



THE AMERICAN BOARD OF CERTIFICATION IN MEDICAL OPTOMETRY

AMENDED AND RESTATED BYLAWS - September, 2019

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ARTICLE 1 NAME AND ESTABLISHMENT

The name of this Michigan non-profit corporation is The American Board of Certification in Medical Optometry (the "Corporation"), which was established by the filing of its Articles of Incorporation on September 1, 2009.

ARTICLE 2 PURPOSE, QUALIFICATIONS AND MISSION

Section 2.1 Mission.

The missions of this Corporation are:

To establish, operate and maintain, as a public service, a national credentialing body to recognize and certify optometrists who have attained a high level of competence in the specialty of medical optometry, by awarding a certification, based upon uniform requirements, to licensed, practicing optometrists who have achieved, demonstrated and agree to maintain advanced competence in the specialty of medical optometry.

To also further the education, training and competence of those certified by working to provide scholarships, grants, educational programs and charitable awards through the "American College of Medical Optometry", an integral component program of the Corporation which works to fund educational, training, and charitable programs from the fees and membership revenues and donations received by the Corporation.

To apply for initial certification by the Corporation the applicant must have:

- Successfully completed an Accreditation Council on Optometric Education (or an equivalent approved by the Corporation) accredited one-calendar year, or longer, full-time, clinical postgraduate residency training program having major emphasis on medical optometry that is approved by the Corporation and,
- Successfully completed a national, standardized, written examination approved by the Corporation testing advanced clinical competence in the specialty of medical optometry and,
- Provided any additional evidence of advanced competence in the practice of medical optometry, and has pledged to maintain such advanced competence, as required and specified within these Bylaws elsewhere. Specific criteria for achievement of the "board certification" issued by the Corporation as referenced above are further identified elsewhere in these Amended and Restated Bylaws ("Bylaws"). The Corporation's board of directors may only revise or amend such criteria pursuant to these Bylaws.

To best function as the national credentialing body for the specialty of medical optometry, and to provide specialty education, and offer grants and support of educational programs in the specialty of medical optometry to those in specialty training and throughout their careers, the Corporation will utilize a "Maintenance of Certification" (MOC) program to ensure continuing competence and establish the "American College of Medical Optometry to further the education and social interactions of those certified by the Corporation.

The fees and monies received from the Corporation's "certification and recertification of competence" programs and the membership fees paid the American College of Medical Optometry are to be utilized to underwrite the Corporation's operations and fund its educational and charitable programs as specified in Article 5.

To best serve patients and the public, the Corporation's board of directors shall remain independent of any external influence or control, real or perceived, nor accept monetary or in-kind support from any organization, body, or trade association that exists to promote, or lobby for, the commercial interests of those who practice optometry, and the Corporation shall, on behalf of those it has certified, maintain a public registry of those certified. The Corporation may serve as spokesperson to explain the need for, criteria for, and purposes of, board certification in the specialty of medical optometry, and the importance of eye care to the public and disseminate to the public its standards required for certification the specialty of medical optometry in addition to its other charitable and educational programs.

Section 2.2 Professional Independence and Conflict of Interests.

Because the integrity of the Corporation's certification of competence and its educational and charitable programs depend upon complete independence between the Corporation and those responsible for operating specialty residency training programs; the agency responsible for accrediting residency programs, and the agency preparing and administering the written specialty examination, and other trade organizations representing practitioners; no person shall hold a voting position on the ABCMO board of directors if such person also holds a voting position as a board member of any of the aforementioned groups related to residency training, the accreditation of residency training programs, the written specialty examination or any body or membership organization having the commercial interests of optometrists as a goal.

To further insure the independence of the Corporation, it alone will reserve the right to independently determine the requirements by which it will recognize residency training program in medical optometry whose graduates are eligible to apply for ABCMO certification as specified elsewhere in these Bylaws.

Notwithstanding the provisions of this Section, the Corporation's board of directors may, when mutually agreed, establish liaison with other groups sharing common interests by providing on its board of directors non-voting, ex officio, "delegate, representative or advisor" positions to further such communications and cooperation concerning shared issues and concerns. Such individuals may, as judged appropriate by the Corporation's board of directors, attend and participate in portions of the Corporation's board of directors meetings in person or by electronic means and any expenses involved to do so shall be assigned to the sponsoring body they represent. They shall not vote on issues before the board. In kind, the Corporation may agree to place reciprocal members of its board of directors to similarly sit on other appropriate boards subject to the same restrictions and conditions.

Section 2.3 Charitable Purposes.

The Corporation shall operate for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986; has applied to the IRS for recognition as such a charitable and educational organization and was formed, in part, to award a national, standardized certification of advanced competence in the specialty of Medical Optometry using

methods and standards, as appropriate for the profession of optometry, that are closely congruent with those used for the certification of medical, osteopathic and dental specialists currently recognized for credentialing purposes at Joint Commission accredited US medical health care organizations; provided, however, that the Corporation shall conduct its operations separately and independently of other such professional health care specialty board(s).

The American College of Medical Optometry (ACMO, Article 5) shall be an integral, charitable and educational arm of the Corporation, shall act to further the educational advancement of those training to be a specialist in Medical Optometry by working to sponsor scholarships of residents, supporting resident travel expenses to attend educational meetings and sponsoring and conducting annual educational meetings to further the exchange of information and educational updates for both residents in training and Diplomates of the American College of Medical Optometry. Such educational and charitable activities shall be conducted in conjunction with, but administratively separate from, the annual meeting of the American Academy of Optometry of which the great majority of those eligible to join the ACMO are Fellows of the Academy.

Monies to conduct the above educational and charitable functions by the Corporation shall be derived from ABCMO Initial Certification/Application Fees, Verification of Certification Fees, Maintenance of Certification Fees, and annual membership fees submitted to the American College of Medical Optometry as well as grants and donations. The Corporation shall, net of operating costs, utilize all such revenues, fees and donations to support its educational and charitable operations.

ARTICLE 3 GOVERNANCE

Section 3.1 Management.

The affairs of the Corporation shall be managed by a board of directors subject to the limitations of the Articles of Incorporation of the Corporation, these Bylaws, and the laws of the State of Michigan. The board of directors is empowered on behalf of the corporation to do and perform all acts reasonably necessary, appropriate or incident to the accomplishment of the purposes of the corporation, as determined by its board of directors.

Section 3.2 Number of Directors.

The board of directors shall consist of up to seven (7) members. All officers of the Corporation shall be members of its board of directors. The size of the board of directors shall be determined by the board of directors. In all cases, and regardless of anything else in these Bylaws:

- (a) Kenneth J. Myers, Ph.D., O.D. (“Incorporator”) shall serve as president and/or officer or director, at his discretion, until his resignation, incapacitation, or death; and (b) the Incorporator or his estate representative shall have the right to select and designate a director to serve on the board after the Incorporator’s death or during his incapacitation until such time set forth in such designation. (c) If, upon his death or incapacitation, the incorporator has, or provided for, a portion of his estate to be transferred to the Corporation to support its ongoing operations, the incorporator's designated personal representative, estate officer or guardian of the Incorporator (“Incorporator’s Legal or Trust Representative”) shall have the right to either sit on the Board as a director or select

a person to so serve. This provision is to ensure use of the incorporator's trust bequest in such manner as to best serve the stated educational and charitable purposes of the corporation as expressed within these bylaws. Unless notified otherwise, the Incorporator's estate representative is the Vanguard Charitable Trust, a Donor Advised Fund (DAF).

No amendment to (a)(b)(c) of this Section shall be made without the written consent of the Incorporator or the Incorporator's Legal Representative.

Section 3.3 Composition of the Corporate Board of Directors.

Five of the Corporate Directors shall be currently licensed optometrists certified in Medical Optometry by the Corporation, and actively practicing the specialty of Medical Optometry, who have submitted a notarized copy of a current, self-query result from the National Practitioner Data Bank, or appropriate equivalent, at the time of appointment, and shall also be a Diplomate in good standing of the American College of Medical Optometry (ACMO), as established, as specified elsewhere in these Bylaws.

