

West's Annotated Mississippi Code [Currentness](#)

Title 73. Professions and Vocations

[Chapter 19](#). Optometry and Optometrists

→ General Provisions ([Refs & Annos](#))

→ [§ 73-19-1. Definition](#)

(1) The practice of optometry is defined to be the application of optical principles, through technical methods and devices in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers and adapting or prescribing optical accessories, including spectacles, contact lenses and low-vision devices, for the aid thereof, including, but not limited to, the use of computerized or automated refracting devices, lenses and prisms, vision therapy and low-vision rehabilitation therapy. The practice of optometry shall include the prescribing and use of therapeutic pharmaceutical agents by optometrists certified under [Sections 73-19-153](#) through [73-19-165](#). The practice of optometry shall not include the performing of any invasive surgery including laser surgery, but shall not preclude the removal of superficial foreign bodies from the eye or other noninvasive procedures. Nothing in this section or any other provision of law shall be construed to prohibit optometrists who have been certified under [Sections 73-19-153](#) through [73-19-165](#) from providing postophthalmic surgical or clinical care and management with the advice and consultation of the operating or treating physician.

(2) Nothing in Laws, 2005, Chapter 404, shall be construed or interpreted to allow any optometrist to treat systemic diseases and/or conditions.

→ [§ 73-19-3. Licensing requirement](#)

It shall not be lawful for any person in this state to engage in the practice of optometry or to hold himself out as a practitioner of optometry, or attempt to determine by an examination of the eyes the kind of glasses needed by any person, or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses, excepting those hereinafter exempted, unless he has first fulfilled the requirements of this chapter and has received a certificate of licensure from the state board of optometry created by this chapter, nor shall it be lawful for any person in this state to represent that he is the lawful holder of a certificate of licensure such as provided for in this chapter, when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry, or to fail to register the certificate as provided by law.

→ [§ 73-19-5. Offenses and penalties; immunity](#)

(1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction for his first offense shall be fined not more than five hundred dollars (\$500.00) at the discretion of the court, and upon conviction for a second or later offense shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not less than six (6) months nor more than one (1) year, at the discretion of the court.

(2) Any entity, organization or person, including the board, any member of the board and its agents or employees, acting in good faith and without malice, who makes any report or information available to the board regarding violation of any of the provisions of [sections 73-19-1](#) through [73-19-111](#), or who assists in the organization, investigation or preparation of any such report or information or assists the board in carrying out any of its duties or functions provided by law, shall be immune from civil or criminal liability for such acts.

→ **§ 73-19-7. State Board of Optometry**

The governor, with the advice and consent of the senate, shall appoint a state board of optometry, consisting of five (5) persons, citizens of Mississippi, each of whom shall be a nonmedical man or woman actually engaged in the practice of optometry for five (5) years next preceding his appointment. Within ninety (90) days after March 25, 1974, the governor shall appoint: one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years, and one (1) member for a term of five (5) years; and upon the expiration of all such terms their successors shall be appointed by the governor for a term of five (5) years. From and after July 1, 1983, the appointments to the board shall be made with one (1) member to be appointed from each of the congressional districts as existing on January 1, 1980; provided that the present members of the state board of optometry whose terms have not expired by July 1, 1983, shall continue to serve until their terms of office have expired. Each member shall remain in office after the expiration of his term until his successor shall be duly appointed and qualified.

No person so appointed shall be a stockholder in or a member of the faculty or of the board of trustees of any school of optometry, or serve to exceed two (2) five-year terms.

Vacancies on said board shall be filled by appointment by the governor, with the advice and consent of the senate, from a list of names submitted by the Mississippi Optometric Association consisting of three (3) of its members, or by appointment of any qualified member of the association.

→ **§ 73-19-9. Officers and members of board**

The State Board of Optometry shall organize by the election from its members of a president and a secretary, who shall hold their respective offices for one (1) year.

It shall hold regular meetings for examination, beginning on the second week of January and July of each year, and additional meetings at such times and places as the board shall determine, said additional meetings not to exceed ten (10) meeting days annually, but the July meeting shall be held in the City of Jackson.

A majority of the board shall constitute a quorum, but a less number may adjourn from time to time.

