 23.83 are met. Proposed subsection (c) tracks § 23.86(f) and (i)(2) and clarifies that an individual is required to apply to the Board for approval of clinical conferences and other training and shall pay the application fee required under § 23.91. A licensee may complete up to 25 % of the required continuing education under this subsection provided that the requirements of subsection (a) and § 23.83 are met.

Proposed § 23.86a(d) tracks § 23.86(h) and (i)(2) regarding teaching and publications, except that the Board proposes to eliminate the requirement that a licensee provide documentation to the Board within 60 days of completion of service as a teacher, preceptor, lecturer or other speaker. The Board currently requires completion of an application for this type of service and believes that its application process is sufficient. Similar to § 23.86(h), the proposed regulations would require licensees to submit an application either prior to the activity or retroactively. The Board also chose not to incorporate the existing provision in § 23.86(h) that doubles the credit hours for instruction if a licensee prepares written materials to accompany the instruction. Generally, most written material in continuing education presentations is within power point presentations. Therefore, providing double credit for the instruction and written materials is duplicative and no longer appropriate. Under § 23.86a(d), a licensee may complete up to 25 % of the required continuing education through teaching and publication provided that the requirements

of subsection (a) and § 23.83 are met. The Board proposes to delete the corresponding fee for continuing education under § 23.86 (h) from § 23.91. The Board would instead reference new § 23.86a(d) in § 23.91.

Because the Board proposes to incorporate the content of § 23.86(i)(1)--(3) into § 23.86a, the Board proposes to delete these paragraphs. The Board also proposes to delete subsection (i)(4), which relates to ethics and jurisprudence continuing education subject matter because the Board proposes to incorporate this content into § 23.83(e), as discussed previously. Finally, the Board proposes to delete subsection (i)(5) because it is an outdated form of continuing education.

The Board proposes to amend § 23.87(a) by deleting the reference to “license renewal” and including a reference to “reactivation.” Section 23.82(a) and (b) specifically addresses continuing education requirements for renewal; therefore, it is unnecessary to include license renewal here. Under § 23.82(b), the Board no longer requires submission of specific continuing education information for renewal unless a licensee is audited. Therefore, the standard set forth in § 23.87(a) is no longer necessary for renewal, but rather, applies to an individual who applies for licensure, which would include an applicant under §§ 23.27--23.27b (relating to license by endorsement under 63 Pa. C.S. § 3111), an applicant under § 23.21 (relating to reciprocal application) and an individual seeking reactivation of an expired license. The Board also proposes to update subsection (a) to incorporate the Board’s use of online application forms by deleting reference to physical forms and including reference to the manner and format prescribed by the Board.

The Board proposes to amend and update § 23.88 (relating to retention of continuing education records) by making minor amendments for clarity and by separating the standards for licensees and providers into subsection (a) and (b), respectively. In subsection (a), the Board

proposes to reduce the number of years a licensee shall maintain evidence of completion of continuing education from 6 years to 4 years. The Board chose 4 years because it wants consistent standards for providers and licensees. The Board proposes to amend paragraphs (1) and (2) to clarify retention requirements for courses and other sources of continuing education. The Board further proposes to delete the retention of continuing education records for providers from paragraph (1) and add it in new subsection (b).

The Board proposes to rescind the statement of policy at § 23.301, which clarifies that the Board considers live virtual courses with real-time (synchronous) video and audio communication as live, in person continuing education. The Board’s proposed amendments in this regulation incorporate the provisions of this statement of policy; therefore, this statement of policy is unnecessary.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 7, 2025, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the

House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Optometry, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-5217 (Continuing Education).

John A. Godfrey, O.D.
Chairperson

ANNEX A
PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 23. STATE BOARD OF OPTOMETRY
GENERAL PROVISIONS

§ 23.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Optometric Practice and Licensure Act (63 P.S. §§ 244.1—244.12).

***Asynchronous distance education*—A form of distance education that does not provide for real-time video and audio communication between the learner and instructor.**

Board—The State Board of Optometry of the Commonwealth.

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Continuing education hour—Fifty minutes of continuing education.

[*Continuing education program*—A group, self-study, correspondence or other program approved by the Board for which continuing education hours are given.]

***Distance education*—Instruction offered by any means where the licensee is in a separate physical location from the instructor and communication is accomplished through one or more technological media. The term includes real-time or delayed interaction using video, audio, data or text, including instruction provided through online and webinar courses, by means of correspondence or interactive audio and video.**

Inactive status—The status of not having one's license currently registered.

* * * * *

Sexual abuse or exploitation—Any of the following:

- (i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:
 - (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - (B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - (C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - (D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
- (ii) Any of the following offenses committed against a child:
 - (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
 - (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
 - (C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
 - (E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

- (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
 - (G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).
 - (H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
 - (I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).
 - (J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
 - (K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
 - (L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
 - (M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
- (iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

Synchronous distance education—A form of distance education that provides for real-time video and audio interaction between the learner and instructor.

* * * * *

TMOD—Treatment and Management of Ocular Disease Examination—An examination developed, prepared, administered and scored by NBEO, which the Board adopts as the examination for certification in pharmaceutical agents for therapeutic purposes.

CONTINUING EDUCATION

§ 23.81. Coverage.

(a) This section and [§ §] §§ 23.82—23.89 apply to all optometrists who are required to be licensed under the act; however, any applicant, upon successful completion of the optometric examination for licensure, shall be exempt from the requirements of continuing education for only the biennial period during which the applicant successfully completed the examination if the applicant takes the examination within 2 years from the applicant's graduation from an accredited college or school of optometry.

(b) An individual who is in an inactive status or is a retired practitioner is not required to meet the continuing education requirements as outlined in this section and [§ §] §§ 23.82—23.89 except to the extent that, upon application for reactivation, the individual shall be required to show proof of continuing education for the biennial period immediately preceding the request for reactivation, as required in § 23.87(a) (relating to reporting of continuing education credit hours), including at least 2 hours of approved courses in child abuse recognition and reporting as required under § 23.117(b) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 23.82. Continuing education hour requirements; continuing education reporting; audit and enforcement.

(a) An applicant for biennial license renewal or reactivation of license is required to complete, during the 2 years immediately preceding renewal or reactivation, a minimum of 30 hours of continuing education that meet the requirements of § 23.83 (relating to continuing education subject matter), including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 23.117(b) (relating to child abuse recognition and reporting—mandatory training requirement). A licensee whose license is not renewed by the expiration of the

biennial renewal period may not engage in the practice of optometry until the continuing education requirements are satisfied and the license has been renewed or reactivated.

(1) For licensees certified in accordance with section 4.1 of the act (63 P.S. § 244.4a), regarding certification to prescribe and administer pharmaceutical agents for therapeutic purposes, at least 6 of the required 30 hours shall concern the prescription and administration of pharmaceutical agents for therapeutic purposes.

(2) For licensees certified in accordance with section 4.2 of the act (63 P.S. § 244.4b), regarding additional requirements to prescribe and administer pharmaceutical agents for the treatment of certain types of glaucoma, at least 4 of the 30 hours shall concern the prescription and administration of pharmaceutical agents for the treatment of glaucoma. No more than 4 hours taken in the treatment of glaucoma may be applied toward the 6 hours required to maintain therapeutic certification; however, all licensees shall complete at least 30 total hours.

(3) Completion of a Board-approved course described in section 4.1(a)(2) of the act or continuing education described in section 4.2 of the act shall satisfy the continuing education requirement for the biennial renewal period in which it is completed including the 6-hour requirement in therapeutics and the 4-hour requirement in glaucoma.

