


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 42D .0102 OPTOMETRIC ASSISTANT; OPTOMETRIC TECHNICIAN	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: February 22, 2024 Link to Agency notice: https://docs.google.com/document/d/1tWNc4FH6oyMPM0OMQYOO1XXXtJTJvVCK/edit Hearing on: none Adoption by Agency on: June 6, 2024 <input type="checkbox"/> Notice not required under: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: To set standards for staff providing direct patient care when the doctor is off site, thus assuring quality and safety of patient care.	
10. Rulemaking Coordinator: Johnny M. Loper Phone: 919-390-7749 E-Mail: jloper@loper-law.com Additional agency contact, if any: Janice K. Peterson Phone: 910-285-3160 E-Mail: janice@ncoptometry.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; font-size: 1.5em;">  </div> <hr/> *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: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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

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

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

(1) Testing and Procedures

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

(B) Perform testing procedures

(i) Visual acuity testing and assess visual acuity

(ii) Stereo acuity testing

(iii) Blood pressure measurement (manual, automated)

(iv) Keratometry

(v) Color vision assessment

(vi) Chair-side scribing

(vii) Tonometry

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

(ix) Dry eye testing

(x) Meibography

(xi) Corneal topography

(xii) Scanning computerized ophthalmic testing

(xiii) Visual field testing

(xiv) Glaucoma ancillary testing

(xv) Near points of accommodation and convergence testing

(xvi) Macular Pigment Optical Density (MPOD)

(xvii) Pupil evaluation screening

(xviii) Amsler grid

(xix) Frequency doubling technology (FDT) fields

(xx) Aberrometry

- (xxi) Automated refractometry
 - (xxii) Contrast sensitivity tests
 - (xxiii) Anterior segment photography
 - (xxiv) Fundus photography
 - (xxv) Low vision testing
 - (xxvi) Pachymetry
 - (xxvii) Traumatic brain injury testing
 - (xxviii) Vision therapy testing
 - (xxix) Administer diagnostic/therapeutic medications
- (2) Ophthalmic Optics and Dispensing
 - (A) Order and maintain eyewear inventory and frame display
 - (B) Educate and assist patient in selecting eyewear
 - (C) Take appropriate frame and eye measurements on patient
 - (D) Use digital dispensing technology
 - (E) Lensometry
 - (F) Dispense/adjust/repair eyewear
 - (G) Understand fabrication requirements with various frames and prescriptions
- (3) Contact Lenses
 - (A) Maintain/order/inventory contact lenses
 - (B) Educate patients concerning contact lens options and fees
 - (C) Basic Insertion and removal of contact lenses
 - (D) Select proper care system for contact lenses
 - (E) Perform and evaluate contact lens preliminary fitting
 - (F) Educate patients on contact lens care and handling
 - (G) Measure base curves using radiuscope
 - (H) Verify contact lens diameter, thickness, and power
 - (I) Clean and polish gas permeable lenses or prosthetic eyes
 - (J) Use slit lamp to evaluate contact lens fit
- (4) Other Duties
 - (A) Office Operations
 - (i) Prepare patient charts for optometrist to review
 - (ii) Patient education and communications
 - (iii) Direct patient flow
 - (iv) Provide patient education
 - (v) Perform telephone triage
 - (vi) Computer skills and documentation in the electronic health record
 - (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 lenes 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*