

21 NCAC 42E .0302 UNETHICAL PRACTICES

It is unethical for an optometrist to:

- (1) solicit by means of advertising considered by the Board to be untruthful, false, misleading, deceptive, bait-and-switch, or fraudulent;
- (2) allow, permit, or otherwise condone by his failure to act in a timely manner to prevent his name, his practice, or his practice location from being presented to the public through any type of advertising which is false, deceptive, or misleading;
- (3) offer to discount his professional fees as a condition to the sale of optical goods by himself or any optical dispensary located adjacent to or in close proximity to his practice;
- (4) fail to use the word "optometrist", the abbreviation "O.D.", or the words "doctor of optometry" whenever the optometrist's name appears in connection with his practice of optometry;
- (5) fail to list the name of each practitioner on any sign or lettering denoting the location of the practice or in any advertising promoting a practice when there is more than one optometrist practicing at the same location; the lettering of the optometrist's name and the lettering denoting the optometrist's designation as an optometrist shall be of comparable size and readability;
- (6) use the title "Optometrist" in connection with a profession or business considered foreign to the practice of optometry;
- (7) present his practice or practice location to the public as an optical store in order to entice the public to avail themselves of his professional optometric service while shopping for optical goods. In keeping with this Rule, an optometrist may make use of frame bars or selection cabinets provided such frame bars or selection cabinets are so placed within an office that they are not visible from outside the office;
- (8) allow his professional judgment to be unreasonably influenced by someone not directly responsible for the patient's well-being or welfare. Persons directly responsible for the patient's welfare would include another optometrist, a physician, or a member of the patient's family;
- (9) give or accept rebates in any form to or from any person in return for an opportunity to generate or receive a professional fee;
- (10) practice or use his license in a manner deemed to be in violation of G.S. 90-121.2 or 90-125;
- (11) knowingly aid another person to violate the laws governing optometry;
- (12) engage in practice involving conduct which is inconsistent with the dignity of the profession or the rules of the Board. Such "unprofessional conduct" includes, but is not limited to, conduct which violates or does not meet any standard of behavior which through professional experience has become established in the profession of optometry in North Carolina.

History Note:

Authority G.S. 90-117.5; 90-121.2;

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

Amended Eff. June 1, 1993; June 1, 1989; September 30, 1981;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.