

REPUBLIC ACT NO. 8050

AN ACT REGULATING THE PRACTICE OF OPTOMETRY, UPGRADING OPTOMETRIC EDUCATION, INTEGRATING OPTOMETRISTS, AND FOR OTHER PURPOSES.

SECTION 1. Title. — This Act shall be known and cited as the "*Revised Optometry Law of 1995.*"

Sec. 2. Declaration of State Policy. — The State recognizes the essential role of optometry as a profession in safeguarding and enhancing the health and general physical well-being of the citizenry. Optometric services shall therefore be promoted as a regular component of the primary health care system.

Sec. 3. Definition of Terms. — As used in this Act, the following terms shall be defined as follows:

- (a) "Optometry" — The science and art of examining the human eye, analyzing the ocular function, prescribing and dispensing ophthalmic lenses, prisms, contact lenses and their accessories and solutions, low vision aids, and similar appliances and devices, conducting ocular exercises, vision training, orthoptics, installing prosthetics, using authorized diagnostic pharmaceutical agents (DPA), and other preventive or corrective measures or procedures for the aid, correction, rehabilitation or relief of the human eye, or to attain maximum vision and comfort.
- (b) "Optometrist" — A person who has been certified by the Board of Optometry and registered with the Professional Regulation Commission (PRC) as being qualified to practice optometry in the Philippines.
- (c) "Optometrist in good standing" — A registered optometrist who is authorized to practice the profession in the Philippines by virtue of a valid certificate of registration and a valid professional license issued by the PRC for the purpose.
- (d) "Diagnostic pharmaceutical agents" — Specific topical drugs used to aid optometrists in their examination of the human eye. Until otherwise specified by the Board of Optometry, upon approval by the Secretary of the Department of Health (DOH) upon the recommendation of the Bureau of Food and Drugs (BFAD), these agents shall be limited to the following:
 - (1) Phenyleprine 2.5% ophthalmic drops;
 - (2) Tropicamide 0.5% ophthalmic drops;
 - (3) Proparacaine 0.5% ophthalmic drops;
 - (4) Oxybuprocaine HCL 0.4% ophthalmic drops; and
 - (5) Fluorecein strips.
- (e) "Certificate of registration" — A document signed by the Commissioner of the PRC and by all members of the Board of Optometry and bearing its seal, issued to an applicant who has satisfied the requirements for the practice of optometry. It shall serve as proof that the registrant is qualified to practice the profession in the Philippines.
- (f) "Professional license" — A renewable card, issued by the PRC to a registered optometrist, indicating that he is competent and authorized to practice optometry in the Philippines. Until the loss of its validity or its expiration, such license shall serve as evidence that its bearer is an optometrist in good standing.
- (g) "Code of professional ethics" — A set of standards relating to the conduct, integrity and moral duties of optometrists, as prescribed by the duly integrated and accredited national organization of optometrists and adopted and promulgated by the Board of Optometry upon the approval by the PRC.

THE PRACTICE OF OPTOMETRY

Sec. 4. Acts Constituting the Practice of Optometry. — Any of the following acts constitute the practice of optometry:

- (a) The examination of the human eye through the employment of subjective and objective procedures, including the use of specific topical diagnostic pharmaceutical agents or drugs and instruments,

tools, equipment, implements, visual aids, apparatuses, machines, ocular exercises and related devices, for the purpose of determining the condition and acuity of human vision to correct and improve the same in accordance with subsections (b), (c), and (d) hereof;

- (b) The prescription and dispensing of ophthalmic lenses, prisms, contact lenses and their accessories and solutions, frames and their accessories, and supplies for the purpose of correcting and treating defects, deficiencies and abnormalities of vision;
- (c) The conduct of ocular exercises and vision training, the provision of orthoptics and other devices and procedures to aid and correct abnormalities of human vision, and the installation of prosthetic devices;
- (d) The counseling of patients with regard to vision and eye care and hygiene;
- (e) The establishment of offices, clinics, and similar places where optometric services are offered; and
- (f) The collection of professional fees for the performance of any of the acts mentioned in paragraphs (a), (b), (c), and (d) of this section.