The board shall make such rules and regulations as may be necessary to carry out the provisions of this chapter; provided, however, that it shall require the concurrence of a majority of the members of the board to grant or revoke a license.

→ **§ 73-19-11. Bond of secretary of board**

Before entering upon the discharge of the duties of his office the secretary of the state board of optometry shall give a bond to the state, to be approved by the board, in the sum of two thousand dollars conditioned for the faithful discharge of the duties of his office. The premium for such bond to be paid from the funds paid into the state treasury by the secretary of the board.

Such bond, with the approval of the board and oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. Each month all moneys received by the secretary shall be paid by him into the state treasury to the credit of a fund for the use of the state board of optometry.

→ **§ 73-19-13. Compensation and expenses of members**

Each member of the state board of optometry shall be entitled to receive per diem as authorized under [section 25-3-69](#) in addition to all actual, necessary expenses incurred in the discharge of official duties, including mileage as authorized by law for state officials and employees.

The secretary shall receive an annual salary, to be fixed by the board, and his necessary expenses incurred in the discharge of his official duties. The state board of optometry may engage the services of an attorney to assist it in the discharge of its duties on terms to be fixed by the board.

The compensation and expenses of the secretary, attorney and members of the board, and the expenses of the board necessary in carrying out the provisions of this chapter, shall be paid from the fund in the state treasury for use of the board on the requisition signed by the president and secretary of the board and the warrant of the auditor of the state; provided, however, that said compensation and expenses shall not exceed the amount paid into the state treasury under the provisions of this chapter; and provided further, that all expenditures from such special fund shall be authorized by the legislature and shall be subject to all applicable provisions of the state budget law.

→ [§ 73-19-15. Record of board proceedings](#)

The state board of optometry shall have an official seal and shall keep a record of its proceedings, a register of persons registered as optometrists and register licenses by it revoked.

Its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety (90) days after each examination. A transcript of an entry in such records certified by the secretary under the seal of the board, shall be evidence of the facts therein stated. The board shall annually, on or before January 1 make a report to the governor of all its official acts during the preceding year, and of its receipts and disbursements, and a full and complete report of the conditions of optometry in this state.

→ [§ 73-19-17. Qualifications for licensing examination](#)

Any person over the age of twenty-one (21) years, of good moral character, and who has graduated from a high school or preparatory school affiliated with and recognized by a state university, and who has graduated from a reputable school or college of optometry, shall be entitled to stand the examination for license to practice optometry in Mississippi. The examining Board of Optometry shall keep on file a list of schools or colleges of optometry which are recognized by said board. The examination to practice optometry shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry and in anatomy and physiology of the eye and in pathology as applied to optometry. The State Board of Optometry shall not examine or certify any optometrist in any therapeutic procedures unless the optometrist has successfully completed the proper didactic education and supervised clinical training taught by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy.

→ [§ 73-19-19. Application for examination; reexamination](#)

Every person desiring to be licensed as in this chapter provided, shall file with the secretary an application, verified by oath, setting forth the facts which entitle the applicant to examination and licensure under the provisions of this chapter. The said board shall hold at least two (2) examinations each year. In case of failure at any examination the applicant, after the expiration of six (6) months and within two (2) years, shall have the privilege of a second examination by the board without the payment of an additional fee. In the case of any applicant who shall fail the examination twice, said applicant shall not be permitted to again take the examination until he has completed a

further course of study outlined by the board and paid the examination fee therefor. Every applicant who shall pass the examination, and who shall otherwise comply with the provisions of this chapter, shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this state, which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose, which shall be open to public inspection, and a duly certified copy of said record shall be received as evidence in all courts of this state in the trial of any case.

Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with [Section 93-11-64, Mississippi Code of 1972](#).

→ **[§ 73-19-21. Examination, registration and renewal fees](#)**

Except as provided in [Section 33-1-39](#), the board shall charge the following fees for examination, registrations and renewals of certificates: The sum of not more than Two Hundred Dollars (\$200.00) for an examination of an applicant who is a resident of Mississippi and not more than Three Hundred Dollars (\$300.00) for a nonresident of Mississippi to cover the additional expenses of checking references, character and other statements contained in the application. Every registered optometrist who desires to continue the practice of optometry shall, annually, on or before January 1, pay to the secretary of the board a renewal registration fee of not more than Four Hundred Dollars (\$400.00) for which he shall receive a renewal of his certificate. The board, in its discretion, may set the renewal registration fee at different amounts for registered optometrists, for registered optometrists certified to use diagnostic pharmaceutical agents, and for registered optometrists certified to use diagnostic and therapeutic pharmaceutical agents, not to exceed the maximum amount prescribed in this section.

