

# CHAPTER 96

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

### 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. General Licensing Provisions.**

(A) An applicant for initial licensure as an optician 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 proof satisfactory to the Board that the applicant has either graduated from a two-year COA accredited program in ophthalmic dispensing or has a current valid optician’s license in another state or has been engaged in the practice of opticianry for no fewer than two (2) years in a state that does not license opticians or has completed a Board-approved two-year apprenticeship under a South Carolina licensed optician, optometrist or ophthalmologist; and

- (4) pass all initial licensure examinations conducted or recognized by the Board.
- (B) An applicant for licensure as a contact lens dispensing optician must:

- (1) meet all of the requirements of Section (A) above; and
- (2) pass a qualifying contact lens examination conducted or recognized by the Board.

**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.

## **96–105. Examinations.**

(A) All applicants for initial licensure must take and pass an opticianry competency examination and an examination in practical areas of opticianry. Any applicant who passes one (1) of these two (2) separate examinations but fails the other examination will only be required to apply for and be reexamined on the examination which was not passed, provided that, if the time of filing the application, a period not greater than five (5) years has elapsed since the applicant took the examination which was passed. If more than five (5) years have elapsed, the Board may inquire into the applicant's training, work and study during that period and may require the applicant to retake both examinations, if, in the Board's opinion, the applicant has not had sufficient training, work or study to keep his knowledge or proficiency in the practice of opticianry current.

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

(2) The practical examination may be taken twice before the following restrictions apply. Upon taking and failing to pass twice, an applicant will not be permitted to take the examination within a year following notice of the second or succeeding failures. Application to take the practical examination the third and succeeding times shall be accompanied by a statement of additional training, work or study completed by the applicant since the time of the most recent notice of failure of the examination.

(B) All applicants for additional licensure as contact lens dispensing opticians must 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.

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

(A) South Carolina Registered Apprenticeships must:

- (1) be registered and approved in writing before the apprenticeship commences; and
- (2) be for a period of two (2) continuous years; and
- (3) be served under the direct supervision of an approved state licensed optician, optometrist or ophthalmologist who does not train more than two (2) registered apprentices at a time, and must be full-time employment training in the practice of opticianry. Full-time is defined as a minimum of thirty-two (32) hours a week.

(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 form approved by the Board, providing the name of the South Carolina licensed optician, optometrist or ophthalmologist to be approved as the sponsor to provide the two-year training program, the nature of the program, the proposed curriculum, and the facilities and equipment of the apprenticeship location; 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) annually submit an evaluation of the apprenticeship signed by the apprentice and approved sponsor.

(C) The state licensed optician, optometrist or ophthalmologist under whom the applicant shall conduct his apprenticeship shall provide the Board with a statement agreeing to supervise the apprenticeship and to conduct training for the applicant and shall have facilities and equipment determined by the Board to be adequate for training in order for the apprenticeship to be approved.

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

- (1) nature of the apprenticeship program; and
- (2) proposed curriculum; and
- (3) facilities and equipment of the apprenticeship location; and
- (4) documentation of the sponsor's statement to supervise and to conduct training.

(E) 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.

(F) 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. The request must be accompanied by a statement signed by the apprentice's sponsor providing the proposed curriculum for the extended apprenticeship period, to be approved by the Board. A written evaluation signed by the apprentice and the sponsor shall be submitted at the conclusion of the extended period. If the apprentice does not take the opticianry examination with five (5) years from the commencement of the apprenticeship, the apprentice must begin training over, but must wait for one year from the conclusion of the apprenticeship before recommending the training period.

(G) The Board may rescind its approval of any apprenticeship or apprenticeship program when the curriculum is not being followed or taught, 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.

**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.

## **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 individual optician and apprentice are responsible for determining that the Board has approved the particular course, seminar or meeting that the individual optician or apprentice has attended. Opticians may apply to the Board prior to attendance at any course, seminar or meeting and the Board shall determine whether or not the course, seminar or meeting is approved. Approvals may also be requested after attendance.

(D) Any sponsor of continuing education must apply at least forty-five (45) days in advance to the Board for approval. The Board may rescind its approval of particular sponsors and so notify licensed opticians and registered apprentices.

(E) The Board may approve and recognize the courses, seminars and meetings conducted by particular sponsors on a continuing basis in which case all state licensed opticians shall be notified.

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

**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 at <http://llr.sc.gov/POL/Opticians/>.

**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.

**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.