(b) Licensees shall certify completion of the required continuing education on the biennial renewal application as a condition of renewal. False certifications will be **[ground]** grounds for disciplinary action under section 7(a)(3) of the act ~~[(64 P.S. § 244.7(a)(3))]~~ 63 P.S. § 244.7(a)(3)).

(c) The Board may randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's

completion of required continuing education, which shall include the information at § 23.87(a) (relating to reporting of continuing education credit hours).

§ 23.83. Continuing education subject matter.

(a) Except as provided in subsection (d) **and (e)**, acceptable courses of study are limited to those pertaining to the use or means or methods for examination, diagnosis and treatment of conditions of the human visual system and may include examination for and adapting and fitting of all types of lenses. The Board will not accept courses of study which do not relate to the actual practice of optometry such as studies in office management and financial procedures.

(b) Courses that will meet the requirements for certification in the prescription and administration of pharmaceutical agents for therapeutic purposes in accordance with section 4.1 of the act (63 P.S. § 244.4a) shall concern the treatment and management of ocular or oculo-systemic disease.

(c) Courses that will meet the requirements for certification to treat glaucoma in accordance with section 4.2 of the act (63 P.S. § 244.4b) shall concern the treatment and management of **[primary open angle glaucoma, exfoliation glaucoma and pigmentary]** glaucoma.

(d) At least 2 hours of continuing education shall be completed in child abuse recognition and reporting as required under 23 Pa.C.S. § 6383(b)(3)(ii) (relating to education and training) in accordance with § 23.117(b) (relating to child abuse recognition and reporting—mandatory training requirement). Notwithstanding the requirements for Board approval of optometric continuing education **[programs] courses** in §§ 23.84—23.86 (relating to **[provider and program] course** registration; standards for providers; and sources of continuing education hours), courses in child abuse recognition and reporting must be approved in accordance with § 23.118 (relating to child abuse recognition and reporting course approval process).

(e) Courses in jurisprudence or ethics may be a part of the required 30 hours of continuing education but may not account for more than 2 hours in each biennium.

§ 23.84. [Provider and program registration] Course registration.

(a) [An agency, organization, institution, association or center seeking to offer an organized program for continuing education may apply to the Board as a provider.] {Reserved.}

(b) [Providers seeking Board approval of continuing education programs shall complete and submit an application as a provider of continuing education.] A continuing education provider that is not a preapproved or Board-approved provider under § 23.86(a) or (b) (relating to sources of continuing education hours), may submit an application for course approval in a manner and format prescribed by the Board. The provider shall submit an application and pay the fee required under § 23.91 (relating to fees) at least 45 days in advance of the date the course is given.

(c) An application for [program] course approval shall include, but not be limited to, the following information:

- (1) Full name and address of the [eligible] provider.**
- (2) Title of the [program] course.**
- (3) Dates and location of the [program] course.**
- (4) Faculty names, titles, affiliations, degrees.**
- (5) Schedule of [program] course—title of subject, lecturer [,] and time allocated [and the like].**
- (6) Total number of credit hours requested.**
- (7) Method of certifying and assuring attendance.**
- (8) [Provider number where applicable.] {Reserved.}**
- (9) [Provider category.] {Reserved.}**
- (10) [Objectives] Learning objectives.**
- (11) Admission requirements.**

(12) Core subjects.

(13) **[Program] Course** coordinator.

(14) Instruction and evaluation methods.

(15) Description of facilities.

(16) Instructional materials.

(d) Statements made in the application shall be sworn to be true and correct to the best of the provider's information, knowledge and belief.

(e) **[Upon approval of a qualified provider, a provider number will be assigned; and upon approval of any program, a program number will be assigned except for those providers listed in § 23.81(a) (relating to coverage)]. {Reserved.}**

(f) **[Programs] Courses** will be approved only in demonstrated areas of expertise. **[A change in the area of expertise shall be recorded and communicated to the Board within 60 days of that change. The Board will accept a designation that the particular provider is qualified to provide continuing education in all subject matter as set forth in § 23.83 (relating to continuing education subject matter) so long as expertise can be shown]. Courses shall meet the requirements in § 23.83 (a)--(c) and (e). A change to the course information required under section (c) must be approved by the Board and shall be submitted to the Board at least 10 days before implementing changes to an approved course. A provider shall reregister a course each biennial renewal period.**

(g) Disapproval of **[program] a course** will include a statement setting forth reasons. Applicants may submit new applications within 10 days after receipt of disapproval. New applications shall document alterations in **[program] the course** to meet Board requirements. **[Notification will occur as soon as possible within the Board's capability on action taken on new applications].**

(h) **[Each approved provider shall request reregistration each biennium, and each application for reregistration shall be accompanied by a statement outlining any major changes in the information previously submitted.] {Reserved.}**

(i) **[Programs] Courses** approved to grant continuing education hours in therapeutics or glaucoma shall indicate the number of credits approved in each area on the certificate of attendance. **[Preapproved providers shall also indicate on the certificate of attendance how many credits will apply toward the requirement for renewal of therapeutic or glaucoma certification.]**

§ 23.85. Standards for providers.

(a) Prior to approval, each provider is required to do the following:

(1) Establish a mechanism measuring the quality of the **[program] course** being offered.

(2) Establish criteria for selecting and evaluating faculty.

(3) Establish criteria for the evaluation of each **[program] course** upon completion.

(b) The provider shall provide adequate facilities and appropriate instructional materials to carry out continuing education **[programs] courses**.

(c) The provider shall ensure that instructors **[have suitable qualifications and are of good reputation and character] are qualified and knowledgeable in the subject matter.**

(d) The provider shall indicate on the certificate of attendance how many credits will apply toward the requirement for renewal of therapeutic or glaucoma certification.

§ 23.86. Sources of continuing education course hours.

(a) **Preapproved providers.** The Board finds that the providers listed as follows have currently met the standards for provider approval for all acceptable courses of continuing education that

meet the requirements of § 23.83**(a)-(c) and (e)** (relating to continuing education subject matter). Accordingly, the following providers are preapproved sources for continuing optometric education courses:

- (1) The American Optometric Association, and its state affiliates.
 - (2) The Pennsylvania Optometric Association, and its local societies.
 - (3) All schools and colleges of optometry accredited by the Accreditation Council on Optometric Education (ACOE) of the American Optometric Association, or its successor.
 - (4) The College of Optometrists in Vision Development (COVD).
 - (5) The Council on Optometric Practitioner Education (COPE).
 - (6) Continuing education courses offered by accredited medical colleges, as defined in section 2 of the Medical Practice Act of 1985 (63 P.S. § 422.2), **or an organization accredited by the Accreditation Council for Continuing Medical Education (ACCME) or designee of the ACCME.**
 - (7) The Optometric Extension Program.
 - (8) The American Academy of Optometry and its state affiliates.
 - (9) The American Academy of Ophthalmology and its state affiliates.
 - (10) The American Medical Association and its state affiliates.
- (b) **Board-approved providers.** The Board may approve other providers of continuing education not listed in subsection (a). The Board will maintain on its web site a list of all approved providers.
- (1) A provider seeking approved provider status shall:

(i) Apply to the Board, **[on forms supplied by the Board] in the manner and format prescribed by the Board**, at least 90 days in advance of the date the initial course is given.

The provider may not offer any course for credit until the Board grants its approval as an approved provider.

(ii) Pay the required fees under § 23.91 (relating to fees).

(iii) Demonstrate that the provider is competent to provide continuing education to optometrists **and meets the standards in § 23.85 (relating to standards for providers)**.

(iv) Ensure that the courses provided meet the requirements of § 23.83**(a)-(c) and (e)**.

(2) All provider approvals expire November 30th of each even-numbered year, regardless of the date of issuance, and must be renewed biennially.

