

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 15, 2026 11:43 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

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Chris:

Perfect. Many thanks.

Johnny

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, October 15, 2026 11:41 AM
To: Johnny Loper <jloper@loper-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Looks good! I have no other concerns. The attached revised versions of the rules will be used for RRC review on the 29th. We will upload these to the agenda. I anticipate recommending approval for all seven of your rules.

Let me know if you have any questions prior to the RRC meeting.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

21 NCAC 42A .0101 is readopted with changes as published in 41:02 NCR 226 as follows:

21 NCAC 42A .0101 CONTACTING THE BOARD

The Board mailing address is 521 Yopp Rd., Suite 214 #444, Jacksonville, NC 28540. The Board's phone number is (910) 285-3160; its toll free number is (800) 426-4457 (in-state only); and its fax number is (910) 285-4546. The Board's email address is info@ncoptometry.org and its website is www.ncoptometry.org.

History Note: Authority G.S. 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. October 1, 1994; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,
2015;
Amended Eff. January 1, 2023;
Readopted Eff. November 1, 2026.

21 NCAC 42A .0105 is readopted with changes as published in 41:02 NCR 226-227 as follows:

21 NCAC 42A .0105 DEFINITIONS

The following definitions shall apply to 21 NCAC 42 ~~only~~:

- (1) The term "Board" refers to the North Carolina State Board of Examiners in Optometry.
- (2) The term "President" refers to the President of the North Carolina State Board of Examiners in Optometry.
- (3) The term "Secretary" refers to the Secretary-Treasurer of the North Carolina State Board of Examiners in Optometry.
- (4) The term "Executive Director" refers to the Executive Director of the North Carolina State Board of Examiners in Optometry.

History Note: Authority G.S. 90-117; 90-117.5;

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

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

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Readopted Eff. November 1, 1026.

21 NCAC 42B .0108 is readopted with changes as published in 41:02 NCR 227 as follows:

21 NCAC 42B .0108 CLINICAL PRACTICUM EXAMINATIONS

(a) Each applicant, after paying the fee set in ~~Subchapter 42J~~ and having met the requirements of Rule .0107 of this ~~Subchapter~~, G.S. 90-123(1), ~~will~~ shall be given a clinical practicum ~~examinations~~ examination which may be in oral, written, ~~clinical~~ clinical, and or practical form, ~~said examinations to cover~~ covering those subjects essential to the practice of optometry as ~~defined in G.S. 90-114~~, found in the "Candidate Study Guide" located on the Board's website at <https://www.ncoptometry.org/examinations/candidate-study-guide>.

(b) ~~To ensure proper examination of all applicants within a reasonable amount of time, the~~ The Board is authorized ~~to may~~ employ clinical examiners, such clinical examiners ~~to~~ shall be licensed optometrists in the State of North Carolina who have been in practice no less than five ~~years~~ years, ~~and who have demonstrated to their peers that they have superior clinical expertise.~~

(c) It shall be the duty of the optometrists who are members of the Board to prepare or oversee the preparation of the clinical practicum examinations. Psychometric consultants, subject matter ~~experts~~ experts, and clinicians external to the Board or those who have served as either members of the Board or as clinical examiners for the Board may be engaged by the Board in the design, ~~implementation~~ implementation, and grading of the examinations.

History Note: Authority G.S. 90-114; 90-117.5; 90-118; 90-123(1);

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

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

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Readopted Eff. November 1, 2026.

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An applicant ~~must~~ shall attain an average grade of 75 percent or higher on the clinical practicum ~~examinations~~ examination to pass the examination and be issued a license. ~~No applicant who has received a grade of less than 60 on any part of the clinical practicum examination shall be considered eligible for licensure even though his overall clinical practicum score may average 75. Each applicant will be notified by the Executive Director as to his success or failure after the results of the examination have been determined by the Board. After the Board determines the examination results, the Executive Director shall notify each applicant via email whether the applicant passed or failed.~~

History Note: Authority G.S. 90-117.5; 90-118;

Eff. February 1, 1976;

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Amended Eff. May 1, 1995; April 1, 1993; June 1, 1989; September 30, 1981;

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21 NCAC 42B .0112 TIME AND LOCATION

~~There shall be at least one examination for the purpose of licensure held each year for those persons applying for a license to practice optometry in the State of North Carolina. The Board shall hold at least one licensure examination each calendar year for applicants. Said examination shall be at such time and location as the Board may determine; provided, however, the date and place of examination shall be announced by the Board. The Board shall determine the time and location of examinations. The date and location of examinations shall be posted on the Board's website at www.ncoptometry.org/examinations no less than six months prior to the examination.~~

History Note: Authority G.S. 90-117.5; 90-118;

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Readopted Eff. November 1, 2026.

1 21 NCAC 42B .0305 is readopted with changes as published in 41:02 NCR 228-229 as follows:

2
3 **21 NCAC 42B .0305 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event the Board's authority to expend funds is suspended pursuant to ~~Session Law 2009-125~~, G.S. 93B-2(d),
5 the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account
6 maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the
7 escrow account into the general operating account.

8
9 *History Note: Authority G.S. 93B-2(d);*

10 *Eff. April 1, 2011;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
12 *2015;*

13 *Readopted Eff. November 1, 2026.*

21 NCAC 42C .0105 is readopted with changes as published in 41:02 NCR 229 as follows:

21 NCAC 42C .0105 ANNUAL RENEWAL

A certificate of registration for a professional corporation or professional limited liability company ~~must~~ shall be renewed each year on or before December 31. The required renewal fee as provided by G.S. 55B-11 ~~must~~ shall accompany the application. The renewal application may be accessed through the licensee's secure web portal at <https://www.ncoptometry.org/licensee-intranet>. The licensee shall verify or provide an update to the following information:

- (1) professional corporation or professional limited liability company name;
- (2) corporation ID number;
- (3) corporation type;
- (4) date incorporated;
- (5) incorporator;
- (6) responsible optometrist;
- (7) corporation status;
- (8) date renewed;
- (9) address;
- (10) names of all licensees who are incorporators/organizers, stockholders, or employees; and
- (11) attestation that the information provided is true and accurate.

History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-02; 90-117.5;

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

Amended Eff. October 1, 1994; June 1, 1989;

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

Readopted Eff. November 1, 2026.

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up
Attachments: 21 NCAC 42C .0105 Annual Renewal.docx

From: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 15, 2026 11:31 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Chris:

Here you go. Let us know if we need to do anything else.

We appreciate your cooperation and guidance.

Johnny

21 NCAC 42C .0105 is readopted with changes as published in 41:02 NCR 229 as follows:

21 NCAC 42C .0105 ANNUAL RENEWAL

A certificate of registration for a professional corporation or professional limited liability company ~~must~~ shall be renewed each year on or before December 31. The required renewal fee as provided by G.S. 55B-11 ~~must~~ shall accompany the application. The renewal application may be accessed through the licensee's secure web portal at <https://www.ncoptometry.org/licensee-intranet>. The licensee shall verify or provide an update to the following information:

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- (7) corporation status;
- (8) date renewed;
- (9) address;
- (10) names of all licensees who are incorporators/organizers, stockholders, or employees; and
- (11) attestation that the information provided is true and accurate.

*History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-02; 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. October 1, 1994; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Readopted Eff. November 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 15, 2026 11:25 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

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Chris: I think that answer likely will work with the language that is in the application. I'll check with Jan and Dr. Rafferty and we'll be back with you ASAP.

Johnny

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, October 15, 2026 11:21 AM
To: Johnny Loper <jloper@loper-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Thanks! For item (11), would the Board consider something like "attestation that the information provided is true and accurate" rather than "verification" (if this aligns with the language used in your application)? I think this would be clearer. Please feel free to revise as you see fit.

Best,
Chris

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Thursday, October 15, 2026 11:21 AM

To: Johnny Loper <jloper@loper-law.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Thanks! For item (11), would the Board consider something like “attestation that the information provided is true and accurate” rather than “verification” (if this aligns with the language used in your application)? I think this would be clearer. Please feel free to revise as you see fit.

Best,
Chris

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up
Attachments: 21 NCAC 42C .0105 Annual Renewal.docx

From: Johnny Loper <jloper@loper-law.com>
Sent: Wednesday, October 14, 2026 3:57 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

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Chris:

See our responses in red font below.

Many thanks.

Johnny

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21 NCAC 42C .0105 ANNUAL RENEWAL

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- (2) corporation ID number;
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- (6) responsible optometrist;
- (7) corporation status;
- (8) date renewed;
- (9) address;
- (10) names of all licensees who are incorporators/organizers, stockholders, or employees; and
- (11) verification.

*History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-02; 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. October 1, 1994; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
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Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Johnny Loper <jloper@loper-law.com>
Sent: Wednesday, October 14, 2026 2:38 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

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Got it, Chris, and thanks. I'm not sure if Jan Peterson is in today, but we'll get this back to you no later than tomorrow.

Much appreciated.

Johnny

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, October 14, 2026 2:35 PM
To: Johnny Loper <jloper@loper-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Thank you! A few final requests for **21 NCAC 42C .0105**. Then these rules all should be good to go. Please see below.

- Lines 7-8: To turn this last sentence into a requirement, I would suggest: "The licensee shall verify or provide an update to the following information:"
- (1) – (9): These list items should all conclude with a semi-colon.
- (10): This should conclude with "**;** and".
- (11): This should conclude with a period.
- (11): "certification and disclosure" of what? Can you be more specific in the rule?

Thanks!
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
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Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Attachments: 21 NCAC 42B .0112 Time and Location.docx; 21 NCAC 42B .0108 Clinical Practicum Examinations.docx; 21 NCAC 42C .0105 Annual Renewal.docx; 21 NCAC 42B .0110 Passing Score.docx; 21 NCAC 42A .0105 Definitions.docx; 21 NCAC 42A .0101 Contacting the Board.docx; 21 NCAC 42B .0305 Suspension of authority to expend funds.docx

From: Johnny Loper <jloper@loper-law.com>
Sent: Wednesday, October 14, 2026 10:32 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>
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Chris:

Attached are the rules cited below in updated form.

We believe that we have responded to all your follow-up requests below that do not require explanation by incorporating all of those requests. If we have missed something, please let us know.

On rules **42B. 0110 and 42C .0105**, we have responded below **in red font** to your questions by explaining our thinking and any edits. Again, if we need to discuss or edit further, just let us know.

Thanks for your continued guidance and cooperation.

Johnny

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10 *Eff. April 1, 2011;*

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- (2) corporation ID number
- (3) corporation type
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- (5) incorporator
- (6) responsible optometrist
- (7) corporation status
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- (9) address
- (10) names of all licensees who are incorporators/organizers, stockholders, or employees
- (11) certification and disclosure

*History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-02; 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. October 1, 1994; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Readopted Eff. November 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Johnny Loper <jloper@loper-law.com>

Sent: Tuesday, October 13, 2026 2:03 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks, Chris. I'll get with the folks at the Board I work with and get this back to you as soon as possible.

Johnny

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, October 13, 2026 1:55 PM
To: Johnny Loper <jloper@loper-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026 - Follow Up

Thank you, Johnny! The updated 0400 forms look good to me. I have some follow-up requests on the revised rule versions. Please see below. Most of these should be quick fixes. Please provide your responses to me **by the end of this week**, if possible.

21 NCAC 42A .0101

- Line 1: Add “with changes” after “readopted”.
- History Note, line 10: There should still be a semi-colon after “1978”.
- History Note, line 14: Change the period after “2023” to a semi-colon.

21 NCAC 42A .0105

- Line 1: Add “with changes” after “readopted”.
- History Note, line 14: There should still be a semi-colon after “1976”.
- History Note, line 18: Change the period after “2015” to a semi-colon.

21 NCAC 42B .0108

- (a), line 5: Add a comma after “G.S. 90-123(1)”.
- (a), line 7: Please put the title of the document in quotation marks.
- History Note, line 18: Add a semi-colon after “90-123(1)”.
- History Note, line 19: There should still be a semi-colon after “1976”.
- History Note, line 23: Change the period after “2015” to a semi-colon.

21 NCAC 42B .0110

- Line 4: In a previous rule, your response indicated that the applicant takes one examination, administered in different forms. Here, you are saying there is an “average grade” requirement, indicating that there are multiple grades. Am I missing something? Is the word “average” meant to be here? Is it an “average” of all of the different components in one single exam? Consider further reworking this first sentence.
- Lines 8-9: Is notification provided in a specific manner or in a specific timeframe? If so, consider adding detail here (but not a necessary edit).
- History Note, line 12: There should still be a semi-colon after “1976”.
- History Note, line 16: Change the period after “2015” to a semi-colon.

21 NCAC 42B .0112

- Line 1: Add “with changes” after “readopted”.
- History Note, line 12: There should still be a semi-colon after “1976”.
- History Note, line 16: Change the period after “2015” to a semi-colon.

21 NCAC 42B .0305

- Line 1: Add “with changes” after “readopted”.
- History Note, line 9: Add a semi-colon after “G.S. 93B-2(d)”.
- History Note, line 10: There should still be a semi-colon after “2011”.
- History Note, line 12: Change the period after “2015” to a semi-colon.

21 NCAC 42C .0105

- General Comment: Thanks for the information regarding the renewal application and process. So does the renewal application not require the applicant to submit any specific information? Is the information the same as a normal application? If it requires the applicant to input information into the form, then you need to specify that here. Or, if you already spell out the required info in your statutes or rules, you can just add a cross-reference to your rule.
- Line 1: Add “with changes” after “readopted”.
- History Note, line 9: Add a semi-colon after “G.S. 90-123(2)”.
- History Note, line 10: There should still be a semi-colon after “1976”.
- History Note, line 11: Something got messed up with the year number here. Please fix.
- History Note, line 14: Change the period after “2015” to a semi-colon.
- History Note, line 15: Add a period after “2026”.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

Burgos, Alexander N

Subject: FW: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026
Attachments: Optometry Board Response to Request for Changes.pdf; Form 0400 21 NCAC 42A .0105.docx; Form 0400 21 NCAC 42A .0101.docx; Form 0400 21 NCAC 42B .0108.docx; Form 0400 21 NCAC 42B .0110.docx; Form 0400 21 NCAC 42B .0112.docx; Form 0400 21 NCAC 42C .0105.docx; Form 0400 21 NCAC 42B .0305.docx; 21 NCAC 42A .0105 Definitions.docx; 21 NCAC 42A .0101 Contacting the Board.docx; 21 NCAC 42B .0108 Clinical Practicum Examinations.docx; 21 NCAC 42B .0305 Suspension of authority to expend funds.docx; 21 NCAC 42B .0110 Passing Score.docx; 21 NCAC 42B .0112 Time and Location.docx; 21 NCAC 42C .0105 Annual Renewal.docx

From: Johnny Loper <jloper@loper-law.com>
Sent: Monday, October 12, 2026 2:33 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>
Subject: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026

Some people who received this message don't often get email from jloper@loper-law.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Chris:

In response to your email below, please find revised Form 400s and revised rules. In addition, and hopefully to make your review of our revisions easier, I have attached your Request for Changes with red-font interlineations responding to your questions and comments and providing explanations where we felt those would aid you in your review.

Obviously, we have tried to respond appropriately to each and every one of your requests, but if we don't bat 1.000, please let us know what additional work is needed on our end.

Many thanks.

For the Board,

Johnny M. Loper
Loper Law, PLLC
1212 Briar Patch Lane
Raleigh, NC 27615

919-390-7749 (DD)
919-390-3342 (F)
jloper@loper-law.com

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;;and"
 - Right: "~~day;~~ day;and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: ALL PERMANENT RULE 0400 FORMS

DEADLINE FOR RECEIPT: October 14, 2026

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:

Box 6, Required Notice: For these rules, you state that the Notice of Text was published on 06/11/26. Weren't these readoptions published in the 41:02 Register, which was dated July 15, 2026? Please correct this.

*Box 6, Adoption Date: For these rules, you state that the Adoption by the Agency happened on 06/06/2026. This box is asking for the date on which the Board adopted **the final rule**, not the proposed rule. When did the Board adopt the final rule after the notice and comment period? Please update this field.*

Please correct your forms and submit the revised versions to me for all seven rules.

We have made all of these recommended changes, and the Form 400s now reflect the appropriate dates for Notice of Text publication and for the Board's adoption of the final rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42A .0101

DEADLINE FOR RECEIPT: October 14, 2026

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:

*General Question: Does the Board maintain a public office? If so, consider adding its physical address and office hours. **The Board has not maintained a physical/bricks-and-mortar office since approximately April of 2019, so the Board has no "street address." It maintains a virtual office with a post office box for its only mailing address.***

*Line 6: Add "Board's" before "email address". **We have made this change.***

*History Note, line 10: Delete "November 1, 2026". **We have made this change.***

*History Note, line 15: Add a new line at the bottom to state: "Readopted Eff. November 1, 2026." **We have made this change.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42A .0105

DEADLINE FOR RECEIPT: October 14, 2026

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 4: Add "shall" between "definitions" and "apply". Also, delete "only". The word is not needed here. **We have made these changes.***

*History Note, line 14: Delete "November 1, 2026". **We have made this change.***

*History Note, line 19: Add a new line at the bottom to state: "Readopted Eff. November 1, 2026." **We have made this change.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0108

DEADLINE FOR RECEIPT: **October 14, 2026**

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 1: Change “41:01” to “41:02”. We have made this change.

Line 1: Add “with changes” after “is readopted”. We have made this change.

(a), line 4: Your fee rule in Subchapter 42J has been repealed. You need to update this cross-reference or delete the fee language in the rule. We have updated with a reference to G.S. 90-123(1). We also have added this citation in the History Note.

(a), line 5: Change “will be” to “shall be”. We have made this change.

(a), line 5: You state “examinations” here. How many examinations are required for an applicant? More than one? Can you specify? By way of explanation: there is only one type of licensing exam, which the Board refers to as its clinical-practicum examination or clinical examination. Obviously, some applicants are unsuccessful, try again, and therefore take “exams” [plural]. However, we have re-worded this sentence to reference a single examination, since each examination requires a separate application and fee. Let us know if you believe our “fix” does not do away with the potential ambiguity.

(a), line 5: Add a comma after “clinical”. We have made this change. Additionally, to remove any potential ambiguity, we have changed the “and” in line 6 to “or,” to clarify that the exam may be in any of those formats, but is not administered in all three formats at one time.

(a), line 6: Change “said examinations to cover” to “covering”. Or consider starting a new sentence instead to improve readability here. We have made this change.

(a), line 6: What are “those subjects essential to the practice of optometry”? Do you define these subjects or list them anywhere? How would a regulated person know what they were being examined on based on the text of your rule? The Board publishes a Candidate Study Guide on its website ([NCSBEO - Candidate Study Guide](#)) which

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

identifies the ten major subject matter areas for the examination, and under each subject matter area lists the various conditions that may form the basis for examination scenarios. We have modified the language of this section accordingly and designated where than information may be accessed on the Board website. Please let us know if we need to make other/further revisions.

(b), line 7: What is a “reasonable amount of time” for examination? This is not a clear standard. Upon consideration of your question/comment, we think this wording is superfluous and we have deleted it. Let us know if you believe further editing is needed.

(b), line 7: Change “is authorized to” to “may”. We have made this change.

(b), line 8: Change “to be” to “shall be”. Also consider starting a new sentence to improve readability here. We have made this change and we have cured the run-on sentence. Let us know if you wish us to make additional or different changes.

(b), line 9: What does the Board consider to be “superior clinical expertise”? This is not a clear benchmark or threshold. And how do you “demonstrate” this to peers? You should state verifiable qualifications. Upon consideration of your question/comment, we think this wording is superfluous and we have deleted it.

(c): It seems like you are expanding the pool of persons that can take part in planning and carrying out exams. How is this not a “substantial change” from the published version of the rule? You published this as a readoption without substantial changes. We did not view the addition of the words “external to the Board” as expanding the pool of persons who can take part; saying that we may use certain persons external to the Board was simply meant to indicate that we would not be using current Board members in that capacity. The word “clinicians” would include both Board-member and non-Board-member optometrists, so the pool has not been expanded. Also, if we do not add “external to the Board,” the remaining language could be interpreted to mean only clinicians who have served on the Board or as clinical examiners can be clinical examiners—and eventually we’d run short or run out as those people retire, decline to serve, etc.—which certainly is not our intended result. So that language also resolves that potential ambiguity. Happy to discuss or elaborate if needed.

(c), lines 12 and 14: Add commas after “experts” and “implementation”. We have made this change.

History Note, line 17: Delete “November 1, 2026”. We have made this change.

History Note, line 22: Add a new line at the bottom to state: “Readopted Eff. November 1, 2026.” We have made this change.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0110

DEADLINE FOR RECEIPT: **October 14, 2026**

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:

General Comment: How do the limitations in this rule apply to reexamination? If you get below a 60 on one clinical practicum examination one time, are you then permanently prohibited from getting your license? The language in your rule makes this point confusing. Consider clarifying. To answer your question in the second sentence, no score on any prior examination “counts” or is considered when scoring a subsequent examination. I.e., a 60 on an unsuccessful applicant’s 2025 examination has no bearing on whether the applicant passes a 2026 or any subsequent examination. We hope the edits made to this sentence will acceptably make this clear. See also our comments under the second “Line 4” below.

Line 1: Add “with changes” after “readopted”. We have made this change.

Line 4: Change “must” to “shall”. We have made this change.

*Line 4: “75” what? 75 percent? 75 points? Please specify in the rule. Also, consider saying “75 percent **or higher**” for clarity. Same comment applies on line 7. Here, “75” is a percentage grade. Upon reflection, we have deleted the “less than 60” language, as the Board now requires only that a successful applicant achieve a grade of 75% or higher on the exam, with any score below 60 not causing the candidate to be unsuccessful. We have made other edits responsive to your suggestions.*

Lines 5-7, second sentence: This is quite wordy. Consider: “An average clinical practicum grade of 75 percent or higher shall not be considered a passing score if the applicant received a grade of less than 60 percent on any one of the clinical practicum examinations.” Upon reflection, we have deleted this language for the same reasons stated in the prior paragraph.

Line 6: Change “his/her” to his or her”. With edits made as noted above, no longer applicable.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

Line 7: Change “will” to “shall”. We have made this change.

Line 7: Change “his/her” to his or her”. With edits made as noted above, no longer applicable.

Lines 7-9, third sentence: Again, this is quite wordy and indirect. Consider: “After the Board determines the examination results, the Executive Director shall notify each applicant whether the applicant passed or failed.” We have adopted your recommended language.

History Note, line 11: Delete “November 1, 2026”. We have made this change.

History Note, line 16: Add a new line at the bottom to state: “Readopted Eff. November 1, 2026.” We have made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0112

DEADLINE FOR RECEIPT: October 14, 2026

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, sentence one: To be more direct and concise, consider stating: “The Board shall hold at least one licensure examination each **calendar** year for applicants.” We have adopted your recommended language.*

Lines 5-6, second sentence: For clarity and conciseness, I suggest: “The Board shall determine the time and location of examinations.” We have adopted your recommended language, and in keeping with the replaced language, we have added more precise language indicating when and where notice of the date and location of the exam will be provided.

Line 6-7: Is there a specific method for how such announcements are made (e.g., by mail, email, or website posting)? If so, consider specifying in your rule. See our comment on “Lines 5-6, second sentence” just above.

History Note, line 10: Delete “November 1, 2026”. We have made this change.

History Note, line 15: Add a new line at the bottom to state: “Readopted Eff. November 1, 2026.” We have made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42B .0305

DEADLINE FOR RECEIPT: October 14, 2026

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 4: Replace the Session Law reference with the actual statute since it is now codified. We have referenced G.S. 93B-2(d).

History Note, Authority: Update this to G.S. 93B-2(d). This update apparently has already been made by someone in your shop.

History Note, line 10: Delete "November 1, 2026". We have made this change.

History Note, line 13: Add a new line at the bottom to state: "Readopted Eff. November 1, 2026." We have made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

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

AGENCY: North Carolina Board of Examiners in Optometry

RULE CITATION: 21 NCAC 42C .0105

DEADLINE FOR RECEIPT: October 14, 2026

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 4: Change “must be” to “shall be” and add “each year” after “renewed”. We have made this change.

Line 5: Change “must” to “shall”. We have made this change.

Line 5: Is the renewal fee set forth in your rules or statutes? If so, include a cross-reference here for clarity. We have added a reference to G.S. 90-123(2) both here and in the History Note.

Line 5: You mention an “application” here. Does the Board prescribe a particular form for renewals? If so, you will need to identify where the application is available and any substantive form requirements not already supplied by statute or rule. For additional guidance, please see <https://www.oah.nc.gov/rrc-final-guidance-forms/open>. We have edited to supply a reference to the page on the Board website through which licensees may renew licenses. The licensee is required to sign in with dual authentication to assure only the licensee may access that licensee’s license renewal information.

History Note, Authority: G.S. 57C-2-01 was repealed. Please update or remove this reference. Citation updated to G.S.57D-2-02.

History Note, line 8: Delete “November 1, 2026”. We have made this change.

History Note, line 13: Add a new line at the bottom to state: “Readopted Eff. November 1, 2026.” We have made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 01, 2026

21 NCAC 42A .0101 is readopted as published in 41:02 NCR 226 as follows:

21 NCAC 42A .0101 CONTACTING THE BOARD

The Board mailing address is 521 Yopp Rd., Suite 214 #444, Jacksonville, NC 28540. The Board's phone number is (910) 285-3160; its toll free number is (800) 426-4457 (in-state only); and its fax number is (910) 285-4546. The Board's email address is info@ncoptometry.org and its website is www.ncoptometry.org.