Section 3.4 Limitations on Terms of Office on Corporate Board.

The terms of directors shall be two year terms and staggered when possible. A director may be elected to serve no more than two (2) consecutive two-year terms in the same position and shall be elected in the manner provided for the filling of vacancies by these bylaws. However, if there are more directors than officers and it is required by the Corporate Board that directors "work through the chairs", by first being elected a director "at large" they must then, within four (years) run for an officer's position. If elected a "named officer" of the board, that "named officer" is then limited to no more then two (2) terms in that position.

Section 3.5 Vacancies.

In the event a vacancy shall occur on the board of directors because of death, resignation, removal, incapacity to act, or disqualification of a director, the remaining directors shall appoint a new director to fill the former director's term and act to ensure this appointed director possesses sufficient qualifications to discharge the duties of the vacant position for the unexpired term of the former director.

Section 3.6 Regular Meetings of Corporate Board.

Regular meetings of the board of directors of the Corporation shall be held at such time and place as the board of directors may designate, or in the absence of designation by the board of directors, as the president shall designate.

Section 3.7 Special Meetings of Corporate Board.

Special meetings of the board of directors for any purpose or purposes shall be held whenever called by the president of the Corporation or when requested by any two (2) directors. The secretary or any other officer designated by the president or vice president shall notify the directors of the meeting. Such request shall state the purpose or purposes of the proposed meeting.

Section 3.8 Place of Meetings of Corporate Board.

Meetings of the board of directors shall be held at any place within or outside the State of Michigan, which may be designated from time to time by resolution of the board of directors. It

is recommended that annual meetings of the Corporate Board be held at the location and time of the annual meeting of the American Academy of Optometry.

Section 3.9 Notices of Corporate Board Meeting.

No notice of regular meetings of the Corporate board of directors shall be required. But at least five (5) days' notice of the place, day and hour of any special meeting of the board of directors shall be given by written printed notice, or electronic-mail (e-mail) served upon each director. Service of notice may be made personally, by telegram, by telephone, by e-mail or by mailing such notice, postage prepaid, plainly addressed to the director at the director's last known post office address. Notice by mail shall be deemed to be given at the time when the same is deposited in the United States mail, with postage fully paid, plainly addressed to the director entitled to said notice. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice of such meeting.

Section 3.10 Waiver of Notice of Corporate Board Meeting.

Notice of the time, date and place of any special meeting of the board of Corporate directors may be waived by telegram or any other writing either before or after such meeting has been held. If all the directors waive notice of the meeting, no notice of the same shall be required. Attendance of a director at a special meeting shall constitute a waiver of notice of such meeting except where the director attends the special meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened. Any director failing to designate his or her address to the secretary, or a change of address, shall be deemed to have waived notice of such meeting except at the address on record with the secretary.

Section 3.11 Action Without Meeting.

Any action which may be taken at a meeting of the board of Corporate directors may be taken without a meeting if all the directors shall consent in writing to such action. Such action by written consent or via e-mail shall have the same force and effect as the unanimous vote of the board of directors.

Section 3.12 Quorum; Voting Requirement.

A majority of the Corporate directors in office shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act or decision of the board of directors, unless a statute, the Articles of Incorporation or these Bylaws require a greater proportion. Voting instructions by proxy or e-mail shall also count toward a quorum.

Section 3.13 Corporate Board Meetings.

The president of the Corporation, or in the president's absence, a director chosen by a majority of the directors present, shall act as chairperson at every meeting of the board of directors. The secretary of the Corporation, or in the secretary's absence, any person appointed by the chairperson of the meeting, shall act as secretary of each meeting.

Section 3.14 Corporate Board Committees.

The Corporation may have such committees with such number of members, and such powers and authority, as the directors may from time to time appoint and determine.

Section 3.15 Corporate Board Compensation.

The directors shall serve without compensation. Directors may receive reimbursement of expenses incurred in connection with the conducting of business of the corporation. The board of directors may authorize the appointment of a compensated, non-voting, Executive Director and specify the duties of this person.

Section 3.16 Corporate Board Meeting by Telephone or Similar Equipment.

Any member of the board of directors may participate in a meeting of the board of directors by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this Section shall constitute presence in person at the meeting.

Section 3.17 Emeritus Corporate Board Members.

The board of directors shall establish and offer the position(s) of “Emeritus Board Member” to each founding member of the board of directors upon the expiration of the last term that such director may serve on the board, and to each past-president of the Corporation. Those who accept a position as an Emeritus Board Member may participate at board of directors meetings, be placed on the distribution list of board communications and their counsel solicited. An Emeritus Board Member shall be entitled to proffer one vote on all matters before the board of directors (excluding certification). If there is more than one serving Emeritus Board Member, they shall collectively be entitled to proffer one vote if in majority agreement on that vote.

ARTICLE 4 ADMINISTRATION.

Section 4.1 Corporation Officers.

All officers shall also serve as directors of the Corporation, and shall meet the qualifications set forth in Section 3.3. The Corporation shall have a president, one (1) or more vice presidents, a secretary, a treasurer and such other officers as the directors may appoint. Any two (2) or more offices may be held by the same person, but an officer shall not execute, acknowledge or verify an instrument in more than one (1) capacity if the instrument is required by law or the Articles of Incorporation or these Bylaws to be executed, acknowledged or verified by two (2) or more officers.

Section 4.2 Election of Corporate Officers.

The officers of the Corporation shall be elected, unless due to resignation or death they are selected by the directors, and shall also serve as members of the Corporate board of directors. Each officer shall hold office until the officer’s successor shall have been duly elected and qualified, or until the officer’s death, resignation or removal. The filling of expired corporate director positions shall be done by direct election of a nominated Diplomate of the American College of Medical Optometry unless the board seat is specified to be filled by a non-optometrist representative of the public interest in which case the Corporate directors will make the selection. Otherwise, two nominees will be required for each vacant director position with the nominee gaining the larger number of votes filling the particular director position. If, for example, three director positions are vacant due to expiration of terms, six nominees will be required with the top 3 vote getters seated as directors.

Each nominee will be required to provide, via e-mail, a one-page CV for distribution to Diplomates of the American College of Medical Optometry two weeks prior to voting. Officers of the Corporation will be appointed by the Corporate directors from among its directors.

Section 4.3 Removal or Resignation of Corporate Officers.

The board of directors may remove any officer with or without cause by a vote of a majority of the directors then holding office. Any officer may resign from office at any time, such resignation to take effect upon receipt of written notice thereof by the Corporation unless otherwise specified in the resignation. A Director shall be deemed to have resigned if s/he misses three meetings of the board of directors in succession without prior notification. Notice of this rule shall be mailed by the Secretary to such a director following the second missed meeting.

Section 4.4 Vacancies.

A vacancy occurring in any office, for any reason, may be filled for the unexpired portion of the term of the office by an appropriate persons elected by board of directors.

Section 4.5 Corporate President.

The president shall preside at all meetings of the Corporate directors and shall perform all other duties incident to the office or properly required from time to time by the board of directors. The president shall at all times be subject to the policies prescribed by these Corporate Bylaws.

Section 4.6 Corporate Vice President.

The vice president(s), in the order designated by the board of directors, shall exercise the functions of the president during the president's absence or disability. Each vice president shall have such powers and perform such duties as the board of directors shall assign from time to time.

Section 4.7 Corporate Secretary.

The secretary shall give notice of each meeting of the board of directors or committees of the Corporation as to which notice is required; shall record minutes of such meetings in books kept for that purpose; shall have custody of the records of the Corporation; and shall perform such other duties as may be specified from time to time by the board of directors.

Section 4.8 Corporate Treasurer.

The treasurer shall have custody of the funds and other property of the Corporation; shall keep records of all property, receipts and disbursements of the Corporation in financial books to be maintained for that purpose; shall deposit all assets in the name and to the credit of the Corporation with such depository or depositories as shall be designated by the board of directors; shall disburse the funds of the Corporation; and shall render to the directors such reports as they shall prescribe. The treasurer shall perform such other duties as may be specified from time to time by the board of directors.

