

## Burgos, Alexander N

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

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**From:** Janice Peterson <janice@ncoptometry.org>  
**Sent:** Thursday, May 25, 2023 2:04 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

**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 the amended rule. I apologize for the errors and truly appreciate your help.

Sincerely,

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](mailto:janice@ncoptometry.org)

On Thu, May 25, 2023 at 12:33 PM Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)> wrote:

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

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21 NCAC 42B .0107 is amended with changes as published in 37:18 NCR 1902-1903 as follows:

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

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

- (1) Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) Examinations if offered at the time in the calendar year the applicant graduated from an accredited school or college of optometry;
- (2) NBEO's Treatment and Management of Ocular Disease Examination if offered at the time in the calendar year the applicant graduated from an accredited school or college of optometry; and,
- (3) NBEO's Injection Skills Examination, reached the recommended levels of acceptable performance on the National Board examinations given by the National Board of Examiners in Optometry on or after the April 1978 administration in one of the following formats and under the following conditions prior to Board approval of his or her application to take the clinical practicum examination administered by the Board.

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

- ~~(1) April 1978 through August 1986 administrations: passing scores on Parts I, IIA, and IIB, with scores of not less than 75 in Section 7 (Pathology) and Section 9 (Pharmacology) on the Part IIB examination, and a score of not less than 75 on the National Board's Treatment and Management of Ocular Disease: (TMOD) examination.~~
- ~~(2) April 1987 through August 1992 administrations: passing scores on the Part I Basic Science (BS) examination and Part II Clinical Science (CS) examination of the National Board, with scores of not less than 75 on the Ocular Disease/Trauma and Clinical Pharmacology sections of the Part II CS examination, and a score of not less than 75 on the TMOD examination.~~
- ~~(3) April 1993 through December 2008 administrations: passing score on the Part I BS Examination of the National Board.~~
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- ~~(5) March 2009 administrations through November 2009 administrations: passing score on Part I Applied Basic Science (ABS) examination of the National Board.~~
- ~~(6) December 2009 administrations through February 2010 administrations: passing score on Part II 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  
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3 (7) ~~March 2010 administrations through February 2014 administrations: passing score on the Part III~~  
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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~~

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

19 *Eff. February 1, 1976;*

20 *Readopted Eff. May 30, 1978;*

21 *Amended Eff. June 1, 2014; April 1, 2011; July 1, 1998; May 1, 1995; April 1, 1993; June 1, 1989;*

22 *September 30, 1981;*

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

25 *Amended Eff. July 1, 2023.*  
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## Burgos, Alexander N

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**Rules Review Commission Counsel / Legislative Liaison**

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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**

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**Sent:** Tuesday, May 23, 2023 1:26 PM  
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**Cc:** [jloper@loper-law.com](mailto:jloper@loper-law.com); Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; William B. Rafferty, O.D. <[exdir@ncoptometry.org](mailto:exdir@ncoptometry.org)>  
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Administrative Associate

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## **Burgos, Alexander N**

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**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**  
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