

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

**RULE: 420-2-.01 REGISTRATION AND REINSTATEMENT**

**TO ALL INTERESTED 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 420-2-.01 Registration And Reinstatement (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also 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. The documents will also be available for review on the Board's website at [Georgia State Board of Dispensing Opticians | Georgia Secretary of State \(ga.gov\)](http://Georgia State Board of Dispensing Opticians | Georgia Secretary of State (ga.gov)). Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at **8:50 a.m., October 12, 2022**, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on **October 5, 2022, 5:00 p.m.** Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Interim Division Director, Secretary of State, Professional Licensing Boards Division, the Georgia State Board of Dispensing Opticians, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-7127.

During 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 will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on **August 24, 2022**. The Board also voted that the formulation and adoption of this rule amendment does not impose an

excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-7, 43-1-25, 43-29-3(d), 43-29-6 and 43-29-10. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-7, 43-1-25, 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(a)(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.

According to the Department of Law of the State of Georgia, the Georgia State Board of Dispensing Opticians has the authority to adopt proposed Rule 420-2-.01 pursuant to authority contained in O.C.G.A. §§ 43-1-7, 43-1-25, 43-29-3(d), 43-29-6 and 43-29-10.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 7<sup>th</sup> day of September, 2022



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Gabriel Sterling  
Interim Division Director  
Professional Licensing Boards Division

Posted: 9/7/2022

**SYNOPSIS OF PROPOSED CHANGES OF TO THE GEORGIA STATE BOARD OF  
DISPENSING OPTICIAN'S RULE CHAPTER 430-2 REGISTRATION AND  
REQUIREMENTS, BOARD RULE 420-2-.01 REGISTRATION AND  
REINSTATEMENT**

**Purpose:** The purpose of the proposed adoption is housekeeping in nature and to bring the current rule in line with the changes to the Joint Secretary rules which control the Board renewal period.

**Rule 420-2-.01. Registration (Renewal) 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 ~~the~~ March 31st renewal date each odd numbered year of the registration year. Licenses may be renewed between April 1st ~~of each odd numbered year~~, and ~~May 31st~~ April 30<sup>th</sup> 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~~ renew a license by April 30<sup>th</sup> of each odd numbered year shall have the same effect as revocation of such license, making the license subject to reinstatement as set forth below. 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 reinstatement application 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~~ may be subject to 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 reinstatement application fee and additional penalty fee~~, and shall 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 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. 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.

4. The Board shall ratify the reinstatement of all licenses between Board meetings at the next scheduled Board meeting following the reinstatement.

**Authority: O.C.G.A. §§ 43-1-7, 43-1-25, 43-29-3(d), 43-29-6 and 43-29-10**

**RULES  
OF  
GEORGIA STATE BOARD OF DISPENSING OPTICIAN'S RULES  
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REGISTRATION AND REQUIREMENTS  
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**Rule 420-2-.01 Registration and Reinstatement**

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