

SUBCHAPTER 42B - LICENSE TO PRACTICE OPTOMETRY

SECTION .0100 - LICENSE BY EXAMINATION

21 NCAC 42B .0101 APPROVED SCHOOLS OF OPTOMETRY

The Board may grant recognition and approval, deny or rescind recognition and approval, or make any recognition and approval granted by the Board conditional or probational, to any school accredited by the Accreditation Council on Optometric Education. The Board, in its discretion, may base such determination on its assessment of the quality of the educational programs and offerings of each school or college of optometry.

History Note: Authority G.S. 90-117.5; 90-118(a),(b);
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. April 1, 2011; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. March 1, 2023.

21 NCAC 42B .0102 REQUIREMENTS FOR LICENSURE

History Note: Authority G.S. 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Repealed Eff. September 30, 1981.

21 NCAC 42B .0103 APPLICATION FOR LICENSURE BY EXAMINATION

One desiring to obtain the application form for licensure by examination shall specify the date of the examination when requesting the application form. The application shall be made on Form BEO-1 supplied by the Board. The completed application form and the proper fee must be received in the Board office 60 days prior to the examination date.

History Note: Authority G.S. 90-118; 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. April 1, 1993; June 1, 1989; September 30, 1981;
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21 NCAC 42B .0104 APPLICATION FOR LICENSURE BY RECIPROCITY

History Note: Authority G.S. 90-117.5; 90-118.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. April 1, 1993; June 1, 1989; September 30, 1981;
Repealed Eff. August 1, 2012.

21 NCAC 42B .0105 APPLICATION FOR INTERN PERMIT

History Note: Authority G.S. 90-118.8; 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Repealed Eff. September 30, 1981.

21 NCAC 42B .0106 FEES

History Note: Authority G.S. 90-117.5; 90-123;

Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. September 30, 1981;
Repealed Eff. June 1, 1989.

21 NCAC 42B .0107 NATIONAL BOARD EXAMINATIONS

(a) Each applicant shall direct the National Board of Examiners in Optometry (NBEO) to release his or her official score report to the Board as evidence of having achieved a passing score as determined by the NBEO on:

- (1) Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) Examinations if offered in the calendar year the applicant graduated from an accredited school or college of optometry;
- (2) NBEO's Treatment and Management of Ocular Disease Examination if offered in the calendar year the applicant graduated from an accredited school or college of optometry; and
- (3) NBEO's Injection Skills Examination.

(b) The applicant shall authorize the release of his or her official NBEO score report to the Board prior to the approval by the Board of his or her application to take the North Carolina clinical practicum examination.

History Note: Authority G.S. 90-117.5; 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. June 1, 2014; April 1, 2011; July 1, 1998; May 1, 1995; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. July 1, 2023.

21 NCAC 42B .0108 CLINICAL PRACTICUM EXAMINATIONS

(a) Each applicant, after paying the fee set in Subchapter 42J and having met the requirements of Rule .0107 of this Subchapter, will be given clinical practicum examinations which may be in oral, written, clinical and practical form, said examinations to cover those subjects essential to the practice of optometry as defined in G.S. 90-114.

(b) To ensure proper examination of all applicants within a reasonable amount of time, the Board is authorized to employ clinical examiners, such clinical examiners to be licensed optometrists in the State of North Carolina who have been in practice no less than five years and who have demonstrated to their peers that they have superior clinical expertise.

(c) It shall be the duty of the optometrists who are members of the Board to prepare or oversee the preparation of the clinical practicum examinations. Psychometric consultants, subject matter experts and clinicians who have served as either members of the Board or as clinical examiners for the Board may be engaged by the Board in the design, implementation and grading of the examinations.

History Note: Authority G.S. 90-114; 90-117.5; 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0109 CLINICAL EXAMINATION

History Note: Authority G.S. 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Repealed Eff. September 30, 1981.

21 NCAC 42B .0110 PASSING SCORE

An applicant must attain an average grade of 75 on the clinical practicum examinations to pass the examination and be issued a license. No applicant who has received a grade of less than 60 on any part of the clinical practicum

examination shall be considered eligible for licensure even though his overall clinical practicum score may average 75. Each applicant will be notified by the Executive Director as to his success or failure after the results of the examination have been determined by the Board.

History Note: Authority G.S. 90-117.5; 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. May 1, 1995; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0111 RESIDENCY

History Note: Authority G.S. 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. September 30, 1981;
Repealed Eff. June 1, 1989.

21 NCAC 42B .0112 TIME AND LOCATION

There shall be at least one examination for the purpose of licensure held each year for those persons applying for a license to practice optometry in the State of North Carolina. Said examination shall be at such time and location as the Board may determine; provided, however, the date and place of examination shall be announced by the Board no less than six months prior to the examination.

History Note: Authority G.S. 90-117.5; 90-118;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0113 REEXAMINATION

- (a) A completed application, except for school transcripts, birth certificate, and National Board scores, is required in case of reexamination. The completed application accompanied by the proper fee must be received in the Board office 60 days prior to the examination date.
- (b) Any applicant who has failed the clinical practicum examination three times after the effective date of this Rule shall be deemed ineligible to apply for reexamination until he successfully completes an additional course of study in clinical optometry encompassing at least one academic year, such course to be approved by the Board. Such applicant shall submit evidence satisfactory to the Board of the additional study at the time he makes application for reexamination.

History Note: Authority G.S. 90-117.5; 90-118;
Eff. April 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0114 MILITARY LICENSE

- (a) Permanent Unrestricted License Military Optometrist: The Board shall issue a permanent license to a military-trained applicant to allow the applicant to lawfully practice optometry in North Carolina if, upon application to the Board, the applicant satisfies the following conditions:
- (1) Awarded a military occupational specialty in optometry and has done all of the following at a level that the Board, through an oral interview or administration of a clinical practicum examination, determines to be substantially equivalent to or exceeds the requirements for licensure in this State:

- (A) completed a military program of optometry training that includes additional clinical experience in the diagnosis, treatment, and management of diseases of the eye and its adnexa;
 - (B) completed testing or equivalent training and experience; and
 - (C) performed in the occupational specialty;
 - (2) Engaged in the practice of optometry for at least two of the five years, which may include clinical residency, preceding the date of the application under this Paragraph;
 - (3) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice optometry in this State at the time the act was committed; and
 - (4) Pays the application, examination, and licensing fees required by the Board.
- (b) Permanent Unrestricted License-Optometrist Spouse of Military Personnel: The Board shall issue to a military spouse a license to practice optometry in this State if, upon application to the Board, the military spouse satisfies the following conditions:
- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure in this State;
 - (2) Can demonstrate competency in optometry through methods determined by the Board, such as passing the Board's clinical practicum examination, completing continuing education units, or having had recent clinical experience in the diagnosis, treatment, and management of diseases of the eye and its adnexa for at least two of the five years preceding the date of the application under this Paragraph;
 - (3) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice optometry in this State at the time the act was committed;
 - (4) Submits written evidence demonstrating that the applicant is married to an active member of the U.S. military;
 - (5) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit; and
 - (6) Pays the application, examination, and licensing fees required by the Board.
- (c) All optometric medical experience of a military service member in the discharge of official duties or, for a military spouse, all optometric medical experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice required under Paragraphs (a) and (b) of this Rule.
- (d) A nonresident licensed under this Rule shall be entitled to the same rights and subject to the same obligations as required of a resident licensed by the Board in this State.

History Note: Authority G.S. 90-123; 93B-15.1;
Eff. July 1, 2014.

SECTION .0200 - RESPONSIBILITY TO SUPPLY INFORMATION

21 NCAC 42B .0201 BEGINNING PRACTICE; RELOCATING PRACTICE

Prior to beginning practice, a licensee shall notify the Board in writing as to the full and complete mailing address, including the street address, of his or her office and the telephone number of such office. Prior to relocating an office, the licensee involved shall notify the Board in writing of his or her new office address and telephone number. The address so identified shall constitute his or her primary practice address and the address to which all information pertaining to his or her licensure shall be addressed.

History Note: Authority G.S. 90-117.5;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. November 1, 2023.

21 NCAC 42B .0202 BRANCH OFFICE

(a) A branch office is any location, facility, or mobile facility, other than an optometrist's primary office location, in which the optometrist provides professional optometric services as provided in G.S. 90-114(1)-(3).