(c) **Reevaluation and rescission**. The approval given to the providers **and courses** approved in accordance with subsections (a), **[and] (b) and (d)** is subject to reevaluation. A rescission of provider or **[program] course** approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(d) **Continuing education courses**. A course which is offered by an individual or entity that has not been approved in accordance with subsections (a) or (b) will count as continuing education hours provided that the course is approved by the Board prior to implementation of the course and the course meets the requirements of [§ 23.83] **§ 23.84 (relating to course registration)**. **[The course provider shall submit an application for course approval on a form supplied by the Board and pay the fee required under § 23.91 at least 45 days in advance of the date the course is given.]**

(e) [Continuing education credit may be awarded retroactively for attending programs, to include lectures and college or university courses, which have not been previously approved at the rate of 1 continuing education hour for every 50 minutes. The attendee shall apply to the Board for approval on a form supplied by the Board, pay a fee under § 23.91 and document attendance within 60 days of attending the program. The attendee shall demonstrate to the Board's satisfaction that the program meets the requirements in § 23.83. A licensee may complete up to 50% of the licensee's required continuing education in programs approved under this subsection or subsections (f), (g) or (h).] {Reserved.}

(f) [It shall be permissible to attend clinical conferences, clinical rounds or training under a preceptor through clinical hospitals, medical centers, schools, and colleges which are acceptable at the rate of 1 continuing education hour for every 50 minutes. If requested by the Board, a licensee shall provide documentation of completion. A licensee may complete up to 25% of the licensee's required continuing education from sources in this subsection and up to an additional 25% in required continuing education from any of the sources in subsections (e), (g) or (h).] {Reserved.}

(g) [Credit hours will be given for correspondence programs, taped study programs, online or webinar programs, journal courses and other individual study programs at the rate of 1 continuing education hour for every 50 minutes. However, proper credit being given for such program is dependent upon the licensee proving, to the satisfaction of the Board, that the program meets the provisions of subsections (a) or (b). A licensee may complete up to 50% of the licensee's required continuing education in individual study in accordance with this subsection or in the continuing education from any of the sources in subsections (e), (f) or (h).] {Reserved.}

(h) [Credit hours will be credited for service as a teacher, preceptor, lecturer or speaker and for publications, articles, books and research relating to the practice of optometry. A licensee shall provide documentation to the Board within 60 days of completion of the previous service utilizing the process set forth in subsection (e). One continuing education hour will be granted for every 50 minutes of initial instruction or research, and 2 continuing education hours will be granted for the preparation of each hour of instruction. If a licensee prepares written materials to accompany the instruction, the continuing education credits for only the instruction will be doubled. Five continuing education hours will be granted for publication of a book, and 2 continuing education hours will be granted for publication of an article or a chapter in a book. A licensee may complete up to 25% of the licensee's required continuing education in accordance with this subsection and up to an additional 25% from any of the required continuing education sources in subsections (e), (f) and (g).] {Reserved.}

(i) [Of the 30 hours of continuing education credit required at § 23.82 (relating to continuing education hour requirements), the following shall apply:

(1) Continuing education credits earned under subsections (a), (b) and (d) shall account for no less than 50% of the total required hours.

(2) Continuing education credits earned under subsections (e), (f) or (h) shall account for no more than 25% of the total hours individually and not more than 50% of the hours when combined towards the total hours.

(3) Continuing education credits earned under subsection (g) may account for up to 50% of total required hours.

(4) Courses in jurisprudence or ethics shall account for no more than 2 hours of the total.

(5) Courses within the optometric curriculum offered by an accredited school of optometry or medicine in the United States or Canada shall account for no more than 25% of the required biennial credit hours. Two continuing education credit hours will be provided for each semester credit earned, including a course which the licensee audits.] {Reserved.}

§ 23.86a Acceptable methods of continuing education.

(a) *In-person continuing education and synchronous distance education.* Of the 30 hours of continuing education credit required under § 23.82 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement), a licensee shall complete at least 50 % of the continuing education requirement through in-person continuing education or synchronous distance education offered by providers under § 23.86 (a), (b) or (d) (relating to sources of continuing education).

