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Proposed Regulation Agency Background Document

Agency name	Board for Hearing Aid Specialists and Opticians
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 80-30
VAC Chapter title(s)	Opticians Regulations
Action title	General Review of Opticians Regulations
Date this document prepared	January 16, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Hearing Aid Specialists and Opticians (“the Board”) is undertaking a general regulatory review of the Optician Regulations. The regulation provides for the licensure of opticians.

The Board proposes to amend the regulations to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

This action proposes significant changes to (i) the definitions sections; (ii) entry requirements; (iii) renewal and reinstatement provisions; (iv) standards of practice and conduct; and (v) provisions related to Board-approved reinstatement courses and apprenticeships.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“APA” means Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia.)

“ABO-NCLE” means American Board of Opticianry & National Contact Lens Examiners.

“DOLI” means Department of Labor and Industry.

“DPOR” means Department of Professional and Occupational Regulation.

“DWDA” means Department of Workforce Development and Advancement.

“Keratometer” is an instrument for measuring the curvature of the cornea.

“Keratometry” means measurement of the form and curvature of the cornea.

“NOCE” means National Opticianry Competency Examination.

“Ophthalmic” means relating to the eye and its diseases.

“SCHEV” means State Council of Higher Education for Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The impetus for this regulatory action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

This action is not the result of a mandate.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The promulgating agency is Board for Hearing Aid Specialists and Opticians.

Section 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2- 4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1- 300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating those who practice or offer to practice as an optician.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

The Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program. To the extent any current requirement was not necessary to protect the public health, safety, and welfare, or not necessary to effectively administer the licensure program, the Board is proposing eliminating or reducing the burden of the requirement.

The Board proposes to amend its current regulations to ensure they are as least intrusive and burdensome as possible, in order to assist in providing an environment with unnecessary regulatory obstacles while still protecting the health, safety, and welfare of the public. Additionally, to ensure regulations are clearly written and easily understandable, and are representative of the current advancements and standards of the industries.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Part I – General Definitions (18VAC80-30-10):

Definitions (18VAC80-30-10): Removing definitions for terms that are currently defined in the Code of Virginia and incorporating these definitions by reference. Adding a definition for “active practice.”

Part II – Entry Requirements (18VAC80-30-20 et seq.):

Qualifications of Applicant (18VAC80-30-20): Removing an unnecessary provision related to emancipated minors. Adding provisions requiring disclosure of prior regulatory discipline. Revising provisions relating to the disclosure of prior criminal history to reduce the stringency of the current criminal history disclosure requirement. Allowing for the use of a post office box as a secondary address.

Opticians Licensed in Another State (18VAC80-30-30): Updating the section heading to reflect licensure by endorsement. Revising the provisions related to individuals licensed as an optician in another jurisdiction to provide that such individuals be in good standing and provide information that the requirements and standards under which the license was issued are substantially equivalent to those in the Board's regulation.

Registration for Voluntary Practice by Out-of-State Licensees (18VAC80-30-40): Repealing a section that requires out-of-state licensees covered by the licensure exemption in § 54.1-1506(5) of the Code of Virginia to register with the Board.

Fees (18VAC80-30-50): Revising provisions related to examination fees to reflect current agency practice regarding the charging and payment of examination fees.

Examinations (18VAC80-30-60): Revising provisions related to examination administration to remove an unnecessary requirement.

Content of Optician Examination and Reexamination (18VAC80-30-70): Revising the section to consolidate provisions regarding the timeframe for an applicant to pass the written and practical examinations, and requirements for reexamination.

Endorsement to Fit Contact Lenses (18VAC80-30-80): Removing unnecessary language defining "contact lens endorsed optician."

Content of Contact Lens Endorsement Examination and Reexamination (18VAC80-30-90): Revising provisions related to the examination to (i) remove unnecessary provisions related to reexamination; and (ii) clarify provisions related to the timeframe to pass the examination.

Part III – Renewal (18VAC80-30-100):

Renewal (18VAC80-30-100): Revising provisions related to the sending of renewal notices for licenses. Removing a provision that requires a licensee to return the existing license with the required renewal fee if the licensee does not receive a renewal notice from the Board.

Part IV – Reinstatement (18VAC80-30-110 et seq.):

Reinstatement Required (18VAC80-30-110): Revising reinstatement provisions to provide that individuals must continue to meet entry requirements for good standing/disclosure of prior discipline and disclosure of prior criminal history; instead of requiring individuals to meet all initial entry requirements. Clarifying provisions related to reinstatement of licenses.

Lenses and Frames Standards (18VAC80-30-120): Revising provisions related to standards for lenses and frames to align with current business practices.

Contact Lens Standards (18VAC80-30-130): Revising the standards for contact lens fitting to require that a topographer must be used to fit contact lenses.

Display of License (18VAC80-30-140): Replacing a requirement that a notarized duplicate of a license be posted in branch offices with a less restrictive requirement that a clear and legible copy of the license be posted.

Notification of Change of Address or Name (18VAC80-30-150): Revising provisions related to reporting changes of name or address by (i) extending the timeframe for reporting from 30 days to 60 days; and (ii) allowing for changes to be submitted to the Board via other methods than only mail.

Grounds for Disciplinary Action (18VAC80-30-160): Revising prohibited acts to (i) remove a prohibited act regarding the use of nonprescribed controlled substances; and (ii) significantly revising the prohibited act regarding criminal convictions to make the prohibited act less stringent.

Approval of Review Courses (18VAC80-30-180): Revising the section to more accurately reflect that courses are intended to be used for individuals to meet requirements for reinstatement of a license. Removing provisions requiring courses adhere to standards established by the International Association of Continuing Education and Training. Revising requirements for information a provider must provide to the Board to receive approval.

Criteria for Related Technical Instruction (18VAC80-30-190): Adding a new section to provide for optician apprenticeships and criteria for Board approval of such apprenticeships.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage of these changes for the regulated community, including license applicants, is a reduction in the stringency of criminal conviction disclosure and reinstatement requirements. Applicants are able to obtain licensure quickly by not having to report all felony convictions. Additionally, seeking reinstatement can reinstate the license without meeting all the original licensing standards. These modifications result in less stringent reporting requirements for individuals to obtain and maintain their licenses.

Other advantage of the revised regulations for the public is the updated standards for lenses, frames, and contact lenses. These standards have been modernized to reflect current industry practices, ensuring the health, safety, and welfare of the public. Opticians who continue to follow outdated regulations for lenses, frames, and contact lenses are not meeting current industry standards.

Adding criteria for institutions to provide related technical instruction will benefit optician apprentices. The amendment to the regulations ensures a standardized approach to curriculum development, maintaining consistent quality and content in optician apprentice training. Prior to the implementation of specific standards, the Board's review process for related technical instruction programs was ambiguous and onerous, leading to repeated submissions and significant delays for institutions. An increase in board-approved institutions is necessary to fulfill the annual 144-hour instruction requirement for Optician apprentices.

There are no identifiable disadvantages to the public.

There are no identifiable advantages or disadvantages to the agency or Commonwealth.

There are no other matters of interest to the regulated community, government officials, and the public that have been identified.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no other state agencies particularly affected by this regulatory change.

Localities Particularly Affected

There are no localities particularly affected by this regulatory change.

Other Entities Particularly Affected

There are no other entities particularly affected by this regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Summary:

The Board for Hearing Aid Specialists and Opticians is updating the Opticians Regulations which proposes substantial amendments to the optician's regulation (18VAC80-30), particularly Parts I (Definitions), Parts II (Entry), III (Renewal), IV (Reinstatement, Lens and frames standards, contact lens standards, display of license, notification of the change of address, grounds for disciplinary action and approval of review courses). There is no economic or fiscal impact to state agencies or businesses.

The proposed amendments include:

1. Addition of one definition;
2. Revision of the entry requirements for licensure, including removing an unnecessary provision related to emancipated minors, adding provisions requiring disclosure of prior regulatory discipline, revising provisions relating to the disclosure of prior criminal history, revising provisions related to individuals licensed as an optician in another jurisdiction to provide that such individuals be in good standing and provide information that the requirements and standards under which the license was issued are substantially equivalent to those in the Board's regulation, and repealing a section that requires out-of-state licensees covered by the licensure exemption in § 54.1-1506(5) of the Code of Virginia to register with the Board, and remove an unnecessary requirement from the examinations section;
3. Revision of renewal qualifications to remove language that a copy of the existing license shall be submitted if the licensee fails to receive the renewal notice. The licensee can pay on-line;
4. Revision to lenses and frames standards to reflect the current standards, made technical corrections to the standards for the fitting of contact lenses, removed a requirement for a notarized duplicate of a license to be displayed in branch offices, as this requirement was never scrutinized by board staff, revised provisions related to reporting changes of name or address by (i) requiring such changes be submitted, rather than mailed, to the Board and (ii) extending the time-frame for reporting changes from 30 days to 60 days, remove a prohibited act regarding the use of nonprescribed controlled substances and reduced reporting requirements for criminal convictions to 3 years, removed provisions requiring courses adhere to standards established by the International Association of Continuing Education and Training as this requirement was never followed by the board, and created criteria for reviewing related technical instructor for optician apprenticeships.

Impact on State Agencies

<p><i>For DPOR:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources 	<p>There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>Reductions of regulations that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program.</p>

Impact on Localities

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs to localities because of the regulatory changes. There are no additional requirements. Language was just updated or removed if already in statute.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>None</p>

Impact on Other Entities

<p>Description of the individuals, businesses, or other entities likely to be affected by the</p>	<p>None</p>
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regulatory change. If no other entities will be affected, include a specific statement to that effect.	
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	As of January 1, 2025, there are 1,748 opticians. These licenses are only issued to individuals not businesses.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no anticipated costs to affected individuals, businesses, or other entities because of the regulatory changes. There are no additional requirements. The language was just updated or removed if already in statute.
Benefits the regulatory change is designed to produce.	Reduction of regulations that are not necessary to protect the public, health, safety, and welfare, or are not necessary to effectively administer the licensure program.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Licenses issued under this regulation are issued to individuals, and not to business entities. However, many licensees and certificate holders are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.

In reviewing the regulations, the Board considered whether there were less burdensome alternatives. The Board weighed those alternatives against the burden to its own regulant population, especially small businesses. Alternatives that failed to meet this consideration were rejected.

The Board will consider all comments received during the public comment period as to proposed alternatives.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will

accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

1) The Board must promulgate regulations that provide an adequate level of protection to the public while, simultaneously ensuring that individuals and businesses are not unnecessarily burdened. The amendments are intended to further strengthen that protection, and specifically address changing technology in the industry and add clarity to the regulations. Although the majority of the proposed amendments decrease compliance requirements and clarify existing regulations, in some instances, compliance requirements have been increased. These amendments should not raise concerns within the regulated community, as they simply make explicit what was already implicit, and thus will not likely be looked at as being overly burdensome to most of the regulant population or the industry. The Board believes these amendments are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board.

2) The deadlines and reporting requirements that were changed to be less restrictive took into consideration requirements found in the Code of Virginia.

3) The proposed amendments systematically simplify and clarify existing requirements. The Board believes any new requirements are the least stringent that can be promulgated that will still deliver protection to the public.

4) Performance standards are utilized in all cases where the Board believes it can provide an adequate level of protection to the health, safety, and welfare of the public.

5) Licenses and certifications issued under this regulation are issued to individuals, and not to business entities. However, many licensees and certificate holders are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. The costs and benefits of this regulatory change are identified in Table 1(a) of the ORM Economic Impact Form. To the extent that any additional costs are assumed by a small business entities owned by licensees or that employ licensees, this regulatory change would impact small businesses.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Committer	Comment	Agency response
<p>Joseph B. Neville, Executive Director of the National Association of Retail Optical Companies (Email)</p>	<p>The proposal for standards for an out-of-state licensee requires that the requirements and standards under which the license was issued are substantially equivalent to and not conflicting with the provisions of this chapter. Seeking equivalency to what existed for the applicant at the time of their licensure to what Virginia requires at the time of application ensures few out of state licenses will be granted. An existing license in good standing should be accepted without the necessity of proving equivalency.</p> <p>Suggests the Board add a section to provide an avenue for those who come from unlicensed states, but have at least the amount of experience as required for in-state apprentices and have passed the necessary examinations. The Board should add a provision that anyone with two years of documented continuous experience and passage of the ABO and/or NCLE exams be granted a license in Virginia.</p>	<p>Thank you for your comment. The current methods of qualification for an out of state applicant in 18 VAC 80-30-30 require an individual to successfully complete a board-approved two-year course in a school of opticianry or a two-year registered apprenticeship program in accordance with the standards established by the state Department of Labor and Industry. These current standards are difficult for applicants to meet, as the Board has interpreted what may constitute a “board approved two-year course in a school of opticianry” to mean a school of opticianry accredited by the Commission on Opticianry Accreditation. Additionally, there are very few registered apprenticeship programs in the United States. The Board proposed to loosen the requirements and allow for applicants licensed as an optician in good standing in another jurisdiction to establish that their education is substantially equivalent to Virginia’s requirements found in 18 VAC 80-30-20(5).</p> <p>Additionally, licensure by endorsement is only one method by which an optician licensed in another state may apply for licensure in Virginia.</p> <p>Out-of-state licensees may also apply for licensure in Virginia by Universal License Recognition found in the Code of Virginia at § 54.1-205. This allows for licensure in Virginia if the applicant: holds a current and valid professional license in another state in a profession with a similar scope of practice; has held the professional license in the other state for at least three years; the board in the other state required the individual to pass an examination and meet certain standards related to education, training or experience; there are no pending investigations or</p>

		<p>unresolved complaints against the applicant and the applicant is in good standing; the applicant does not have a disqualifying criminal records; there is no discipline in another state; and the individual pays all fees.</p> <p>Universal License Recognition also allows a pathway for unlicensed applicants if: the applicant worked in another state that does not use a professional license to regulate a profession with a similar scope of practice; the applicant has worked in the profession for at least three years; the applicant passes any examination required by the Board; the applicant does not have a disqualifying criminal history; the applicant does not have discipline imposed in another state; and the applicant pays all applicable fees.</p>
<p>Joseph B. Neville, Executive Director of the National Association of Retail Optical Companies (Email)</p>	<p>The Board should identify the accepted examinations in the regulations.</p>	<p>Thank you for your comment. The Board does not include the specific examinations that are accepted for licensure to maintain flexibility in choosing vendors and examinations that ensure minimum competency of licensees.</p>

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board for Hearing Aid Specialists and Opticians is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Kelley Smith, Executive Director
Board for Barbers and Cosmetology
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233.

Fax: (866) 245-9693
Email: HASOPT@dpor.virginia.gov

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
30-10	N/A	Created to define words and terms used in the chapter, including definitions found in Section 54.1-1500 of the Code of Virginia.	<p>The section is reorganized into subsections.</p> <p>Subsection A incorporates the following statutory definitions from § 54.1-1500 of the Code of Virginia:</p> <ul style="list-style-type: none"> • “Board;” • “Licensed optician;” • “Licensed optometrist;” • “Licensed physician;” and • “Optician.” <p>Subsection B provides for the meaning of other defined terms and includes existing definitions currently in section -10.</p> <p>Subsection B has been revised to include the term "active practice," which refers to engaging in the practice of opticianry. This addition clarifies the reinstatement requirement in 18VAC80-30-110.B, which stipulates that an optician must demonstrate continuous, active, ethical, and legal practice outside of Virginia for twenty-four months following license expiration.</p>