In case of neglect to pay the renewal registration fee specified in this section, the board may revoke the certificate and the holder thereof may be reinstated by complying with the conditions specified in this chapter. But no certificate or permit shall be revoked without giving sixty (60) days' notice to the delinquent, who, within that period shall have the right of renewal of the certificate on payment of the renewal fee with a penalty of not more than Fifteen Dollars (\$15.00). Retirement from practice for a period not exceeding five (5) years shall not deprive the holder of the certificate of the right to renew his certificate on the payment of all lapsed fees.

The board shall adopt a seal and certificate of suitable design and shall conduct its examination at Jackson, in this state. Its permanent records shall be kept in the office of the secretary, which records shall be open to public inspection.

→ **[§ 73-19-23. Revocation of license for violations](#)**

(1) The board shall refuse to grant a certificate of licensure to any applicant and may cancel, revoke or suspend the operation of any certificate by it granted for any or all of the following reasons: unprofessional and unethical conduct or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, or stimulants, narcotics, or any other substance that impairs the intellect and judgment to such an extent as to incapacitate one for the performance of the duties of an optometrist. The certificate of licensure of any person can be revoked for violating any section of this chapter.

(2) The board shall further be authorized to take disciplinary action against a licensee for any unlawful acts, which shall include violations of regulations promulgated by the board, as well as the following acts:

(a) Fraud or misrepresentation in applying for or procuring an optometric license or in connection with applying for or procuring periodic renewal of an optometric license.

(b) Cheating on or attempting to subvert the optometric licensing examination(s).

- (c) The conviction of a felony in this state or any other jurisdiction, or the entry of a guilty or nolo contendere plea to a felony charge.
- (d) The conviction of a felony as defined by federal law, or the entry of a guilty or nolo contendere plea to a felony charge.
- (e) Conduct likely to deceive, defraud or harm the public.
- (f) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, device, treatment or remedy prescribed by him or her or used at his or her direction in the treatment of any disease or other condition.
- (g) Willfully or negligently violating the confidentiality between doctor and patient, except as required by law.
- (h) Negligence or gross incompetence in the practice of optometry as determined by the board.
- (i) Being found to be a person with mental illness or with an intellectual disability by any court of competent jurisdiction.
- (j) The use of any false, fraudulent, deceptive or misleading statement in any document connected with the practice of optometry.
- (k) Aiding or abetting the practice of optometry by an unlicensed, incompetent or impaired person.
- (l) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's practice of optometry.
- (m) Being addicted or habituated to a drug or intoxicant.
- (n) Violating any state or federal law or regulation relating to a drug legally classified as a controlled substance.
- (o) Obtaining any fee by fraud, deceit or misrepresentation.
- (p) Disciplinary action of another state or jurisdiction against a licensee or other authorization to practice optometry based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this chapter, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof.
- (q) Failure to report to the board the relocation of his or her office in or out of the jurisdiction, or to furnish floor plans as required by regulation.
- (r) Violation of any provision(s) of the Optometry Practice Act or the rules and regulations of the board or of an action, stipulation or agreement of the board.
- (s) To advertise in a manner that tends to deceive, mislead or defraud the public.
- (t) The designation of any person licensed under this chapter, other than by the terms "optometrist," "Doctor of Optometry" or "O.D."

(u) To knowingly submit or cause to be submitted any misleading, deceptive or fraudulent representation on a claim form, bill or statement.

(v) To practice or attempt to practice optometry while his or her license is suspended.

(3) Any person who is holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure, against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing in Jackson, Mississippi, before the board, at which hearing he may be represented by counsel. At the hearing, witnesses may be examined for and against the accused respecting those charges, and the hearing orders or appeals will be conducted according to the procedure now provided in [Section 73-25-27](#). The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be removed when the holder of the certificate has been adjudged by the board to be cured and capable of practicing optometry.

(4) In addition to the reasons specified in subsections (1) and (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in [Section 93-11-153](#). The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by [Section 93-11-157](#) or [93-11-163](#), as the case may be. If there is any conflict between any provision of [Section 93-11-157](#) or [93-11-163](#) and any provision of this chapter, the provisions of [Section 93-11-157](#) or [93-11-163](#), as the case may be, shall control.

→ [§ 73-19-25. Certification of foreign licensee](#)

An applicant for a certificate of licensure who has been examined by the state board of another state which, through reciprocity, similarly accredits the holder of a certificate issued by the board of this state to the full privileges of practice within such state, on the payment of a fee of not more than fifty dollars (\$50.00) to the said board and on filing in the office of the board a true and attested copy of the said license, certified by the president or secretary of the state board issuing the same, and showing also that the standard requirements adopted and enforced by said board are equal to that provided by this state, may, without further examination, receive a certificate of licensure, provided that such applicant has not previously failed at an examination held by the board of this state.

→ [§ 73-19-27. Scope of license](#)

Nothing in this chapter shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of oculist, ophthalmologist, or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery, or the treatment or the diagnosis of diseases of, or injuries to, the human eye, or the right to use drugs or medicines in any forms for the treatment or examination of the human eye. However, optometrists who have been certified by the board under the provisions of [Sections 73-19-101](#) through [73-19-109](#) may use diagnostic pharmaceutical agents in the practice of optometry in accordance with the requirements of [Sections 73-19-101](#) through [73-19-109](#), and optometrists who have been certified by the board under the provisions of [Sections 73-19-153](#) through [73-19-165](#) may use therapeutic pharmaceutical agents in the practice of optometry in accordance with the requirements of [Sections 73-19-153](#) through [73-19-165](#). Nothing contained in Chapter 303, Laws of 1991, shall be construed as expanding the scope of practice of a licensed optometrist beyond that authorized prior to July 1, 1991.

→ [§ 73-19-29. Limited application of provisions](#)

The provisions of this chapter shall not apply to physicians or surgeons practicing under authority of licenses issued

under the laws of this state for the practice of medicine or surgery. And provided that this chapter shall not prohibit merchants and druggists who are actually engaged in business in this state from selling and assisting purchasers in fitting spectacles and eye glasses in their place of business at time of sale.

→ [§ 73-19-31. Repealed by Laws 2005, Ch. 404, § 12, eff. July 1, 2005](#)

→ [§ 73-19-33. Complaints against licensed optometrists](#)

Complaints, irrespective of source, touching upon the professional conduct or conduct evincing unfitness for the practice of optometry made against optometrists licensed in this state, that may be received by or that may come to the attention of any member of the board, shall be referred by the president of the board to an impartial member of the board for preliminary investigation and further action as may be appropriate. The complaint must be in writing and signed by the person making the complaint or charge and shall contain the street address of the complaining party and each witness.

→ [§ 73-19-35. Filing and referral of complaint](#)

When any complaint or charge touching upon the professional conduct or conduct evincing unfitness for the practice of optometry against any optometrist subject to discipline hereunder is referred to a member of the board for investigation, the board member shall take the following action:

- (a) Cause the complaint or charge to be filed and docketed with the secretary of the board; and
- (b) Refer the complaint to the board investigator for further investigation and report.

→ [§ 73-19-37. Investigation of complaint](#)

The board investigator shall immediately investigate the complaint; and upon completion of his investigation he shall inform the accused optometrist that a complaint has been filed against him and that he is under investigation, advise the accused optometrist of the general nature of the charges, furnish him a copy of the complaint and any evidence supporting it, and afford the accused optometrist an opportunity to respond. Communications and notices to the accused optometrist shall be transmitted by registered or certified mail, postage prepaid, to the last known residence or business address of the licensee.

