

1 21 NCAC 40 .0206 is proposed for amendment as follows:

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3 **21 NCAC 40 .0206 PROFESSIONAL RESPONSIBILITY; CONTINUING EDUCATION**

4 (a) With the goal of keeping the vision health and welfare of the client uppermost at all times, promoting optimal  
5 public health for North Carolina's citizens, striving to continuously develop educational and technical proficiency, and  
6 informing himself or herself as to new developments within the profession, a licensed optician shall:

7 (1) maintain ~~adequate~~ equipment and instruments in his or her office at all times to assure professional  
8 service to the ~~public~~; public, and for use in training apprentices and interns as set forth in 21 NCAC  
9 40 .0321;

10 (2) ~~assist his or her clients in whatever manner possible in obtaining further care when, in his or her~~  
11 ~~opinion, additional care is needed;~~ make a referral to other healthcare provider when, in the  
12 licensee's professional opinion, such referral would benefit the client;

13 (3) ~~maintain records;~~

14 (4)(3) treat all information concerning his or her clients as privileged and not to be communicated to others  
15 except when authorized or required by a law or rule, or with express consent of the client;

16 (5)(4) take annual courses of study in subjects related and essential to the practice of opticianry for the  
17 purpose of enhancing his or her scientific knowledge and professional skills, gaining the benefits of  
18 new techniques, and acquiring increased knowledge of laws and rules governing the practice of  
19 ~~opticianry.~~ opticianry, as set forth in Paragraph (b) of this Rule.

20 (b) Licenses issued after July 1 shall be exempt from the continuing education requirement for renewal by December  
21 31 of the same year. Otherwise, each ~~Each~~ North Carolina-licensed optician shall take a total of at least eight hours  
22 of continuing education each calendar year as follows:

23 (1) three hours of study on the practice of contact lens ~~fitting;~~ fitting and dispensing; in lieu thereof,  
24 two hours of study on contact lens ~~fitting~~ fitting and dispensing, and one hour of study may be on  
25 ~~either:~~ optical business ~~management or~~ management, consumer ~~protection;~~ and either: protection,  
26 or ethics;

27 (A) ~~When there have been no amendments or changes to the North Carolina opticianry laws or~~  
28 ~~rules during the previous year, five hours of study on eyeglass fitting and dispensing; in~~  
29 ~~lieu thereof, four hours of a study on eyeglass fitting and dispensing and one hour of study~~  
30 ~~may be on laws and rules affecting North Carolina opticians, or ethics; or~~

31 (B) ~~When there has been an amendment or change to North Carolina opticianry laws or rules~~  
32 ~~during the previous year, all licensed opticians practicing opticianry in the state shall take~~  
33 ~~one hour of continuing education on the laws and rules relating to such amendment or~~  
34 ~~change and four hours of study as described in Part (A) of this Subparagraph. The Board~~  
35 ~~shall notify licensees when amendments or changes are made that would require each~~  
36 ~~licensee's attendance at law/rule continuing education.~~

37 (2) four hours of study on eyeglass fitting and dispensing;

1           (3)       one hour of education on the laws and rules affecting North Carolina opticians.

2 (c) All hours shall be currently-approved by the American Board of Opticianry or the National Contact Lens  
3 Examiners.

4 (d) Courses of self-study, meant to be taken by individuals through journal articles or online, where organized material  
5 is presented and written evaluations are made prior to or after completing the course(s), are eligible for credit provided  
6 the vendor or sponsor has submitted the course or courses for approval to the Board as described in Paragraph (k) of  
7 this Rule prior to its being offered to licensed opticians. However, no licensee shall receive credit for more than four  
8 hours of continuing education credit by this self-study means in any calendar year.

9 ~~(e)~~ (e) Any licensed optician who is not practicing opticianry in the state shall annually obtain a total of at least eight  
10 hours of courses of study: three hours shall be essential to on the practice of contact lens fitting, fitting and dispensing,  
11 and five hours shall be essential to on eyeglass fitting and dispensing. One In lieu thereof, one of the eight hours may  
12 be on optical business management or management, consumer protection, protection, or ethics. No other state's hours  
13 pertaining to its laws or rules shall be allowed as credit. All hours shall be currently approved by the American Board  
14 of Opticianry or the National Contact Lens Examiners.

15 (f) All hours must be taken within the prior or current calendar year for which credit is sought, and a licensee shall  
16 not receive continuing education credit for any course that the licensee already has completed during the same calendar  
17 year.

18 (g) Continuing education hours in excess of the number required at the time of renewal shall not be applied to future  
19 requirements.

20 (h) Submission of fraudulent statements or certificates concerning continuing education shall subject the licensee to  
21 disciplinary action.

