



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

June 27, 2024

Michael Arnold, Deputy Director of Operations
Office of State Budget and Management
Sent via email only: michael.arnold@osbm.nc.gov

Re: 21 NCAC 42D .0102

Dear Mr. Arnold:

At its meeting on June 26, 2024, the Rules Review Commission (RRC) voted to refer the above-captioned Rule (copy attached) to the Office of Budget and Management pursuant to G.S. 150B-21.9 to determine whether a fiscal note is required pursuant to G.S. 150B-21.4(b1).

As the Rule will remain on the RRC agenda pending the OSBM determination, please advise me when a determination has been made.

If you have any questions regarding the Rules Review Commission's action, please let me know.

Sincerely,

/s/ William W. Peaslee
William Peaslee
Commission Counsel

cc: Johnny Loper, Esq., Rulemaker for the Board of Examiners in Optometry

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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1 21 NCAC 42D .0102 is adopted as published in 38:17 NCR 1068-1070 as follows:

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3 **21 NCAC 42D .0102 ~~FUNCTION~~ OPTOMETRIC ASSISTANT; OPTOMETRIC TECHNICIAN**

4 (a) ~~For the purposes of this Rule, "paraoptometric personnel" means an optometric assistant, optometric technician,~~
5 ~~or similarly titled position who qualifies by training and experience to perform duties of an administrative, technical,~~
6 ~~or clinical nature and is directed and supervised by a licensed optometrist. An optometric assistant is an individual~~
7 ~~who is certified through the American Optometric Association's certification process. The Board recognizes the~~
8 ~~American Optometric Association's certification process as its only approved certification process for certified~~
9 ~~optometric assistants. The certified optometric assistant assists the optometrist in the evaluation and treatment of a~~
10 ~~patient. The optometrist may delegate acts and duties within the scope of the American Optometric Association~~
11 ~~training and certification process to the certified optometric assistant; however, the optometrist remains responsible~~
12 ~~for the acts and duties he or she assigns to that individual. The following are those acts and duties which may be~~
13 ~~assigned to the certified optometric assistant:~~

14 (1) Testing and Procedures

15 (A) Take case histories (including chief complaint, patient and family medical and ocular
16 history, current medications, and allergies.)

17 (B) Perform testing procedures

18 (i) Visual acuity testing and assess visual acuity

19 (ii) Stereo acuity testing

20 (iii) Blood pressure measurement (manual, automated)

21 (iv) Keratometry

22 (v) Color vision assessment

23 (vi) Chair-side scribing

24 (vii) Tonometry

25 (viii) Screening for Binocular abnormalities, including cover test screening

26 (ix) Dry eye testing

27 (x) Meibography

28 (xi) Corneal topography

29 (xii) Scanning computerized ophthalmic testing

30 (xiii) Visual field testing

31 (xiv) Glaucoma ancillary testing

32 (xv) Near points of accommodation and convergence testing

33 (xvi) Macular Pigment Optical Density (MPOD)

34 (xvii) Pupil evaluation screening

35 (xviii) Amsler grid

36 (xix) Frequency doubling technology (FDT) fields

37 (xx) Aberrometry

- 1 (xxi) Automated refractometry
- 2 (xxii) Contrast sensitivity tests
- 3 (xxiii) Anterior segment photography
- 4 (xxiv) Fundus photography
- 5 (xxv) Low vision testing
- 6 (xxvi) Pachymetry
- 7 (xxvii) Traumatic brain injury testing
- 8 (xxviii) Vision therapy testing
- 9 (xxix) Administer diagnostic/therapeutic medications
- 10 (2) Ophthalmic Optics and Dispensing
- 11 (A) Order and maintain eyewear inventory and frame display
- 12 (B) Educate and assist patient in selecting eyewear
- 13 (C) Take appropriate frame and eye measurements on patient
- 14 (D) Use digital dispensing technology
- 15 (E) Lensometry
- 16 (F) Dispense/adjust/repair eyewear
- 17 (G) Understand fabrication requirements with various frames and prescriptions
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- 19 (3) Contact Lenses
- 20 (A) Maintain/order/inventory contact lenses
- 21 (B) Educate patients concerning contact lens options and fees
- 22 (C) Basic Insertion and removal of contact lenses
- 23 (D) Select proper care system for contact lenses
- 24 (E) Perform and evaluate contact lens preliminary fitting
- 25 (F) Educate patients on contact lens care and handling
- 26 (G) Measure base curves using radiuscope
- 27 (H) Verify contact lens diameter, thickness, and power
- 28 (I) Clean and polish gas permeable lenses or prosthetic eyes
- 29 (J) Use slit lamp to evaluate contact lens fit
- 30 (4) Other Duties
- 31 (A) Office Operations
- 32 (i) Prepare patient charts for optometrist to review
- 33 (ii) Patient education and communications
- 34 (iii) Direct patient flow
- 35 (iv) Provide patient education
- 36 (v) Perform telephone triage
- 37 (vi) Computer skills and documentation in the electronic health record
- 38 (vii) Relay communication between doctor, patient, specialists, and pharmacy