(b) *Asynchronous distance education and other individual study.* Credit hours will be awarded for individual study, including correspondence courses, taped study courses, asynchronous distance education and journal courses at the rate of 1 continuing education hour for every 50 minutes provided that the course is offered by a provider under § 23.86(a), (b) or (d) (relating to sources of continuing education). Continuing education credits under this subsection may account for up to 50 % of the required credit provided that the requirements of subsection (a) and § 23.83 are met.

(c) *Clinical conferences and other training.* Credit hours will be awarded for attendance at clinical conferences, clinical rounds or training under a preceptor through clinical hospitals, medical centers, schools and colleges at the rate of 1 continuing education hour for every 50 minutes. The attendee shall apply to the Board for approval in the manner and format

prescribed by the Board and shall pay the application fee under § 23.91. Continuing education credits under this subsection may account for up to 25% of the required credit hours provided that the requirements of subsection (a) and § 23.83 are met.

(d) *Teaching and publications.* Credit hours will be awarded for service as a teacher, preceptor, lecturer or speaker and for publications, articles, books and research relating to the practice of optometry. Continuing education credit may be awarded retroactively for these activities provided the activity was completed during the biennium for which credit is being claimed, The licensee shall apply to the Board for approval in the manner and format prescribed by the Board and pay the application fee under § 23.91. Continuing education credits under this subsection may account for up to 25% of the required credit hours provided that the requirements of subsection (a) and § 23.83 are met. Credit hours under this subsection will be awarded as follows:

(1) One continuing education hour will be awarded for every 50 minutes of initial instruction or research.

(2) Two continuing education hours will be awarded for the preparation of each hour of instruction.

(3) Five continuing education hours will be awarded for publication of a book.

(4) Two continuing education hours will be awarded for publication of an article or a chapter in a book.

§ 23.87. Reporting of continuing education credit hours.

(a) Applicants for a license **under §§ 23.27—23.27b (relating to definitions; license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license) or § 23.21 (relating to reciprocal application) [or license renewal] or for reactivation of an expired license** shall provide, at a time prescribed and **[on forms approved by the Board] in the manner and format prescribed by the Board,** a signed statement certifying that they have met the continuing education requirements set forth in section 5(b) of the act (63 P.S. § 244.5(b)) by providing information which shall include the following:

- (1) Dates attended.
 - (2) Continuing education hours claimed.
 - (3) Title of course, including the course number assigned by the Board, if applicable, and description of content. For those courses which are approved to meet the requirements for therapeutic or glaucoma certification, the licensee claiming credit shall ensure that the certificate of attendance includes the course number and number of hours that apply toward the requirement for therapeutic or glaucoma certification.
 - (4) School, clinical hospital, medical center, optometric center or organization sponsoring course, clinical conference, clinical rounds or preceptor training.
 - (5) Instructor.
 - (6) Name of licensee.
- (b) If a course provider does not use an electronic database such as the Association of Regulatory Boards of Optometry's (ARBO's) Optometric Education (OE) Tracker to report a continuing education course, the licensee may make arrangements to have the continuing education course entered into an electronic database for compliance purposes.

§ 23.88. Retention of continuing education records

(a) Licensees. [Primary responsibility for documenting the continuing education requirements rests with the licensees.] **Licensees shall maintain documentation of completion of continuing education.** The evidence to support fulfillment of those requirements shall be maintained for [6] **4** years after the completion of educational courses. Satisfactory documentation of the necessary information [**including the retention of attendance records and written outlines,**] may be accomplished as follows:

