

OHIO OPTICAL DISPENSERS BOARD

**OHIO ADMINISTRATIVE CODE – INDEX
4726-3-01 THROUGH 4726-17-03**

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CHAPTER 4726 – 3 BOARD OPERATIONS AND PROCEDURES

- 4726-3-01 Board Organization
- 4726-3-02 Adoption of Rules
- 4726-3-03 Board Meetings
- 4726-3-04 Method of Notice of Meetings
- 4726-3-05 Special Meetings
- 4726-3-06 Definitions

**CHAPTER 4726 – 5 APPLICATION PROCESS FOR LICENSURE OF
OPTICIANS AND OCULARISTS; REGISTRATION OF APPRENTICES**

- 4726-5-01 Application Process for Opticians and Ocularists
- 4726-5-02 Registration of Apprentice

CHAPTER 4726 – 7 COMPETENCY EXAMINATION PROCEDURES

- 4726-7-01 Administration of Examination

CHAPTER 4726 – 9 LICENSURE

- 4726-9-01 Initial Licensure
- 4726-9-02 Renewal of Licenses

CHAPTER 4726 – 11 CONTINUING EDUCATION

- 4726-11-01 Continuing Education Requirements for Renewal
- 4726-11-02 Board Approval of Continuing Education Programs
- 4726-11-03 Extension, Waiver of Continuing Education
- 4726-11-04 Continuing Education Requirements Excused

CHAPTER 4726-13 FEES

4726-13-01 Fee Schedules

CHAPTER 4726-15 CAUSES OF ACTION BY THE BOARD

4726-15-01 Disciplinary Procedures

**CHAPTER 4726-17 LICENSE DISPLAYED; PROPER IDENTIFICATION;
APPRENTICE REQUIREMENTS**

4726-17-01 Display of License

4726-17-02 Identification Badge

4726-17-03 Supervision of Apprentices

CHAPTER 4726-3 BOARD OPERATIONS AND PROCEDURES

4726-3-01 Board Organization

(A) The board shall organize by electing a president, vice president, and treasurer/secretary from its membership. Each officer of the board shall serve in his/her respective position for a period of one year, at which time another election of officers shall occur.

(1) The president may serve more than a one year term but the terms cannot be consecutive. The president shall serve as the presiding officer at all meetings and shall set the agenda for such meetings.

(2) The vice president's term is a one year term and he/she shall serve as president should the president be unavailable to attend a board meeting.

(3) The treasurer shall be kept fully informed of all income and disbursements made on behalf of the board and shall make a report of same to the board.

(4) The treasurer shall be elected and can serve as long as five years.

(5) All elections shall be by paper ballots only and be counted by the board commission secretary and the investigator. Ballots are to be kept in the board office until the next scheduled board meeting.

[Effective January 22, 2006]

4726-3-02 Adoption of Rules

(A) The board shall adopt, amend or rescind rules necessary for the successful completion of its assigned mission. Such rules shall be adopted, amended or rescinded in accordance with the procedures provided in Chapter 119. of the Revised Code.

(B) The board may not, however, adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which such products may be displayed.

[Effective January 22, 2006]

4726-3-03 Board Meetings

The board shall meet at least once each calendar year in Columbus. A majority of the board shall constitute a quorum for the purpose of conducting business of the board. No action of the board is valid without the concurrence of five members. The board shall also meet at such additional times and in such places as are directed by the president, or pursuant to a written request submitted to the executive secretary-treasurer by two other officers or by any two members.

[Effective January 22, 2006]

4726-3-04 Method of Notice of Meetings

(A) Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:

- (1) Writing the board at its business address;
- (2) Calling the board at its business office during normal business hours;
- (3) Consulting the posting located at the business address of the board;
- (4) Checking the press room in the state house [sic].

(B) Any representative of the news media may obtain notice of all special meetings by requesting in writing that such notice be provided. A request for such notification shall be addressed to the "Ohio Optical Dispensers Board, 77 South High Street, 16th floor, Columbus, Ohio 43266-0328." The request shall provide the name of the individual media representative to be contacted, his mailing address, and a maximum of two telephone numbers where he can be reached. The board shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to this section.

[Effective January 22, 2006]

4726-3-05 Special Meetings

(A) In the event of a special meeting not of an emergency nature, the board shall notify all media representatives on the list of such meeting by doing at least one of the following:

(1) Sending written notice, which must be mailed no later than four calendar days prior to the date of the special meeting.

(2) Notifying such representatives by telephone no later than twenty-four hours prior to the special meeting. Such telephone message shall be complete if a message has been left for the representative, or if, after reasonable effort, the board has been unable to provide such telephone notice.

(3) Informing such representatives personally no later than twenty-four hours prior to the special meeting.

(B) In the event of a special meeting of an emergency nature, the board shall notify all media representatives on the list of such meeting by providing either the notice described in paragraph (A)(2) or (A)(3) of this rule. In such event, however, the notice need not be given twenty-four hours prior to the meeting, but shall be given as soon as possible.

(C) The board shall maintain a list of all persons who have requested, in writing, notice of all meetings of the board at which specific subject matters designated by such persons are scheduled to be discussed. Any person may, upon payment of an annual fee in an amount set by the board, have his name placed on such list. The board shall no later than five days prior to each meeting send by first class mail an agenda of the meeting to such persons.

[Effective January 22, 2006]

4726-3-06 Definitions

(A) "Optical Aid" means an instrument or device prescribed by a physician or optometrist licensed by any state to correct human vision, including spectacles, eyeglasses, contact

lenses and accessories.

(B) "Optical Dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical Dispensing" does not include selecting frames, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed Dispensing Optician" means a person holding a current, valid license issued by the board that authorizes the person to engage in optical dispensing.

(D) "Licensed Spectacle Dispensing Optician" means a licensed dispensing optician authorized to engage in the dispensing of optical aids other than contact lenses.

(E) "Licensed Contact Lens Dispensing Optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed Spectacle-Contact Lens Dispensing Optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Licensed Ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

(H) "Apprentice Ocularist" means a person training under the direct supervision of a licensed ocularist, to engage in the designing, fabricating, and fitting of artificial eyes or prostheses associated with the appearance or function of the human eye.

(I) "Apprentice Optician" means any person registered with the board for the purpose of being able to dispense optical aids under the "direct supervision" of a licensed dispensing optician.

(J) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(K) "Direct Supervision" no licensed dispensing optician or ocularist shall permit any apprentice to work under him unless under direct supervision. "Direct Supervision" means that a licensed dispensing optician or a licensed ocularist, as applicable, shall be in the optical or ocularist area at all times when an apprentice is engaged in optical dispensing or ocularistry. Nothing herein shall preclude such licensed dispensing optician or licensed ocularist from being absent from the Optical Area for a reasonable period

during the working day, such as for lunch and other customary absences although the apprentice shall not engage in optical dispensing in the absence of a licensed dispenser or ocularist, as applicable.

(L) "Optical or Ocularist Area" is the space reserved for the optical or ocularist department or shop. This includes the lab area, fitting area, dispensing area, reception area and waiting area. This does not include areas of a larger company or building where the optical department or shop is leased or confined to its own space.

(M) "Good Moral Character" means proof from at least two individuals in the form of a written statement attesting to the individual's good standing in the community, said statement to be based on an acquaintanceship of not less than three years.

(N) "An Educational Equivalent" means the proof of having successfully passed the GED examinations or a GED certificate of high school equivalency diploma.

(O) "Academic Hour" means a continuing education program that is forty-eight to sixty minutes in length.

[Effective January 22, 2006]

TO PRACTICE OPTICIANRY OR THE PRACTICE OF OCULARISTRY

4726-5-01 Application Process for Opticians and Ocularists

(A) Persons desiring a license to engage in optical dispensing shall file an application with the board, on forms approved by the board, establishing the following information:

- (1) The applicant is at least eighteen years of age, and;
- (2) The applicant is of good moral character as defined in paragraph (M) of rule 4726-3-06 of the Administrative Code, and;
- (3) The applicant is a graduate of a secondary school recognized by the state department of education in this state, or a similar education agency in another state; or has attained an educational equivalent as defined in paragraph (N) of rule 4726-3-06 of the Administrative Code,
- (4) The applicant has attained either of the following:
 - (a) Two-year college level program in optical dispensing, approved by the board, that includes, but is not limited to courses of study in mathematics, science, english [sic], anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting lenses and post-fitting care; or
 - (b) Two years of supervised experience of at least 1000 hours per year in optical dispensing as a registered apprentice under the direct supervision of a licensed optician, or as an employee of an optometrist, or physician engaged in the practice of ophthalmology. Not more than one year of such experience may be continuous, supervised optical laboratory experience of not less than thirty hours per week.
- (5) The applicant has successfully completed the state board qualification examination for either the spectacle dispensing license, the contact lens dispensing license or a combination of both examinations for a spectacle-contact lens dispensing license. Said application for licensure must be made within twelve months of the notification to the applicant that he has successfully completed the examination for the license sought.

(B) Persons desiring a license to engage in ocularistry shall file an application with the board, on forms approved by the board, establishing the following:

- (1) The applicant has successfully completed the state board qualification examination for ocularist;
- (2) The applicant has completed a five year apprenticeship in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye, under the direct supervision of a licensed ocularist; or the equivalent work experience from an unlicensed state.
- (3) The applicant is at least eighteen years of age;
- (4) The applicant is of good moral character as defined in paragraph (M) of rule 4726-3-06 of the Administrative Code;
- (5) The applicant is a graduate of a secondary school recognized by the state department of education in this state, or a similar education agency in another state; or has attained an educational equivalent as defined in paragraph (N) of rule 4726-3-06 of

the Administrative Code.
[Effective January 22, 2006]

4726-5-02 Registration of Apprentices

(A) All unlicensed persons upon becoming employed for the purpose of dispensing optical aids or in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye, shall register annually with the board as an apprentice optician or ocularist. Such registration shall occur within thirty days of employment. Registration shall expire on the last day of June of each year.

(1) Persons desiring to take the board examination for spectacle dispensing shall serve their apprenticeship under the direct supervision of a licensed spectacle dispensing optician or a licensed spectacle-contact lens dispensing optician.

(2) Persons desiring to take the board examination for contact lens dispensing shall serve their apprenticeship under the direct supervision of a licensed contact lens dispensing optician or a licensed spectacle-contact lens dispensing optician.

(3) Persons desiring to take the board examinations for both spectacle dispensing and contact lens dispensing shall serve their apprenticeship according to the provisions of paragraphs (A)(1) and (A)(2) of this rule.

(B) Persons registering to become qualified to take the ocularist examination for licensure shall serve their apprenticeship under the direct supervision of a licensed ocularist.

(C) All licensed dispensing opticians or licensed ocularist engaged in the education and training of apprentices shall cause their apprentices to become registered by the board. No licensed dispensing optician or licensed ocularist engaged in training apprentices shall supervise more than three apprentices at any one time.

[Effective January 22, 2006]

CHAPTER 4726-7 COMPETENCY EXAMINATION PROCEDURES

4726-7-01 Administration of Examination

(A) Examinations may be held by the board or a testing service approved by the board. Examinations shall be held twice annually in Columbus, Ohio, or at such other times and places as may be designated by the board.

(B) Examinations shall be designed to measure specific performance requirements, be professionally constructed and validated, and be independently and objectively administered and scored in order to determine the applicant's competence to dispense optical aids as a licensed spectacle dispensing optician, a licensed contact lens dispensing optician, a licensed spectacle-contact lens dispensing optician, or a licensed ocularist.

(C) The board or testing service shall designate the time, place and date of each qualifying examination and have available all materials and equipment that are necessary for applying for such qualifying examination at least ninety (90) days before the examination.

(D) The board or testing service shall provide applications upon request for each qualifying examination and require that the completed applications and examination fees be submitted to same not later than sixty (60) days before the examination.

(E) The board or testing service shall code all applications and examinations in such a manner as to ensure that those who are responsible for the grading of examinations are unable to discriminate against any applicant on the basis of race, age, sex, creed, color, religion, national origin, political affiliation, disability, sexual orientation, veteran status, place of employment, or intended place of employment.

[Effective January 22, 2006]

CHAPTER 4726-9 LICENSURE

4726-9-01 Initial Licensure

(A) Any person seeking licensure from the state optical dispensers board after having successfully passed the board's qualifying examination, shall make application for such licensure within one year of the date the applicant is notified of his passage of said examination.

(B) The appropriate certificate of licensure shall be issued by the board no later than sixty days after approval by the board.

[Effective January 22, 2006]

4726-9-02 Renewal of Licenses

(A) Each person who receives a license from the state optical dispensers board shall renew that license on the first day of January following the date of issuance, and shall renew it each January first thereafter.

(B) On or before the thirtieth day prior to the expiration date, the board shall mail each licensee an application for renewal of his license.

[Effective January 22, 2006]

CHAPTER 4726-11 CONTINUING EDUCATION

4726-11-01 Continuing Education Requirements for Renewal

(A) Each spectacle dispensing optician shall have completed four hours of board approved spectacle continuing education credit during the last preceding year, of which only one management hour may be used.

(B) Each contact lens dispensing optician shall have completed eight hours of board approved contact lens continuing education credit during the last preceding year, of which only two management hours may be used.

(C) Each spectacle-contact lens dispensing optician shall have completed four spectacle and eight contact lens hours of board approved continuing education credit during the last preceding year, of which only three management hours may be used.

(D) Each ocularist shall have completed four hours of board approved continuing education credit, during the last preceding year. One hour shall be on communicable diseases as they apply to the handling of ocular prostheses, only one hour per year may be management credit, and all other credit hours must pertain to the fitting and fabrication of ocular prostheses.

[Effective January 22, 2006]

4726-11-02 Board Approval of Continuing Education Programs

(A) No seminar will be approved for continuing education credit unless the board is provided with an outline of the program content, the names and background information of speaker(s), and the schedule of the seminar. All information shall be submitted not less than sixty days prior to the date of the proposed program. The board may approve seminars submitted less than sixty days if accompanied by a letter explaining the reason for not meeting the deadline.

(B) Programs shall relate to the practice of opticianry, or ocularistry, as applicable. Courses relating to practice management, office procedure, social legislation, and all courses not directly relating to optical dispensing or ocularistry will be considered for management credit.

(C) Speakers, lecturers and others participating in the presentation of the programs shall be recognized as possessing requisite qualifications and being expert and of recognized repute in their area of instruction.

(D) Programs shall be available to any Ohio licensed dispensing optician, and/or licensed ocularist.

(E) The board shall not approve continuing education credit for any of the following:

(1) The seminar content includes the promotion of commercial products or services for the practice of opticianry or ophthalmology;

(2) The seminar is open only to employees, associates, or owners of the sponsoring entity, and is not open to all opticians and apprentices.

(3) The subject content of the courses is not pertinent to the study of opticianry, or ophthalmology, as determined by the board on a case by case basis.

(F) Credit will be allowed on the basis of an academic hour, as that term is defined in paragraph (N) of rule 4726-3-06 of the Administrative Code. To receive an hour credit, one must attend one full academic hour. There will be no fractional hour credits.

(G) Within thirty days after the date of the approved seminar, the seminar sponsor shall submit to the board a master list of the attendees.

[Effective January 22, 2006]

4726-11-03 Extension, Waiver of Continuing Education

Persons who cannot meet the continuing education requirements within ninety days from the date their licenses expire because of hardship, illness, or service in the armed forces, may apply to the board for either an extension of the deadline or a waiver of the requirement. Such applicant shall indicate the reasons for the request. The board shall grant or refuse the request on a case by case basis.

[Effective January 22, 2006]

4726-11-04 Continuing Education Requirements Excused

Each licensee is excused from the requirements of continuing education credit for the calendar year in which they obtain a license from this board.

