

# **CHAPTER 96**

## **Department of Labor, Licensing and Regulation— South Carolina Board of Examiners in Opticianry**

(Statutory Authority: 1976 Code §§ 40–1–70 and 40–38–60)

### **ARTICLE 1 DEFINITIONS**

#### **96–101. Definitions.**

Definitions found in Section 40–38–20 apply to this chapter.

(A) “Continuing education” means an organized educational program designed to expand a licensee’s and an apprentice’s knowledge base beyond the basic level educational requirements.

(B) “One continuing education hour” shall mean fifty (50) minutes of interactive instruction or organized learning.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **ARTICLE 2 OFFICERS OF BOARD; MEETINGS**

#### **96–102. Officers of the Board.**

At the first meeting of each calendar year, the Board shall elect from among its members a chairman, vice-chairman and other officers as the Board determines necessary.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

#### **96–103. Meetings.**

(A) The Board shall meet at least two (2) times a year and at other times upon the call of the chairman or a majority of the Board members.

(B) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(C) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Board as provided in Section 1–3–240.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **ARTICLE 3 LICENSING PROVISIONS; EXAMINATIONS; APPRENTICESHIP REGISTRATION AND PROGRAM PROVISIONS; REINSTATEMENT**

#### **96–104. Repealed.**

**HISTORY:** Former Regulation, titled General Licensing Provisions, had the following history: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 49–5 Doc. No. 5272, eff May 23, 2025.

#### **96–105. Examinations.**

(A) All applicants for initial licensure must take and pass a Board-approved opticianry competency examination and a Board-approved examination in practical areas of opticianry. The opticianry

competency examination may be taken while the applicant is a registered apprentice or is attending a two-year opticianry school. The practical examination may be taken after submission of a completed application for licensure as an optician.

(1) The opticianry competency examination may be taken as many times and as often as necessary until the applicant passes it.

(2) If the practical examination is not passed after two attempts, an applicant must obtain Board approval to re-take the examination for the third and any subsequent attempts. The Board shall require additional training, work or study prior to approving the applicant to re-examine.

(B) All applicants for additional licensure as contact lens dispensing opticians must also take and pass a qualifying contact lens examination. The examination may be taken as many times and as often as necessary until the applicant passes it.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 41, Issue No. 5, Doc. No. 4723, eff May 26, 2017; SCSR 44-6 Doc. No. 4925, eff June 26, 2020.

## **96-106. Apprenticeship Registration and Program Provisions.**

(A) A South Carolina Registered Apprenticeship commences upon written Board approval, and includes supervised work experience and a formal education program. The Apprentice must:

(1) be registered and approved in writing before the apprenticeship commences; and

(2) complete two (2) continuous years of directly supervised work experience in full-time employment training, which is defined as a minimum of thirty-two (32) hours per week, or three (3) continuous years of directly supervised work experience in part-time employment training, which is defined as a minimum of twenty-one (21) hours per week but less than thirty-two (32) hours per week; and

(3) complete and submit proof of completion of a Board approved formal education program in opticianry; and

(4) serve the apprenticeship under the direct supervision of an approved South Carolina licensed optician, optometrist, or ophthalmologist who does not train more than two (2) registered apprentices at a time; and

(5) timely complete the apprenticeship requirements within two (2) years for a full-time apprentice or three (3) years for a part-time apprentice. The apprentice must submit a final evaluation signed by the primary sponsor within sixty (60) days of the completion of the apprenticeship. The Board may extend the apprenticeship for an additional year upon request of the apprentice for good cause shown, and payment of a fee as specified by the Board.

(B) Any applicant desiring to be registered in the apprenticeship program must:

(1) submit an application on a form approved by the Board, along with the required fee; and

(2) submit proof satisfactory to the Board that the applicant is a graduate of an accredited public or private high school or secondary school of an equal grade approved by the Board or completed an equivalent course of study approved by the Board; and

(3) submit an apprenticeship agreement on a form approved by the Board, signed by the apprentice and by the South Carolina licensed optician, optometrist or ophthalmologist to be approved as the sponsor(s), verifying the sponsor's ability to supervise the apprenticeship and to conduct training for the applicant in accordance with the requirements stipulated by the Board, and that the sponsor(s) have facilities and equipment determined by the Board to be adequate for training; and

(4) submit, upon the request of the Board, proof that the apprenticeship has not been altered or otherwise changed from the Board-approved apprenticeship program; and

(5) submit an evaluation, on a form approved by the Board, of the apprenticeship six (6) months after the date of the commencement of the apprenticeship signed by the apprentice and the approved primary sponsor. Subsequent evaluations must be submitted every six (6) months until completion of the apprenticeship, at which time the final evaluation must be submitted. Failure to timely submit signed evaluations may result in the Board rescinding the approval of the apprenticeship; and

(6) submit to the Board, within six (6) months after the date of the commencement of the apprenticeship, evidence of enrollment in a Board approved formal education program in opticianry. Failure to timely enroll and submit evidence to the Board as required may result in the Board rescinding approval of the apprenticeship. All formal education programs not approved by the Board must be submitted for the Board review and approval prior to the apprenticeship commencement.

(C) The Board shall consider the following criteria when approving an apprenticeship:

(1) documentation of the primary and, if applicable, secondary sponsor's agreement to supervise and to conduct training in accordance with program requirements as stipulated by the Board; and

(2) facilities and equipment of the apprenticeship location(s); and

(3) enrollment in a Board approved formal education program in opticianry.

(D) Any change in the information supplied in the apprenticeship application shall be immediately transmitted to the Board by the approved optician, optometrist or ophthalmologist responsible for the apprentice. If a change in sponsor occurs or the sponsor/apprentice agreement is terminated, the primary sponsor must submit notification to the Board of the change and documentation of apprenticeship time completed. Failure to submit notification may affect the Board's approval of the licensed optician, optometrist, or ophthalmologist's sponsorship of current or future apprentices.

(E) The Board may rescind its approval of any apprenticeship or apprenticeship program when the training requirements are not being met, when it determines that the facilities and equipment available to the apprentice are not adequate, when the apprentice is not being properly trained or supervised by an approved sponsor, or when the apprentice is engaged in conduct which would cause the Board to discipline a licensed optician.

(F) Apprentices who fail to submit a completed application for licensure in opticianry within three (3) years of the apprenticeship completion date may be required to recommence the apprenticeship program and meet all requirements as stated in 96-106(B).

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 41, Issue No. 5, Doc. No. 4723, eff May 26, 2017; SCSR 44-6 Doc. No. 4925, eff June 26, 2020.

## **96-107. Reinstatement of Lapsed License or Lapsed Apprenticeship.**

(A) If a license or an apprenticeship lapses, the optician or apprentice must:

(1) apply for reinstatement on a form approved by the Board; and

(2) pay all fees for each twelve (12) month period during which the license or the apprenticeship was lapsed; and

(3) submit proof satisfactory to the Board that the applicant for reinstatement has completed continuing education hours for each twelve (12) month period during which the license or the apprenticeship was lapsed; and

(4) pay a fifty (\$50.00) dollar reinstatement fee for reinstatement of the license or the apprenticeship.

(B) If a license or an apprenticeship has been lapsed more than two (2) years, the optician or apprentice must:

(1) appear before the Board to determine if the license or apprenticeship should be reinstated and the terms under which the reinstatement is to be made; and

(2) meet all the qualifications as set forth in Section (A) above.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4723, eff May 26, 2017.

## **ARTICLE 4 CONTINUING EDUCATION**

## **96-108. Continuing Education.**

(A) As a condition of renewal, every licensed optician and registered apprentice shall earn four (4) hours of Board-approved continuing education credits per year.

(B) As a condition of renewal, every optician licensed to dispense contact lenses shall earn one (1) hour of Board-approved continuing education credit per year devoted to contact lenses in addition to the requirements in Section (A) above.

(C) The Board accepts continuing education courses that meet the following criteria:

- (1) Courses and speakers must be ABO/NCLE approved.
- (2) Courses must be technical in content. Course content must be presented in a manner that does not promote the sales or marketing of a product, service, or business.
- (3) One (1) hour of the required four (4) hours may be in practice or retail management.
- (4) The Board will not accept law courses from other states.

(D) A temporary waiver for continuing education may be granted to those licensees living outside the United States. Upon return to the country, licensees must complete the required continuing education hours for each twelve (12) month period during which they were overseas.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by SCSR 49-5 Doc. No. 5272, eff May 23, 2025.

## **ARTICLE 5**

### **FEEs**

#### **96-109. Fees.**

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-27 and on the South Carolina Board of Examiners in Opticianry website.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 39, Issue No. 4, Doc. No. 4511, eff April 24, 2015; SCSR 49-5 Doc. No. 5272, eff May 23, 2025.

## **ARTICLE 6**

### **STANDARDS OF PRACTICE**

#### **96-110. Standards of Practice.**

(A) Patient Records. A licensee shall maintain patient records for at least three (3) years from the most recent date of service, including but not limited to, the patient's name and date of service; copy of prescription and service rendered; patient financial record and name of licensed optician providing service.

(B) Advertising. A licensee holding an official position in any optician's organization or otherwise shall not use the position for advertising purposes or for self-aggrandizement.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012.