

1 21 NCAC 40.0202 is amended under temporary procedures ~~with changes~~ as follows:

2 **21 NCAC 40.0202 REGISTRATION OF OPTICAL PLACE OF BUSINESS AND OPTICIAN IN**
3 **CHARGE**

4
5 (a) As used in this Rule, "optical place of business" means the principal ~~office~~ office, as well as each branch office
6 of ~~such a~~ the business.

7 ~~(b) Every optical place of business shall have a licensed optician in charge, who shall serve as the registered~~
8 ~~licensee in charge of only one optical place of business.~~

9 ~~(c)~~ (1) Every optical place of business shall be registered with the Board within 10 days following its opening
10 for business and thereafter annually and in the event of ~~relocation,~~ relocation or change of ownership.
11 ~~ownership or change of licensed optician in charge.~~ The registration fee shall be paid for each registration.

12 ~~(d)~~ (2) Registration of an optical place of business automatically expires on the first day of July ~~[last day of~~
13 ~~June]~~ of each year, and it shall not engage in business until it is registered for the next annual period.

14 ~~(e)~~ (3) Registration ~~An optical place of business registration~~ is the responsibility of ~~both the licensed optician~~
15 ~~in charge and the owner.~~ Any ~~licensed optician in charge of an optical place of business~~ which that violates
16 the registration requirements of this Rule shall be subject to the Board's disciplinary authority under ~~G.S.~~
17 ~~90-249.1. G.S. 90-249.1, G.S. 90-252, and G.S. 90-254.~~ An injunction closing an unregistered optical
18 place of business may also be obtained.

19 ~~(f)~~ (4) An optical place of business registered in compliance with this Rule ~~is~~ shall be eligible to be a training
20 establishment when the requirements of Rules .0314 and .0321 of this Chapter are met.

21 ~~(b) Every optical place of business shall register a licensed optician in charge, who shall serve as the licensee in~~
22 ~~charge of only one optical place of business.~~

23 (1) Every optician in charge shall be registered with the Board within 10 days of a business opening, or
24 change of optician in charge. The registration fee shall be paid for each registration under G.S. 90-246.

25 (2) Registration of an optician in charge automatically expires on the first day of July [last day of June] of
26 each year, and the optical business shall not engage in dispensing activities under G.S. 90-236 until it has a
27 registered optician in charge for the next annual period.

28 (3) An optician in charge registration is the responsibility of both the licensed optician in charge and the
29 owner. Any optician in charge of an optical place of business that violates the registration requirements of
30 this Rule shall be subject to the Board's disciplinary authority under G.S. 90-249.1 and G.S. 90-252.

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32 *History Note: Authority G.S. 90-239; 90-243; 90-249(5); 90-252; 90-253;*

33 *Eff. February 1, 1976;*

34 *Amended Eff. November 1, 1978; June 21, 1978; September 6, 1977;*

35 *Readopted Eff. May 23, 1979;*

1 *Amended Eff. August 1, 1998; January 1, 1994; August 1, 1991; February 1, 1989; August 1,*
2 *1985.*
3 *Temporary Amendment Eff. November 1, 2016.*