

G.S. 150B-21.3A Report for 21 NCAC 40, Board of Opticians

Agency - Board of Opticians

Comment Period - August 1 - September 30, 2024

Date Submitted to APO - Filled in by RRC staff

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
	SECTION .0100 LOCATION	21 NCAC 40 .0101	LOCATION AND FUNCTION	Amended Eff. October 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0104	INFORMATION AND APPLICATION	Amended Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0106	COPY OF THE LAW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0107	INSPECTION OF MATERIALS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0109	ELECTION OF MEMBERS	Amended Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0111	SUBJECT OF DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0113	WAIVER	Eff. April 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 CONDUCT OF REGISTRANTS	21 NCAC 40 .0202	REGISTRATION OF OPTICAL PLACE OF BUSINESS AND OPTICIAN IN CHARGE	Amended Eff. November 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0205	BAITING OR DECEPTIVE ADVERTISING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0206	PROFESSIONAL RESPONSIBILITY; CONTINUING EDUCATION	Amended Eff. November 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0207	LOCATION OF LICENSEE, INTERN OR APPRENTICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0209	DISPLAY OF REGISTRATION AND LICENSE	Amended Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0210	PRESCRIPTION AND INTERPRETATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0211	MINOR ADJUSTMENTS OR REPAIRS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0212	DUTY TO PROVIDE DIRECT SUPERVISION	Amended Eff. October 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0214	COMPLAINTS; PRELIMINARY DETERMINATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 QUALIFICATIONS: APPLICATIONS: AND LICENSING	21 NCAC 40 .0301	APPLICATION PHOTOGRAPH REQUIREMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0302	LICENSURE EXAMINATION FEES	Amended Eff. October 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0303	LICENSURE EXAMINATION AND RE EXAMINATION	Amended Eff. October 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0312	APPROVED SCHOOLS OF OPTICIANRY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0314	APPRENTICESHIP AND INTERNSHIP REQUIREMENTS: REGISTRATION	Amended Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0319	APPLICANTS FROM OTHER STATES	Amended Eff. December 1, 2019	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 40 .0320	LICENSE RENEWAL INFORMATION	Amended Eff. October 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0321	TRAINING ESTABLISHMENT REQUIREMENTS	Amended Eff. March 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0323	AFFIDAVIT OF APPLICANT	Amended Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0324	CHARACTER; CONVICTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0325	LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE	Eff. December 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 ADMINISTRATIVE HEARINGS	21 NCAC 40 .0408	APPLICABLE HEARING RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0409	RIGHT TO HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0410	REQUEST FOR HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0411	GRANTING OR DENYING HEARING REQUEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0412	NOTICE OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0413	WHO SHALL HEAR CONTESTED CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0414	INFORMAL PROCEDURES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0415	PETITION FOR INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0416	TYPES OF INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0417	DISQUALIFICATION OF BOARD MEMBERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0418	SUBPOENAS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0419	WITNESSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0420	FINAL DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 40 .0421	PROPOSALS FOR DECISIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 40 .0422	MOTIONS FOR CONTINUANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt