

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
Board of Examiners in Optometry
24 DE Admin. Code 2100
Statutory Authority: 24 Delaware Code,
Section 2104(a)(1) (24 Del.C. §2104(a)(1))

PROPOSED

PUBLIC NOTICE

The Delaware Board of Examiners in Optometry is proposing an amendment to Rule 3.1 of its rules and regulations pursuant to 24 **Del.C.** §2104(a)(1) and 29 **Del.C.** §10115. The Board proposes to amend Rule 3.1. to clarify that an internship is to be done in a private practice setting in the State of Delaware, or other Board approved setting, under the supervision of a licensed optometrist or ophthalmologist to ensure that the clinical setting for the intern is in keeping with the standard of care in Delaware.

The Board will accept written comments from July 1, 2004 through July 31, 2004. The Board will hold a public hearing on the proposed amendment on August 26, 2004 at 6:30 p.m. in the second floor conference room in the Division of Professional Regulation, Cannon Building, 861 Silver Lake Boulevard, Suite 203, Dover, DE 19904-2467. Written comments should be submitted to Jane Youmans, Administrative Specialist, Division of Professional Regulation, at the same above-listed address.

The proposed amendment to Rule 3.1. is as follows:

3.0 Internship

3.1 An internship is a course of study in which applicants receive part of their clinical training in a Board approved private practice setting in Delaware, or other Board approved setting, under the supervision of a licensed optometrist or ophthalmologist. An active, licensed Optometrist or Ophthalmologist may act as a supervisor. Any applicant's participation in such an internship program must be approved by the Board and is subject to the following terms and conditions:

3.1.1 A letter from the practitioner with whom the applicant will be interning stating the goals, duties and the number of hours he/she will be working. If the applicant is not doing his/her internship with a therapeutically certified optometrist or ophthalmologist, he/she must also complete an additional one hundred (100) hours of clinical internship with a therapeutically certified Optometrist, Medical doctor or Osteopathic physician.

3.1.2 Each applicant who will be participating in the internship program must provide the name and address of the supervisor and the dates of the internship for approval by the Board before the internship may begin provided that, in the event an applicant has made a good faith effort to submit all necessary licensure materials for approval of the internship, and in the event that the Board is unable to meet to review said licensure materials due to the absence of a sufficient number of statutorily appointed Board members, as occurred in July-August, 2003, the Board may approve said internship starting as of the date when the applicant has submitted all licensure materials.

3.1.3 A letter must be received by the Board from the supervisor verifying the completion of the internship.

3.1.4 For purposes of this Section and 29 **Del.C.** §2110, the term "duration" shall be defined as "a period of no less than six (6) months and no greater than the period ending on the date of the next Board meeting following the end of the six (6) month period." No intern may practice on a temporary license beyond the duration of the internship.

3.2 Subject to the approval requirements stated above, a candidate's internship requirements may be satisfied while the candidate is a member of the Armed Forces if he/she:

3.2.1 Functions as a fully credentialed therapeutically certified optometric practitioner; and (for purposes of this Section equivalent to the Air Force regulations).

3.2.2 Performs his optometric duties on a full-time basis in a completely equipped eye clinic.

3.3 Full-time: minimum of 35 hours per week.

3.4 All supervisors must supervise the interns on a one-to-one basis whenever an applicant performs a task which constitutes the practice of optometry. No supervisor may be a supervisor for more than one intern, or student extern, at a time. Only one intern shall be permitted in any practice for any period of time.

3.5 All acts which constitute the practice of optometry under 24 **Del.C.** §2101(a) may be performed by the intern only under the following conditions:

3.5.1 The supervisor shall be on the premises and immediately available for supervision at all times;

3.5.2 All intern evaluations of any patient shall be reviewed by the supervisor prior to final determination of the patient's case before the patient leaves the premises; and

3.5.3 A supervisor shall at all times effectively supervise and direct the intern.

3.6 A violation of any of the conditions enumerated in this rule may be grounds for the Board to revoke their approval of an internship program. The Board may also revoke its approval of an internship program if it determines that either the supervising optometrist or the intern has engaged in any conduct described by 24 **Del.C.** §2113(a). Furthermore, any violation of the terms of this rule by a supervising optometrist who is a licensed optometrist shall be considered unprofessional conduct and a violation of 24 **Del.C.** §2113(a)(7).

2 DE Reg 85 (5/1/99)

7 DE Reg. 912 (1/1/04)

*** Please Note: As the rest of the sections were not amended they are not being published. A complete set of the Board of Examiners in Optometry rules and regulations are available at:**

<http://www.state.de.us/research/profreg/Frame.htm>

8 DE Reg. 16 (7/1/04)