Sec. 5. Prohibition Against the Unauthorized Practice of Optometry. — No person shall practice optometry as defined in Section 3 of this Act nor perform any of the acts constituting the practice of optometry as set forth in Section 4 hereof, without having been first admitted to the practice of this profession under the provisions of this Act and its implementing rules and regulations: *Provided*, That this prohibition shall not apply to regularly licensed and duly registered physicians who have received post-graduate training in the diagnosis and treatment of eye disease: *Provided, however*, That the examination of the human eye by duly registered physicians in connection with the physical examination of patients shall not be considered as practice of optometry: *Provided, further*, That public health workers trained and involved in the government's blindness prevention program may conduct only visual acuity test and visual screening.

Sec. 6. Disclosure of Authority to Practice. — An optometrist shall be required to indicate his professional license number and the date of its expiration in the documents he issues or signs in connection with the practice of his profession. He shall also display his certificate of registration in a conspicuous area of his clinic or office.

THE BOARD OF OPTOMETRY

Sec. 7. The Board of Optometry. — There is hereby created a Board of Optometry, hereinafter referred to as the Board, composed of five (5) members who shall be appointed by the President of the Philippines, upon the recommendation of the PRC, from a list of ten (10) nominees submitted by the duly integrated and accredited national organization of optometrists.

Sec. 8. Minimum Qualifications of Board Members. — Only persons possessed with the following qualifications may be nominated and appointed to the Board:

- (a) A natural-born citizen of the Philippines;
- (b) A duly registered optometrist of good standing;
- (c) At least thirty-five (35) years of age at the time of his appointment;
- (d) Of good moral character; and
- (e) In active practice of the profession for at least ten (10) years prior to his appointment: *Provided*, That a person who is a member of the faculty, whether full time, part time or lecturer of any school, college or university where a regular course in optometry is taught, or who has any pecuniary interest, directly or indirectly, in such an institution must forego his membership in said faculty or relinquish his interests in said institution before or upon taking his oath as a member of the Board: *Provided, further*, That an officer of any optometric association is disqualified from being appointed to or serving in the Board.

Sec. 9. Term of Office. — The members of the Board shall hold office for a non-renewable term of five (5) years, starting on the date of appointment and until their successors shall have been appointed: *Provided, however*, That the first appointee to the Board, who may include the incumbent members of the existing Optometry Board, shall hold office as follows: the chairperson for five (5) years and the four (4) other members for fixed terms of four (4), three (3), two (2), and one (1) year/s, such that the term of one member shall be due to expire every year. Thereafter, one member shall be appointed for the full term every year and such member, in the last year of his term, shall automatically become the chairperson of

the Board. Vacancies brought about by reasons other than expiration of term shall be filled for the unexpired portion of the term only.

Sec. 10. Removal or Suspension of Board Members. — Any member of the Board, after having been given the opportunity to defend himself in a proper administrative investigation conducted by the PRC, may be removed by the President of the Philippines for neglect of duty, incompetence, malpractice, or unprofessional, unethical, immoral or dishonorable conduct. During the process of investigation, the President of the Philippines may suspend such member under investigation for a period of not more than sixty (60) days and appoint a temporary member in his place.

Sec. 11. Compensation of Board Members. — The members of the Board shall each receive compensation in accordance with the rules and regulations of the Professional Regulatory Commission.

Sec. 12. Functions and Powers of the Board. — The Board is hereby vested with authority to:

- (a) Promulgate the rules and regulations for the practice of optometry, subject to the approval of the PRC and in accordance with the provisions of this Act;
- (b) Administer and enforce the rules and regulations specified in the preceding section;
- (c) Determine and prepare the contents of licensure examinations, adopt measures to ensure its integrity, check and rate the examination papers and submit the results thereof to the PRC;
- (d) Formulate and oversee, in consultation and coordination with the PRC, guidelines for the proper conduct of licensure examinations and the registration of optometrists;
- (e) Issue, suspend, revoke and reissue certificates of registration to qualified optometrists and renew their professional licenses;
- (f) Impose reasonable requirements and conditions, such as attendance in continuing education activities and programs, for the renewal of an optometrist's license to practice and for the purpose of upgrading the professional competence of optometrists;
- (g) Maintain a registry of optometrists in good standing;
- (h) Adopt, promulgate and disseminate the Code of Ethics for the practice of optometry in the Philippines;
- (i) Administer oaths in connection with the implementation of this Act;
- (j) Conduct hearings and investigations to resolve complaints against practitioners of optometry for malpractice, unethical and unprofessional conduct, and violations of this Act or its implementing rules and regulations, and in connection therewith, issue subpoena ad testificandum and subpoena duces tecum and punish with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings;
- (k) Conduct ocular inspections of establishments and/or premises where optometric services are offered to ascertain that professional standards are complied with;
- (l) Upon application, to issue an order enjoining or abating the illegal practice of optometry by unqualified persons;
- (m) Impose fines and penalties, after due process and in accordance with the provision of this Act, for causes provided for by law or by the rules and regulations promulgated therefor;
- (n) Evaluate periodically the status of optometric education and recommend and/or adopt measures to upgrade and maintain its high standards;
- (o) Update the list of topical diagnostic pharmaceutical agents, specifically mydriatics, cycloplegics, miotics, anesthetics and diagnostic dyes, that may be used by optometrists, subject to the approval of the Department of Health and the Bureau of Food and Drugs; and
- (p) Study the conditions affecting the practice of optometry in all parts of the Philippines, and, whenever necessary, adopt such measures as may be deemed proper for the maintenance of good ethics and high professional standards of optometric practice.

Sec. 13. Quorum in Board Meetings. — The attendance of three (3) members shall constitute a quorum for the Board to officially transact business.

Sec. 14. Votes Required in Administrative Cases. — To render a decision in an administrative case for unethical practice, malpractice, immorality, dishonesty, and related charges affecting the professional fitness and integrity of an optometrist, the vote of three (3) members must be obtained: *Provided*, That in case members are disqualified to vote by virtue of their relation to or interest in any of the parties or voluntarily inhibits themselves from participating in the proceedings, the Board shall designate, with the approval of the Commission, an optometrist in good standing who is respected in the optometric community for their probity and integrity to sit in the Board, participate in the proceedings and vote on the case.

Sec. 15. Supervision of the Board and Custody of its Records. — The members of the Board shall be under the general supervision of the PRC. All records, including examination papers, examination results, minutes of deliberations, records of administrative cases and investigation of the Board shall be kept by the said Commission.

Sec. 16. Annual Report. — The Board shall, at the end of each calendar year, submit to the Commission an annual report of its activities and proceedings during the year. Other information or data may be requested by the Commission as often as may be necessary and practicable.

THE OPTOMETRIC BOARD EXAMINATIONS

Sec. 17. Licensure Examination. — Every applicant seeking to be registered as an optometrist shall undergo an examination as provided in this Act. Examinations for the practice of optometry in the Philippines shall be given by the Board at least once every year in such places and dates as the PRC may designate.

Sec. 18. Scope of Examination. — The Board of Optometry shall prescribe the scope and prepare the contents of the licensure examination. In the discharge of this function, the Board shall take into account recent developments in optometry as well as the academic standards imposed by the Commission on Higher Education on educational institutions which offer a course in optometry.

Sec. 19. Requirements for Examination of Applicants. — To be eligible to take the licensure examination in optometry, the applicant must be:

- (a) A Filipino citizen;
- (b) Of good moral character;
- (c) A holder of a degree of Doctor of Optometry (O.D.) obtained from a school, college, university or institution duly accredited by the government after passing at least a six-year course offering the following minimum basic subjects: mathematics, general and organic chemistry, practical and mechanical optics, psychology, physics, physiological optics, pharmacology, theoretic optics, practical optometry, sociology, applied psychology, general anatomy, physiology, general histology, and embryology, ocular anatomy and physiology, general pathology, ocular pathology, biochemistry, microbiology, clinical optometry, theoretic optometry, contact lens practice, orthoptics and vision training, neuro-optometry and visual fields, research methods, optometric ethics and jurisprudence, optometric economics and practice management, hygiene, sanitation and public health optometry and low vision and pediatric optometry.

Sec. 20. Minimum Passing Level. — In order that the candidate may be considered to have successfully passed the examination, he must have obtained a general average of at least seventy-five percent (75%) in all subjects, with no rating below fifty percent (50%) in any subject.

Sec. 21. Report of the Result of the Examination. — The Board shall report the ratings obtained by each candidate to the PRC within sixty (60) days after the last examination day, unless extended by the Commission. The PRC shall cause the publication of the names of successful candidates in alphabetical order, without the ratings obtained by each, within sixty (60) days of the date the Commission receives the aforementioned report from the Board.

Sec. 22. Additional Requirement for Reexamination. — Any applicant who, for the third time, fails to pass the board examination shall not be allowed to take the next succeeding examination without submitting to the Board proof that he has taken a refresher course in a duly accredited institute.

REGISTRATION AND LICENSURE OF OPTOMETRISTS

Sec. 23. Oath of Optometrists. — All successful examinees shall be required to take their oath before the Board or before any person authorized to administer oaths prior to the issuance of the certificate of registration: *Provided, however*, That the applicant is not disqualified under any of the provisions of Section 24 hereof.