(b) Before opening or beginning practice in a branch office, an optometrist shall obtain a branch license which shall be displayed in accordance with G.S. 90-118.2. The application for a branch office license must be made through the individual licensee's portal on the Board's website. The application requires the applicant furnish the following information:

- (1) office name;
- (2) phone number;
- (3) fax number;
- (4) date beginning practice at this location;
- (5) whether this location is exclusively or primarily a telemedicine office;
- (6) address, city, state, zip code, county; and

(c) Each branch office shall comply with the requirements for maintaining medical equipment and record keeping in accordance with 21 NCAC 42E .0102(2) and 42E .0102(5).

Upon receipt of the completed branch office application and the fee required by G.S. 90-123, the Board, subject to G.S. 90-121.2, shall issue such branch office license. A branch office license is not transferable from one practice location to another, nor from one practitioner to another.

(d) A branch office license shall be renewed annually.

History Note: Authority G.S. 90-114; 90-117.5; 90-118.2; 90-118.10; 90-118.11; 90-121.2; 90-123; Eff. February 1, 1976; Readopted Eff. May 30, 1978; Amended Eff. April 1, 1993; June 1, 1989; September 30, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015; Amended Eff. October 1, 2024.

21 NCAC 42B .0203 TEMPORARY OR RELIEF OPTOMETRIST

Before providing optometric services on a temporary or relief basis for which he will receive compensation, for any period of time, an optometrist must first obtain a duplicate license for each location at which he will provide such services. The identity of such temporary or relief optometrist shall clearly appear in the record of each patient to whom such optometrist renders optometric services.

History Note: Authority G.S. 90-117.5; 90-118.2; 90-118.4; Eff. April 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0204 CEASING PRACTICE

(a) In the event an optometrist shall cease to practice at any practice location (primary or branch) as defined in Rules .0201 and .0202 of this Section, the optometrist shall notify the Board in writing within ten days of ceasing practice, indicating the reason for discontinuing practice and the disposition of patient records.

(b) On ceasing practice at any location, the licensee shall notify those patients whose records he retains in accordance with 21 NCAC 42E .0102(5) and (6) of the disposition or availability of such records. Such notice shall be given by direct mail, email, or through a public announcement in a newspaper of general circulation in the county or counties wherein the patients reside. If such notice is given by publication, such publication shall occur not less than weekly for a period of not less than ninety days. Proof of the giving of such notice shall be retained by the licensee.

(c) Any licensee ceasing practice shall maintain control and custody of the records located at that practice location until such time as such records are transferred to the patients or to the custody of another practitioner similarly licensed.

History Note: Authority G.S. 90-117.5; 90-118.2; Eff. April 1, 1993;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. January 1, 2024.*

SECTION .0300 - ANNUAL LICENSE RENEWAL

21 NCAC 42B .0301 FEE

*History Note: Authority G.S. 90-123;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. September 30, 1981;
Repealed Eff. June 1, 1989.*

