

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 42B .0107

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Thursday, May 25, 2023 12:33 PM

To: Janice Peterson <janice@ncoptometry.org>

Cc: jloper@loper-law.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; William B. Rafferty, O.D. <exdir@ncoptometry.org>

Subject: RE: [External] Re: 21 NCAC 42B .0107

Good afternoon,

It has been brought to my attention that the amended rule will need a new amended effective date. Please see 26 NCAC 02C .0108.

Additionally, the introductory statement is incorrect. Please see 26 NCAC 02C .0404.

Please make these changes and send the rule to me.

Thank you.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 42B .0107

From: Janice Peterson <janice@ncoptometry.org>
Sent: Tuesday, May 23, 2023 4:16 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: jloper@loper-law.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; William B. Rafferty, O.D. <exdir@ncoptometry.org>
Subject: Re: [External] Re: 21 NCAC 42B .0107

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Thank you, Mr. Peaslee.

Janice K. Peterson,
Administrative Associate
Please note new address:
521 Yopp Rd.
Suite 214 #444
Jacksonville, NC 28540
(910) 285-3160
Fax: (910) 285-4546
janice@ncoptometry.org

On Tue, May 23, 2023 at 2:53 PM Peaslee, William W <bill.peaslee@oah.nc.gov> wrote:

Thank you for your email.

It is my intention to recommend approval of the revised rule.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

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From: Janice Peterson <janice@ncoptometry.org>
Sent: Tuesday, May 23, 2023 1:26 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: jloper@loper-law.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; William B. Rafferty, O.D. <exdir@ncoptometry.org>
Subject: [External] Re: 21 NCAC 42B .0107

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon, Mr. Peaslee.

I have attached 21 NCAC 42B .0107 with the changes you requested.

Please let us know if there are other questions we may answer or other corrections that should be made. Thank you for your help.

Janice K. Peterson,

Administrative Associate

Please note new address:

521 Yopp Rd.

Suite 214 #444

Jacksonville, NC 28540

(910) 285-3160

Fax: (910) 285-4546

janice@ncoptometry.org

1 21 NCAC 42B .0107 is adopted as published in 37:18 NCR 1902-1903 as follows:

2
3 **21 NCAC 42B .0107 NATIONAL BOARD EXAMINATIONS**

4 (a) Each applicant ~~must submit evidence~~ shall direct the National Board of Examiners in Optometry (NBEO) to
5 release his or her official score report to the Board as evidence of having achieved a passing score as determined by
6 the NBEO on:

7 (1) Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) Examinations if offered
8 at the time in the calendar year the applicant graduated from an accredited school or college of
9 optometry;

10 (2) NBEO's Treatment and Management of Ocular Disease Examination if offered at the time in the
11 calendar year the applicant graduated from an accredited school or college of optometry; and,

12 (3) NBEO's Injection Skills Examination, reached the recommended levels of acceptable performance
13 on the National Board examinations given by the National Board of Examiners in Optometry on or
14 after the April 1978 administration in one of the following formats and under the following
15 conditions prior to Board approval of his or her application to take the clinical practicum
16 examination administered by the Board.

17 (b) The applicant shall authorize the release of his or her official NBEO score report ~~by the National Board~~ to the
18 Board prior to the approval by the Board of his or her application to take the North Carolina clinical practicum
19 examination.

20 (1) ~~April 1978 through August 1986 administrations: passing scores on Parts I, IIA, and IIB, with~~
21 ~~scores of not less than 75 in Section 7 (Pathology) and Section 9 (Pharmacology) on the Part IIB~~
22 ~~examination, and a score of not less than 75 on the National Board's Treatment and Management of~~
23 ~~Ocular Disease: (TMOD) examination.~~

24 (2) ~~April 1987 through August 1992 administrations: passing scores on the Part I Basic Science (BS)~~
25 ~~examination and Part II Clinical Science (CS) examination of the National Board, with scores of not~~
26 ~~less than 75 on the Ocular Disease/Trauma and Clinical Pharmacology sections of the Part II CS~~
27 ~~examination, and a score of not less than 75 on the TMOD examination.~~

28 (3) ~~April 1993 through December 2008 administrations: passing score on the Part I BS Examination of~~
29 ~~the National Board.~~

30 (4) ~~April 1993 through April 2009 administrations: passing score on the Part II CS Examination of the~~
31 ~~National Board, with a score of not less than 75 on the Ocular Disease/Trauma component within~~
32 ~~the CS examination, and a score of not less than 75 on either the TMOD component within the CS~~
33 ~~examination, or on the equivalent stand alone TMOD examination.~~

34 (5) ~~March 2009 administrations through November 2009 administrations: passing score on Part I~~
35 ~~Applied Basic Science (ABS) examination of the National Board.~~

36 (6) ~~December 2009 administrations through February 2010 administrations: passing score on Part II~~
37 ~~Patient Assessment and Management (PAM) examination of the National Board, with a score of not~~

1 less than 75 on the Disease/Trauma component within the PAM examination, and a score of not less
2 than 75 on the TMOD component within the PAM.

3 (7) ~~March 2010 administrations through February 2014 administrations: passing score on the Part III
4 Clinical Skills Examination (CSE) of the National Board.~~

5 (8) ~~June 1, 2014 administrations through March 2015 administrations: passing score on Part III
6 Injection Skills Examination (ISE) of the National Board.~~

7 (9) ~~Beginning with March 2015 administrations: all applicants must have a passing score on Part III
8 CSE with a score of not less than 75 on the Skills of gonioscopy, binocular indirect ophthalmoscopy
9 and slit lamp biomicroscopy, and a passing score on Part III ISE of the National Board.~~

10 (b) ~~For candidates with passing scores on at least one National Board examination part under different formats and
11 time periods described in Subparagraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this Rule, the following equivalences
12 shall apply:~~

13 (1) ~~Part I and IIA is the equivalent of BS;~~

14 (2) ~~Part IIB is the equivalent of CS without the inclusion of TMOD;~~

15 (3) ~~Part I ABS is the equivalent of Part I BS; and~~

16 (4) ~~Part II PAM is the equivalent of Part II CS.~~

17
18 *History Note: Authority G.S. 90-117.5; 90-118;*

19 *Eff. February 1, 1976;*

20 *Eff. July 1, 2023;*

21 *Readopted Eff. May 30, 1978;*

22 *Amended Eff. June 1, 2014; April 1, 2011; July 1, 1998; May 1, 1995; April 1, 1993; June 1, 1989;*
23 *September 30, 1981;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
25 *2015.*

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, May 22, 2023 10:13 AM
To: jloper@loper-law.com
Cc: Burgos, Alexander N; janice@ncoptometry.org
Subject: 21 NCAC 42B .0107
Attachments: 06.2023 Request for Changes Optometry.docx

Good morning,

I am the attorney assigned to the review the above captioned rule for the Rules Review Commission (RRC). Attached please find a Request for Changes. Please reply by June 6, 2023.

The RRC will review this rule at its June 2023 meeting on June 15, 2023.

As always, if you have any questions or concerns, please do not hesitate to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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