

21 NCAC 42B .0101 is amended with changes as published in 37:09 NCR 656-752 as follows:

**21 NCAC 42B .0101      GRADUATE OF APPROVED SCHOOLS OF OPTOMETRY**

(a) The Board may grant recognition and approval ~~to a school or college of optometry~~, deny or rescind recognition and approval, or make any recognition and approval granted by the Board conditional or probational, to any school accredited by the Accreditation Council on Optometric Education. The Board, in its discretion, may base such determination based on the Board's determination on its assessment of the quality of the educational programs and offerings of each the school or college of optometry. ~~Their optometric educational programs having been accredited by the Accreditation Council on Optometric Education and recommended to the Board by the Association of Regulatory Boards in Optometry as worthy of approval, the following accredited schools and colleges of optometry are recognized and approved in accordance with the provisions of this Rule:~~

- (1) ~~University of Alabama at Birmingham  
School of Optometry  
1716 University Boulevard  
Birmingham, AL 35294 0010~~
- (2) ~~University of California, Berkeley  
School of Optometry  
350 Minor Hall MC 2020  
Berkeley, CA 94720 2020~~
- (3) ~~Southern California College of Optometry  
2575 Yorba Linda Blvd.  
Fullerton, CA 92631~~
- (4) ~~Ferris State University  
Michigan College of Optometry  
1310 Cramer Circle  
Big Rapids, MI 49307 2738~~
- (5) ~~University of Houston  
College of Optometry  
505 J. Davis Armistead Bldg.  
Houston, TX 77004 2020~~
- (6) ~~Illinois College of Optometry  
3241 South Michigan Avenue  
Chicago, IL 60616~~
- (7) ~~Indiana University  
School of Optometry  
800 East Atwater  
Bloomington, IN 47405 3680~~

- 1           ~~(8) New England College of Optometry~~  
2                   424 Beacon Street  
3                   Boston, MA 02115
- 4           ~~(9) State University of New York~~  
5                   State College of Optometry  
6                   33 West 42nd Street  
7                   New York, NY 10036 8003
- 8           ~~(10) The Ohio State University~~  
9                   College of Optometry  
10                  338 West Tenth Avenue  
11                  Columbus, OH 43210 1280
- 12          ~~(11) Pacific University~~  
13                  College of Optometry  
14                  2043 College Way  
15                  Forest Grove, OR 97116
- 16          ~~(12) Pennsylvania College of Optometry~~  
17                  at Salus University  
18                  Elkins Park Campus  
19                  8360 Old York Road  
20                  Elkins Park, PA 19027
- 21          ~~(13) Southern College of Optometry~~  
22                  1245 Madison Avenue  
23                  Memphis, TN 38104
- 24          ~~(14) University of Waterloo~~  
25                  School of Optometry  
26                  200 University Avenue West  
27                  Waterloo, ON N2L 3G1 CANADA
- 28          ~~(15) Inter American University of Puerto Rico~~  
29                  School of Optometry  
30                  500 Carretera Dr John Will Harris  
31                  Bayamon, PR 00957
- 32          ~~(16) University of Missouri, St. Louis~~  
33                  College of Optometry  
34                  One University Blvd.  
35                  331 Marillae Hall  
36                  St. Louis, MO 63121 4400
- 37          ~~(17) University of Montreal~~

1           Ecole d'Optometrie  
2           3744 Jean-Brillant, Suite 260-7  
3           Montreal, QC H3T 1P1 CANADA

4       ~~(18) Northeastern State University~~  
5           Oklahoma College of Optometry  
6           1001 N. Grand Avenue  
7           Tahlequah, OK 74464

8       ~~(19) Nova Southeastern University~~  
9           College of Optometry  
10          3200 S. University Drive  
11          Ft. Lauderdale, FL 33328

12       ~~(20) Midwestern University~~  
13          Arizona College of Optometry  
14          19555 N 59th Ave  
15          Glendale, AZ 85308

16       ~~(21) University of the Incarnate Word~~  
17          School of Optometry  
18          4301 Broadway, Box 373  
19          San Antonio, TX 78209-6397

20       ~~(22) Western University of Health Sciences~~  
21          College of Optometry  
22          309 E Second St.  
23          Pomona, CA 91766-1854

24       ~~(b) The Board may request a copy of the Council on Optometric Education's accreditation report on each school or~~  
25       ~~college recognized and approved by the Board and for each school or college which has requested recognition and~~  
26       ~~approval or for which the Board is considering recognition and approval.~~

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28       History Note:     Authority G.S. 90-117.5; 90-118(a),(b);  
29                         Eff. February 1, 1976;  
30                         Readopted Eff. May 30, 1978;  
31                         Amended Eff. April 1, 2011; April 1, 1993; June 1, 1989; September 30, 1981;  
32                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,  
33                         ~~2015.~~ **2015.**  
34                         Amended Eff. March 1, 2023  
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1 21 NCAC 42B .0303 is amended with changes as published in 37:09 NCR 656-752 as follows:

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**21 NCAC 42B .0303 FAILURE TO MEET CONTINUE CONTINUING EDUCATION REQUIREMENT**

For a first failure to comply with 21 NCAC 42B .0302 ~~the optometrist is subject to disciplinary action by the Board pursuant to G.S. 90-121.2; provided, however, for a first offense the Board may require that the optometrist complete an additional five ~~three~~ hours and for the second offense six additional hours of attendance at approved continuing education programs. In the calendar year following such failure to comply, the optometrist must complete a sufficient number of hours at approved continuing education programs to cure (i) the prior year's shortfall, (ii) meet the current year's continuing education obligation, and (iii) meet any penalty imposed as a result of the prior year's shortfall. Any penalty imposed will require that the additional hours be fulfilled in addition to the required hours for the ensuing year. Any subsequent failure to comply with 21 NCAC 42B .0302 may subject the optometrist to disciplinary action under G.S. 90-121.2.~~

*History Note: Authority G.S. 90-117.5; 90-121.2; 90-123.1  
Eff. February 1, 1976;  
Readopted Eff. May 30, 1978;  
Amended Eff. June 1, 1989; September 30, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015. 2015;  
Amended Eff. March 1, 2023.*

1 21 NCAC 42D .0101 is repealed as published in 37:09 NCR 656-752 as follows:

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3 **21 NCAC 42D .0101 DEFINITIONS**

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5 *History Note: Authority G.S. 90-115.1(6); 90-117.5;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. May 30, 1978;*

8 *Amended Eff. June 1, 1989; September 30, 1981;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*  
10 *2015;*

11 *Repealed Eff. March 1, 2023.*

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1 21 NCAC 42D .0102 is adopted with changes as published in 37:09 NCR 656-752 as follows:

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3 **21 NCAC 42D .0102 FUNCTION**

4 **(a) For the purposes of this Rule, “paraoptometric personnel” means an optometric assistant, optometric technician,**  
5 **or similarly titled position who qualifies by training and experience to perform duties of an administrative, technical,**  
6 **or clinical nature and is directed and supervised by a licensed optometrist.**

7 ~~(a)~~**(b) Paraoptometric personnel, whether designated as optometric assistants, optometric technicians, or otherwise,**  
8 **shall perform** ~~The optometric technician performs those administrative, technical, and clinical~~ **his or her** functions  
9 within the scope of ~~their~~ **his or her** training, as directed by and assigned ~~to him~~ by an optometrist, so long as those  
10 functions are at the specific direction and under the ~~personal~~ supervision of the licensee. ~~Such functions include but~~  
11 ~~are not limited to dispensary activities, testing, and optometric procedures.~~

12 **(b) The optometric assistant performs as an assistant to an optometrist and carries out verbal or written instructions in**  
13 **assisting in patient care.**

14 **(c) The optometric laboratory assistant performs at the direction of an optometrist those functions directly related to**  
15 **the fabrication of lenses and frames, frame selection, and the dispensing thereof.**

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17 *History Note: Authority G.S. 90-115.1 (6); 90-117.5;*  
18 *Eff. February 1, 1976;*  
19 *Readopted Eff. May 30, 1978;*  
20 *Amended Eff. June 1, 1989; September 30, 1981;*  
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*  
22 **2015, 2015;**  
23 *Amended Eff. March 1, 2023.*  
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1 21 NCAC 42M .0101 is amended with changes as published in 37:09 NCR 656-752 as follows:

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3 **21 NCAC 42M .0101 DEFINITIONS**

4 As used in this Subchapter:

5 ~~(4)~~(1) An ~~institution~~ "institution" is a school or college of optometry approved by the Board in accordance  
6 with Rule 21 NCAC 42B .0101.