			<p>Subsection B is revised to remove the following terms:</p> <ul style="list-style-type: none"> • “Board;” • “Licensed optician;” and • “Optician.” <p>These terms are removed because they are incorporated by reference from statute.</p> <p>These changes should have no impact on regulants.</p>
30-20	N/A	<p>This section establishes the basic qualifications for licensure as an optician.</p> <p>An applicant must submit an application provided by the Board.</p> <p>An applicant must meet the following requirements:</p> <ul style="list-style-type: none"> • Be at least 18 years of age, unless emancipated under applicable provisions of the Code of Virginia; • Graduated from an accredited high school, has completed the equivalent of grammar school and a four-year high school course, or is the holder of a certificate of general educational development; • Have successfully completed either: <ul style="list-style-type: none"> ○ A Board-approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or 	<p>Subdivision #1 is revised to remove language addressing emancipated minors. This provision is unnecessary to protect the public health, safety, and welfare, and is contrary to current agency practice. Individuals cannot sit for the licensing exam unless they are at least 18 years of age.</p> <p>The “good standing” requirement in subdivision #3 is amended to add the requirement of disclosing disciplinary action in connection with the applicant’s practice as an optician. The disclosure requirement includes monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action; or voluntary termination of a license.</p> <p>The revised subdivision also provides that upon review of an applicant’s prior disciplinary action, the Board, in its discretion, may deny licensure to any applicant the Board deems unfit or unsuited to engage in opticianry. The Board will decide each case by taking into account the totality of the circumstances. Any plea of <i>nolo contendere</i> is considered a disciplinary action. The applicant must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency or board with the lawful authority to issue the same. Such copy is admissible as prima facie evidence of such disciplinary action.</p> <p>These provisions are added to protect the health, safety and welfare of the public. Disclosure of prior disciplinary history is required in other DPOR regulations.</p> <p>Subdivision #4 pertaining to an applicant’s prior criminal history is significantly revised. The revisions will:</p>

		<ul style="list-style-type: none"> ○ A two-year apprenticeship, including all required related technical instruction. The apprenticeship must be registered with DOLI and approved by the Board. <p>An applicant must disclose a current mailing address.</p> <p>An applicant must be in good standing as a licensed optician in every jurisdiction where licensed.</p> <p>An applicant must not have been convicted of (i) a misdemeanor or felony involving sexual offense or physical injury; (ii) any felony involving drug distribution; or (iii) any felony conviction that directly relates to the profession of opticianry.</p> <p>Any plea of <i>nolo contendere</i> is considered a conviction. An applicant must provide a certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue the same. Such copy is admissible as prima facie evidence of a conviction.</p> <p>The Board has the authority, based upon all information available, including the applicant's record of convictions, to determine whether the applicant is unfit or unsuited to engage in the profession of opticianry.</p>	<ul style="list-style-type: none"> ● Require that an applicant disclose the following criminal convictions: <ul style="list-style-type: none"> ○ Misdemeanor convictions involving sexual offense or physical injury that occurred within three (3) years of the date of application; ○ Felony convictions involving sexual offense, physical injury, or drug distribution; or felony convictions involving the profession of opticianry. ● Provide that a record of conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted will be admissible as prima facie evidence of conviction or guilt. ● The Board has the authority to determine, based upon all available information, including an applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of opticianry. <p>The changes to subdivision #4 reduce the stringency of the current criminal history disclosure requirement. This would allow more applicants with a prior criminal history to potentially qualify for licensure.</p> <p>Subdivision #5 is revised to reflect DWDA as the state agency that administers the registered apprenticeship program.</p> <p>Subdivision #6 is amended to allow the use of a post office box for a secondary address. This change is necessary to allow for additional methods to receive correspondence from the Board.</p> <p>Minor stylistic changes are made.</p>
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		<p>A non-resident applicant must file and maintain with DPOR an irrevocable consent for DPOR Director to serve as service agent for all actions filed in any court in Virginia.</p> <p>As part of the application, an applicant must certify that the applicant has read and understands Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia and the Board's regulation.</p>	
30-30	N/A	<p>This section establishes the qualifications for licensure for opticians licensed in another state.</p> <p>The section provides that an optician licensed in another state seeking licensure in Virginia must submit an application on a Board-provided form along with the required fee.</p> <p>The Board will issue a license to any person licensed in another state who:</p> <ul style="list-style-type: none"> • Has met requirements equivalent to those for initial licensure established in section -20; and • Has passed a substantially equivalent examination. <p>The section further provides that application fees are nonrefundable and will not be prorated.</p>	<p>The section heading is updated to "Licensure by Endorsement" to accurately reflect the content of the section. This section establishes the process by which professionals who are already licensed in one state or jurisdiction can obtain a license in Virginia without needing to take the licensing exam.</p> <p>Subsection A is significantly revised to provide that an applicant for licensure through endorsement who is currently licensed as an optician in good standing in another jurisdiction provide information upon application establishing that the requirements and standards under which the license was issued are substantially equivalent to, and not conflicting with, the provisions of the regulation. The subsection also requires filing an application for endorsement and payment of a fee to the Board.</p> <p>Subdivision B 1 is revised to provide that an applicant meet the following requirements from section -20:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Have graduated from an accredited high school, completed the equivalent of grammar school and a four-year high school course, or hold a certificate of general educational development; • Be in good standing as a licensed optician in every jurisdiction where licensed, and disclose any prior disciplinary action; and

			<ul style="list-style-type: none"> • Disclose prior criminal history. <p>This section is amended to align with other DPOR regulations.</p> <p>Minor stylistic changes are made.</p>
30-40	N/A	<p>This section establishes a registration requirement for voluntary practice by out-of-state licensees.</p> <p>The section provides that any optician who does not hold a license to practice in Virginia and seeks registration in accordance with § 54.1-1506(5) of the Code of Virginia must comply with certain requirements.</p> <p>The applicable provisions of statute provide for a licensure exemption for opticians licensed in another jurisdiction who provide free health care to underserved areas of Virginia and that meet specified criteria. These criteria include (i) not regularly practicing in Virginia; and (ii) holding a current valid license or certificate to practice as an optician in another state, territory, district, or possession of the United States. To qualify for the exemption, such opticians must file certain documentation with the Board.</p> <p>The section requires the filing of a complete application for registration on a Board-provided form within 15 days prior to engaging in practice. An incomplete application will not be considered.</p> <p>An applicant for registration must provide</p>	<p>This section will be repealed.</p> <p>The statute provides for notification and filing requirements to the Board for individuals seeking to benefit from the licensure exemption to provide free healthcare services in Virginia. The requirements specified in this section largely repeat the requirements of the statute.</p> <p>Individuals do not make use of the registration provisions of the regulation.</p> <p>The requirement for registration established by this section of the regulation is not necessary to protect the health, safety, and welfare of the public.</p>