→ [§ 73-19-39. Investigator's findings and recommendations](#)

After completion of his investigation, the board investigator shall make a report of his findings and recommendations to the member of the board designated to investigate the matter. After receipt of the investigator's report, the board member shall take the following action:

- (a) If upon review of the complaint, board investigator's report and any written response by the accused optometrist, the board member determines that there is not reasonable ground to believe that the accused optometrist has been guilty of unprofessional conduct or conduct evincing unfitness for the practice of optometry, the board member shall present his findings and recommendations to the board at the next regular board meeting. The board may dismiss the complaint or may prepare a formal complaint against the licensee as provided in [Section 73-19-41, Mississippi Code of 1972](#). In the event of dismissal, the person filing the complaint and the accused optometrist shall be given written notice of the board's determination.
- (b) If the board member determines there is reasonable cause to believe the accused optometrist is guilty of such

conduct, which, if proven, would warrant suspension for a definite or an indefinite period or license revocation, the board member shall request the board to prepare and file a formal complaint against the accused optometrist. The board may dismiss the complaint or may prepare a formal complaint against the licensee as provided in [Section 73-19-41, Mississippi Code of 1972](#). In the event of a dismissal, the person filing the complaint and the accused optometrist shall be given written notice of the board's determination.

→ [§ 73-19-41. Notice and hearing](#)

(1) The board shall fix a time and place for any formal complaint hearing and shall cause a written notice specifying the offense or offenses for which the licensee is charged and notice of the time and place of the hearing to be served upon the licensee at least twenty (20) days prior to the hearing date. Such notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known residence or business address of the licensee.

(2) The board is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at such hearing. Process issued by the board shall extend to all parts of the state and shall be served by any person designated by the board for such service.

(3) The accused shall have the right to appear either personally or by counsel or both to produce witnesses or evidence in his behalf, to cross-examine witnesses and to have subpoenas issued by the board.

(4) At the hearing, the board shall administer oaths as may be necessary for the proper conduct of the hearing. All hearings shall be conducted by the board, with the exception of the investigating board member who shall not participate in the hearing. The board shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient evidence to sustain it. All proceedings shall be transcribed by a court reporter.

(5) Where, in any proceeding before the board, any witness fails or refuses to attend upon a subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(6) The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last known residence or business address of such licensee by way of United States first class, certified mail, postage prepaid.

→ [§ 73-19-43. Disciplinary penalties for violations](#)

(1) Upon finding of the existence of grounds for discipline of any person holding a license, seeking a license, or seeking to renew a license under the provisions of this chapter, the board may impose one or more of the following penalties:

(a) Suspension of the offender's license for a term to be determined by the board;

(b) Revocation of the offender's license;

(c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of optometry in a particular manner for a term to be determined by the board;



(d) Imposition of a monetary penalty as follows:

(i) For the first violation, a monetary penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation;

(ii) For the second violation and subsequent violations, a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation;

(e) Refusal to renew offender's license;

(f) Placement of the offender on probation and supervision by the board for a period to be determined by the board;

(g) Public or private reprimand.

(2) Any person whose license has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right to petition the board at reasonable intervals for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support, as defined in [Section 93-11-153](#), shall be governed by [Section 93-11-157](#) or [93-11-163](#), as the case may be.

(3) Nothing herein shall be construed as barring criminal prosecutions for violation of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(4) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee upon the expiration of the period allowed for appeal of such penalties under [Section 73-19-45, Mississippi Code](#) of 1972, or may be paid sooner if the licensee elects. Money collected by the board under this section shall be deposited to the credit of the General Fund of the State Treasury.

(5) When payment of a monetary penalty assessed and levied by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When such proceedings are instituted, the board shall certify its order to the chancery court and the matter shall thereupon be heard in due course by the court, which shall review the order and make its determination thereon. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation. If the chancellor finds no errors on the face of the board's order, the board shall have a judgment for the amount due which shall be enforceable as all other judgments.

→ [§ 73-19-45. Right of appeal](#)

(1) The right to appeal from a final action of the board is hereby granted. Such appeal shall be to the chancery court of the county of residence of the licensee and shall be on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be taken within thirty (30) days after notice of the action of the board. The appeal shall be perfected upon filing notice of the appeal with the chancery court and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the board, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00), conditioned that if the action of the board be affirmed by the chancery court, the licensee will pay the costs of the appeal and the action in the chancery court. A copy of the Notice of Appeal shall be served upon board counsel.

