

4725-5-06 Splitting of fees.

Accepting any payment except from the holder of a certificate of licensure, a not for profit corporation or foundation or a professional corporation as defined in Chapter 1785 of the Revised Code is prohibited.

An optometrist cannot work for an unlicensed individual or an optician except in a not for profit corporation or foundation. An optometrist working in a general corporation or sole proprietorship or individual setting with an unlicensed individual cannot be paid by the hour, on a percentage basis or by splitting the examination fee paid by the patient.

The professional fee paid for services rendered, either by private pay or through a third party, must go to the optometrist. A general corporation or individual owner cannot supplement the fees of the optometrist either hourly, per patient, or in any manner.

~~If an optometrist leases space from a general corporation or an unlicensed individual, the optometrist shall do so on a flat rate basis. The Board may request copies of written leases from licensees working within general corporations and with individual owners. The licensee is responsible for negotiating and maintaining a proper lease relationship with unlicensed entities. The intent of this rule is to maintain the licensee's professional autonomy from the corporation or individual owner. This ensures that corporation and individual ownership objectives do not influence clinical decisions and the licensee's primary responsibilities to the patient.~~

For the purposes of this rule, a nonprofit corporation or foundation must be approved as so by the Ohio Secretary of State and must be primarily funded by federal grants, state grants and endowments.

The splitting, dividing or accepting payment of any fee with any person or entity other than expressly permitted constitutes "dishonesty and unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

Prior Effective Dates: 1/1/04