

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT  
TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS  
CHAPTER 420-2 REGISTRATION AND 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 and 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](http://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 **11:15 a.m. on Wednesday, April 10, 2019**, 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, April 3, 2019**. Written comments should be addressed to Darren Mickler, Interim Division 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 **11:15 a.m. on Wednesday, April 10, 2019** 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. §§ 43-29-3(d), 43-29-6 and 43-29-10.

At its conference call meeting Wednesday, November 14, 2018 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. §§ 43-29-3(d), 43-29-6 and 43-29-10.

Additionally, at its conference call meeting Wednesday, November 14, 2018, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-29-3(d), 43-29-6 and 43-29-10 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 4<sup>th</sup> day of February, 2018<sup>9</sup>.

A handwritten signature in black ink, appearing to read 'D. Mickler', written over a horizontal line.

Darren Mickler  
Interim Division Director  
Professional Licensing Boards

Posted: February 6, 2019

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

**Purpose:** The purpose of this rule amendment is to clarify the continuing education requirements for reinstatement of licensure applicants.

**Main Features:** The rule provides for a portion of the required hours to be obtained online, limits how many total hours may be obtained in a 24-hour period and notifies reinstatement applicants they may be subject to a continuing education hours audit their first biennial renewal following the reinstatement of a license.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA STATE BOARD OF DISPENSING  
OPTICIANS RULE FOR CHAPTER 420-2 REGISTRATION AND  
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 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). Of the fifteen (15) hours, no more than five (5) hours may be obtained via the internet. Effective 04-01-2017, of the fifteen (15) continuing education hours for reinstatement, no hours may be obtained or will be accepted for reinstatement via the internet or home study except for those provided by the Opticians Association of America, the National Academy of Opticianry or the Opticians Association of Georgia. No more than eight (8) hours of continuing education may be obtained in one twenty-four hour day.

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). Of the thirty (30) hours, no more than five (5) hours may be obtained via the internet. Effective 04-01-2017, of the thirty (30) continuing education hours for reinstatement, no hours may be obtained or will be accepted for reinstatement via the internet or home study except for those provided by the Opticians Association of America, the National Academy of Opticianry or the Opticians Association of Georgia. No more than eight (8) hours of continuing education may be obtained in one twenty-four hour day.

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). Of the thirty (30) hours, no more than five (5) hours may be obtained via the internet. Effective 04-01-2017, of the thirty (30) continuing education hours for reinstatement, no hours may be obtained or will be accepted for reinstatement via the internet or home study except for those provided by the Opticians Association of America, the National Academy of Opticianry or the Opticians Association of Georgia. No more than eight (8) hours of continuing education may be obtained in one twenty-four hour day. In addition, the following must be submitted:

(i) Verification of current ABO/NCLE Certification.

(ii) Applicants for reinstatement under this rule who were licensed in Georgia before January 1, 1987 and who have continued to practice in the field of opticianry in another state or jurisdiction, and who currently and consistently have held a valid, unencumbered dispensing opticians license in that state shall not be required to provide 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. Reinstated licenses may be subject to a continuing education hours audit at renewal after reinstatement of licensure.

**Authority: O.C.G.A. §§ 43-29-3(d), 43-29-6 and 43-29-10**

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