

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT
TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS
CHAPTER 420-2, REGISTRATION REQUIREMENTS, RULE 420-2-.01,
REGISTRATION AND REINSTATEMENT, AND NOTICE OF PUBLIC
HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Dispensing Opticians (hereinafter "Board") proposes an amendment to Rule Chapter 420-2, Registration Requirements, Rule 420-2-.01, Registration and Reinstatement (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being disseminated to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board website www.sos.state.ga.us/plb/opticians, or by contacting the Board office at 478-207-2440.

A public hearing is scheduled to begin at **8:45 a.m. on Wednesday, May 18, 2016**, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 p.m. EDT) on **Wednesday, May 11, 2016**. Written comments should be addressed to Randall D. Vaughn, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Dispensing Opticians, 237 Coliseum Drive, Macon, Georgia 31217; Fax (866) 888-7127.

The Board will consider the proposed rule amendment for adoption at its meeting scheduled to begin at **8:45 a.m. on Wednesday, May 18, 2016** at the Georgia Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Board has the authority to adopt proposed rule amendment 420-2-.01 pursuant to authority contained in O.C.G.A. §§ 43-29-6.

At its meeting February 10, 2016, the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-29-6.

Additionally, at its meeting February 10, 2016 the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. § 43-29-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of dispensing opticianry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 13 day of April, 2016.



Lisa W. Durden
Director
Professional Licensing Boards

Posted: 13 APRIL

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE
BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-2,
REGISTRATION REQUIREMENTS, RULE 420-2-.01, REGISTRATION
AND REINSTATEMENT.**

Purpose: The purpose of this rule amendment is to increase the number of Continuing Education Hours to be eligible for Reinstatement of a license.

Main Features: The rule provides for licenses being reinstated from two years post lapse date, to four or more years post lapse date. In addition, all CE hours for reinstatement are to be obtained in person and not online, electronic.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS TO THE GEORGIA STATE BOARD OF DISPENSING
OPTICIANS RULE FOR CHAPTER 420-2, REGISTRATION
REQUIREMENTS, RULE 420-2-.01, REGISTRATION AND
REINSTATEMENT.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 420-2-.01. Registration and Reinstatement

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. Licenses may be renewed between April 1st of each odd numbered year, and May 31st of each odd numbered year with payment of a late renewal penalty fee in addition to the renewal fee. Failure to register and pay the appropriate renewal fee by the deadline shall lapse said license by operation of law. Individual licenses lapsed by operation of law may be considered for reinstatement by submission of an application approved by the Board, any supporting documents or other requirements as defined in 420-2-.01(3) below, and paying the established registration fee and an additional penalty.

(2) Any service member as defined in O.C.G.A. §43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location within the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(3) Reinstatement of an expired or lapsed license is at the discretion of the board. All applications are to be reviewed by a designated Board member.

(a) An applicant for reinstatement of an expired or lapsed license must submit a completed reinstatement application provided by the Board, pay the required registration fee and additional penalty fee, and comply with one of the following:

1. An application for reinstatement of an expired or lapsed license submitted **within two (2) years** of the effective date of the expiration or lapse of that license must submit evidence of completion of ~~ten (10)~~ fifteen (15) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the ~~ten (10)~~ fifteen (15) hours, a minimum of two (2) hours shall be in the area of contact lenses. ~~Five (5) of the ten (10) hours may be~~ and must be obtained ~~online~~ from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

2. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than two (2) years, but less than four (4) years**, of the effective date of the expiration or lapse must submit evidence of completion of thirty (30) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. ~~Five (5) of the thirty (30) hours may be~~ and must be obtained ~~online~~ from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

3. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than four (4) years** of the effective date of the expiration or lapse must also submit evidence of completion of thirty (30) course hours of continuing education obtained within two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. ~~Five (5) of the thirty (30) hours may be~~ and must be obtained ~~online~~ from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b). In addition, the following must be submitted:

(i) Verification of current ABO/NCLE Certification.

(b) If reinstatement is granted, any continued education hours credited for the reinstatement application shall not be used or applied towards the continuing education requirements for the renewal period following the date of reinstatement.

AUTHORITY: O.C.G.A. § 43-29-6

Rule 420-2-.01. Registration and Reinstatement

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. Licenses may be renewed between April 1st of each odd numbered year, and May 31st of each odd numbered year with payment of a late renewal penalty fee in addition to the renewal fee. Failure to register and pay the appropriate renewal fee by the deadline shall lapse said license by operation of law. Individual licenses lapsed by operation of law may be considered for reinstatement by submission of an application approved by the Board, any supporting documents or other requirements as defined in 420-2-.01(3) below, and paying the established registration fee and an additional penalty.

(2) Any service member as defined in O.C.G.A. §43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(3) Reinstatement of an expired or lapsed license is at the discretion of the board. All applications are to be reviewed by a designated Board member.

(a) An applicant for reinstatement of an expired or lapsed license must submit a completed reinstatement application provided by the Board, pay the required registration fee and additional penalty fee, and comply with one of the following:

1. An application for reinstatement of an expired or lapsed license submitted **within two (2) years** of the effective date of the expiration or lapse of that license must submit evidence of completion of fifteen (15) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the fifteen (15) hours, a minimum of two (2) hours shall be in the area of contact lenses and must be obtained from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

2. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than two (2) years, but less than four (4) years**, of the effective date of the expiration or lapse must submit evidence of completion of thirty (30) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses and must be obtained from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

3. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than four (4) years** of the effective date of the expiration or lapse must also submit evidence of completion of thirty (30) course hours of continuing education obtained within two

(2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses and must be obtained from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b). In addition, the following must be submitted:

(i) Verification of current ABO/NCLE Certification.

(b) If reinstatement is granted, any continued education hours credited for the reinstatement application shall not be used or applied towards the continuing education requirements for the renewal period following the date of reinstatement.

AUTHORITY: O.C.G.A. § 43-29-6