- (1) Courses.** [For courses delivered by an approved sponsor or provider the provider is required to provide each registrant with certification or documented evidence of attendance and satisfactory completion of the courses. The provider is also required to retain records for a minimum of 4 years. The records shall be made available to the Board, upon request.] **Licensees shall retain certificates of attendance records or other documentary evidence of continuing education course attendance.**
- (2) Other sources of continuing education.** [To qualify, all other continuing education hours shall receive written approval from the Board, which approval shall be retained by the applicant for 6 years.] **Licensees shall retain Board approvals and documentary evidence of attendance and completion for continuing education hours obtained under § 23.86a (c) and (d) (relating to acceptable methods of continuing education). Licensees who claim continuing education credit for publication or research shall retain copies of the publication or research.**

(b) Providers. **Approved course providers, pre-approved providers and Board-approved providers shall retain documented evidence of attendance and satisfactory completion of the**

courses and certificates of attendance for a minimum of 4 years. The records shall be made available to the Board upon request.

* * * * *

FEES

§ 23.91. Fees.

The following is the schedule of fees for services charged by the Board:

* * * * *

Application for continuing education course **[or program]** approval...\$45

Application for continuing education provider initial approval for providers under § 23.86(b) (relating to sources of continuing education hours) ...\$135

Biennial renewal fee for providers approved under § 23.86(b)...\$45

Application for licensees seeking continuing education credit retroactively under **[§ 23.86(e) or ((h)) § 23.86a(d)]** ...\$45

Application for certification to treat glaucoma...\$25

* * * * *

[INTERPRETATIONS]

§ 23.301. [Interpretation relating to sources of continuing education hours—statement of policy.

(a) *Purpose.* This statement of policy is intended to clarify to the regulated community the Board’s current interpretation of “individual study” contained in § 23.86 (relating to sources of continuing education hours).

(b) *Background.* As a requirement for optometry license renewal, under § 23.82 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement), licensees must complete at least 30 hours of Board approved continuing

education in each biennial renewal period. This continuing education must be taken from a Board-approved optometry continuing education provider listed in § 23.86(a). Section 23.86(g) allows for up to 15 hours of the required 30 hours to be individualized study programs. Taped study programs, online or webinar programs and journal courses are considered individual study programs. At a minimum, 50% of continuing education credits must be obtained from attendance at live, in person courses and programs. The Board has received inquiries regarding whether § 23.86(g) applies to “live virtual” courses and programs that are conducted through synchronous (real-time) audio and video communications where the instructor and participant can interact in real-time.

(c) *Interpretation.* For purposes of § 23.86(g), the Board interprets § 23.86(g) to exclude live virtual courses and programs that are conducted through synchronous (real-time) audio and video communications where the instructor and participant can interact in real-time. Stated differently, the Board considers live virtual courses and programs with real-time (synchronous) video and audio communication as live, in person, continuing education.]

{Reserved.}



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OPTOMETRY**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 367-2762**

October 7, 2025

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Optometry
16A-5217: Continuing Education

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Optometry pertaining to Continuing Education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Godfrey".

John A. Godfrey, OD, Chairperson
State Board of Optometry

JAG/JAW/ag
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Shawn J. Jayman, Board Counsel, State Board of Optometry
State Board of Optometry

Worthington, Amber

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Independent Regulatory
Review Commission

From: Emily Hackman <Ehackman@pahousegop.com>
Sent: Tuesday, October 7, 2025 9:41 AM
To: Worthington, Amber; Cindy Sauder; Nicole Sidle
Subject: RE: [EXTERNAL]: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Received! Thank you.

Emily Epler Hackman | Senior Policy Analyst

Pennsylvania House of Representatives

Health Committee (R)

141 Ryan Office Building

Phone: (717) 260-6351

From: Worthington, Amber <agontz@pa.gov>
Sent: Tuesday, October 7, 2025 9:33 AM
To: Emily Hackman <Ehackman@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>; Nicole Sidle <Nsidle@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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Thank you for your attention to this matter.



Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel

P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

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Worthington, Amber

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From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, October 7, 2025 9:46 AM
To: Worthington, Amber
Subject: [External] Re: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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Good morning Amber!

