

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. State Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0202

DEADLINE FOR RECEIPT: September 5, 2024

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 6: Define “professional optometric services.”

Line 7: Change “must” to “shall.”

Line 8 and Line 15: Identify the Rule which states the contents or substantive requirements of the application. See G.S. 150B-2(8a)d.

Line 11: Change “must” to “shall.”

Line 11: Define or strike “appropriate.”

Line 23: Change “must” to “shall.”

Line 24-25: Explain why this Paragraph is necessary when the agency has G.S. 90-121.2(a)(6).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: August 21, 2024

21 NCAC 42B .0202 is adopted with changes as published in 38:24 NCR 1649 as follows:

21 NCAC 42B .0202 BRANCH OFFICE

(a) A branch office is any location, facility, or mobile facility, other than an optometrist's primary office location, in which the optometrist provides professional optometric services.

(b) Before opening or beginning practice in a branch office, an optometrist must obtain a duplicate branch license to which shall be displayed in the branch office, accordance with G.S. 90-118.2. The application for a branch office license must be made on Form BEO-3, which can be acquired from the Board, through the individual licensee's portal on the Board's website.

(c) Each branch office must comply with the requirements for maintaining appropriate medical equipment and record keeping in accordance with 21 NCAC 42E .0102(2) and 42E .0102(5).

~~If in the opinion of the Board Rules 42E .0102(2) and 42E .0102(5) of this Chapter are met, the Board shall notify the optometrist making application of the approval of the request and upon~~ Upon receipt of a completed branch office application and the required fee required by G.S. 90-123, the Board, subject to G.S. 90-121.2, shall issue such duplicate branch office license. license shall be issued by the Board for the purpose of display in the branch office for which it is issued in compliance with G.S. 90-118.2 and 90-118.4. A duplicate branch office license is not transferable from one practice location to another, nor from one practitioner to another. Within the meaning of this Rule a nursing home is considered a branch office when there is an agreement between the optometrist or his representative that he will provide optometric services on a scheduled basis within the nursing home; provided however, any optometrist who accepts a request to make emergency calls to patients at a nursing home within 20 miles of his practice location(s) as reflected in the Board records is not required to obtain a duplicate license for that location.

(d) A branch office license must be renewed annually. Failure to do so may result in disciplinary action by the Board.

(e) Failure to meet any of the requirements set forth in this rule may result in disciplinary action pursuant to G.S. 90-121.2(a).

History Note: Authority G.S. 90-117.5; 90-118.2; 90-118.4; 90-118.10; 90-118.11; 90-121.2

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

Amended Eff. April 1, 1993; June 1, 1989; September 30, 1981;

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

Eff. October 1, 2024