

1 21 NCAC 40 .0202 is proposed for amendment as follows:

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3 **21 NCAC 40 .0202 REGISTRATION OF OPTICAL PLACE OF BUSINESS AND OPTICIAN IN**
4 **CHARGE**

5 (a) As used in this Rule, "optical place of business" means the principal office as well as each branch office of such
6 a business.

7 (1) Every optical place of business shall be registered with the Board within 10 days following its
8 opening for business and thereafter annually and in the event of relocation or change of ownership.
9 The registration fee shall be paid for each registration.

10 (2) Registration of an optical place of business automatically expires on the last day of June of each
11 year, and it shall not engage in business until it is registered for the next annual period.

12 (3) An optical place of business registration is the responsibility of the owner. Any business which
13 violates the registration requirements of this Rule shall be subject to the Board's disciplinary
14 authority under G.S. 90-249.1, G.S. 90-252, and G.S. 90-254. An injunction closing an unregistered
15 optical place of business may also be obtained.

16 (4) An optical place of business registered in compliance with this Rule is eligible to be a training
17 establishment when the requirements of Rules .0314 and .0321 of this Chapter are met.

18 (b) Every optical place of business shall ~~have~~ register a licensed optician in charge, who shall serve as the ~~registered~~
19 ~~license~~ in charge of only one optical place of business.

20 (1) Every optician in charge shall be registered with the Board within 10 days of a business opening, or
21 change of optician in charge. The registration fee shall be paid for each registration.

22 (2) Registration of an optician in charge automatically expires on the last day of June of each year, and
23 the optical business shall not engage in dispensing activities under G.S. 90-236 until it has a
24 registered optician in charge for the next annual period.

25 (3) An optician in charge registration is the responsibility of both the licensed optician in charge and
26 the owner. Any optician in charge of an optical place of business which violates the registration
27 requirements of this Rule shall be subject to the Board's disciplinary authority under G.S. 90-249.1
28 and G.S. 90-252.

29 ~~(c) Every optical place of business shall be registered with the Board within 10 days following its opening for business~~
30 ~~and thereafter annually and in the event of relocation, change of ownership or change of licensed optician in charge.~~
31 ~~The registration fee shall be paid for each registration.~~

32 ~~(d) Registration of an optical place of business automatically expires on the first day of July of each year, and it shall~~
33 ~~not engage in business until it is registered for the next annual period.~~

34 ~~(e) Registration is the responsibility of both the licensed optician in charge and the owner. Any licensed optician in~~
35 ~~charge of an optical place of business which violates the registration requirements of this Rule shall be subject to the~~
36 ~~Board's disciplinary authority under G.S. 90-249.1. An injunction closing an unregistered optical place of business~~
37 ~~may also be obtained.~~

1 ~~(f) An optical place of business registered in compliance with this Rule is eligible to be a training establishment when~~
2 ~~the requirements of Rules .0314 and .0321 of this Chapter are met.~~

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4 *History Note: Authority G.S. 90-239; 90-243; 90-249(5); 90-252; 90-253;*
5 *Eff. February 1, 1976;*
6 *Amended Eff. November 1, 1978; June 21, 1978; September 6, 1977;*
7 *Readopted Eff. May 23, 1979;*
8 *Amended Eff. August 1, 1998; January 1, 1994; August 1, 1991; February 1, 1989; August 1, 1985;*
9 *Temporary Amendment Eff. November 1, 2016;*
10 *Temporary Amendment Expired Eff. August 12, 2017;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *22, ~~2018~~; 2018;*
13 *Amended Eff. November 1, 2020.*