		<p>a complete list of professional licensure in each state where the applicant has held a license and a copy of any current license.</p> <p>An applicant must provide a name of the nonprofit organization, the dates and location of the voluntary provision of services.</p> <p>An application must also provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with the provisions of the applicable statute.</p>	
30-50	N/A	<p>This section establishes the fees for examinations and licensure.</p> <p>The section provides that the fee for examination consists of a \$25 administrative charge and appropriate contract charges. It also provides the total fee cannot exceed \$1,000 to the applicant.</p> <p>Examination service contracts are established in compliance with the Virginia Public Procurement Act.</p> <p>The section provides that all application fees for licenses are nonrefundable, and that the date of receipt by the Board or its agent determines whether the fee is on time.</p> <p>The section establishes the schedule of fees for (i) application for licensure; (ii) application for contact</p>	<p>Subsection A is revised to provide that the fee for examination will be the appropriate contract charges to the Board by an outside vendor. This change removes provisions that establish the administrative charge for examination. Under current agency practice, all fees for examination are established by contract with the Board's examination vendor.</p> <p>Subsection C is revised to remove the provision that examination fees must be submitted with the application for licensure. This change is made to reflect current agency practice, as examination fees are submitted to the Board's examination vendor.</p> <p>Minor stylistic changes are made.</p> <p>These changes should have no impact on applicants or regulants.</p>

		<p>lens certification; (iii) license renewal; (iv) late renewal of licenses; and (v) reinstatement of licenses.</p> <p>The section further provides that application and examination fees must be submitted with an application for licensure.</p>	
30-60	N/A	<p>This section establishes the requirements for optician examinations.</p> <p>The section provides that all examinations required for licensure must be approved by the Board and administered by the Board, or agents or employees acting on behalf of the Board.</p> <p>The section provides that the Board will schedule an examination to be held at least twice each calendar year at a time and place to be designated by the Board.</p> <p>An applicant must follow all rules established by the Board with regard to conduct at an examination. Such rules include any written instructions communicated prior to the examination date and any instructions communicated at the examination site, whether written or oral, on the date of the examination.</p> <p>Failure to comply with rules established by the Board with regard to conduct at an examination are grounds for denial of application.</p>	<p>Subsection B is revised to remove the provision that the examination be held at a time and place designated by the Board. This provision is not necessary to effectively administer the licensure program.</p> <p>Minor stylistic changes are made.</p>

<p>30-70</p>	<p>N/A</p>	<p>This section establishes the requirements for optician examination content.</p> <p>The section provides that applicants for licensure must pass a written examination and a practical examination approved by the Board.</p> <p>The optician examination may include, but is not limited to, the following topics:</p> <ul style="list-style-type: none"> • Ophthalmic materials; • Ophthalmic optics and equipment; • Ophthalmic spectacle lens grinding; • Prescription interpretation; • Theory of light; • Finishing, fitting, and adjusting of eyeglasses and frames; • Ethics of relationship in respect to patient and physician or optometrist; • Anatomy and physiology; and • Applicable laws and regulations. <p>The section provides that any application who fails the either or both of the written or practical examination is required to be reexamined on the failed examination and pay the reexamination fee.</p> <p>An applicant is required to pass the written and practical examination within two (2) years of the initial test date. After two</p>	<p>The provisions in subsection C, pertaining to retaking a failed examination, and subsection D, pertaining to the time period for examination, are merged into subsection A. Subsections C and D are removed.</p> <p>This change should have no impact on regulants as this procedure is currently in use.</p> <p>Subsection B was revised to specify that the topics listed in the subsection will be on the optician examination.</p> <p>Minor stylistic changes are made.</p>
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		years, the applicant must file a new application and pay the required fee.	
30-80	N/A	<p>This section establishes the requirement for an endorsement to fit contact lenses.</p> <p>The section provides that a “contact lens” endorsement is mandatory for licensed opticians to fit contact lenses as established in applicable sections of the Code of Virginia.</p> <p>The Board will administer a contact lens examination to fit contact lenses.</p> <p>A contact lens endorsement will not be issued unless the individual’s license is in good standing.</p> <p>The section also provides a definition for “contact lens endorsed optician.”</p>	<p>This section was amended to remove the definition of “contact lens endorsed optician”. The term “contact lens endorsed optician” is a currently a defined term in section -10.</p> <p>This change should have no impact on regulants.</p> <p>Minor stylistic changes are made.</p>
30-90	N/A	<p>This section establishes the requirements and content for a contact lens endorsement examination.</p> <p>The section provides that the contact lens endorsement examination administered by the Board may include, but is not limited to, the following topics:</p> <ul style="list-style-type: none"> • Rigid lens verification; • Lens identification; • Keratometry; • Slit lamp; • Slides; and • Insertion/removal. 	<p>Subsection A was revised to specify that the topics listed in the subsection will be on the contact lens examination. A technical correction to the spelling of “keratometry” is made.</p> <p>The provisions in subsection B, pertaining to retaking a failed examination, are removed. These provisions are unnecessary.</p> <p>Subsection C is reworded to provide that an applicant must pass the written and practical examination approved by the Board; and that the applicant must pass the written and practical examination within two (2) years of the initial test date. This change is intended to clarify current requirements.</p> <p>Minor stylistic changes are made.</p>

