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History: 4723

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	10/28/2016	Proposed Reg Published in SR		
-	01/10/2017	Received by Lt. Gov & Speaker		05/10/2017
H	01/10/2017	Referred to Committee		
S	01/10/2017	Referred to Committee		
S	02/08/2017	Resolution Introduced to Approve	371	
-	05/10/2017	Approved by: Expiration Date		
-	05/26/2017	Effective Date unless otherwise provided for in the Regulation		

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTICIANRY
CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-38-60, and 40-38-250

96-105. Examinations.

96-106. Apprenticeship Registration and Program Provisions.

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

Synopsis:

The South Carolina Board of Examiners in Opticianry proposes to amend its regulations to clarify the waiting period after unsuccessful examination attempts; to clarify that apprenticeship is a training period and not a subclass of practice; and to adjust continuing education requirements to comport with biennial licensure.

A Notice of Drafting was published in the *State Register* on September 23, 2016.

Instructions:

Regulations 96-105, 96-106, and 96-107 are amended as shown below.

Text:

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.

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 recommencing 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.

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.

Fiscal Impact Statement:

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

Statement of Rationale:

The updated regulations will clarify the waiting period after unsuccessful examination attempts; to clarify that apprenticeship is a training period and not a subclass of practice; and to adjust continuing education requirements to comport with biennial licensure.