

**G.S. 150B-21.3A Report for 21 NCAC 42, BOARD OF EXAMINERS IN OPTOMETRY**

Agency - Board of Examiners in Optometry

Comment Period - September 23, 2024 - November 27, 2024

Date Submitted to APO - March 28, 2025

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps	
SUBCHAPTER 42A - ORGANIZATION		21 NCAC 42A .0101	Contacting the board	Amended Eff. January 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42A .0102	PURPOSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42A .0105	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
SUBCHAPTER 42B - LICENSE TO PRACTICE OPTOMETRY	SECTION .0100 - LICENSE BY EXAMINATION	21 NCAC 42B .0101	APPROVED SCHOOLS OF OPTOMETRY	Amended Eff. March 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0103	APPLICATION FOR LICENSURE BY EXAMINATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0107	NATIONAL BOARD EXAMINATIONS	Amended Eff. July 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0108	CLINICAL PRACTICUM EXAMINATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0110	PASSING SCORE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0112	TIME AND LOCATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0113	REEXAMINATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		21 NCAC 42B .0114	MILITARY LICENSE	Eff. July 1, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
		SECTION .0200 - RESPONSIBILITY TO SUPPLY INFORMATION	21 NCAC 42B .0201	BEGINNING PRACTICE; RELOCATING PRACTICE	Amended Eff. November 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
			21 NCAC 42B .0202	BRANCH OFFICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
21 NCAC 42B .0203	TEMPORARY OR RELIEF OPTOMETRIST		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
SECTION .0300 - ANNUAL LICENSE RENEWAL	21 NCAC 42B .0204	CEASING PRACTICE	Amended Eff. January 1, 2024	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
	21 NCAC 42B .0302	CONTINUING EDUCATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
	21 NCAC 42B .0303	FAILURE TO MEET CONTINUING EDUCATION REQUIREMENT	Amended Eff. March 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
	21 NCAC 42B .0304	APPLICATION	Amended Eff. September 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
	21 NCAC 42B .0305	SUSPENSION OF AUTHORITY TO EXPEND FUNDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
SUBCHAPTER 42C - PROFESSIONAL CORPORATIONS AND LIMITED LIABILITY COMPANIES		21 NCAC 42C .0102	APPLICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	

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Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		21 NCAC 42C .0104	NAMING CORPORATION OR LIMITED LIABILITY COMPANY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42C .0105	ANNUAL RENEWAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42D - OPTOMETRIC ASSISTANT AND TECHNICIAN</b>		21 NCAC 42D .0102	FUNCTION	Amended Eff. March 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42E - MODE OF PRACTICE</b>	<b>SECTION .0100 - RESPONSIBILITY FOR PATIENTS</b>	21 NCAC 42E .0101	PROFESSIONAL CODE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42E .0102	PROFESSIONAL RESPONSIBILITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42E .0103	PRESCRIPTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42E .0104	ACCESS TO AND CONTROL OVER PRACTICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0200 - ETHICS</b>	21 NCAC 42E .0201	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42E .0203	CONSULTANT: ADVISOR, STAFF OPTOMETRIST, OR INDEPENDENT CONTRACTOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0300 - UNETHICAL PRACTICES DEFINED: REVOCATION OF LICENSE</b>	21 NCAC 42E .0301	PUNISHMENT FOR VIOLATION OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42E .0302	UNETHICAL PRACTICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42J - FEE SCHEDULE</b>		21 NCAC 42J .0101	FEES	Amended Eff. November 10, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42K - RULEMAKING PROCEDURES</b>	<b>SECTION .0100 - GENERAL INFORMATION</b>	21 NCAC 42K .0101	PURPOSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0102	ORGANIZATION OF SUBCHAPTER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0200 - PETITION FOR RULE-MAKING</b>	21 NCAC 42K .0201	NATURE OF THE PETITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0202	SUBMITTING THE PETITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0203	CONTENTS OF THE PETITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 42K .0204	AGENCY RESPONSE TO A RULE-MAKING PETITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0205	RECOURSE TO DENIAL OF THE PETITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0300 - NOTICE AND ADVICE ON POTENTIAL RULE-MAKING TOPICS</b>	21 NCAC 42K .0301	SOLICITING PUBLIC COMMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0400 - NOTICE OF RULE-MAKING</b>	21 NCAC 42K .0401	TIMING AND MANNER OF NOTICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0402	OBTAINING ADDITIONAL INFORMATION ON PROPOSED RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0500 - RULE-MAKING HEARINGS</b>	21 NCAC 42K .0501	REQUEST TO PARTICIPATE IN HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0502	RESPONSE TO THE REQUEST TO PARTICIPATE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0503	PRESENTATION OF ORAL COMMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0504	POWERS AND DUTIES OF THE HEARING OFFICER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0600 - PUBLIC ACCESS TO RULE-MAKING</b>	21 NCAC 42K .0601	FILING WRITTEN COMMENTS ON PROPOSED RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0602	STATEMENT OF REASONS FOR THE BOARD'S DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0603	PUBLIC ACCESS TO THE RULE-MAKING RECORD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0700 - DECLARATORY RULINGS</b>	21 NCAC 42K .0701	NATURE OF THE DECLARATORY RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0702	SUBMITTING A REQUEST FOR DECLARATORY RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0703	RESPONSE TO THE REQUEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42K .0704	RECORD OF DECLARATORY RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42L - ADMINISTRATIVE HEARINGS: CONTESTED CASES</b>		21 NCAC 42L .0101	RIGHT TO HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 42L .0102	REQUEST FOR HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0103	GRANTING OR DENYING HEARING REQUEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0104	COMMITTEE ON INVESTIGATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0105	NOTICE OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0106	WRITTEN RESPONSE TO THE NOTICE OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0107	WHO SHALL HEAR CONTESTED CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0108	PRE-HEARING CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0109	PETITION FOR INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0110	TYPES OF INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0111	DISQUALIFICATION OF BOARD MEMBERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0112	SUBPOENAS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0113	WITNESSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0114	PLEADINGS; BRIEFS; MOTIONS; SERVICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0115	FINAL DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42L .0116	PROPOSALS FOR DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
<b>SUBCHAPTER 42M - PRECEPTORSHIPS</b>		21 NCAC 42M .0101	DEFINITIONS	Amended Eff. March 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42M .0102	FUNCTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42M .0103	QUALIFICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 42M .0104	APPLICATION AND REGISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42M .0105	REMUNERATION AND EXPENSES	Amended Eff. January 1, 2024	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 42M .0106	TERMINATION	Amended Eff. March 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt