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**BOARD OF EXAMINERS IN OPTICIANRY**

CHAPTER 96

Statutory Authority: 1976 Code Section 40-1-70

96-104. General Licensing Provisions.

96-105. Examinations.

96-106. Apprenticeship Registration and Program Provisions.

96-110. Standards of Practice.

**Synopsis:**

 To satisfy the requirements of licensure for opticians, Regulations 96-104 through 96-106, and 96-110 are updated in conformance with the current Opticianry Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

**Instructions:**

The following sections of Chapter 96 are modified as provided below. All other items and sections remain unchanged.

**Text:**

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.

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 the calendar 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.

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 not fewer than 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.

(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 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.

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.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 These regulations are updated in conformance with the current Opticianry Practice Act.