(2) If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a super-seedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The scope of review of the chancery court shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was (a) not supported by substantial evidence, (b) arbitrary or capricious, (c) beyond the power of the board to make, or (d) in violation of some statutory or constitutional right of the appellant. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by the rules of the Supreme Court.

(3) Actions taken by the board in suspending a license when required by [Section 93-11-157](#) or [93-11-163](#) are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by [Section 93-11-157](#) or [93-11-163](#) shall be taken in accordance with the appeal procedure specified in [Section 93-11-157](#) or [93-11-163](#), as the case may be, rather than the procedure specified in this section.

### Contact Lenses

#### → [§ 73-19-61. Practitioners authorized to supply lenses](#)

It shall be unlawful for any person, persons, corporation, proprietorship, partnership, or any entity other than a licensed optometrist or licensed ophthalmologist to dispense, fit, or prescribe to the public contact lenses, including FDA-approved medicated contact lenses, or any medical appliance having direct contact with the cornea of the eye. An optical dispenser may, however, fill the written contact lens prescription of a licensed optometrist or licensed ophthalmologist, provided that the optical dispenser directs the wearer of the lenses back to the prescribing optometrist or ophthalmologist for verification of the proper fit of the lenses. This section does not authorize a licensed optometrist to prescribe, fit, sell or dispense contact lenses medicated with a drug that is outside of the licensed optometrist's scope of practice.

#### → [§ 73-19-63. Offenses and penalties](#)

Any person violating the provisions of [section 73-19-61](#) shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1000.00) and/or imprisoned not less than six (6) months nor more than one (1) year at the discretion of the court.

#### → [§ 73-19-65. Immunity of persons reporting violations](#)

Any person, organization or entity acting in good faith and without malice, who makes any report or provides any information to any law enforcement agency regarding any violation of [section 73-19-61](#) or who assists in the investigation or prosecution of any violation of [section 73-19-61](#) shall be immune from civil or criminal liability for such acts.

### Use of Diagnostic Pharmaceutical Agents (Refs & Annos)

#### → [§ 73-19-101. Optometrist use of pharmaceutical agents](#)

No person engaged in the practice of optometry in the State of Mississippi shall use pharmaceutical agents in the practice of optometry unless he has been certified to use diagnostic pharmaceutical agents under the provisions of [Sections 73-19-103](#) through [73-19-109](#), or unless he has been certified to use therapeutic pharmaceutical agents under the provisions of [Sections 73-19-153](#) through [73-19-165](#).

→ **§ 73-19-103. Cooperative action between state boards**

(1) The State Board of Medical Licensure and the State Board of Pharmacy each shall, within thirty (30) days after July 1, 1982, and annually thereafter, designate one (1) member from its board, on the minutes of each respective board, to advise and consult with the State Board of Optometry on the matters specified in Sections 73-19-103 through [73-19-109](#). The State Board of Optometry, the State Board of Medical Licensure, and the State Board of Pharmacy shall work in cooperation with each other to the greatest extent possible in implementing the provisions of [Sections 73-19-101](#) through [73-19-111](#).

(2) The State Board of Optometry, with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, shall prescribe additional educational requirements and additional theoretical and practical examinations for optometrists licensed to practice optometry in the State of Mississippi and applicants for a license to practice optometry in the State of Mississippi to become certified to use certain specified pharmaceutical agents as diagnostic agents only. The authorized use of such diagnostic pharmaceutical agents shall be specifically limited to those pharmaceutical agents which, when applied topically to the eye, are utilized in a prescribed manner to assess ocular conditions for the purpose of referring any deviation from the normal to a physician for treatment. The pharmaceutical agents so authorized shall be limited to the following classes: anesthetics, mydriatics, cycloplegics, dyes and over-the-counter drugs. Such agents shall be utilized in the practice of optometry only by the optometrist and shall not be dispensed to any patient. The limitations of this subsection shall not apply to those optometrists certified to use therapeutic pharmaceutical agents under the provisions of [Sections 73-19-153](#) through [73-19-165](#).

(3) Any optometrist utilizing a diagnostic pharmaceutical agent so authorized shall maintain accurate and current medical records concerning the procurement and use of such pharmaceutical agents in the same form and manner as is required for physicians, in addition to any records required to be kept or otherwise necessary to keep in the practice of optometry. All of the medical records concerning the procurement and use of such pharmaceutical agents shall be available for inspection at any time by representatives of the State Board of Optometry, and all such records shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

→ **§ 73-19-105. Educational requirements for optometrist certification**

(1) Before any optometrist or any applicant for a license to practice optometry may be certified to use diagnostic pharmaceutical agents as authorized in [Section 73-19-103](#), he shall submit satisfactory evidence to the State Board of Optometry that he has successfully completed a course or courses in pharmacology as they apply to optometry, with particular emphasis on the topical application of diagnostic pharmaceutical agents to the eye, and any additional educational requirements prescribed by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. Such course or courses in pharmacology and any additional educational requirements prescribed shall be completed at an institution accredited by a regional professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation or the United States Department of Education or its successors and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy.

(2) Upon the successful completion of all specified educational requirements, any optometrist or any applicant for a license to practice optometry who desires certification to use diagnostic pharmaceutical agents as authorized in [Section 73-19-103](#) shall satisfactorily pass an examination administered by the State Board of Optometry. Such examination shall be prepared by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. No credit for such examination may be given unless the applicant for certification has achieved a score equal to or greater than a score which is

generally accepted in medical schools as a passing score for the same subject areas of the examination, as determined by the State Board of Optometry. All examinations and scores shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

(3) The additional educational requirements necessary to become certified to use diagnostic pharmaceutical agents may be completed simultaneously with the educational requirements necessary to become licensed to practice optometry or may be completed after the person is licensed to practice optometry. Any applicant for a license to practice optometry who has met the additional educational requirements for certification to use diagnostic pharmaceutical agents may take the examination to become licensed to practice optometry and the examination to become certified to use diagnostic pharmaceutical agents at the same time.

→ **[§ 73-19-107. Patient referral by optometrist](#)**

Any optometrist who encounters a patient in the course of his practice who is, in the exercise of the optometrist's professional judgment, suffering from any symptom or combination of symptoms indicating an underlying pathologic or physiologic disorder or disfunction necessitating care and treatment beyond the scope of the optometrist's professional limitations, shall immediately refer such patient to a licensed physician for such additional treatment as may be needed.

→ **[§ 73-19-109. Pharmaceutical agents dispensed by pharmacist](#)**

Any pharmacist licensed under the laws of the State of Mississippi is hereby authorized to dispense those diagnostic pharmaceutical agents specified in [Section 73-19-103](#) to any optometrist certified by the State Board of Optometry to use such agents.

→ **[§ 73-19-111. Offenses and penalties](#)**

(1) Any optometrist violating any provision of [Sections 73-19-101](#) through [73-19-109](#) shall, upon conviction for a first offense, be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) at the discretion of the court, and upon conviction for a second or later offense shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned not less than six (6) months nor more than one (1) year at the discretion of the court. Such actions shall be brought by the State Board of Optometry. However, this shall not be construed to prohibit the State Board of Medical Licensure, the State Board of Pharmacy, or any affected individual from bringing actions against any optometrist violating any provision of [Sections 73-19-101](#) through [73-19-109](#).

(2) In addition to the penalties prescribed in subsection (1), the State Board of Optometry is authorized to suspend or revoke the optometrist's license to practice optometry for violating any provision of [Sections 73-19-101](#) through [73-19-109](#). Any optometrist may appeal any such suspension or revocation of his license by the State Board of Optometry to the chancery court of the county of his residence in the manner prescribed by law.

**Use of Therapeutic Pharmaceutical Agents**

→ **[§ 73-19-151. Authority to prescribe therapeutic pharmaceutical agents](#)**

(1) Persons lawfully engaged in the practice of optometry in the State of Mississippi may prescribe and use therapeutic pharmaceutical agents in the practice of optometry after being authorized to use such agents under the provisions of [Section 73-19-153](#).

(2) The designated members of the State Board of Medical Licensure and the State Board of Pharmacy provided for in [Section 73-19-103](#) shall advise and consult with the State Board of Optometry on matters specified in [Sections 73-19-153](#) through [73-19-165](#).

