

Burgos, Alexander N

Subject: FW: [External] Re: Changes to proposed amendments of 21 NCAC 42B .0304

From: Janice Peterson <janice@ncoptometry.org>

Sent: Tuesday, August 15, 2023 8:08 AM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnny Loper <jloper@loper-law.com>;
exdir@ncoptometry.org

Subject: Re: [External] Re: Changes to proposed amendments of 21 NCAC 42B .0304

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Good morning, Mr. Duke.

Thank you, again, for your help. I have updated the effective date and re-submitted it to OAH.

Janice K. Peterson,
Administrative Associate
Please note new address:
521 Yopp Rd.
Suite 214 #444
Jacksonville, NC 28540
(910) 285-3160
Fax: (910) 285-4546
janice@ncoptometry.org

On Fri, Aug 11, 2023 at 1:49 PM Duke, Lawrence <lawrence.duke@oah.nc.gov> wrote:

Ms. Peterson,

Thank you for sending this updated rule. One thing that I missed in the request for changes is the effective date. Pursuant to G.S. 150B-21.3(b), “a permanent rule approved by the [RRC] becomes effective on the first day of the month following the month the rule is approved” unless there are letters of objection. Can you please change the effective date to September 1, 2023, and then resubmit the rule to oah.rules@oah.nc.gov? Otherwise, the rule looks good, and I will be recommending approval.

Thank you,

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, August 11, 2023 1:49 PM
To: Janice Peterson
Cc: Burgos, Alexander N; Johnny Loper; exdir@ncoptometry.org
Subject: RE: [External] Re: Changes to proposed amendments of 21 NCAC 42B .0304

Ms. Peterson,

Thank you for sending this updated rule. One thing that I missed in the request for changes is the effective date. Pursuant to G.S. 150B-21.3(b), “a permanent rule approved by the [RRC] becomes effective on the first day of the month following the month the rule is approved” unless there are letters of objection. Can you please change the effective date to September 1, 2023, and then resubmit the rule to oah.rules@oah.nc.gov? Otherwise, the rule looks good, and I will be recommending approval.

Thank you,

Lawrence Duke

Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Janice Peterson <janice@ncoptometry.org>
Sent: Thursday, August 10, 2023 1:29 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Johnny Loper <jloper@loper-law.com>; exdir@ncoptometry.org
Subject: [External] Re: Changes to proposed amendments of 21 NCAC 42B .0304

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Additionally, below I have comments by the Board's attorney, Mr. Loper, relating to the amended Rule.

Mr. Duke:

After considering your comments to our proposed amendments to 21 NCAC 42B .0304 and reviewing our license renewal form, we concluded that spelling out those several things that the applicant “shall show” is not necessary, since all of those things are specifically requested by the application. Therefore, in order to avoid redundancy and to simplify the Rule, in this iteration we have struck the redundant language and added the requirement that the applicant fully and accurately complete the application. We hope you find this to be an acceptable solution.

Happy to discuss.

Johnny

Janice K. Peterson,
Administrative Associate
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(910) 285-3160
Fax: (910) 285-4546
janice@ncoptometry.org

On Thu, Aug 10, 2023 at 1:26 PM Janice Peterson <janice@ncoptometry.org> wrote:

Good afternoon.

Attached is 21 NCAC 42B .0304 with changes.

Thank you.

Janice K. Peterson,
Administrative Associate
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Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, August 4, 2023 2:39 PM
To: Johnny Loper; janice@ncoptometry.org
Cc: Burgos, Alexander N
Subject: RRC Review - Optometry - 21 NCAC 42B .0304
Attachments: Board of Optometry Examiners - 08.2023 - 21 NCAC 42B .0304 - Change Requests.docx

Mr. Loper,

I hope you are doing well. I have reviewed the Rule submitted by the State Board of Examiners in Optometry. Please see the attached request for changes. Please let me know if you have any questions.

Have a good weekend!

Thank you,

Lawrence Duke



Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
Lawrence.Duke@osh.nc.gov
(919) 236-1938

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