Thank you for sending this proposed rulemaking. A member of our staff will be in touch regarding the publication date.

Have a great day!

Leah

From: Worthington, Amber <agontz@pa.gov>
Sent: Tuesday, October 7, 2025 9:30 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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Governor's Office of General Counsel
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Worthington, Amber

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From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Tuesday, October 7, 2025 10:06 AM
To: Worthington, Amber
Subject: RE: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Received.

*Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Worthington, Amber <agontz@pa.gov>
Sent: Tuesday, October 7, 2025 9:33 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

⊙ CAUTION : External Email ⊙

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Worthington, Amber

From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, October 7, 2025 10:18 AM
To: Worthington, Amber
Cc: Alyssa M. Burns; Adeline E. Gaydosh
Subject: [External] RE: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

October 7, 2025

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Good morning,

This proposed rulemaking has been scheduled for the October 25, 2025, issue of the *Pennsylvania Bulletin*.

Thank you!

Alyssa Burns | Legal Assistant

aburns@palrb.us | 717.783.1531

Legislative Reference Bureau

Pennsylvania Code & Bulletin Office

647 Main Capitol Building

Harrisburg, PA 17120

From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, October 7, 2025 9:46 AM
To: Worthington, Amber <agontz@pa.gov>
Subject: Re: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Good morning Amber!

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Have a great day!

Leah

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Sent: Tuesday, October 7, 2025 9:30 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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October 7, 2025



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Worthington, Amber

From: Barton, Jamie <JBarton@pahouse.net>
Sent: Tuesday, October 7, 2025 1:34 PM
To: Worthington, Amber; Orchard, Kari L.; Brett, Joseph D.
Subject: RE: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

October 7, 2025

Received, thank you!



Ms. Jamie Barton
 Senior Legislative Assistant
 Office of State Rep. Frank Burns, Majority Chairman
 Professional Licensure Committee

332 Main Capitol Building
 Harrisburg PA 17120-2072
 (717) 772-8056 - Phone
 (717) 772-9965 - Fax

www.PaHouse.com/Burns

From: Worthington, Amber <agontz@pa.gov>
Sent: Tuesday, October 7, 2025 1:32 PM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: FW: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Good Afternoon, just following-up for the confirmation that this delivery was received before we can proceed to final delivery to IRRC.



Amber A. Worthington, PLS | Legal Office Administrator 2
 Office of Chief Counsel | Department of State
 Governor's Office of General Counsel

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From: Worthington, Amber
Sent: Tuesday, October 7, 2025 9:33 AM
To: Orchard, Kari L. <korchard@pahouse.net>; Barton, Jamie <jbarton@pahouse.net>; Brett, Joseph D. <jbrett@pahouse.net>
Subject: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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Worthington, Amber

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From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Tuesday, October 7, 2025 1:58 PM
To: Worthington, Amber
Subject: Re: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Received.

-Jesse

Get [Outlook for Android](#)

From: Worthington, Amber <agontz@pa.gov>
Sent: Tuesday, October 7, 2025 1:44:46 PM
To: Monoski, Jesse <jesse.monoski@pasenate.com>
Subject: FW: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

■ EXTERNAL EMAIL ■

Apologies, we missed you on our earlier emails today.



Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523

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From: Worthington, Amber
Sent: Tuesday, October 7, 2025 1:33 PM
To: ian.dimm@pasenate.com; joseph.kelly@pasenate.com; enid.vazquez@pasenate.com
Subject: FW: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

Good Afternoon, just following-up for the confirmation that this delivery was received before we can proceed to final delivery to IRRRC.



Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523

Office Phone 717.783.7200 | Fax: 717.787.0251

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From: Worthington, Amber
Sent: Tuesday, October 7, 2025 9:32 AM
To: Dimm, Ian <ian.dimm@pasenate.com>; joseph.kelly <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Subject: DELIVERY NOTICE REGULATION # 16A-5217 (Continuing Education)

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