→ **[§ 73-19-153. Certification to use therapeutic pharmaceutical agents](#)**

(1) Any optometrist certified to use diagnostic pharmaceutical agents as provided in [Section 73-19-105](#) also may be certified to use therapeutic pharmaceutical agents when he has satisfactorily completed the following:

(a) A course consisting of a minimum of sixty-four (64) hours of didactic education as defined by rule or regulation of the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, with particular emphasis on the examination, diagnosis and treatment of conditions of the eye and adnexa. Such course shall be provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy; and

(b) A minimum of eighty (80) hours of supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa, by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy; and

(c) Such other requirements as may be determined by the board.

(2) Upon the successful completion of all specified educational and clinical requirements provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education, or its successor, and approved by the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, any optometrist who desires certification to prescribe and use therapeutic pharmaceutical agents shall satisfactorily pass a written examination approved by the State Board of Optometry, with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy. The applicant for certification must achieve a score equal to or greater than a score that is generally accepted in medical schools as a passing score for the same subject areas of examination, as determined by the State Board of Optometry. All examinations and scores shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

→ **[§ 73-19-155. Educational, recordkeeping requirements](#)**

(1) Within thirty (30) days after July 1, 1994, and annually thereafter, the State Board of Optometry with the advice and consultation of the designated members of the State Board of Medical Licensure and the State Board of Pharmacy, shall develop rules and regulations requiring the satisfactory completion of the educational requirements, clinical training, and examinations required under the provisions of [Sections 73-19-153](#) through [73-19-165](#), regarding those optometrists seeking to become certified to prescribe and use therapeutic pharmaceutical agents.

(2) Any optometrist using therapeutic pharmaceutical agents shall maintain accurate and current medical records concerning the procurement and use of such agents in the same form and manner as required for medical doctors, in addition to any records required to be kept or otherwise necessary to keep in the practice of optometry. All of these

medical records shall be available for inspection at any time by representatives of the State Board of Optometry, and all such records shall be made available for inspection to the State Board of Medical Licensure and the State Board of Pharmacy through their designated members.

→ **§ 73-19-157. Authority to use therapeutic pharmaceutical agents**

Any optometrist certified to prescribe and use therapeutic pharmaceutical agents under [Sections 73-19-153](#) through [73-19-165](#) is authorized to examine, diagnose, manage and treat visual defects, abnormal conditions and diseases of the human eye or eyelids, including:

(a) Topical pharmaceutical agents;

(b) Over-the-counter medications;

(c) The administration and prescribing of all noninjectible medications listed in the current annual edition of the “Physicians Desk Reference for Ophthalmic Medicines” which are rational and appropriate for the examination, diagnosis, management or treatment of visual defects, abnormal conditions or diseases of the eye and/or eyelids for proper optometric practice;

(d) The administration and prescribing of oral pharmaceutical agents to treat glaucoma; oral antibiotic medications; oral nonsteroidal anti-inflammatory (NSAIDS) medications; over-the-counter allergy medications; and oral medications to treat viral infections, all of which must be used solely for the rational and appropriate examination, diagnosis, management or treatment of visual defects, abnormal conditions of the eye and/or eyelids for proper optometric practice; and

(e) The administration of an auto injection or epi-pen to counteract anaphylactic reaction, followed by immediate referral of the patient to the nearest emergency medical facility.

→ **§ 73-19-159. Standard of care**

Any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents shall be held to the same standard of care in the prescription and use of such agents, and in diagnosis and treatment, as is common to a licensed medical doctor.

→ **§ 73-19-161. Action required when patient fails to respond to prescribed treatment**

If a patient of any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents is not responding to the prescribed treatment within the normal response time for the condition being treated, in the optometrist's professional judgment, the optometrist shall immediately refer such patient to a licensed physician for such additional treatment as may be needed.

→ **§ 73-19-163. Certificate issuance and display**

Any optometrist who is certified to prescribe and use therapeutic pharmaceutical agents shall be provided by the State Board of Optometry a certificate reflecting such certification, and such certification shall be prominently displayed in the optometrist's office.

→ **§ 73-19-165. Pharmacist authorized to fill prescriptions**

Any pharmacist licensed under the laws of the State of Mississippi is authorized to fill and dispense to patients those therapeutic pharmaceutical agents specified in [Section 73-19-157](#) for any optometrist certified by the State Board of Optometry to use such agents.

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