Sec. 24. Disqualification. — The following applicants shall not be allowed to take their oath as optometrists nor issued certificates of registration:

- (a) Those who do not possess the qualifications set forth in Section 19 of this Act;
- (b) Those who fail to pass the Optometry Board licensure examination;
- (c) Those who have been convicted by final judgment of any crime involving moral turpitude by any court;
- (d) Those who have been found guilty by the Board of immoral or dishonorable conduct; and
- (e) Those who have been declared to be of unsound mind. Such fact of disqualification shall be communicated by the Board to the applicant by written statement, which statement shall form part of the records of the Board.

Sec. 25. Registration. — The PRC shall register successful examinees who have taken their oath and thereafter grant them professional licenses to practice optometry. The certificate of registration shall be considered as evidence that the registrant is qualified to practice optometry in the Philippines.

Sec. 26. Revocation of Certificates and Suspension of Professional Licenses. — The Board may, after giving proper notice and hearing to the party concerned, revoke an optometrist's certificate of registration or suspend his license to practice for any unprofessional or unethical conduct, malpractice, or violation of any of the provisions of this Act or its rules and regulations, or upon the conviction of the optometrist of a crime involving moral turpitude.

Sec. 27. Appeals. — The revocation of a certificate or suspension of a professional license by the Board shall become final unless appealed to the PRC within fifteen (15) days from receipt of the decision.

Sec. 28. Reinstatement, Reissuance or Replacement of Certificates. — The Board may, upon application and for reasons deemed proper and sufficient, reinstate any suspended certificate of registration, or issue another certificate in lieu of one previously revoked, and in so doing it may, in its discretion, exempt the applicant from taking another examination.

A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules that may be implemented by the Board.

Sec. 29. Renewal of Professional Licenses. — All licenses shall be renewable every three (3) years and shall be considered renewed only upon satisfying the requirements imposed by the Board, such as attendance in continuing education programs and payment of the corresponding fees as may be fixed by the Board in accordance with the schedule of fees fixed by the PRC.

OPTOMETRIC EDUCATION

Sec. 30. The Technical Panel on Optometric Education. — To attain the objective of upgrading optometric education in the Philippines, the Commission on Higher Education, pursuant to Section 12 of Republic Act No. 7722 shall, within sixty (60) days after the approval of this Act, convene and organize a technical panel on optometric education. For this purpose, senior practitioners, specialists, academicians in the field of optometry and a representative from the accredited national organization of optometrists shall be appointed and tapped to assist in the following:

- (a) Setting a minimum standard curriculum for the study of optometry to be implemented in all schools offering optometry as an undergraduate course and degree;
- (b) Establishing teaching standards, including the qualifications of members of the faculty of schools and colleges of optometry;
- (c) Monitoring the progress of the program on the study of optometry and undertaking measures or the attainment of a high quality of optometric education in the country; and
- (d) Evaluating periodically the performance of educational institutions offering optometric education for the purpose of granting accreditation and incentives as well as for the imposition of sanctions when warranted.

Sec. 31. Competence in Pharmacology. — Persons who have been admitted to the practice of the profession prior to the passage of this Act must take a course in pharmacology to be prescribed by the Commission on Higher Education and pass a special certification examination to be administered by the Board before they are allowed to use specific diagnostic pharmaceutical agents.

PROHIBITED ACTS AND PENALTIES

Sec. 32. Prohibited Acts. — The following acts are prohibited:

- (a) Giving false or forged evidence of any kind to the Board or to any member thereof for the purpose of obtaining a certification of registration or a professional license;

- (b) Assumption, use or advertisement by a person, not holding a valid certificate of registration and a valid professional license in accordance with this Act, of a description, in connection with his name or title, tending to convey the impression that he is a duly registered optometrist;
- (c) Any form of advertisement in media outlets giving information and impression to the public that the particular optometrist is better than the others, is collecting lower professional fees or selling cheaper frames or lenses;
- (d) The use of diagnostic pharmaceutical agents by an untrained optometrist, in violation of Section 31 hereof, whether or not such use results in injury to the patient;
- (e) The use by any optometrist of pharmaceutical agents other than those which he is authorized to use;
- (f) Engaging in unauthorized practice of optometry as defined in Section 5 of this Act; and
- (g) Violation by any person, whether natural or juridical, of any of the provisions of this Act and the rules and regulations promulgated for its effective implementation.