1 (viii) Maintain and Clean examination rooms and testing equipment

2 (B) Administrative Duties

3 (i) Understand and perform medical billing and coding

4 (ii) Maintain diagnostic listings and fee schedule

5 (iii) Handle insurance issues

6 (iv) Perform staff training

7 (v) Purchase ophthalmic examination equipment and supplies

8 (vi) Maintain inventory of diagnostic/therapeutic medications

9 (vii) Take inventory and reorder office supplies

10 (viii) Comply with federal regulations

11 (ix) E-prescribe and managing medication refills

12 (x) Coordinate referrals to other offices for surgeries or other specialty

13 (xi) Administer, record, and transmit prescribed medications

14 (b) Paraoptometric personnel shall perform his or her functions within the scope of his or her training, as directed by
15 and assigned by an optometrist, so long as those functions are at the specific direction and under the supervision of
16 the licensee. An optometric technician is an individual who is certified through the American Optometric Association's
17 certification process. The Board recognizes the American Optometric Association's certification process as its only
18 approved certification process for certified optometric technicians. The certified optometric technician assists the
19 optometrist in the evaluation and treatment of a patient. The optometrist may delegate acts and duties within the scope
20 of the American Optometric Association training and certification process to the certified optometric technician;
21 however, the optometrist remains responsible for the acts and duties he or she assigns to that individual. The following
22 are those acts and duties which may be assigned to the certified optometric technician (in addition to those acts and
23 duties which may be assigned to a certified optometric assistant):

24 (1) Testing and Procedures

25 (A) Slit Lamp Examination

26 (B) Ocular surface disease (e.g., SPEED questionnaire, Schirmer's test, TBUT, TearLab tests)

27 (C) Aseptic or Infection Control techniques

28 (D) Instrument and equipment sterilizing

29 (E) Automated and manual refractometry

30 (F) Ocular motility testing (pursuits and saccades)

31 (G) Binocularity testing including cover testing

32 (H) Goldmann tonometry - serial testing

33 (I) Assist with performing surgical tasks

34 (J) Low vision testing and training

35 (K) Specular microscopy

36 (L) Electrodiagnostic Testing and training

37 (M) Sports vision testing

- 1 (N) Vision therapy testing
- 2 (O) Understand use of YAG lasers
- 3 (2) Ophthalmic Optics and Dispensing
- 4 (A) Fabricate eyewear
- 5 (B) Measure parameters of special lenses including prism and slab off prescriptions
- 6 (C) Calculate Spherical Equivalent and Transpose lens prescriptions
- 7 (D) Write/copy prescriptions
- 8 (E) Troubleshoot problems with eyewear
- 9 (3) Contact Lenses
- 10 (A) Advanced handling - Insertion and removal of specialized and various types of contact
- 11 lenses (e.g., soft, gas permeable, hybrid, scleral)
- 12 (B) Using slit lamp perform contact lens fitting and assessments (e.g., soft, gas permeable,
- 13 hybrid, scleral, etc.)
- 14 (C) Educate patients on contact lens care and handling of specialized contact lenses
- 15 (D) Trouble shoot contact lens problems
- 16 (E) Perform progress checks on contact lens patients
- 17 (F) Clean and polish gas permeable lenses
- 18 (4) Other Duties
- 19 (A) Office Operations
- 20 (i) Overseeing management of daily patient flow
- 21 (ii) Management of patient clinical issues between patient and doctor
- 22 (B) Administrative Duties
- 23 (i) Coordinate patient correspondence
- 24 (ii) Assist in publication of office newsletter
- 25 (iii) Assist in use of social media
- 26 (iv) Assist in website development and maintenance
- 27 (v) Maintain and update policy and procedure manuals
- 28 (vi) Implement new software
- 29 (vii) Prepare internal reports
- 30 (viii) Use computer for billing/accounting
- 31 (ix) Maintain diagnostic listings and fee schedule
- 32 (x) Perform medical coding
- 33 (xi) Verify accuracy of procedure and medical coding
- 34 (xii) Provide patient education regarding diagnoses and ophthalmic surgery
- 35 (xiii) Help to resolve patient complaints and concerns
- 36 (xiv) Implement and maintain Meaningful Use (MACRA/MIPS) and PQRS
- 37 (xv) Assist in hiring and termination of employees

- 1 (xvi) Supervise personnel
- 2 (xvii) Plan and lead staff meetings
- 3 (xviii) Organize in-house educational offerings
- 4 (xiv) Train personnel
- 5 (xx) Take office supply inventory
- 6 (xxi) Coordinate purchase of ophthalmic examination equipment and supplies
- 7 (xxii) Coordinate/maintain credentialing within the office
- 8 (xxiii) Maintain inventory of diagnostic/therapeutic medications
- 9 (xiv) Comply with federal regulations (e.g., HIPAA, OSHA, etc.)
- 10 (xv) Perform CPR certification in BLS in case of emergency

11 ~~(b) (c) The Board may require that paraoptometric personnel~~ An optometric technician be currently certified by the
12 American Optometric Association and maintain this certification shall be in the physical presence of the patient during
13 any patient examination in environments where there is no onsite optometrist physically present during such
14 examination. and supervision is limited.

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18 *History Note: Authority G.S. 90-115.1(6); 90-117.5;*
19 *Eff. February 1, 1976;*
20 *Readopted Eff. May 30, 1978;*
21 *Amended Eff. June 1, 1989; September 30, 1981;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
23 *2015;*
24 *Amended Eff. March 1, 2023.*
25 *Amended Eff. July 1, 2024*