

21 NCAC 40 .0206 PROFESSIONAL RESPONSIBILITY; CONTINUING EDUCATION

(a) A licensed optician shall:

- (1) maintain equipment and instruments in his or her office at all times to assure professional service to the public, and for use in training apprentices and interns as set forth in 21 NCAC 40 .0321;
- (2) make a referral to another healthcare provider when, in the licensee's professional opinion, such referral would benefit the client;
- (3) treat all information concerning his or her clients as privileged and not to be communicated to others except when authorized or required by a law or rule, or with express consent of the client; and
- (4) take annual courses of study in subjects related to the practice of opticianry for the purpose of enhancing his or her scientific knowledge and professional skills, learning new techniques, and acquiring increased knowledge of laws and rules governing the practice of opticianry, as set forth in Paragraph (b) of this Rule.

(b) A licensee whose license was issued after July 1 shall be exempt from the continuing education requirement for renewal by December 31 of the same year. Otherwise, each North Carolina-licensed optician shall take a total of at least eight hours of continuing education each calendar year as follows:

- (1) three hours of study on the practice of contact lens fitting and dispensing. Alternatively, a licensee may take two hours of study on contact lens fitting and dispensing, and one hour of study on either: optical business management, consumer protection, or ethics;
- (2) four hours of study on eyeglass fitting and dispensing; and
- (3) one hour of education on the laws and rules affecting North Carolina opticians.

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

(d) Courses of self-study, taken by licensees through journal articles or online, where organized material is presented and written evaluations are offered prior to or after completing the course or courses shall be eligible for credit, provided the vendor or sponsor submits the course or courses for approval to the Board as described in Paragraph (j) of this Rule prior to offering it to licensed opticians. However, no licensee shall receive credit for more than four hours of continuing education credit by self-study in any calendar year.

(e) Any licensed optician who is not practicing opticianry in the State shall annually obtain a total of at least eight hours of courses of study: three hours shall be on the practice of contact lens fitting and dispensing, and five hours shall be on eyeglass fitting and dispensing. Alternatively, one of the eight hours may be on optical business management, consumer protection, or ethics. No other state's hours pertaining to its laws or rules shall be allowed as credit.

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

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

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

(i) The hours of study set forth in this Rule may not be waived, except by:

- (1) declared Board waiver as defined in 21 NCAC 40 .0113;
- (2) presentation to the Board of evidence of illness, or residency outside the United States, that makes the licensee's attendance impossible; or
- (3) presentation to the Board of active-duty orders for the licensee serving in a branch of the US armed forces.

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

- (1) Courses must be directly related to the practice of a dispensing optician as defined in G.S. 90-235 and G.S. 90-236. The education of opticians must be the primary objective of the education provider.
- (2) Each course must be made available to all NC licensed opticians.
- (3) The following information shall be submitted to the Board office no later than 45 days prior to the date the course is to be made available for presentation:
 - (A) The method of course presentation; if in-person training is utilized, the location and scheduled time;

- (B) The course title;
 - (C) The instructor's name, mailing address, and resume or curriculum vitae to show education, training qualifications and experience;
 - (D) A course description, including course length, instructional objectives, or course outline;
 - (E) Documentation showing the course's approval status granted and course number assigned by the American Board of Opticianry or National Contact Lens Examiners;
 - (F) The name and address of the provider agency, and its preferred contact information;
 - (G) A description of the provider's attendance certification process; and
 - (H) An agreement to provide an electronic attendance roster to the Board, and certified attendance documentation to attendees.
- (4) Course content shall be presented in a manner that does not promote the sale or marketing of one company's products or services over another. Presentations on new optical technology shall not include a specific brand/manufacturer of the technology in the title or content. Product-specific "info-mercials" and sales pitches shall not be approved.
 - (5) Courses shall consist of a minimum 50 minutes' education for each hour's credit.
 - (6) Online courses shall not exceed two hours in length.
 - (7) In-person training instructors may not present more than two consecutive hours of continuing education.
- (k) Each course to be presented in-person shall be submitted for approval separately each time credit is sought as set forth in Subparagraph (j)(3) of this Rule.
- (l) The Board shall not grant retroactive approval of courses.
- (m) The course provider shall allow Board representation to attend courses approved for in-person training without registration charge.
- (n) Course sponsors shall, no later than 30 days following the presentation of in-person training:
- (1) Certify opticians' attendance for the requisite period;
 - (2) Submit to the Board documentation of attendance in a format provided by the Board that includes:
 - (A) The course title and classification verification;
 - (B) The course provider or sponsor identification that includes name and contact information;
 - (C) The name of and license number of each attending North Carolina licensee;
 - (D) The sponsor's attestation or verification of attendance.
- (o) Any licensee may enter online continuing education hours taken through his or her portal on the Board website or by submitting their online continuing education hours taken to the Board office. The entries or submissions shall include information from the course provider that shall serve as attendance verification. A licensee who is unable to enter his or her hours shall mail the continuing education credits into the Board office during the annual renewal period for credit.
- (p) Course sponsors shall maintain for three years records of the names of attendees who complete continuing education hours.
- (q) Opticians and course attendees shall:
- (1) Retain documentation for a minimum two-year period, beginning with the next renewal year immediately following the date the courses were taken; and
 - (2) Present the documentation to Board as required during the license renewal process, or complaint or disciplinary investigations.

History Note: Authority G.S. 90-235; 90-236; 90-249; 90-249.1; Eff. February 1, 1976; Amended Eff. September 6, 1977; Readopted Eff. September 29, 1977; Amended Eff. January 1, 2013; July 1, 1991; February 1, 1989; February 1, 1988; January 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018; Amended Eff. November 1, 2020.