Section 4.9 Other Corporate Officers.

All other officers, as may from time to time be appointed by the board of directors pursuant to this Article, shall perform such duties and exercise such authority as the board of directors shall prescribe.

Section 4.10 Absence of Officer.

In the case of the absence of any officer, or for any other reason that the board of directors may deem sufficient, the board of directors may delegate from time to time the powers or duties of such officer to any other officer or to any director.

ARTICLE 5. ESTABLISHMENT OF THE AMERICAN COLLEGE OF MEDICAL OPTOMETRY

Those certified in the specialty of Medical Optometry by the Corporation may later be accepted into membership as a Diplomate of the American College of Medical Optometry (ACMO or College), an integral component of the Corporation, and denote this achievement using the honorific “Medical Optometry Diplomate” or MOD. The Board Certification issued by the Corporation shall be referenced as "Board Certified in Medical Optometry" on the holder's CV, and/or website and their certification displayed within the holder’s examination, office or waiting rooms. Once established, the “College” shall establish an Advisory Council and establish its requirements for becoming a Diplomat of the College.

ACMO shall function to further the education, training, and fellowship of those practicing the specialty of Medical Optometry and its annual meeting shall coincide in location with that of the Corporation’s board of Directors’ annual meeting. ACMO will work to sponsor and conduct the educational, social and charitable components of the Corporation as a component part of the Corporation.

A person certified by the Corporation in “good standing” who is an ACMO Diplomate in “good standing” may stand for, or be nominated for, election to the ACMO five- person Advisory Council if, at the time of election, the person is in the active practice of optometry. In this manner, the Corporation will, through the ACMO, conduct its missions of educational, social and charitable programs in the specialty of medical optometry as well as educate the public as to importance of eye care and provide scholarships, awards, and educational programs, to those training in the specialty.

The procedures of election and term limitations of members of the College’s Advisory Board shall be patterned after those of the Corporation’s Board of Directors and those serving on the College’s Advisor Board shall be known as the College Advisors individually and collectively.

Two directors of the Corporation's board, selected by that board, shall sit on the Advisory Board of the College, ex officio as Advisors, and two members of the College’s Advisory Board shall sit on the corporation's board, ex officio, as Advisors to the Board to facilitate efficient operations and the meeting of the goals of the Corporation and the College.

Once there are over 300 ABCMO certified specialists in medical optometry, they shall be entitled to organize the American College of Medical Optometry, and form its Advisory Council. Once formed, any Diplomate of the College may stand for, or be nominated for, election to the ACMO Advisory Council if they are actively practicing optometry.

The College, in consultation with the Corporation, will establish a membership fee structure for Diplomates of the "College" and such fees will be used, along with those derived from certification fees to support the charitable, social and educational programs of the Corporation and the College.

ARTICLE 6. INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS

Section 6.1 Indemnification.

Third Party Actions. The Corporation has the power to indemnify a person who was or is a party, or is threatened to be made a party to a threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative and whether formal or informal (other than an action by or in the right of this corporation) by reason of the fact that the person is, or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, business corporation, partnership, joint venture, trust, or other enterprise, whether for profit or not for profit, against expenses (including attorneys' fees), judgments, penalties, fines and amounts paid in settlement actually and reasonably incurred by that person in connection with the action, suit or proceeding if that person acted in good faith and in a manner reasonably believed by that person to be in or not opposed to the best interests of the corporation or its members, and with respect to a criminal action or proceeding, that person had no reasonable cause to believe that the conduct was unlawful. The termination of an action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of "nolonolo" or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner reasonably believed by that person to be in or not opposed to the best interests of the Corporation or its members and, with respect to a criminal action or proceeding, had reasonable cause to believe that the person's conduct was unlawful.

Section 6.2 Indemnification: Actions in the Right of the Corporation.

The Corporation has the power to indemnify a person who was or is a party to, or is threatened to be made a party to a threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of this Corporation as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, business corporation, partnership, joint venture, trust or other enterprise, whether for profit or not, against expenses (including actual and reasonable attorneys' fees) and amounts paid in settlement incurred by that person in connection with the action or suit if that person acted in good faith and in a manner reasonably believed by that person to be in or not opposed to the best interests of the corporation or its members. However, no indemnification shall be made for a claim, issue or matter in which such person shall have been found to be liable to the Corporation unless and only to the extent that the court in which such action or suit was brought has determined upon application that, despite the adjudication of liability but in view of all circumstances of the case, that person is fairly and reasonably entitled to indemnification for the expenses which the court considers proper.

Section 6.3 Indemnification: Mandatory and Permissive Payments.

To the extent that a director, officer, employee or agent of the Corporation has been successful on the merits or otherwise in defense of an action, suit or proceeding referred to in Section 6.1 or Section 6.2 of this Article, or in defense of a claim, issue or matter in the action, suit, or proceeding, that person shall be indemnified against expenses, including actual and reasonable attorneys' fees, incurred by that person in connection with the action, suit or proceeding as well as in connection with the action, suit or proceeding brought to enforce the mandatory indemnification provided in this Subsection.

An indemnification under Section 6.1 or Section 6.2 of this Article, unless ordered by a court, shall be made by this Corporation only as authorized in a specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because that person has met the applicable standard of conduct as set forth in either Section 6.1 or Section 6.2. That determination shall be made in any of the following ways:

By majority vote of a quorum of the Corporate board of directors consisting of directors/officers who were not parties to the action, suit or proceeding.

If that quorum is not obtainable, then by a majority vote of a committee of Corporate directors/officers who were not parties to the action, suit or proceeding. The committee shall consist of not less than two (2) disinterested directors/officers.

If a person is entitled to indemnification under Section 6.1 or Section 6.2 of this Article for a portion of expenses including attorneys' fees, judgments, penalties, fines, and amounts paid in settlement, but not for the total amount thereof, the Corporation may indemnify the person for the portion of the expenses, judgments, penalties, fines, or amounts paid in settlement for which the person is entitled to be indemnified.

Section 6.4 Indemnification: Expense Advances.

Expenses incurred in defending a civil or criminal action, suit or proceeding described in Section 6.1 or Section 6.2 of this Article may be paid by the Corporation in advance of the final disposition of the action, suit, or proceeding upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay the expenses if it is ultimately determined that the person is not entitled to be indemnified by the Corporation. The undertaking shall be by unlimited general obligation of the person on whose behalf advances are made but need not be secured.

Section 6.5 Indemnification: Continuation of Right.

The indemnification provided in Section 6.1 through Section 6.4 of this Article shall continue as to a person who has ceased to be a Corporate director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of any deceased or former director, officer, employee or agent who would have been entitled to indemnification.

Section 6.6 Indemnifications: Rights Hereunder Not Exclusive.

The indemnification or advancement of expenses provided in Section 6.1 through Section 6.4 of this Article is not exclusive of other rights to which a person seeking indemnification or advancement of expenses may be entitled under the Articles of Incorporation, Bylaws or a contractual agreement. However, the total amount of expenses advanced or indemnified from all sources combined shall not exceed the amount of actual expenses incurred by the person seeking indemnification or advancement of expenses.

Section 6.7 Mergers.

For purposes of this Article, references to the "Corporation" include all constituent corporations absorbed in a consolidation or merger, as well as the resulting or surviving corporation, so that any person who is or was a director, officer, employee or agent of the constituent Corporation, or is serving as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust or other enterprise, whether for profit or not, shall stand in the

same position under the provisions of this Article with respect to the resulting or surviving corporation or business corporation as the person would if he or she had served the resulting or surviving corporation or business corporation in the same capacity.

Section 6.8 Insurance.