[Effective January 22, 2006]

CHAPTER 4726-13 FEES

4726-13-01 Fee Schedules

(All fees are nonrefundable)

(A) Apprentice registration and renewal	\$10.00
(B) Examination filing fee:	
(1) Spectacle examination	
Fee shall not exceed	165.00
(2) Contact lens examination	
Fee shall not exceed	165.00
(3) Ocularist examination	200.00
(C) Application fee for license:	
(1) January-March	50.00
(2) April-June	37.50
(3) July-September	25.00
(4) October-December	12.50
(D) Renewal fees:	
(1) Spectacle license	97.50
(2) Contact lens license	97.50
(3) Spectacle-contact lens license	97.50
(4) Ocularist license	97.50
(5) Late filing fee	75.00
(E) Other fees:	
(1) Duplication of license	5.00
(2) Licensure by reciprocity	75.00

[Effective January 22, 2006]

CHAPTER 4726-15 CAUSES OF ACTION BY THE BOARD

4726-15-01 Disciplinary Procedures

(A) No person shall engage in the practice of optical dispensing unless they are licensed for that purpose by the state optical dispensers board. Said licenses to practice shall be current and shall not have been fraudulently obtained.

(B) All actions pursuant to section 4725.53 of the Revised Code shall comply with Chapter 119. of the Revised Code including the following:

(1) Notice shall be given to the licensee by registered mail of his right to a hearing on the question of whether or not his license should be suspended, revoked, or denied, or whether a fine should be imposed or restitution ordered;

(2) The notice shall include the reason or reasons for such proposed action, the law or rule allegedly violated, and a statement informing the licensee he is entitled to a hearing, if he requests it within thirty days of the time of mailing the notice;

(3) The notice also shall inform the licensee that he may appear in person or be represented by his attorney or present his position in writing and that at the hearing he may present evidence and examine the witnesses;

(4) If a licensee requests a hearing, the board shall immediately set the time and place for such hearing and notify the licensee thereof. The date of hearing shall be within fifteen days but not earlier than seven days after the licensee has requested the hearing unless otherwise agreed to by the board and the licensee;

(5) Any party adversely affected by any order of the board issued pursuant to an adjudication hearing may appeal to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any such party is not a resident of or has no place of business in Ohio, he may appeal to the court of common pleas in Franklin county, Ohio.

[Effective January 22, 2006]

CHAPTER 4726-17 LICENSE DISPLAYED; PROPER IDENTIFICATION; APPRENTICE REQUIREMENTS

4726-17-01 Display of License

Each licensed dispensing optician, and licensed ocularist, shall display their certificate of licensure, and each registered apprentice their registration card, in a conspicuous place at their place of business. If a licensed dispensing optician or licensed ocularist engages in dispensing at more than one place of business, they shall display a duplicate copy of such certificate obtained from the board at each location.

[Effective January 22, 2006]

4726-17-02 Identification Badge

All licensed dispensing opticians, and licensed ocularists, shall wear, and cause any apprentice under their supervision to wear, an identifying badge with their name and the designation of either: licensed dispensing optician, apprentice optician, licensed ocularist, or apprentice ocularist, as is appropriate to their status.

[Effective January 22, 2006]

4726-17-03 Supervision of Apprentices

(A) No licensed dispensing optician or licensed ocularist shall permit any apprentice to work under their license unless the apprentice is under direct supervision. "Direct supervision" means the provision of direction and control of the work of an apprentice through personal inspection and evaluation of their work by a licensed dispensing optician or a licensed ocularist, as applicable, who must be in the optical or ocularist area when an apprentice is engaged in optical dispensing or ocularistry.

(B) This rule shall not be construed to apply to any person engaging in optical dispensing or ocularistry exclusively for and under the supervision of a licensed physician or licensed optometrist at their office, provided such person does not hold themselves out to the public generally as a dispensing optician, or ocularist.

(C) For purposes of paragraph (B) of this rule, "holding themselves out to the public generally as a dispensing optician or ocularist" means either of the following:

(1) Engaging in optical dispensing or the practice of ocularistry while not under the supervision of a licensed physician or licensed optometrist;

(2) Advertising, or allowing their name to be advertised, or benefiting either directly or indirectly, by any means whatsoever, from an advertisement, which creates in the minds of the public that they are engaging in optical dispensing or that their services as a dispensing optician or ocularist are at a location separate and apart from the location of the licensed physician or licensed optometrist under whose supervision they are said to be employed.

[Effective January 22, 2006]