		<p>The section provides that any applicant who fails the either or both of the written or practical contact lens examination is required to be reexamined on the failed examination and pay the reexamination fee.</p> <p>An applicant is required to pass the written and practical examination within two (2) years of the initial test date. After two years, the applicant must file a new application and pay the required fee.</p>	
30-100	N/A	<p>This section establishes the requirements for license renewal.</p> <p>The section provides that licenses expire 24 months from the last day of the month in which the license was issued.</p> <p>The section provides that the Board will mail a renewal application form to the licensee at the licensee's last known mailing address.</p> <p>A licensee's failure to receive the renewal notice does not relieve the licensee of the obligation to renew.</p> <p>A licensee desiring to renew a license must return all required forms and the appropriate fee to the Board prior to the expiration date shown on the license.</p> <p>If a licensee fails to receive the renewal notice, the licensee must submit a copy of the existing license to the</p>	<p>The requirement in subsection B that renewal applications must be mailed to the last know mailing address is removed.</p> <p>This subsection is also revised to remove the requirement that if the renewal notice is not received by the licensee, that the licensee must return the existing license with the required fee. The change removes a requirement that is unnecessary. Current agency practice permits a licensee to renew a license without providing a copy of the license when a licensee does not receive a renewal notice.</p> <p>Subsection D is revised to clarify that prior to denial of a license, an applicant for renewal may request a proceeding in accordance with the APA. This change reflects current agency practice, as a proceeding is held prior to a regulatory board decision to deny renewal of a license.</p> <p>Minor stylistic changes are made.</p>

		<p>Board with the required fee.</p> <p>A licensee must submit the appropriate renewal fee made payable to the Treasurer of Virginia.</p> <p>A licensee that fails to renew within 30 days after the license expires must pay a late renewal fee in addition to the renewal fee.</p> <p>The Board may in its discretion and for just cause deny renewal of a license. An applicant for renewal may request that a proceeding be held in accordance with the APA upon such denial.</p>	
30-110	N/A	<p>This section establishes the requirements for license reinstatement.</p> <p>A licensee that fails to renew a license within 60 days after the expiration date of the license must apply for reinstatement of the license on a form provided by the Board.</p> <p>Individuals reinstating a license must:</p> <ul style="list-style-type: none"> • Continue to meet the standards of entry as established in section -20; and • Submit a reinstatement fee. <p>An individual may be reinstated 24 months after expiration of the license if the individual can show proof of continuous, active, ethical, and legal practice outside of Virginia. Otherwise, the individual must show proof of completion of a</p>	<p>Subsection A is revised to provide that an applicant for reinstatement of a license continue to meet the requirements of subdivisions 3 (requirement for good standing/disclosure of prior discipline) and 4 (disclosure of prior criminal history) in section -20 in order to be eligible to reinstate a license.</p> <p>This change removes a burden on reinstatement applicants to provide documentation that they may not have retained.</p> <p>Subsection B is revised to rename the required course from a review course to reinstatement course. This language will not have any impact on regulants.</p> <p>Subsection D is revised to clarify that prior to denial of a license, an applicant for renewal may request a proceeding in accordance with the APA. This change reflects current agency practice, as a proceeding is held prior to a regulatory board decision to deny renewal of a license.</p> <p>The change does not have any impact on regulants as this procedure is currently followed.</p> <p>Minor stylistic changes are made.</p>

		<p>Board-approved review course that measures current competence. Credit will not be allowed for any review course which has not been approved by the Board prior to administration of the course.</p> <p>After 60 months following license expiration, an individual who cannot show proof of continuous, active, ethical, and legal practice outside of Virginia will be required to apply as a new applicant for licensure. The individual must meet all current education requirements and retake the Board's written and practical examinations.</p> <p>The Board may in its discretion and for just cause deny reinstatement of a license. An applicant for reinstatement may request that a proceeding be held in accordance with the APA upon such denial.</p> <p>A licensee who reinstates a license will be regarded as having been continually licensed without interruption. The licensee will remain under the disciplinary authority of the Board during the entire period and may be held accountable for activities during this period. The Board is not divested of its authority to discipline a licensee for a violation of the law or regulations during the period of licensure.</p>	
30-120	N/A	This section establishes the standards for lenses and frames.	The section is revised to align the standards in the regulation to current business practices.

			These changes will have no impact on regulants because the revised standards are already the standard of practice in the industry.
30-130	N/A	<p>This section establishes the standards for contact lenses.</p> <p>The section requires that to fit contact lenses, the prescription must show evidence that contact lenses by be worn by the patient before the prescription can be filled by the licensed optician. Verbal approval from the optometrist or ophthalmologist or its agents or employees is acceptable.</p> <p>The licensed optician must make a notation in the patient’s record of (i) the name of the authorizing optometrist or ophthalmologist; and (ii) the date of the authorization.</p> <p>The optician must use all of the following to fit contact lenses:</p> <ul style="list-style-type: none"> • Slit lamp; • Keratometer; and • Standardized Snellen type acuity chart. 	<p>Subdivision #1 is revised to clarify that in order to fill a prescription for contact lenses, the optician must have the contact lens endorsement.</p> <p>Subdivision #2 is revised to require that topographer must be used to fit contact lenses in addition to a keratometer. A topographer is a tool that scans the cornea. This change was added because it is a current standard of practice in the industry and will protect the health, safety and welfare of the public.</p>
30-140	N/A	<p>This section establishes requirements for the display of license.</p> <p>A licensee must visibly display the licensee’s unaltered license in a conspicuous place in plain view of the public in the principal office where the licensee works.</p>	<p>The requirement for a notarized duplicate license to be posted in branch offices is replaced with a less restrictive requirement that a clear and legible copy of the license be posted.</p> <p>This change will reduce the burden on licensees that work in multiple offices.</p> <p>Minor stylistic changes are made.</p>

