

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

AGENCY: Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0201

DEADLINE FOR RECEIPT: October 10, 2023

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:

Lines 4-5: As written, if personnel “qualifies” but is not supervised, the personnel are not “paraoptometric personnel” as defined and the balance of the rule would be inapplicable. Is that correct?

Line 5: What is the test or criteria by which one would “qualify by training and experience”? Who makes this determination?

Lines 6-7: Under what circumstances would paraoptometric personnel “need” or be required to be certified?

Lines 6-8: Is it just paraoptometric personnel that wish or need to become assistants or technicians that must be certified by the AOA? Or is AOA certification a prerequisite to anyone becoming an assistant or technician? What rule covers the certification process or requirements for non-paraoptometric personnel?

Line 9: What does the Board mean by “within the scope” of training? What training is required?

Line 10: What is the difference between direction and specific direction?

Line 9-11: What does this sentence do that is not covered by G.S. 90-115.1(6)? Why is it necessary?

Lines 11-12: Under what circumstances “may” the Board require “certification”? Or change “may” to “shall”.

Lines 11-12: Certified by whom and pursuant to what procedure?

Lines 11-12: “environments where supervision is limited” is ambiguous. What is the standard of required supervision?

William W. Peaslee
Commission Counsel

Date submitted to agency: September 25, 2023

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: September 25, 2023

1 21 NCAC 42B .0201 is proposed for adoption as follows:

2

3 **21 NCAC 42B .0201 BEGINNING PRACTICE; RELOCATING PRACTICE**

4 ~~Within 10 days of~~ Prior to beginning practice, a licensee shall notify the Board in writing as to the full and complete
5 mailing address, including the street address, of his or her office and the telephone number of such office. If at any
6 time any office is relocated, the licensee involved shall notify the Board of his or her new office address and telephone
7 number. The address so identified shall constitute his or her primary practice address and the address to which all
8 information pertaining to his or her licensure shall be addressed.

9

10 *History Note: Authority G.S. 90-117.5;*

11 *Eff. February 1, 1976;*

12 *Readopted Eff. May 30, 1978;*

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

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
15 *2015.*

16 *Amended Eff. October 1, 2023*

17

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

AGENCY: Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42D .0102

DEADLINE FOR RECEIPT: October 10, 2025

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: Must the notice of relocation also be in writing?

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: September 25, 2023

1 21 NCAC 42D .0102 is adopted with changes as published in 37:22 NCR 2129-2130 as follows:

2

3 **21 NCAC 42D .0102 ~~FUNCTION~~ PARAOPTOMETRIC PERSONNEL**

4 (a) For the purposes of this Rule, "paraoptometric personnel" means an optometric assistant, optometric technician,
5 or similarly titled position personnel who qualifies by training and experience to perform duties of an administrative,
6 technical, or clinical nature and is directed and supervised by a licensed optometrist. Paraoptometric personnel who
7 wish or need to become certified as optometric assistants or optometric technicians must be certified by the American
8 Optometric Association and maintain such certification.

9 (b) Paraoptometric personnel shall perform his or her functions within the scope of his or her training, as directed by
10 and assigned by an optometrist, so long as those functions are at the specific direction and under the supervision of
11 the licensee. The Board may require that paraoptometric personnel be certified in environments where supervision is
12 limited.

13

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

15 *Eff. February 1, 1976;*

16 *Readopted Eff. May 30, 1978;*

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

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
19 *2015;*

20 *Amended Eff. October 1, 2023.*

21

22