7 ~~(3)~~(2) A ~~preceptee~~ "preceptee" is an individual who is still enrolled as a student in a school or college of  
8 optometry approved by the Board and whose clinical training is continuing under the auspices and  
9 control of the institution in which he or she is enrolled and under the ~~personal~~ supervision of the  
10 preceptor to which he or she has been assigned by his or her institution.

11 ~~(2)~~(3) A ~~preceptor~~ "preceptor" is an optometrist, duly licensed in the State of North Carolina, credentialed  
12 by the institution~~(s)~~ for which he is serving as preceptor and who has been approved by the Board  
13 to act as such and under whose supervision a preceptee serves.

14 ~~(1)~~(4) A ~~preceptorship~~ "preceptorship" is a course of study in which students enrolled in a school approved  
15 pursuant to Rule 21 NCAC 42B .0101 receive part of their clinical training in a private practice  
16 setting outside the direct confines of the educational institution and whose training is continuing  
17 under the auspices and overall responsibility of the institution in which he or she is enrolled and  
18 under the supervision of a preceptor credentialed by the institution for which he or she is acting as  
19 a preceptor and whose credentials have been approved by the board.

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21 *History Note: Authority G.S. 90-115.1(3); 90-117.5;*

22 *Eff. April 1, 1993;*

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

24 ~~2015.~~ 2015.

25 Amended Eff. March 1, 2023.

1 21 NCAC 42M .0106 is amended with changes as published in 37:09 NCR 656-752 as follows:

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3 **21 NCAC 42M .0106 TERMINATION**

4 (a) Approval and registration of a preceptor shall continue in effect until terminated by the Board, by the institution  
5 from whom he or she received his or her credentials as a ~~preceptor~~ preceptor, or until 30 days after written notification  
6 of termination is submitted by the preceptor to the Board. The approval and registration of a preceptor may be  
7 terminated, after due notice and hearing, for any violation of these Rules.

8 (b) The approval of a preceptee shall be terminated by the Board no later than 30 days following the date of graduation  
9 or when, after due notice and hearing, the Board ~~shall find:~~ finds:

- 10 (1) that the preceptee has held himself or herself out or permitted another to represent him or her as a  
11 licensed optometrist;
- 12 (2) that the preceptee has in fact performed otherwise professional services while not ~~than at the~~  
13 ~~direction or~~ under the ~~personal~~ supervision of an optometrist licensed by the Board or has been  
14 delegated and performed a task or tasks beyond his or her competence;
- 15 (3) that the preceptee is a habitual user of intoxicants or drugs to such an extent that he or she is unable  
16 to perform as a preceptee to an optometrist;
- 17 (4) that the preceptee has been convicted in any court, state or federal, of any felony or other criminal  
18 offenses offense involving moral turpitude;
- 19 (5) that the preceptee has been adjudicated a mental incompetent or whose mental condition renders  
20 him or her unable to safely perform as a preceptee to an optometrist; or
- 21 (6) that the preceptee otherwise commits has committed any act or omission which would subject him  
22 or her to discipline under G.S. 90-121.2 or under these Rules.

23 (c) Approval of a preceptorship shall continue in effect until terminated by the Board or until 30 days after written  
24 notification of termination is submitted by the institution to the Board. A preceptorship may be terminated, after due  
25 notice and hearing, for any violation of the rules of this Chapter.

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27 *History Note: Authority G. S. 90-115.1(3); 90-117.5; 90-121.2;*

28 *Eff. April 1, 1993;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*  
30 2015- 2015;

31 Amended Eff. March 1, 2023.