22 (i) The hours of study set forth in this Rule may not be waived, except by: upon presentation of evidence of illness  
23 rendering the licensee's attendance impossible, or by presentation of active duty orders for the licensee serving in a  
24 branch of the US armed forces.

25           (1)       declared Board waiver as defined in 21 NCAC 40 .0113;

26           (2)       presentation of evidence of illness, or residency outside the United States, rendering the licensee's  
27 attendance impossible; or

28           (3)       presentation of active-duty orders for the licensee serving in a branch of the US armed forces.

29 ~~(j)~~ (j) Courses of study for which a licensee desires continuing education credit must be approved by the Board,  
30 meeting the following criteria:

31           (1)       Courses must be directly related to the practice of a dispensing optician as defined in G.S. 90-235  
32                   and G.S. 90-236. The education of opticians must be the primary and customary objective of the  
33                   education provider.

34           (2)       Each course must be made available to all NC licensed opticians.

35           (3)       The following information shall be submitted to the Board office no later than 45 days prior to the  
36                   date the course ~~to be presented.~~ is to be made available for presentation. The following information  
37                   is required for course submission and consideration:

- 1 (A) ~~Location and scheduled time for~~ Method of course presentation; if on-site presentation, the  
2 location and scheduled time;
- 3 (B) Title of course;
- 4 (C) Instructor's name, address and qualifications. Instructors must be qualified by education  
5 and experience to provide instruction in the course subject;
- 6 (D) Course description, including course length, instructional objectives, or course outline;
- 7 (E) Indication of course's approval status with the American Board of Opticianry or National  
8 Contact Lens Examiners;
- 9 (F) Name and address of provider agency, and primary contact information;
- 10 (G) Description of the provider's attendance certification process; and
- 11 (H) Agreement to provide electronic attendance roster to Board, and certified attendance  
12 documentation to attendees.
- 13 (4) Course content shall be presented in ~~an objective~~ a manner that does not promote the sale or  
14 marketing of one company's products or services over another. Presentations on new optical  
15 technology shall not include a specific brand/manufacturer of the technology in the title or content.  
16 Product-specific "info-mercials" and sales pitches shall not be approved.
- 17 (5) Courses shall consist of a minimum 50 minutes' education for each hour credit.
- 18 (6) Online courses may not exceed two hours in length, and on-site instructors ~~Instructors~~ may not  
19 present more than ~~four~~ two consecutive hours of continuing education.
- 20 ~~(d)(k)~~ Each course to be presented on-site shall be submitted for approval separately and completely each time credit  
21 is sought.
- 22 (l) Post-presentation approval of continuing education courses will not be granted.
- 23 ~~(e)(m)~~ All approved courses for on-site presentation shall allow complimentary on-site review by representatives  
24 from the Board.
- 25 ~~(f)(n)~~ Course sponsors ~~shall~~ shall, no later than 30 days following the presentation of on-site courses:
- 26 (1) Certify opticians' attendance for the requisite period;
- 27 (2) Submit to the Board ~~an electronic attendance roster, including names and credit hours received; and~~  
28 documentation of attendance in a format provided by the Board for compatibility to its data  
29 management system to include:
- 30 (A) Course title and classification verification;
- 31 (B) Vendor or sponsor identification;
- 32 (C) Name of and license number of North Carolina licensee;
- 33 (D) Sponsor's attestation or verification of attendance.
- 34 ~~(3) — Certify attendance documentation by the provider agency.~~
- 35 (o) Any licensee may submit completed online hours directly to the Board, provided that the attendance is documented  
36 by the vendor or sponsor of the education, on a form given the licensee attending the course(s) attesting to their  
37 attendance, and the original form, not a photocopy or facsimile, is submitted to the Board.

1 (p) Course sponsors shall maintain for three years records of the names of those attendants who complete continuing  
2 education hours.

3 ~~(q)~~ Opticians and course attendees shall:

- 4 (1) Retain documentation for a minimum 2-year period beginning with the next renewal year  
5 immediately following the date the courses were taken; and  
6 (2) Present the documentation to Board as required during the license renewal ~~process.~~ process, or at  
7 any time if in the Board's opinion such documentation is necessary.

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9 *History Note: Authority G.S. 90-235; 90-236; 90-249; 90-249.1;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. September 6, 1977;*

12 *Readopted Eff. September 29, 1977;*

13 *Amended Eff. January 1, 2013; July 1, 1991; February 1, 1989; February 1, 1988; January 1, 1986;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
15 *22, ~~2018.~~ 2018.*

16 *Amendment Eff. November 1, 2020.*