History Note: Authority G.S. 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978
Amended Eff. October 1, 1994; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,
2015;
Amended Eff. January 1, 2023.
Readopted Eff. November 1, 2026.

21 NCAC 42A .0105 is readopted as published in 41:02 NCR 226-227 as follows:

21 NCAC 42A .0105 DEFINITIONS

The following definitions shall apply to 21 NCAC 42 ~~only~~:

- (1) The term "Board" refers to the North Carolina State Board of Examiners in Optometry.
- (2) The term "President" refers to the President of the North Carolina State Board of Examiners in Optometry.
- (3) The term "Secretary" refers to the Secretary-Treasurer of the North Carolina State Board of Examiners in Optometry.
- (4) The term "Executive Director" refers to the Executive Director of the North Carolina State Board of Examiners in Optometry.

History Note: Authority G.S. 90-117; 90-117.5;

Eff. February 1, 1976

Readopted Eff. May 30, 1978;

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

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

Readopted Eff. November 1, 1026.

21 NCAC 42B .0108 is readopted with changes as published in 41:02 NCR 227 as follows:

21 NCAC 42B .0108 CLINICAL PRACTICUM EXAMINATIONS

(a) Each applicant, after paying the fee set in ~~Subchapter 42J~~ and having met the requirements of Rule .0107 of this ~~Subchapter~~, G.S. 90-123(1) ~~will~~ shall be given a clinical practicum ~~examinations~~ examination which may be in oral, written, ~~clinical~~ clinical, and or practical form, ~~said examinations to cover~~ covering those subjects essential to the practice of optometry as ~~defined in G.S. 90-114~~, found in the Candidate Study Guide located on the Board's website at <https://www.ncoptometry.org/examinations/candidate-study-guide>.

(b) ~~To ensure proper examination of all applicants within a reasonable amount of time, the~~ The Board is authorized ~~to may~~ employ clinical examiners, such clinical examiners ~~to~~ shall be licensed optometrists in the State of North Carolina who have been in practice no less than five ~~years~~ years, and ~~who have demonstrated to their peers that they have superior clinical expertise.~~

(c) It shall be the duty of the optometrists who are members of the Board to prepare or oversee the preparation of the clinical practicum examinations. Psychometric consultants, subject matter ~~experts~~ experts, and clinicians external to the Board or those who have served as either members of the Board or as clinical examiners for the Board may be engaged by the Board in the design, ~~implementation~~ implementation, and grading of the examinations.

History Note: Authority G.S. 90-114; 90-117.5; 90-118; 90-123(1)

Eff. February 1, 1976

Readopted Eff. May 30, 1978;

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

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

Readopted Eff. November 1, 2026.

21 NCAC 42B .0110 is readopted with changes as published in 41:02 NCR 227-228 as follows:

21 NCAC 42B .0110 PASSING SCORE

An applicant ~~must~~ shall attain an average grade of 75 percent or higher on the clinical practicum examinations to pass the examination and be issued a license. ~~No applicant who has received a grade of less than 60 on any part of the clinical practicum examination shall be considered eligible for licensure even though his overall clinical practicum score may average 75. Each applicant will be notified by the Executive Director as to his success or failure after the results of the examination have been determined by the Board. After the Board determines the examination results, the Executive Director shall notify each applicant whether the applicant passed or failed.~~

History Note: Authority G.S. 90-117.5; 90-118;

Eff. February 1, 1976

Readopted Eff. May 30, 1978;

Amended Eff. May 1, 1995; April 1, 1993; June 1, 1989; September 30, 1981;

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

Readopted Eff. November 1, 2026.

21 NCAC 42B .0112 is readopted as published in 41:02 NCR 228 as follows:

21 NCAC 42B .0112 TIME AND LOCATION

~~There shall be at least one examination for the purpose of licensure held each year for those persons applying for a license to practice optometry in the State of North Carolina. The Board shall hold at least one licensure examination each calendar year for applicants. Said examination shall be at such time and location as the Board may determine; provided, however, the date and place of examination shall be announced by the Board. The Board shall determine the time and location of examinations. The date and location of examinations shall be posted on the Board's website at www.ncoptometry.org/examinations no less than six months prior to the examination.~~

History Note: Authority G.S. 90-117.5; 90-118;

Eff. February 1, 1976

Readopted Eff. May 30, 1978;

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

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

Readopted Eff. November 1, 2026.

