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RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

Continuing Education

[56 Pa.B. 6666]
[Saturday, October 10, 2026]

The State Board of Optometry (board) amends §§ 23.1, 23.81—23.88 and 23.91; adds § 23.86a (relating to acceptable methods of continuing education); and deletes § 23.301 to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This final-form rulemaking is 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 this final-form rulemaking, the board's intent is to simplify the requirements and to clarify the regulations governing its continuing education standards. The board published a statement of policy in § 23.301 at 53 Pa.B. 6711 (October 28, 2023) to clarify that the board considers live virtual courses with real-time (synchronous) video and audio communication as live, in-person continuing education. This final-form rulemaking incorporates the provisions of this statement of policy. Therefore, when this final-form rulemaking is published, the statement of policy will be deleted.

Summary of Comments and the Board's Response

Notice of the proposed rulemaking was published at 55 Pa.B. 7380 (October 25, 2025). Publication was followed by a 30-day public comment period during which the board received no

public comments. On December 24, 2025, the Independent Regulatory Review Commission (IRRC) submitted comments on the proposed rulemaking. The Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and the Professional Licensure Committee of the House of Representatives (HPLC) did not submit comments. The following represents a summary of IRRC's comments and the board's response.

§ 23.86a. Acceptable methods of continuing education.

IRRC questioned why § 23.86a(a) of the proposed regulation refers to in-person continuing education and synchronous distance education separately. IRRC suggested that the board instead define "in-person continuing education" and include within that definition all instructional methods it considers in-person, including synchronous distance education. In this final-form rulemaking, the board defines "in-person continuing education" as follows: Instruction offered in which the learner participates in real time, either at a designated physical location with the instructor present or through synchronous distance education and includes the opportunity for direct interaction between the learner and the instructor. The term does not include asynchronous distance education or other individual study.

IRRC also noted that § 23.86a(b)—(d) provides that credit hours will be awarded at the rate of 1 credit hour for every 50 minutes and suggested that the board also include this standard in subsection (a). The board agrees with IRRC's suggestion and amends subsection (a) accordingly.

§ 23.88. Retention of continuing education records.

IRRC asked if the board's proposed time frame from 6 years to 4 years for record retention of continuing education documentation is consistent with the board's lookback period for continuing education audits. Continuing education audits look back to the renewal period in which the licensee is renewing or the prior biennial period. Accordingly, retention for a 4-year period is appropriate.

Miscellaneous clarity

IRRC requested that the board update the anticipated promulgation date for the final-form rulemaking in the Regulatory Analysis Form (RAF). The board has done so and now anticipates promulgation in the fall of 2026. IRRC also requested that the board remove the remaining 2025 board meeting dates in the RAF, as they are unrelated to the board's plan for reevaluating the regulation's continuing effectiveness after implementation. The board makes this revision.

Fiscal Impact and Paperwork Requirements

The board does not anticipate any significant fiscal impact or paperwork requirements relating to this final-form rulemaking.

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 the notice of proposed rulemaking, published at 55 Pa.B. 7380, and a copy of a RAF to IRRC and the chairpersons of the SCP/PLC and the chairpersons of the HPLC for review and comment. A copy of this material is available to the public upon request.

In preparing this final-form rulemaking, the board has considered all comments received from IRRC. No public comments were received on the proposed rulemaking. The board also received no

comments from the SCP/PLC or the HPLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on July 7, 2026, the board delivered this final-form rulemaking to IRRC, the SCP/PLC and the HPLC. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC on August 19, 2026. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 20, 2026, and approved the final-form rulemaking.

Contact Persons/Additional Information

Additional information may be obtained by writing to Regulatory Counsel, State Board of Optometry, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov. Comments should be identified as pertaining to rulemaking 16A-5217 (Continuing Education).

Findings

The board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, and no public comments were received. IRRC's comments were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 55 Pa.B. 7380.

(4) This final-form rulemaking is necessary and appropriate for the administration of the act and 63 Pa.C.S. § 3107.1(c).