The Corporate board of directors may purchase and maintain insurance or another arrangement on behalf of any person who is or was a director, officer, trustee, employee, or designated agent of said board or who is or was serving at the request of the board of directors, partner, venturer, proprietor, employee, agent, or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan, or other enterprise, against any liability asserted against and incurred by that person in his or her status as such, whether or not the Corporate board of directors would have the power to indemnify him or her under the provisions of this Article. If the insurance or other arrangement is with a person or entity that is not regularly engaged in the business of insurance coverage, the insurance or arrangement may provide for payment of a liability with respect to which the board of directors would not have the power to indemnify the person only if including coverage for the additional liability has been approved by the board of directors. Without limiting the board of directors' power to procure or maintain any kind of insurance or other arrangement, the board of directors, for the benefit of persons it has indemnified, may:

- a) Create a trust fund;
- b) Establish any form of self-insurance;
- c) Secure its indemnity obligation by grant of a security interest or other lien; or
- d) Establish a letter of credit, guaranty, or surety arrangement.

The insurance or other arrangement may be procured, maintained, or established within the board of directors or with any insurer or other person deemed appropriate by the board of directors regardless of whether all or part of the stock or other securities of the insurer or other person are owned in whole or in part by the any member of the board of directors.

ARTICLE 7 FINANCES

Section 7.1 Funds.

The Corporation shall fund its charitable, social and educational operations through the collection of certification and recertification fees, verification of certification fees, membership dues paid the College, qualified donations and other operations approved by the Corporate Board.

Section 7.2 Depositories.

The Corporate treasurer, or authorized designee, shall invest or deposit all funds of the Corporation as directed by its board of directors.

Section 7.3 Expenses.

All expenses of the Corporation and its College are subject to the approval of the Corporate board of directors. Upon such approval, the expenses shall be paid from the funds of the Corporation.

Section 7.4 Assets.

The assets, fees, grants and donations received by the Corporation and its College shall be used only for certification activities, educational, social and charitable purposes as specified within these Bylaws.

Section 7.5 Corporate Administration.

The board of Corporate directors shall have the power to employ an Executive Director and/or suitable custodians, accountants, counsel, administrative staff and agents and to pay their expenses and compensation.

Section 7.6 Fiscal Year.

The fiscal year of the Corporation shall commence on January 1 and conclude on December 31 of a given year, or as may be designated from time to time by its board of directors.

Section 7.7 Checks, etc.

All checks, drafts, and orders for payment of money shall be signed in the name of the Corporation by such officer or officers or agent or agents as its Corporate board of directors shall from time to time designate for that purpose.

ARTICLE 8 AMENDMENTS OF BYLAWS

These Bylaws may only be amended by an affirmative vote of two-thirds or more of the Corporate directors. Amendments must first be proposed by at least one-third of Corporate directors.

ARTICLE 9 DISSOLUTION**Section 9.1 Discretionary Dissolution of Corporation.**

The Corporation may be dissolved by the board of directors as provided by law.

Section 9.2 Distribution of Assets.

Upon dissolution of the Corporation, its directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, distribute all of the assets of the corporation to organizations chosen by its directors which are tax exempt under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE 10 REFERENCES TO INTERNAL REVENUE CODE

Any reference in these Bylaws to a provision of the Internal Revenue Code shall refer to that provision in the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States internal revenue law.

ARTICLE 11 PARLIAMENTARY AUTHORITIES

The rules contained in the current edition of Robert's Rules of Order (Newly Revised) shall govern the Corporation in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Corporation may adopt.

ARTICLE 12 OTHER PROVISIONS

Section 12.1 Resignations.

Any Corporate director or officer may resign their office at any time, such resignation to be made in writing and to take effect from the time of its receipt by the Corporation President or a subsequent time as set forth in the notice of resignation. The acceptance of a resignation shall not be required to make it effective.

Section 12.2 Notices.

Whenever, under the provisions of these Bylaws, notice is required to be given, it may be given in writing by depositing the same in a post office or letterbox, in a postpaid, sealed envelope, addressed to such person entitled to notice, at such address as appears on the books of the corporation, and such notice shall be deemed to be given at the time of mailing. Notice may also be given by any form of electronic transmission to any electronic address or number provided by the recipient to the Corporation, which notice shall be deemed to be given at the time of sending. Any notice required to be given under these Bylaws may be waived by any writing signed (either before or after the time for the giving of such notice) by the person entitled to such notice or his legal representative. The attendance of any director at any meeting which requires notice without protesting, prior to or at the commencement of the meeting, the lack of proper notice shall operate as a waiver of notice.

Section 12.3 Repayment Agreement.

Any payments made to an officer of the Corporation, such as a salary, commission, bonus, interest, or entertainment expense incurred by him, which shall be disallowed in whole or in part as a deductible expense to the Corporation by the Internal Revenue Service, shall be reimbursed by such officer to the Corporation to the full extent of such dis-allowance. It shall be the duty of the corporate directors, as a board, to enforce payment of each such amount disallowed. In lieu of payment by the officer, subject to the determination of the directors, proportionate amounts may be withheld from his future compensation payments until the amount owed to the Corporation has been recovered.

Section 12.4 Pronouns.

Each pronoun used in these Bylaws will be deemed to refer to the masculine, feminine, neutral, plural, or singular as required by the particular context.

Section 12.5

In as much that the great majority of those certified by ABCMO are also Diplomates of the American Academy of Optometry, the Corporate Board believes that the establishment of close and mutually cooperative relations between the Corporation with the American Academy of Optometry is highly appropriate and advantageous to both groups. Therefore every effort shall be made by the Corporation to foster harmonious cooperation between the officers and directors of the Corporation with the Academy and to be receptive to methods by which ABCMO may contribute to and support Academy educational and charitable operations. The same philosophy of cooperation shall be extended to other external groups such as the Optometric Glaucoma

Society, the Optometric Retinal Society and the National Association of VA Optometrists that hold annual meetings adjunct to the annual Academy meeting.

ARTICLE 13 GENERAL CORPORATE ADMINISTRATION

Section 13.1 Voting on Applicants.

Awards of certification shall “expire” 10 years after the year of issue. The initial award of “certification:” requires a unanimous vote of those corporate directors charged to vote on applications. Applicants shall be assigned applicant numbers by the Corporation’s secretary with a summary of each applicant’s qualifications provided prior to voting and applicants’ names shall not be revealed by the secretary to the corporate directors or other officers of the corporation or the public.

All official correspondence in which application documents upon which certification depends are conveyed to, and from, applicants shall be conducted by US Postal Services and not via the internet or other electronic means to protect their confidential nature. The directors shall select a group of three officers/directors who are ODs to review and vote upon certification requests and such certification shall require a unanimous decision. The secretary shall not vote in either system since s/he knows the identity of each candidate for certification.

Section 13.2 Evolution of Certification Criteria and Process.

As the national body of certification for the specialty of medical optometry, the criteria and process by which the board of directors determine eligibility for awarding certification is of utmost importance and must be continually re-evaluated and adjusted as the educational, licensing and practice of the specialty of medical optometry evolves. Particular attention must be paid to changes in licensing, education and clinical privileges at sites where medical optometry is practiced.

Section 13.3 Appeals/Subsequent Applications.

The Corporate board may, in its discretion, advise those applicants failing to receive certification of the reasons for non-certification and give guidance in the event such applicants may wish to reapply for certification at a later date. Each applicant shall be eligible to reapply twice, with at least one year between successive applications, with each reapplication requiring payment of all applicant fees at time of reapplication. All submitted application materials of a failed applicant shall be destroyed after 90 days and a record made of the date of failed application and any succeeding reapplication shall require a new and complete set of application materials from the applicant.

Section 13.4 Applications.

Applications shall be reviewed on a regular basis as determined by the Corporate Board.

Article 14 REQUIREMENTS FOR APPLICATION FOR ABCMO CERTIFICATION

Section 14.1 CONDITIONS AND DOCUMENTS REQUIRED.