Sec. 33. Penal Provisions. — The commission of any of the prohibited acts listed in the immediately preceding section shall be punished with imprisonment of not less than one (1) year but not more than eight (8) years, or a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00), or both, at the discretion of the court.

In addition, the administrative penalties specified in Section 26 hereof shall be imposed whenever applicable.

If the violation is committed by an association, partnership, corporation or any other institution, the managing officers and other persons responsible for its commission shall be liable for the penalties provided for in this Act.

PROFESSIONAL AND ETHICAL STANDARDS

Sec. 34. Foreign Reciprocity. — No foreigner shall be admitted to the optometric board examinations unless he proves in the manner prescribed by the Rules of Court that by specific provision of law, the country of which he is a citizen, subject or national, either admits Filipino citizens to the practice of optometry without restriction, or allows them to practice optometry after an examination on terms of strict and absolute equality with citizens, subjects or nationals of said country, including the unconditional recognition of prerequisite degrees prescribed by the Commission on Higher Education: *Provided, however,* That the Board, upon approval by the PRC, may grant a special permit to a foreign optometrist to practice the profession in this country whether or not reciprocity exists between his country and the Philippines and under such conditions as may be determined by the Board, if such foreigner is internationally known to be an outstanding expert in the profession or a well-known specialist in any of its branches, and that his services will promote the advancement of the profession in the Philippines. The Board is also hereby authorized to prescribe, upon approval by the PRC, additional requirements or grant certain privileges to foreigners, seeking registration in the Philippines if the same privileges are granted to or some additional requirements are required of citizens of the Philippines in acquiring the same certificate in his country.

Sec. 35. Rules and Regulations. — The Board shall set professional standards for the practice of optometry in the Philippines and adopt such rules and regulations as may be necessary to carry out the provisions of this Act, subject to the approval of the PRC. Such standards, rules and regulations shall take effect thirty (30) days after its publication in the Official Gazette or any newspaper of general circulation.

Sec. 36. Integration of Optometrists. — In order for every optometrist to contribute to his profession and to bear his share of professional responsibilities, all optometrists shall be encouraged to join and be integrated into one national organization which shall be recognized by the Board and the PRC. Every optometrist, upon registration with the Board, may become a member of the integrated national organization. Those who have been registered with the Board before the effectivity of this Act may register as members of the integrated organization within three (3) years after said effectivity.

Sec. 37. Purposes. — The integrated national organization of optometrists shall promulgate the Code of Ethics for the practice of the profession, define the professional responsibilities of its members, ensure adherence to said professional ethics and responsibilities, improve the standards of the profession and enable all optometrists to discharge their public responsibility more effectively.

Sec. 38. Membership Fees and Dues. — All members shall be subject to the payment of reasonable fees and dues for the effective discharge of the purposes of the integrated national

organization. An optometrist shall receive the benefits and privileges appurtenant to his membership only upon payment of the required membership fees and dues.

Sec. 39. Other Organizations. — The integration of optometrists into one national organization shall not prohibit the creation of other associations of optometrists organized by individual optometrists themselves.

Sec. 40. Code of Professional Ethics. — The Board shall adopt the Professional Code of Ethics promulgated by the integrated national organization of optometrists: Provided, That such Code provides that it is the duty of an optometrist to:

- (a) Consider as his primary responsibility the visual welfare of the public;
- (b) Promote the best possible standards of professional care;
- (c) Enhance continuously his theoretical and practical proficiency;
- (d) Render his services with equal diligence to all, regardless of race, creed or status;
- (e) Respect the confidential nature of information concerning those he serves; and
- (f) Refer for medical or other professional attention where the need is indicated.

The Board shall also distribute the Code of Ethics of the Optometric Profession in the Philippines to all new optometrists during their oath-taking.

Any act or omission which violates this Code shall be considered as unethical conduct and shall be suspended or prohibited from the practice of optometry, in accordance with Section 26 of this Act.

MISCELLANEOUS PROVISIONS

Sec. 41. Separability Clause. — If any provision of this Act or the application of such provision to any person or circumstances is declared invalid or unconstitutional, the remainder of this Act or the application of such provisions to other persons or circumstance shall not be affected by such declaration.

Sec. 42. Repealing Clause. — This Act repeals and supersedes Republic Act No. 1998, otherwise known as the Optometry Law. All other acts, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 43. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or two (2) national newspaper of general circulation.

Approved: June 7, 1995