1 21 NCAC 42B .0305 is readopted as published in 41:02 NCR 228-229 as follows:

2
3 **21 NCAC 42B .0305 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event the Board's authority to expend funds is suspended pursuant to ~~Session Law 2009-125~~, G.S. 93B-2(d),
5 the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account
6 maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the
7 escrow account into the general operating account.

8
9 *History Note: Authority G.S. 93B-2(d)*

10 *Eff. April 1, 2011*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
12 *2015.*

13 *Readopted Eff. November 1, 2026.*

21 NCAC 42C .0105 is readopted as published in 41:02 NCR 229 as follows:

21 NCAC 42C .0105 ANNUAL RENEWAL

A certificate of registration for a professional corporation or professional limited liability company ~~must~~ shall be renewed each year on or before December 31. The required renewal fee as set forth in G.S. 90-123(2) ~~must~~ shall accompany the application. The renewal application may be accessed through the licensee's secure web portal at <https://www.ncoptometry.org/licensee-intranet>.

History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-02; 90-117.5; 90-123(2)

Eff. February 1, 1976

Readopted Eff. May 30, 197

Amended Eff. October 1, 1994; June 1, 1989;

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

Readopted Eff. November 1, 2026

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42A .0101 CONTACTING THE BOARD	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☐ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☐ Approved by OSBM ☒ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☐ Other: 9B. Explain: Readoption 	
10. Rulemaking Coordinator: Johnny M. Loper Phone: 919-390-7749 E-Mail: jloper@loper-law.com Additional agency contact, if any: Janice Peterson Phone: 910-285-3160 E-Mail: janice@ncoptometry.org	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Johnny M. Loper Title: Rule-making Coordinator
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42A .0105 DEFINITIONS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☐ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☐ Approved by OSBM ☒ No fiscal note required
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10. Rulemaking Coordinator: Johnny M. Loper Phone: 919-390-7749 E-Mail: jloper@loper-law.com Additional agency contact, if any: Janice Peterson Phone: 910-285-360 E-Mail: janice@ncoptometry.org	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Johnny M. Loper Title: Rule-making Coordinator
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42B .0108 CLINICAL PRACTICUM EXAMINATIONS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: X Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: X The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☐ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact ($\geq \$1,000,000$) ☐ Approved by OSBM ☒ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☐ Other: 9B. Explain: Readoption	
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RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42B .0110 PASSING SCORE	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: X No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: X No
6. Notice for Proposed Rule: X Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: X The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: X No	8. Fiscal impact. Check all that apply. ☐ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☐ Approved by OSBM X No fiscal note required
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RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42B .0112 TIME AND LOCATION	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☐ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☐ Approved by OSBM ☒ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☐ Other: 9B. Explain: Readoption 	
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RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42B .0305 SUSPENSION OF AUTHORITY TO EXPEND FUNDS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42C .0105 ANNUAL RENEWAL	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: X Notice Required Notice of Text published on: 07/15/26 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: X The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 09/15/26 ☐ Notice not required under G.S.: Adoption by Agency on:	
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9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☐ Other: 9B. Explain: Readoption	
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RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

Burgos, Alexander N

From: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 1, 2026 2:36 PM
To: Miller, Christopher S; janice@ncoptometry.org
Cc: Burgos, Alexander N; exdir@ncoptometry.org; Janice Peterson
Subject: [External] RE: N.C. Board of Examiners in Optometry - Rules for October 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks, Chris. I'll discuss with the Board and get back to you...or rather, it's likely you'll get the re-submission from Jan Peterson at the Board.

Johnny

Johnny M. Loper
Loper Law, PLLC
1212 Briar Patch Lane
Raleigh, NC 27615

919-390-7749 (DD)
919-390-3342 (F)
jloper@loper-law.com

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, October 1, 2026 2:32 PM
To: Johnny Loper <jloper@loper-law.com>; janice@ncoptometry.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: N.C. Board of Examiners in Optometry - Rules for October 2026

Good afternoon!

I'm the staff attorney who reviewed the rules submitted by the Board of Examiners in Optometry for the October 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, October 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes pursuant to G.S. 150B-21.10. Please submit the responses and revised rules and forms to me via email, no later than **5 p.m. on October 14, 2026**.

Let me know if you have any questions.

Thanks!

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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