21 NCAC 42B .0302 CONTINUING EDUCATION

- (a) Each optometrist holding a certificate of registration shall take annual courses of study approved by the Board as related to and essential to the practice of optometry as defined in G.S. 90-114. The Board shall approve courses whose content and quality of presentation are reasonably assured to the end that the licensee's abilities to meet the public demand of acceptable standards of care are enhanced and that currency of knowledge is insured.
- (b) Each licensee shall determine if a course has been approved by the Board prior to the taking of the course and submitting it for credit.
- (c) No course or course offering shall be considered for approval unless the vendor or sponsor has submitted to the Board no later than 30 days prior to the offering of the course information deemed sufficient by the Board as to the course title, course format, course content and learning purpose, lecturers including curriculum vitae, dates courses are offered, city and state where offered, and the name, address, and telephone number of the vendor or sponsor and the contact person(s) to whom inquiries can be made.
- (d) Those courses that are approved, including the type and number of hours of credit, shall be entered by the Board's staff into the Board's central data base and the vendor or sponsor notified. Information concerning those courses that have been approved shall be made available to any licensee making inquiry concerning course approval.
- (e) The Board shall maintain continuing education data on-line in its central data base for a minimum period of five years preceding the next annual license renewal date. A yearly listing of credits shall be furnished each licensee at the time of license renewal. Additional reports shall be available on request and with payment of a transcript fee of five dollars (\$5.00). Telephone inquiries as to current status of continuing education hours may be made during normal business hours.
- (f) Notification of the number of hours required by the Board for license renewal shall be given to each licensee at the time the licensee receives notice of annual license renewal. Such notice shall state the number of hours of approved continuing education required in the following year in order to renew a license for the second following year. The number of required continuing education hours is 25 hours.
- (g) In any calendar year no less than 12 hours of the continuing education requirement must be in courses focused on current practices and advancements in the fields of ocular and general pharmacology, diagnosis and therapeutics, or advanced clinical procedures, said hours to be deemed "certified" credit hours by the Board. Courses certified to meet this special requirement shall be of sufficient length and depth to address the subject matter in the course description(s) and taught by individuals who have training and experience in the area taught.
- (h) Courses of self-study by vendors meeting the standards and criteria set by the Council on Optometric Postgraduate Education (COPE) or the Accreditation Council for Continuing Medical Education (ACCME), said course(s) meant to be taken by individuals through journal articles or over the internet where organized material is presented and written evaluations are made prior to or after completing the course(s) are eligible for approval provided the vendor or sponsor has submitted the course or courses for approval as described in this Rule prior to its being offered to the licensee. However, no licensee shall receive credit for more than six hours of educational credit by this means in any calendar year.
- (i) Courses that are classified as practice administration shall be accepted by the Board for credit provided that no more than four hours of the total number of continuing education hours required shall be accepted within one calendar year for the purpose of credit for any licensee.

(j) All courses accepted for credit must be taken within the calendar year for which the credit is applied; provided, however, that any course dependent upon an examination for successful completion may be certified to the Board following examination even if the examination or the results thereof are not available until the next calendar year.

(k) Attendance at any course or courses approved by the Board shall be for the requisite period. The vendor or sponsor of the course shall assure compliance with this requirement and shall so certify to the Board no later than 30 days following the courses being offered. Documentation of attendance may be transmitted:

- (1) By the vendor or sponsor of the education provided the documentation contains the following information:
 - (A) Course title and classification verification;
 - (B) Vendor or sponsor identification;
 - (C) Name of and license number of North Carolina licensee; and
 - (D) Vendor or sponsor's attestation or verification of attendance.
- (2) By any licensee directly to the Board provided that the attendance is documented by the vendor or sponsor of the education, on a form given the licensee attending the course(s) attesting to their attendance, and the original form, not a photocopy or facsimile, is submitted.

(l) Electronic transfer of attendance records in a data base format compatible to the Board's data management system is acceptable; provided, however, the Board may at any time within three years of the date of transfer call for a hard copy verification if in its opinion such verification is necessary.

History Note: Authority G.S. 12-3.1; 90-117.5; 90-123.1;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. April 1, 2011; April 1, 1993; June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

21 NCAC 42B .0303 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENT

For a first failure to comply with 21 NCAC 42B .0302 the Board may require that the optometrist complete an additional five hours of attendance at approved continuing education programs. In the calendar year following such failure to comply, the optometrist must complete a sufficient number of hours at approved continuing education programs to cure the prior year's shortfall, meet the current year's continuing education obligation, and meet any penalty imposed as a result of the prior year's shortfall. Any subsequent failure to comply with 21 NCAC 42B .0302 may subject the optometrist to disciplinary action under G.S. 90-121.2.

History Note: Authority G.S. 90-117.5; 90-121.2; 90-123.1
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. March 1, 2023.

21 NCAC 42B .0304 APPLICATION FOR LICENSE RENEWAL

To apply for license renewal, the licensee shall fully and accurately complete the application that is available through the portal on the Board's website. The application shall be made available before November 15 of each year preceding the date on which the application and the fees are due.

History Note: Authority G.S. 90-117.5; 90-118.10;
Eff. February 1, 1976;
Readopted Eff. May 30, 1978;
Amended Eff. June 1, 1989; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
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21 NCAC 42B .0305 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event the Board's authority to expend funds is suspended pursuant to Session Law 2009-125, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

*History Note: Authority G.S. 93B-2(b);
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,
2015.*