Order

The board, therefore, orders that:

(a) The regulations of the board, 49 Pa. Code Chapter 23, are amended by amending §§ 23.1, 23.81—23.88 and 23.91; adding § 23.86a; and deleting § 23.301 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The board shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The board shall submit this final-form rulemaking to IRRC, the SCP/PLC and the HPLC as required by law.

(d) The board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. GODFREY, OD,
Chairperson

(*Editor's Note*: See 56 Pa.B. 5999 (September 5, 2026) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-5217 remains valid for the final adoption of the subject regulations.

Annex A

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.

* * * * *

Continuing education hour—Fifty minutes of continuing education.

Distance education—Instruction offered by any means where the learner 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.

In-person continuing education—Instruction offered in which the learner participates in real time, either at a designated physical location with the instructor present or through synchronous distance education and includes the opportunity for direct interaction between the learner and the instructor. The term does not include asynchronous distance education or other individual study.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For the purposes of this chapter, the term includes all licensed optometrists.

* * * * *

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 grounds for disciplinary action under section 7(a)(3) of the act (63 P.S. § 244.7(a)(3)).

* * * * *

§ 23.83. Continuing education subject matter.

(a) Except as provided in subsections (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 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 courses in §§ 23.84—23.86 (relating to course registration; standards for providers; and sources of continuing education course 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. Course registration.

(a) {Reserved}.

(b) 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 course 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 course approval shall include, but not be limited to, the following information:

(1) Full name and address of the provider.

(2) Title of the course.

(3) Dates and location of the course.

(4) Faculty names, titles, affiliations, degrees.

(5) Schedule of the course—title of subject, lecturer and time allocated.

(6) Total number of credit hours requested.

(7) Method of certifying and assuring attendance.

(8) {Reserved}.

(9) {Reserved}.

(10) Learning objectives.

(11) Admission requirements.

(12) Core subjects.

(13) 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) {Reserved}.

(f) Courses will be approved only in demonstrated areas of expertise. Courses shall meet the requirements in § 23.83(a)—(c) and (e) (relating to continuing education subject matter). A change to the course information required under subsection (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 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 the course to meet Board requirements.

(h) {Reserved}.

(i) 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.

§ 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 course being offered.

(2) Establish criteria for selecting and evaluating faculty.

(3) Establish criteria for the evaluation of each course upon completion.

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

(c) The provider shall ensure that instructors 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 website a list of all approved providers.

(1) A provider seeking approved provider status shall:

(i) Apply to 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), (b) and (d) is subject to reevaluation. A rescission of provider or

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 § 23.84 (relating to course registration).

(e) {Reserved}.

(f) {Reserved}.

(g) {Reserved}.

(h) {Reserved}.

(i) {Reserved}.

§ 23.86a. Acceptable methods of continuing education.

(a) *In-person continuing education*. Credit hours will be awarded for in-person continuing education at the rate of 1 continuing education hour for every 50 minutes. 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 offered by providers under § 23.86(a), (b) or (d) (relating to sources of continuing education course hours).

(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). 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 (relating to continuing education subject matter) 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 (relating to fees). 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 for reactivation of an expired license shall provide, at a time prescribed and 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:

* * * * *

§ 23.88. Retention of continuing education records.

(a) *Licensees*. A licensee shall maintain documentation of completion of continuing education. The evidence to support fulfillment of those requirements shall be maintained for 4 years after the completion of educational courses. Satisfactory documentation of the necessary information may be accomplished as follows:

(1) *Courses*. A licensee shall retain certificates of attendance records or other documentary evidence of continuing education course attendance.

(2) *Other sources of continuing education*. A licensee 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). A licensee who claims continuing education credit for publication or research shall retain copies of the publication or research.

(b) *Providers*. Approved course providers, preapproved 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 approval $45

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

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

Application for licensees seeking continuing education credit retroactively under § 23.86a(d) (relating to acceptable methods of continuing education) $45

Application for certification to treat glaucoma $25

INTERPRETATIONS

§ 23.301. {Reserved}.

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