

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.*

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.*

*Line 6: Add "Board's" before "email address".*

*History Note, line 10: Delete "November 1, 2026".*

*History Note, line 15: Add a new line at the bottom to state: "Readopted Eff. November 1, 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

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 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; November 1, 2026  
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.*

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**

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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.*

*History Note, line 14: Delete "November 1, 2026".*

*History Note, line 19: Add a new line at the bottom to state: "Readopted Eff. November 1, 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

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

**21 NCAC 42A .0105      DEFINITIONS**

The following definitions 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; November 1, 2026  
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.*

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".*

*Line 1: Add "with changes" after "is readopted".*

*(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.*

*(a), line 5: Change "will be" to "shall be".*

*(a), line 5: You state "examinations" here. How many examinations are required for an applicant? More than one? Can you specify?*

*(a), line 5: Add a comma after "clinical".*

*(a), line 6: Change "said examinations to cover" to "covering". Or consider starting a new sentence instead to improve readability here.*

*(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?*

*(b), line 7: What is a "reasonable amount of time" for examination? This is not a clear standard.*

*(b), line 7: Change "is authorized to" to "may".*

*(b), line 8: Change "to be" to "shall be". Also consider starting a new sentence to improve readability here.*

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*(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.*

*(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.*

*(c), lines 12 and 14: Add commas after “experts” and “implementation”.*

*History Note, line 17: Delete “November 1, 2026”.*

*History Note, line 22: Add a new line at the bottom to state: “Readopted Eff. November 1, 2026.”*

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

21 NCAC 42B .0108 is readopted as published in 41:01 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, will be given clinical practicum examinations which may be in oral, written, clinical and practical form, said examinations to cover those subjects essential to the practice of optometry as defined in G.S. 90-114.

(b) To ensure proper examination of all applicants within a reasonable amount of time, the Board is authorized to employ clinical examiners, such clinical examiners to be licensed optometrists in the State of North Carolina who have been in practice no less than five 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 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 and grading of the examinations.

*History Note:      Authority G.S. 90-114; 90-117.5; 90-118;*

*Eff. February 1, 1976; November 1, 2026*

*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.*

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.*

*Line 1: Add “with changes” after “readopted”.*

*Line 4: Change “must” to “shall”.*

*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.*

*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.”*

*Line 6: Change “his/her” to his or her”.*

*Line 7: Change “will” to “shall”.*

*Line 7: Change “his/her” to his or her”.*

*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.”*

*History Note, line 11: Delete “November 1, 2026”.*

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*History Note, line 16: Add a new line at the bottom to state: "Readopted Eff. November 1, 2026."*

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Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 01, 2026

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

**21 NCAC 42B .0110      PASSING SCORE**

An applicant must attain an average grade of 75 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~~ his/her overall clinical practicum score may average 75. Each applicant will be notified by the Executive Director as to ~~his~~ his/her success or failure after the results of the examination have been determined by the Board.

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

*Eff. February 1, 1976; November 1, 2026*

*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.*

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**

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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."*

*Lines 5-6, second sentence: For clarity and conciseness, I suggest: "The Board shall determine the time and location of examinations."*

*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.*

*History Note, line 10: Delete "November 1, 2026".*

*History Note, line 15: Add a new line at the bottom to state: "Readopted Eff. November 1, 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

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. 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 no less than six months prior to the examination.

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

*Eff. February 1, 1976; November 1, 2026*

*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.*

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**

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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.*

*History Note, Authority: Update this to G.S. 93B-2(d).*

*History Note, line 10: Delete "November 1, 2026".*

*History Note, line 13: Add a new line at the bottom to state: "Readopted Eff. November 1, 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

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, the Board shall  
5 continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the  
6 Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into  
7 the general operating account.

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

10 *Eff. April 1, 2011; November 1, 2026*

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

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**

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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”.*

*Line 5: Change “must” to “shall”.*

*Line 5: Is the renewal fee set forth in your rules or statutes? If so, include a cross-reference here for clarity.*

*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>.*

*History Note, Authority: G.S. 57C-2-01 was repealed. Please update or remove this reference.*

*History Note, line 8: Delete “November 1, 2026”.*

*History Note, line 13: Add a new line at the bottom to state: “Readopted Eff. November 1, 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

1 21 NCAC 42C .0105 is readopted as published in 41:02 NCR 229 as follows:

2  
3 **21 NCAC 42C .0105 ANNUAL RENEWAL**

4 A certificate of registration for a professional corporation or professional limited liability company must be renewed  
5 on or before December 31. The required renewal fee must accompany the application.

6  
7 *History Note: Authority G.S. 55B-11; 57C-2-01; 90-117.5;*

8 *Eff. February 1, 1976; November 1, 2026*

9 *Readopted Eff. May 30, 197*

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

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

12 *2015.*