Applicants are solely responsible for submitting one complete application [applicant should retain personal copy in the event of delivery failure] including non-refundable fees, that documents attainment of the following:

1. Completion of a full-time, ACOE (or equivalent) accredited, postgraduate clinical residency training program having major emphasis on medical optometry, of at least one-year in duration. Such residency training program must be affiliated with a school or college of optometry, medicine or osteopathy but the training site need not be based at the affiliated academic body or its campus.
2. Official transcript showing applicant's passage of the specialty examination Advanced Competence in Medical Optometry (or equivalent) offered annually by the National Board of Examiners in Optometry.
3. Valid copy of a current state license to practice optometry, with highest therapeutic endorsements available in the state of practice of the applicant (or state license of record assigned to employing health care facility of applicant when based within a federal health care facility).
4. Letter of recommendation from immediate clinical supervisor at residency site during residency attesting to clinical competence and ethical standing during residency and/or current director of the applicant's residency program.
5. Valid copy of certificate of residency completion issued by residency training facility and/or certificate of completion issued by the academic affiliate at completion of residency.
6. Official self-query results of applicant issued by the National Practitioner Data Bank within 3 months of date of application (www.npdbhipdb.hrsa.gov/).
7. Documented significant practice (minimum of three days per week) of medical optometry for the two years immediately prior to application for certification. A consecutive log of 100 patients listing diagnosis and treatment and an inspection of the practice site may be required. *This requirement is waived for applicants in the two-years immediately following their residency training.
8. Appear for a personal interview or visitation of practice site if required.
9. Valid copy of O.D. degree from an accredited North American school or college of optometry.
10. Signed waiver authorizing the Corporation to make all appropriate inquiries needed to verify the validity of documents or statements furnished by applicant (waiver located at www.abcmo.org).
11. Comprehensive CV of applicant's professional preparation, training and experience.

All applications must also include a cover letter summarizing the applicant's credentials, practice experience, and complete personal (home) and office contact information (postal and e-mail) at which they will receive communications from the Corporation. To insure privacy, applications are to be submitted via US Postal Service. Applicants are solely responsible for ensuring the completeness of their applications, submission of the required documents and payment of fees by a check payable to ABCMO.

The Corporation shall not release, or share, an individual's application information with any external body or individuals other than those comprising the Board's 3-member certification committee, nor indicate to the public those who may have sought and failed to receive certification, nor disclose the number of times an applicant has submitted an application.

NOTE: ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Applicants currently on the medical staff of a facility having a credentialing committee may be held to have furnished clear copies of License, Certificate of Residency Completion, O.D. Degree, State License(s) and self-query of the NPDB by a letter of confirmation from their credentialing committee stating said License, Certificate of Residency Completion, O.D. Degree, State License(s) and NPDB report have been reviewed and found current and valid by the Credentialing Committee.

Letters of recommendation shall be signed originals.

It is entirely the responsibility of applicants to fully comply with the above criteria and transmit a complete application to the corporation's Secretary and to include both home and office postal addresses, home and office telephone numbers, and home and office email addresses at which they wish to receive communications from the corporation. Applicants become eligible for being awarded certification once they have furnished a complete application and inspection by the Secretary determines it is valid and complete and all applicant fees have been forwarded.

Application fees are not refundable and must accompany each application.

Notifications of approval or non-approval of applications are made bi-annually. Usually around May and December.

Article 15 SPECIAL APPLICATIONS ON MERIT

Some experienced, older optometrists who have not served residencies and/or taken the Advanced Competence in Medical Examination, may possess advanced competence in the specialty of medical optometry and may, with adequate documented evidence of such advanced competence, be nominated, by an ABCMO certified specialist on a case-by-case basis, for ABCMO certification, if the applicant applies and can document some or all of the following:

1. National recognition for advanced competence in medical optometry. Examples are a history of presenting lectures and/or laboratory workshops at the American Academy of Optometry or other well regarded educational meetings;
2. Significant publications (articles, texts, chapters) on medical optometry in peer reviewed journals, textbooks or popular journals;
3. Supervision and training of residents in medical optometry or ophthalmology while holding a faculty appointment at an optometry or medical facility and holding written, highest- level TPA clinical privileges
4. Passage of certain written examinations. Examples are TMOD and ACMO (see www.nbeo.org);
5. Fellow of the American Academy of Optometry;
6. Diplomate of the Ocular Disease Special Interest Group of the American Academy of Optometry;
7. Fellow of the Optometric Retina Society;
8. Fellow of the Optometric Glaucoma Society;
9. Certification in ophthalmology by the American Board of Ophthalmology.
10. History of research in the medical treatment of ocular-visual disorders and/or teaching courses in such treatment.

The degree to which an applicant must meet one or more of the ten criteria listed above is at the discretion of the certification committee, based upon the strength and breadth of the applicant's overall credentials. Applicants will be required to sign a waiver authorizing the board of directors to undertake all appropriate forms of inquiry to verify their proffered credentials and site of practice as well as provide information about the type of practice in which they treat patients and/or demographic data pertaining to diagnosis and treatment of the patients they treat or the subject matter of their teaching.

The ABCMO-certified nominator of the applicant shall submit a letter stating the reasons by which s/he believes a Special Application On Merit should be offered their nominee.

Those certified by the Special Application on Merit program are eligible to join the American College of Medical Optometry with full membership benefits including standing for election to its Board of Advisor and are subject to the Maintenance of Certification program unless they are not a licensed O.D.

Article 16 Applicant's Initial and Subsequent Competence in Medical Optometry: Maintenance of Certification

Section 16.1 The retention and enhancement of competence.

The retention and enhancement of the skills and knowledge required for the practice of the specialty of medical optometry following residency training requires such specialty practice represent a significant portion of an applicant's practice and the applicant practices in a facility suitable to support the specialty by having appropriate patients, equipment and staff.

An applicant's signing of the Corporation's Release of Information Form recognizes and authorizes the Corporation to make inquiries or site inspections that it may deem necessary to determine if an applicant's practice site meets the requirements necessary to maintain and enhance the specialized clinical skill set and knowledge required. The decision as to the suitability of an applicant's practice site shall, as necessary, be part of the review process conducted by the board during its evaluation of applicants.

In addition, applicants certified as specialists in medical optometry by ABCMO are subject to a "Maintenance of Certification" (MOC) program as specified in Article 19. Failure to take part in the MOC program will result in loss of ABCMO certification.

Section 16.2 ABCMO Certification Expiration.

ABCMO certifications will be automatically revoked from failure to participate in the Maintenance of Certification program (MOC program) outlined below and in Article 18. Once revoked, ABCMO certification can only be restored, upon request, by passing the same written examination in Advanced Competence in Medical Optometry required for initial certification by ABCMO.

Section 16.3 Requirements Waived.

The above requirements pertaining to practice site and practicing at a site with significant numbers of medical optometry cases are waived for the period of 2 years immediately following completion of residency training.

Section 16.4 Maintenance of Certification (MOC) in Medical Optometry.

To maintain an active license to practice optometry, licensed optometrists must take a set number of hours of COPE approved continuing education (CE) consisting of programs, classes, rounds and or clinical training sessions, and to submit evidence of having taken such hours of CE training as documented via the national COPE system established by the Association of Regulatory Boards of Optometry (ARBO). The required hours and types of training required for license renewals varies among the States and, in some states, there are mandatory numbers of required CE hours in some particular aspects of optometry practice.

Those certified by ABCMO are required, of course, to maintain their state licenses to practice optometry and thereby must meet all the above requirements on hours of CE required by their state licensing body as recorded by the COPE system.

However, to address the need to maintain competence as a specialist in Medical Optometry ABCMO requires its board certification holders to honor an agreement that, while meeting their required CE hours for license renewal (including any mandatory hours) they will fill all remaining required CE hours by attending COPE approved courses that bear directly upon topics germane to the specialty of Medical Optometry.

Example: Dr. Smith is required to attend X hours of COPE approved CE programs for license renewal and, in Dr. Smith's state, the optometry board requires that 3 CE hours must address "Retinal signs of the Shaken Child" and 2 hours must address "How to Influence Your State Senator".

Dr. Smith therefore has X-5 remaining CE hours of COPE programs to take of his own choice. ABCMO requires that to maintain certification in medical optometry Dr. Smith pledges, on the honor system, to fill all X-5 remaining COPE approved CE hours for future license renewals by attending CE programs germane to the specialty of Medical Optometry.

Article 17 APPLICATION FEES

Fees for application are determined by the board of directors on an annual basis. Current application fees are \$225 for those meeting all requirements for eligibility and \$300 for Special Applications for Merit. Both application fees are non-refundable.

Article 18 ABCMO's Role As Specialty Board of Certification.

Section 18.1 ABCMO Goals and Requirements.

ABCMO shall specify and require the meeting of qualitative and quantitative criteria of postgraduate clinical specialty training aligned with, as adapted for the profession of optometry, those required of medical, osteopathic, podiatric and dental specialists by their postgraduate specialty residency training, specialty written examinations and board certification requirements as specialists.

Conforming to these accepted medical-osteopathic-podiatry-dental standards for specialty training will continue to assure ABCMO certifications are utilized by credentialing committees at health care facilities accredited by the Joint Commission on the Accreditation of Health Care Organizations [Joint Commission] as the specialty board for medical optometry with ABCMO certification denoting its holder as a specialist in medical optometry.

As a specialty board, ABCMO does not certify competence in the general practice of optometry but issues a Level 2 [specialist] credential (See 18.2).

ABCMO recognizes the sole legal responsibility of state (or territorial, district) optometry licensing boards to set requirements for licensing and license renewal, and to assess and ensure competence is retained by its licensees in the general practice of optometry.

ABCMO shall require a current, valid, unrestricted state license to practice optometry be held to maintain ABCMO certification, which license must be of the highest therapeutic level issued by the licensing board issuing the license of record held by the optometrist.

ABCMO shall require all CME for state license renewal be met and all unspecified CME hours for license renewal be taken in medical optometry (see ABCMO Maintenance of Certification Program).

Section 18.2 Medical, Osteopathy, Podiatry and Dentistry Recognized Specialty Boards.

Medicine, osteopathy, podiatry and dentistry utilize recognized specialty boards that issue "board certifications" to denote specific competence [above that required for licensure] in defined specialties within these professions. These specialty boards all require accredited residency training in a specialty and passage of a national written examination testing competence in that specialty.

The corporation has adopted, as appropriate to optometry, the above credentialing system to enable those holding its "board certification" to be credentialed as a "specialist" by credentialing committees at Joint Commission accredited health organizations.

In conformance with the medical-osteopathic-podiatry and dental credentialing systems, the Corporation issues a Level 2 credential as defined below.

Level 1 Credential: Degree + License = Qualified for General Practice

Level 2 Credential: Above + Specialty Residency + Specialty Examination = Qualified for Specialist practice

Level 3 Credential: Above + Fellowship training in a Subspecialty = Qualified for Sub-specialist practice

Section 18.3 Specialty of Medical Optometry.

The specialty of Medical Optometry shall be defined as "The Diagnosis and Medical Treatment, Remediation and Management, of Primary and Secondary Diseases and Dysfunctions of the Human Eye, Adnexa and Visual Tracts."

Section 18.4

The corporation shall require that the independent practice of medical optometry by those receiving its certification be in accordance with all laws, rules and regulations of the jurisdiction in which the holder of certification practices or, under the license of record utilized by the facility at which the holder of certification practices as a member of the medical staff, in non-state-regulated (federal) health care facilities.

Section 18.5

While ABCMO certification signifies achievement of advanced competence in the specialty of medical optometry, adjudged by meeting the criteria contained within these Bylaws, the Corporation does not purport to, and cannot, guarantee the quality of care rendered by a recipient of ABCMO certification.

Section 18.6

Each recipient of ABCMO certification shall reference such certification as specified by these Bylaws elsewhere and observe any restrictions and limitations placed upon such reference by those jurisdictions governing the practice of the recipient. Failure to properly reference certification can result in revocation of certification.

Section 18.7

Certification and re-certification by ABCMO is not a replacement, substitute or proxy for any requirements of any jurisdiction with respect to the general practice of optometry within such jurisdiction.

Section 18.8

Certification of applicants may be done bi-annually, of which one cycle shall be completed prior to the board of directors' annual meeting in conjunction with, but independent of, the annual meeting of the American Academy of Optometry, to allow for notification and personal presentation of certification when desired, at that time.

Article 19 MAINTENANCE OF CERTIFICATION (MOC)

(Current) MOC Program in Effect Until June 30, 2021

Section 19.1

Beginning January 1, 2019, each recipient of the Corporation's certification is required to participate in its Maintenance of Certification (MOC) program - with failure to do so resulting in loss of certification. The MOC program is designed to maintain advanced competence in medical optometry following initial or subsequent re-certification.

MAINTENANCE OF CERTIFICATION:

ABCMO Certified ODs agree to meet all future CME requirements for license renewals by:

1. Meet or exceed state hourly CME requirements for license renewal utilizing COPE approved CME courses recognized by the Association of Regulatory Boards of Optometry as specified by the state licensing board of record.

2. Meet all mandatory types of CME required by the state licensing board of record, and fill all remaining CME hourly requirements by attending only COPE approved CME specifically germane to the practice of medical optometry.

Failure to comply will result in revocation of ABCMO certification as shall loss of licensure for cause other than late payment or late application for license renewal.

In summary, after all mandatory CME hours in specified categories are met, all remaining CME course hours required to meet the minimum CME needed for license renewals shall be fulfilled by attending COPE CME courses having the diagnosis and treatment of medical eye disorders as their subject matter.

Evidence of license renewal and above specified medical optometry CME may be requested at any time by ABCMO utilizing the ARBO OE Tracking Number and related tracking data.

Section 19.2

It shall be the responsibility of those ABCMO certified to track, record and submit to ABCMO, using COPE documentations, that they have fully met the conditions of (2) and submit a \$45 processing fee to ABCMO annually or \$90 biennially depending upon the license renewal process of their state board of optometry.

Section 19.3 Additional MOC requirements.

Hold the current highest level of medical therapeutic licensure available in the state license of record.

Submit the results to ABCMO of a self-query to the National Practitioner Data Bank in the event of any adverse action report.

Adhere to the code of ethics of the profession of optometry as defined by the American Optometric Association.

(Revised) MOC Program in Effect July 1, 2021

Note: A fuller review of the factors leading to programs to ensure Maintenance of Certification (MOC) of board certified physician specialists is found [here](#). Those MOC programs are now required for renewal of certification of medical specialists following completion of their residency training and initial specialty board certifications. Previously, some physician specialty boards issued lifetime certifications but after publication by the Institute of Medicine of “To Err Is Human” in 2000 that documented deaths of hospitalized patients from preventable errors, a movement towards stronger and mandatory MOC programs began for physician specialists. [To Err is Human, Institute of Medicine, National Academy Press, Washington, D. C., ISBN 0-309-06837-1, June 2000.]

Medical optometry is the *first* optometry specialty to have established accredited postgraduate residency training programs, a written national specialty examination (Advanced Competence in Medical Optometry) administered by the National Board of Examiners in Optometry and a specialty board (ABCMO) issuing certifications accepted and utilized by credentialing committees at Joint Commission accredited medical organizations and a MOC program to maintain certification in this optometry specialty. The process to establish this first board-certified optometry specialty spanned over 40 years following the first medical optometry residency established at a Veterans Administration hospital in 1975. Similar long, extended time periods were also required to establish the infrastructures of most physician, dental, and podiatric specialties.

Revised Maintenance of Certification (MOC) Program

Beginning July 1, 2021, all holders of the Corporation's certification as specialists in medical optometry become required to participate in this revised Maintenance of Certification (MOC) program herein described and failure to do so can result in loss of certification. This revised MOC program will better ensure competence in medical optometry is retained and updated following initial certification and allow the corporation to maintain a current list of those certified in the specialty of medical optometry that is updated every 1 to 2 years coincident with the each specialist's renewal of their "state license of record" to practice optometry.

After several years of study by the Corporation of the recent development of medical physician MOC programs and the push-back many of those MOC programs have received, it has concluded its MOC program must be *both effective and reasonable in the time and costs required for specialists in medical optometry to maintain their certifications.*

Rather than create an additional, separate process, in addition to that required for license renewal, *the revised specialist MOC requires the same number of CE hours now needed for renewal of the specialist's "license of record" be taken from attending COPE accredited CE programs that concentrate on topics germane to medical optometry.*

This requires our specialists to attend the same number of annual, or biennial, CE *hours* required for renewal of their "license of record" *and* that these required CE hours result from attending COPE accredited CE that is recognized by the Association of Regulatory Boards of Optometry and that these CE courses deal with the diagnosis, treatment and follow up care of medical eye or vision conditions.

(A current list of COPE accredited CE on topics relevant to medical optometry is found in the endnotes.)

To document they have met this requirement, a copy of the specialist's COPE OE Tracker File now submitted to state licensing boards will be sent to ABCMO after each "license of record" renewal to verify adherence to this revised MOC. [See www.arbo.org for more details.]

Note: The "license of record" is the license on file with the credentialing committee where the specialist in medical optometry is a member of the medical staff or an attending consultant. For

private practice, it is the license from the state in which the private practice is located. Since federal medical facilities accept a license from any state or territorial licensing board (and not necessarily a license from the state in which the federal facility is located), the “license of record” need not be from the state where the federal facility is located.

Note: Some state licensing boards have specified and mandatory CE course hours which must be taken that may not have medical optometry as their subject nor be COPE accredited. The specialist must take such courses for “license of record” renewal. But, all remaining “self selected” CE hours required to meet the CE hours required for license renewal must be COPE accredited and deal with medical optometry topics.

Note: Once required hours of any mandatory CE and “self selected” COPE accredited medical optometry CE hours add up to the numbers of CE hours required for “license of record” renewal, the specialist in medical optometry may take any additional CE courses desired whether COPE accredited or not.

Note: Medical optometry specialists are still required to hold the highest level of optometry licensing available from the state issuing their “license of record”.

At the end of each one-year (or two-year) “license of record” renewal period after July 1, 2021, the specialist in medical optometry must submit to ABCMO a copy of their COPE OE Tracker File of CE courses taken and CE hours attended during their most recent “license of record” renewal period, with a fee of \$45 (or \$90) payable by check to ABCMO. This will enable ABCMO to verify compliance with the revised MOC program and answer requests for Verification of Certification by credentialing committees.

Note: The revised MOC does not require re-passage of the ACMO (Advanced Competence in Medical Optometry) written national examination every 10 years after completion of residency training and initially passing the ACMO examination.

In Summary:

The same number of CE course hours required for renewal of the specialist’s “license of record” must still be met, but by attending COPE accredited CE addressing the diagnosis, care, and treatment of medical eye/vision conditions. After July 1, 2021, a copy of the specialist’s COPE “OE Tracker” showing the CE hours and type of CE courses attended during the license renewal period (1-2 years) is to be sent to the address below with a certification renewal fee payable to ABCMO by check.

ABCMO believes filling “self-selected” CE hours required for state “license of record” renewals with COPE accredited CE course hours relevant to medical optometry will insure the continuing competence of specialists in medical optometry while requiring *little or no addition time and cost* to the specialist.

It is the belief of the Corporation that those whom it certifies have, by their interest in medical optometry have, in effect already been concentrating their CE towards medical optometry and this revised MOC recognizes this.

Of course, an ABCMO specialist may take other, additional, “self-selected” CE course hours beyond those required for renewal of their state “license of record” as long as their hours of attendance at COPE accredited CE courses relevant to medical optometry during the renewal period are, alone, sufficient for renewal of their “license of record”.

Why COPE Accredited CE?

The Council on Optometric Practitioner Education (COPE) requirements for their accreditation of optometry CE were recently deemed (in 2017) to be “Substantially Equivalent” to those requirements of the Accreditation Council for Continuing Medical Education (ACCME) that accredits medical physician CE. COPE, established in 1993, is also recognized by, and a component of, the Association of Regulatory Boards of Optometry (ARBO) which serves 66 regulatory agencies in the U.S., Canada, Australia, and New Zealand.

COPE accredited CE is specified because ABCMO bylaws require it to set standards and requirements for its certification of medical optometry specialists that are appropriate for optometry and congruent with those of specialist boards in medicine, dentistry and podiatry and this has led to ABCMO certification being accepted by credentialing committees at Joint Commission accredited medical facilities. For these reasons the ABCMO Maintenance of Certification program requires COPE accredited CE for meeting “license of record” renewal requirements since COPE CE standards are “substantially equivalent” to those standards of the ACCME. More information about COPE and ARBO is available from Lisa Fennell, ARBO Executive Director, 200 South College Street, Suite 2030, Charlotte, NC 28202 and at 704 970 2710.

Since many ABCMO certified specialists practice at, or attend at medical centers that have CE courses (i.e., Grand Rounds) utilized by medical, dental and podiatry staff the “deemed” status of COPE accredited CE courses can facilitate cooperation and attendance at inter-professional CE programs and Grand Rounds attended by optometry and other medical staff members. That is, CE hours accredited by COPE or those by ACCME can be counted towards meeting ABCMO MOC CE requirements stated before.

Because the great majority of ABCMO certified specialists in medical optometry are also Fellows or Diplomates of the American Academy of Optometry (AAO) and/or members of The Optometric Glaucoma Society, The Optometry Retinal Society or National Association of VA Optometrists that often hold their meetings in conjunction with the AAO annual meeting, ABCMO believes specialists in medical optometry may find it most convenient to meet their “license of record” COPE accredited MOC CE hourly requirements by attending COPE accredited CE courses offered at AAO annual meetings.

New MOC Requirements:

Beginning July 1, 2021

1. Fill all “self-selected” CE hours required for state “license of record” renewal by attending COPE accredited CE recognized by the Association of Regulatory Boards of Optometry. These CE courses must be specifically germane to the detection, diagnosis, treatment and management of medical conditions of the human visual system. (COPE categories B and C.)*
2. Retain, compile and submit to ABCMO a copy of attendance records at COPE accredited CE during your most recent license renewal period. Depending on the “license of record”, these COPE OE Tracker reports will cover your most recent one, or two, year period of COPE accredited CE taken for license renewal.
3. Mail your most recent COPE OE Tracker report of CE taken for renewal of your “license of record” to the address below with a MOC fee of \$45 if your license renewal is annually, or \$90 if your license renewal is every two years.
4. ABCMO will monitor your COPE OE Tracker data to maintain and update its list of currently active certified specialists in medical optometry which ABCMO consults to reply to Requests for Verification of Certification from credentialing and privileging committees.
5. Failure to comply with above can result in revocation of ABCMO certification for cause.
6. Evidence of the current status of your state “license of record” may be requested at any time by ABCMO for purposes of verification of certification.

Except for any mandatory CE hours required for the “license of record” and/or any CE taken beyond that required for license renewals, all CE taken shall be COPE accredited CE recognized by the Association of Regulatory Boards of Optometry having diagnosis and treatment of medical eye disorders as their principle subject matter as listed by COPE in course Categories B and C.

Evidence of license renewal and previously taken medical optometry CE may be requested at any time by ABCMO.

Other MOC Requirements to Remember

Always hold the current and highest level of medical therapeutic licensure available in the state issuing your “license of record”.

Submit results to ABCMO of any self-query to the National Practitioner Data Bank or in the event of an adverse action reported to your state “license of record”.

Fully adhere to the code of ethics of the profession of optometry as currently defined by the American Optometric Association.

Many state licensing Boards require certain numbers of hours be taken in specific areas for license renewals. MOC requires that the remaining CE needed to meet license renewal

requirements be taken in COPE accredited CE that address medical dysfunctions affecting the human visual system.

The “state license of record” for optometrists practicing in Joint Commission accredited medical facilities is the license on file with the facility’s credentialing and privileging committee. At federal medical facilities this license may be from any state or regional optometry licensing body. For optometrists in private office practice the “state license of record” must be from the state licensing board of the state in which the office practice is located.

