

DEPARTMENT OF REGULATORY AGENCIES

State Board of Optometry

STATE BOARD OF OPTOMETRY RULES AND REGULATIONS

4 CCR 728-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.27 Temporary Licensure of Optometrists pursuant to the Governor's Executive Order D 2020 038

A. Basis. Through Executive Order D 2020 038, Governor Jared Polis governor temporarily suspended the rulemaking authorities for the State Board of Optometry ("Board") set forth in section 24-1-122(3)(p), C.R.S. and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020 038 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders 2020 003, 2020 027 and 2020 032, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, et. seq., C.R.S.

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B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 038 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.

C. Temporary Licensure. The Board may issue a temporary license to an applicant that is a new graduate of an approved school or college of optometry as set forth in section 12-275-110, C.R.S., and who meets all qualifications for licensure with the exception of successful completion of the required examination as set forth in sections 12-275-110(1)(b) and 12-275-112, C.R.S.

1. Temporary licenses will be issued beginning May 1, 2020, and for 120 days thereafter.
2. The temporary license is effective from the date of issuance through December 31, 2020.
3. Optometry new graduates must submit an application for temporary licensure.
4. Optometry applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed optometrist in good standing during the entire term of the temporary licensure.
5. For the purpose of this emergency rule, "direct supervision" means the Colorado licensed optometrist must be on the premises with the temporary optometrist licensee and immediately available to respond to an emergency or provide assistance.

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6. For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
7. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must immediately submit an application and the required fee for full licensure.
8. On January 1, 2021, if a full license to practice as an optometrist in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice as an optometrist in Colorado has been granted.
9. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.
10. The temporary licensee may be subject to discipline by the Board as defined in section 12-275-101, et seq., C.R.S.

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