		A duplicate license which has been notarized must be posted in any branch offices.	
30-150	N/A	<p>This section establishes requirements for notification of changes in address or name.</p> <p>The section provides that written notice be given the Board in the event of any change of name or address.</p> <p>The notice must be mailed to the Board within 30 days of the change.</p> <p>The Board is not responsible for the licensee's failure to receive notices, communications, or correspondence caused by a licensee's failure to notify the Board in writing of any change of name or address.</p>	<p>The section is revised to increase from 30 days to 60 days the timeframe for reporting a change of name or address, and to provide that notice be submitted rather than mailed.</p> <p>These changes reduce the burden on licensees by allowing for changes in name or address to be submitted via other methods than just mail and provide for a longer period of time to notify the Board of such changes.</p> <p>Minor stylistic changes are made.</p>
30-160	N/A	<p>This section establishes the grounds for disciplinary action and enumerates several prohibited acts.</p> <p>The section provides that the Board may (i) impose a monetary penalty; or (ii) suspend, revoke, or refuse to grant or renew any license.</p> <p>The section also enumerates several prohibited acts. These include:</p> <ul style="list-style-type: none"> • Presenting false or fraudulent information on an application; • Using nonprescribed controlled substances or 	<p>The prohibited act regarding use nonprescribed controlled substances or alcohol at the workplace is repealed as monitoring the use of controlled substances or alcohol is an employment issue.</p> <p>The prohibited act regarding criminal convictions is significantly revised. As revised, the Board will consider discipline for:</p> <ul style="list-style-type: none"> • Any misdemeanor conviction in the last three (3) years involving sexual offense or physical injury; or • A felony involving sexual offense, physical injury, drug distribution; or crimes involving the profession of opticianry. <p>This change to the criminal history prohibited act is intended to be consistent with changes to criminal history disclosure requirements in the qualifications for licensure in section -20.</p> <p>The criminal conviction prohibited act is further revised to remove provisions that (i)</p>

		<p>alcohol at the workplace during working hours;</p> <ul style="list-style-type: none"> • Displaying professional incompetence or negligence, including failure to comply with Part IV of the regulation; and • Publishing or causing to be published any advertisement related to opticianry that is false, deceptive, or misleading. <p>The section also includes a prohibited act for a licensee having been convicted of:</p> <ul style="list-style-type: none"> • A misdemeanor or felony involving sexual offense or physical injury; or • Any felony involving drug distribution or that directly relates to the profession of opticianry. <p>The Board has the authority to determine, based upon all the information available, including record of prior convictions, that the licensee is unfit or unsuited to engage in the profession of opticianry. Any plea of <i>nolo contendere</i> is considered a conviction.</p> <p>The licensee must provide a certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order, decree, or case decision. The copy is admissible as prima</p>	<p>provide that a plea of <i>nolo contendere</i> is considered a conviction; (ii) require a licensee to provide a certified copy of an order or decision; and (iii) provide that a certified record of conviction is prima facie evidence of guilt of a criminal conviction.</p> <p>These provisions appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. These changes also make the prohibited act less stringent.</p> <p>A technical change is made to the prohibited act for professional incompetence or negligence to provide that failure to comply with the regulation in the performance of opticianry may be a violation.</p> <p>Minor stylistic changes are made.</p>
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		<p>facie evidence of conviction. A licensee must forward this record to the Board within 10 days after all appeal rights have expired.</p> <p>The section also provides that a finding of improper or dishonest conduct in the practice of the profession by a court is cause for disciplinary action.</p>	
30-170	N/A	<p>This section provides that a licensee is responsible for both the licensee's acts and omissions and those of the licensee's agents, employees, or staff in the performance of opticianry services.</p>	<p>Minor stylistic change are made to make the provisions in the section gender neutral.</p>
30-180	N/A	<p>This section establishes the requirements for Board-approved review courses.</p> <p>Courses approved by the Board pursuant to this section may be used by individuals seeking to qualify for reinstatement as provided for in section -110.</p> <p>Review courses must be approved by the Board except for those that are provided by SCHEV-approved institutions, schools, and universities for which continuing education units are awarded.</p> <p>Training courses requiring Board approval must be approved by the Board prior to commencing.</p> <p>The section provides that training activities for which experience credit may be granted must be</p>	<p>This section is significantly revised.</p> <p>The section catchline is changed to reflect "Board-approved reinstatement courses." The term "review course" is replaced with the term "reinstatement course." The change more accurately reflects that these courses are intended to be used for individuals to meet requirements for reinstatement of a license.</p> <p>The requirement that training activities be conducted according to International Association for Continuing Education and Training is removed.</p> <p>The provisions regarding computation of credit will be removed.</p> <p>The standards for training providers to receive Board approval are removed.</p> <p>The course information requirements are revised to clarify that the sponsor provide information on the relevancy of the course to the opticianry licensing topics listed in section -70 (content of optician examination.)</p> <p>For recurring training programs, the provisions regarding the length of time for approval are revised to remove the provision that approval may be for an indefinite period.</p>

		<p>conducted according to guidelines established by the International Association for Continuing Education and Training. The Board has the right to waive any of the requirements of the association's guidelines on a case-by-case basis.</p> <p>The section provides that only classroom, laboratory, and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.</p> <p>The section provides the standards for training providers to receive Board approval.</p> <ul style="list-style-type: none"> • The training must be offered by a sponsor that is an identifiable organization with a mission statement outlining the organization's functions, structure, process, and philosophy; and that has a staff of one or more persons with the authority to administer training. • The sponsor must maintain training records for all participants for a minimum of five years and must have a written policy on the retention and release of records. • Training must be conducted by personnel who have demonstrated competence in the subject being taught, an understanding of the learning objective, a 	<p>Minor stylistic changes are made.</p>
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	<p>knowledge of the learning process to be used, and a proven ability to communicate.</p> <ul style="list-style-type: none"> • Courses must have a series of stated objectives that are consistent with the job requirements of an optician. Training content must be consistent with those objectives. • For successful completion, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, self-assessment, oral examination, or other assessment technique. <p>The instructor, institution, school, or university must provide the following information on Board-provided forms:</p> <ul style="list-style-type: none"> • Course information; <ul style="list-style-type: none"> ○ Course title; ○ Planned audience; ○ Sponsor name; ○ Name, address, and phone number of contact person; ○ Scheduled presentation dates; ○ Scheduled presentation locations; ○ Detailed hour-by-hour course schedule; ○ List of planned breaks; and 	
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		<ul style="list-style-type: none"> ○ Relevancy of course to opticianry licensing. ● Instructor qualifications; and <ul style="list-style-type: none"> ○ Instructor name; ○ Instructor title; and ○ Summary of instructor qualifications to teach course. ● Training materials. <ul style="list-style-type: none"> ○ A listing of course objectives stated in terms of skills, knowledge, or attitude the participant will be able to demonstrate as a result of the training; ○ A detailed course outline showing the planned activities that will occur during the training program, including major topics, planned presentation sequence, laboratory and field activities, audio-visual presentations; and other major activities; ○ A list of the name, publisher, and publication date for commercially available publications that will be course reference materials. For sponsor developed reference materials or materials which are exclusively available through 	
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	<p>the course, a copy of the materials;</p> <ul style="list-style-type: none"> ○ A listing of any commercially available audio-visual support material that will be used in the program. For any sponsor or instructor generated audio-visual materials, a brief description of the material; and ○ Identification of all commercially available handout material that will be used and copies of all other planned handouts. <p>The course application must be submitted at least 45 days prior to the scheduled training activity.</p> <p>If there are plans to present the same course instruction routinely at multiple locations with only minor changes, the Board may approve the overall program rather than individual presentations if requested by the sponsor.</p> <ul style="list-style-type: none"> ● The Board will consider all of the information required to be provided for course approval except those items related to specific offerings of the course. ● Approval may be granted for a specified period of time or for an indefinite period. ● Approval will apply only to those specific 	
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		<p>offerings certified by the sponsoring organization as having been conducted by instructors meeting the established criteria and in accordance with Board-approved courses, outlines, and objectives.</p> <ul style="list-style-type: none"> • Changes made to the program since initial approval must be submitted to the Board for review and approval. Changes must be approved by the Board prior to any training subsequent to the changes. 	
N/A	30-190	There are no current requirements.	<p>This new section provides for the criteria for technical instruction courses for optician apprenticeships.</p> <p>The section requires that technical instruction courses for optician apprenticeships must be approved by the Board. Training institutions must meet the Board's criteria for related technical instruction.</p> <p>The course curriculum must at a minimum teach to the ABO-NCLE NOCE content outline and test specifications.</p> <p>The course training material must include:</p> <ul style="list-style-type: none"> • A listing of the course objectives stated in terms of the skills, knowledge, or aptitude the participant will be able to demonstrate as a result of the instruction; • A detailed course description showing the major topics, planned presentation sequence, activities, audio-visual presentations, and other major activities; • A list of the name, publisher, and publication date for commercially available publications used as reference materials; or, a copy of the reference

			<p>material to be used by the participant if the reference material is developed by the program or available exclusively through the course; and</p> <ul style="list-style-type: none"> • Modality of instruction. <p>The course provider must also provide:</p> <ul style="list-style-type: none"> • Evidence satisfactory to the Board that the related technical instruction meets the minimum of 144 hours for each year of the two-year apprenticeship; • A list of references used in course content development; • A list of individuals, including qualifications, used in course content development; • A list of review criteria used to ensure course content is current with ABO-NCLE NOCE course outline and test specifications; and • A description of the means that will be used to determine the successful completion of the related technical instruction program by individuals. These include examinations, projects, personal evaluations, or other recognized evaluation techniques. <p>An approved program must submit its curriculum to the Board every five (5) years or 30 days prior to any substantive changes to the initial approve requirements in the section.</p> <p>One of the qualification methods for licensure for a two-year apprenticeship includes related technical instruction. The apprenticeship and related technical instruction must be established by the state Department of Workforce Development and Advancement, Division of Registered Apprenticeship, and approved by the Board. This is an entirely new section that is needed to address training during two-year apprenticeships.</p> <p>This new section references the following website to provide ABO-NCLE NOCE content outline and test specifications:</p> <p>https://www.abo-ncle.org/ABONCLE/ABONCLE/Exams/Basic-Exams.aspx</p>
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DIBR	N/A	<p>The following document is incorporated by reference:</p> <p>Criteria and Guidelines for Quality Continuing Education and Training Programs: the CEU and Other Measurement Units, International Association for Continuing Education and Training, 1998.</p>	<p>This document will be repealed as the result of the changes being made to section -180.</p>
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