Example

Dr. Smith must hold the highest therapeutic optometry license available from State X, the doctor’s “license of record”. State X renews licenses every two years.

Dr. Smith must continue to renew the State X license and submit COPE OE Tracker evidence of having met the MOC requirements for license renewal to ABCMO every two years with an MOC fee of \$90 payable by check to ABCMO to remain on the list of those ABCMO certified.

NOTE*

*COPE Categories of accredited CE Courses acceptable for MOC include its Categories **B** and **C**. As Revised March, 2014, these include the following types of CE courses.

B. Ocular Disease: Courses in glaucoma, injection skills, laser procedures, peri-operative management of ophthalmic surgery, refractive surgery management, treatment and management of ocular disease (anterior and posterior segment).

C. Related Systemic Disease: Courses in neuro-optometry, oral pharmaceuticals, pharmacology, principles of diagnosis and systemic/ocular disease.

Mail the most recent COPE OE Tracker course attendance and course hours taken with the one-year or two-year MOC fee (\$45 or \$90) to:

ABCMO (MOC)
18683 Milton Ave.
Big Rapids, MI 49307

Questions?

info@abcmo.org
myers.kenj@gmail.com
231-796-0127

Article 20 DESIGNATIONS OF CERTIFICATION and ACMO DIPLOMATE STATUS

Section 20.1

A recipient of the corporation's certification may state they are "Board Certified in Medical Optometry" in their CV, professional stationary and website biography, display their certification within their waiting room or office and present their certification to credentialing bodies. No other form of display before the public is permitted.

A recipient of certification, who becomes a Diplomate of the American College of Medical Optometry in good standing, may place "MOD" after their professional degree(s) to designate "Medical Optometry Diplomate". Periods shall not be placed after the M,O and D as these letters specify an honorific and not a degree.

No other designations may be used. Misuse can lead to revocation of credentials.

The majority of those certified by the Corporation practice within medical health care organizations and are familiar with medical credentialing and privileging and are subject to periodic performance and re-credentialing reviews per Joint Commission approved procedures. For the Corporation's certification to enable them to be credentialed as a specialist during initial credentialing or re-credentialing, the optometrist certified by the corporation should:

- a) Indicate they are a specialist on their application for initial appointment to the medical staff.
- b) Indicate their specialty is "medical optometry" [under "other"]
- c) Indicate dates and location of residency training.
- d) Indicate ABCMO as the specialty board issuing their board certification.
- e) Indicate the date and serial number of their proof of certification in medical optometry.
- f) Permit the credentialing committee to confirm their certification via a query to the corporation. (See Article 22.)

Article 21 GENERAL Conditions Required of Residency Programs

The Corporation reserves the right to modify and adjust its criteria for certification in the specialty of medical optometry to conform to advancements in the clinical practice of optometry and scopes of state optometry licensing laws. In this manner the Corporation will maintain a uniform, national set of model criteria for awarding its certification that reflects the highest level of any state optometry licensing.

The Corporation shall, as appropriate for the profession of optometry, require accredited specialty residency training, passage of a national, standardized, written quantitative examination testing advanced competence in the specialty of medical optometry and the meeting of additional criteria determined by the Corporation for its award of certification, re-certification and maintenance of certification [MOC] and will act to promote the advancement of knowledge in medical optometry and the furthering of fellowship and harmonious relations among those practicing medical optometry and their medical and osteopathic research colleagues involved with care of the human eye and its visual functioning.

The Corporation reserves the right as an independent credentialing body to recognize non-ACOE residency programs as appropriate and to not recognize ACOE accredited residency programs that, in the opinion of its Corporate Directors, do not adequately prepare residents to practice medical optometry or fail to provide appropriate supervision and patient care training experiences.

The Corporation reserves the right to determine whether a particular residency program emphasizes and is chiefly a residency in the specialty of medical optometry as defined within these Bylaws. There continues to be a variety of names used to describe residency programs, of which some overlap in subject matter and lack specific, quantitative definitions. An example of a well-defined residency program is those at VA medical facilities named "Ocular Disease". The corporation shall determine whether a residency program is a medical optometry residency irrespective of the name that may be attached to it by the affiliated school of optometry.

*Please note that applications from residents of residency programs in medical optometry found to not meet the resident supervision requirements specified by the Centers for Medicare and Medicaid (CMS) for medical, osteopathic, and dental residents will not be accepted by the Corporation.

*The Corporation will, as necessary, accept applicants only from residency programs that provide their residents specified numbers of patient care encounters in specified types of ocular medical disorders during residency and may require documentation attesting to the achievement of these numbers/types of patient encounters.

*The Corporation reserves the right to require the chief medical officer of the health care facility operating a residency program in medical optometry, and/or the chief administrative officer of the academic facility operating a residency program in medical optometry, to certify in writing that their residents in medical optometry are held subject to the same level of supervision currently specified by CMS and the Veterans Administration regulations for supervision of medical, osteopathic and dental residents.

*Optometry students often serve clinical clerkships at medical or academic facilities also operating optometry residency training programs and students may, at times, receive clinical guidance and supervision from optometry residents. ABCMO reserves the right to require that any supervision of optometry students by residents in medical optometry be only incidental so that residents not be placed in administrative responsibility for students or their training which can dilute a resident's clinical training. ABCMO expects the supervision of optometry students be chiefly the direct responsibility of members of the medical or academic staff and such supervision be adherent to current CMS regulations regarding supervision of medical students and residents. ABCMO expects residents in medical optometry shall direct their attention to their training and not be utilized as "junior faculty"

*Special attention must be made to ensure all billings to CMS for services or procedures provided by residents are governed by, and comply with, current CMS regulations.

ARTICLE 22 Verification of Certification (VOC)

ABCMO is the primary source for verifying an optometrist is a certified specialist in medical optometry. Since its founding in 2009, over 130 state, local and federal Joint Commission accredited medical organizations now utilize ABCMO for verification an optometrist is certified as a specialist in medical optometry. Since the number of VOC requests has continued to grow as more residency-trained medical optometrists complete their training and gain medical staff appointments at Joint Commission accredited medical organizations, group practices or clinical teaching faculty, the VOC process has been correspondingly updated.

This most recent VOC update should provide more timely verifications by utilizing e-mail verifications.

To remain a certified specialist in medical optometry an optometrist, after certification, is required by ABCMO to participate in its Maintenance of Certification (MOC) program as specified in Article 19 of ABCMO bylaws at www.abcmo.org

To request VOC: Any health organization, credentialing committee, 3rd party credentialing broker, or private individual may request verification of an optometrist's certification in medical optometry by sending a VOC request, containing the full name of that optometrist and a check or money order made payable in the amount of \$50 to ABCMO, to the address below. Include a stamped, self-addressed return envelope only if a written response is required *but always include the name and e-mail address of the requestor.*

For security and efficient replies ABCMO prefers verifications of specialist certification be sent only by e-mail unless directed otherwise by the requestor.

Mail VOC Requests to:

ABCMO (VOC)
18683 Milton Ave.
Big Rapids, MI 49307

(231) 796-0127

Please Note: After January 1, 2021, *federal health facilities* must pay the same \$50 fee for VOC (by check or money order) required of Joint Commission accredited health facilities.

Questions may be addressed to info@abcmo.org or myers.kenj@gmail.com or made by phone.

References:

1. Guidelines for Teaching Physicians, Interns, and Residents: Department of Health and Human Services, Centers for Medicare and Medicaid Services, Medicare Learning Network. ICN:006347, December 2010.
2. Resident Supervision, VHA Handbook 1400.01, December 19, 2012, Dept. Veterans Affairs, Washington, DC.
3. Resident Supervision, Attending Practitioner Responsibilities, VA Office of Academic Affiliations, IB 10-196 May, 2012.
4. Accreditation Manual: Optometric Residency Programs, Accreditation Council on Optometric Education, January, 2011