

4726-13-01

**General information.**

(A) The purpose of this chapter is to establish:

- (1) Minimal acceptable standards of safe and effective opticianry practice in any setting; and.
- (2) Minimal acceptable standards of safe and effective ocularistry practice in any setting.

(B) For purposes of this chapter, the following definitions shall apply:

- (1) "Licensed dispensing optician" means an optician who has met the requirements of sections 4725.47 to 4725.51 of the Revised Code and who holds a current valid license issued by the board.
- (2) "Licensed ocularist" means an ocularist who has met the requirements of section 4725.47 to 4725.51 of the Revised Code and who holds a current valid license issued by the board.
- (3) "Patient" means any recipient of optical or ocularistry care provided by a licensed dispensing optician, licensed ocularist, apprentice optician or apprentice ocularist.
- (4) "Apprentice" "registered apprentice" means a person registered with the board to engage in a learning experience under the direct supervision of the registered supervisor.
- (5) "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.
- (6) "Registered supervisor" means the licensed dispensing optician or ocularist registered with the board as the supervising licensed optician or the supervising ocularist, as appropriate, for the registered apprentice optician or the registered apprentice ocularist.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	4725.44
Rule Amplifies:	4725.53

**Rule Summary and Fiscal Analysis (Part A)****Ohio Optical Dispensers Board**

Agency Name

Division

**Nancy Manns**

Contact

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43215-6108**

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**4726-13-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**General information.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4725.44**
5. Statute(s) the rule, as filed, amplifies or implements: **4725.53**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
Implementation for standards of safe care for licensees.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:  
Outlines parameters of safe opticianry and ocularistry care.
8. If the rule incorporates a text or other material by reference and the agency

claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**



4726-13-02

Standards relating to competent practice as a licensed dispensing optician.

(A) A licensed dispensing optician shall provide opticianry care within the scope of practice of optical dispensing as set forth in division (B) of section 47261.40 of the Revised Code and the rules of the board.

(B) A licensed dispensing optician shall maintain current knowledge of the duties, responsibilities and accountabilities for safe opticianry care.

(C) A licensed optician shall demonstrate competence and accountability in all areas of practice in which the licensed dispensing optician is engaged, which includes, but is not limited to, the following:

(1) Consistent performance of all aspects of opticianry care;

(2) Appropriate recognition, referral or consultation when a complication arises;

(3) When the opticianry care to be provided in accordance with paragraph (H) of section 4725.40 of the Revised Code, the licensed dispensing optician has a specific current prescription from a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(D) A licensed dispensing optician shall:

(1) Implement any appropriately authorized prescription for a patient unless the licensed dispensing optician believes or should have reason to believe the prescription is:

(a) Inaccurate;

(b) Not properly authorized;

(c) Not current or valid;

(d) Harmful, or potentially harmful to a patient; or,

(e) Contraindicated by other document information.

(2) Clarify a prescription for a patient when the licensed dispensing optician believes or should have reason to believe the prescription is:

(a) Inaccurate;

(b) Not properly authorized;

(c) Not current or valid;

(d) Harmful, or potentially harmful to a patient; or,

(e) Contraindicated by other documented information.

(E) A licensed dispensing optician shall maintain the confidentiality of patient information. To the maximum extent feasible, identifiable patient health care information shall not be disclosed by a licensed dispensing optician unless the patient has consented through a properly executed release to the disclosure of identifiable patient health care information.

(F) At all times when a licensed dispensing optician is providing opticianry care to a patient all licensed opticians shall:

(1) Wear an identifying badge with his/her name and designation of licensed dispensing optician;

(2) Cause any apprentices under his/her supervision to wear an identifying badge with the name of the apprentice and the designation of apprentice optician;

(3) In a complete, accurate and timely manner report and document opticianry care provided by the licensed dispensing optician for the patient and the patient's response to that care;

(4) Not falsify any client record or any other document prepared or utilized in the course of, or in conjunction with, opticianry practice;

(5) Treat each patient with courtesy, respect, and with full recognition of dignity and individuality; and,

(6) Provide the appropriate direction, supervision and evaluation of all tasks performed by the apprentice optician registered under the licensed optician.

(G) When opticianry practice, as set forth in section 4725.40 of the Revised Code, is supervised or evaluated, only a licensed dispensing optician shall:

(1) Supervise the practice of opticianry, as set forth in section 4725.40 of the Revised Code and rules of the board, by other licensed dispensing opticians or registered apprentice opticians; and,

(2) Evaluate the practice of opticianry as set forth in section 4725.40 of the Revised Code and the rules of the board, by other licensed dispensing opticians.

In matters other than the practice of opticianry, a non-licensed dispensing optician supervisor may evaluate an optician or apprentice employee.

(H) A licensed dispensing optician shall not submit or cause to be submitted any false,

misleading, or deceptive statement, information, or documentation to the board, to current employers, or to any future employers for positions requiring a license as a dispensing optician.

(I) A licensed dispensing optician, when functioning in a supervisory role, shall assure that adequate procedures are in place and implemented to verify that:

(1) Each dispensing optician under the supervising licensed dispensing optician has a current, valid license and wall certificate to practice as a licensed dispensing optician, and that the license and wall certificate are displayed at the place of the practice of opticianry; and,

(2) Each apprentice optician has a current valid registration that is displayed at the place of the practice of apprentice opticianry.

Replaces: 4726-17-01, 4726-17-02

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4725.44  
Rule Amplifies: 4725.53  
Prior Effective Dates: 11/29/79, 8/14/94 (Emerg.), 10/14/94, 4/10/01

**Rule Summary and Fiscal Analysis (Part A)****Ohio Optical Dispensers Board**

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**4726-13-02**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Standards relating to competent practice as a licensed dispensing optician.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4725.44**
5. Statute(s) the rule, as filed, amplifies or implements: **4725.53**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
 Establish minimum standards of safe opticianry care.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:  
 Parameters of minimal standards of safe opticianry care.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase /**

**decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**



4726-13-03

**Standards relating to competent practice as an ocularist.**

- (A) A licensed ocularist shall provide ocularistry care within the scope of practice of ocularistry as set forth in paragraph (J) of section 4725.40 of the Revised Code and the rules of the board.
- (B) A licensed ocularist shall maintain current knowledge of the duties, responsibilities and accountabilities for safe ocularistry care.
- (C) A licensed ocularist shall demonstrate competence and accountability in all area of practice in which the licensed ocularist is engaged, which includes, but is not limited to, the following:
- (1) Consistent performance of all aspects of ocularistry care; and,
  - (2) Appropriate recognition, referral or consultation when a complication arises.
- (D) A licensed ocularist shall:
- (1) Implement any appropriately authorized prescription for a patient unless the licensed ocularist believes or should have reason to believe the prescription is:
    - (a) Inaccurate;
    - (b) Not properly authorized;
    - (c) Not current or valid;
    - (d) Harmful, or potentially harmful to a patient; or,
    - (e) Contraindicated by other documented information.
  - (2) Clarify a prescription for a patient when the licensed ocularist believes or should have reason to believe the prescription is:
    - (a) Inaccurate;
    - (b) Not properly authorized;
    - (c) Not current or valid;
    - (d) Harmful, or potentially harmful to a patient; or,
    - (e) Contraindicated by other documented information.
  - (3) When clarifying a prescription, the licensed ocularist in a timely manner shall:
    - (a) Consult with the appropriate licensed practitioner; and,

- (b) Document that the licensed practitioner has been consulted and notified.
- (E) A licensed ocularist shall maintain the confidentiality of patient information. To the maximum extent feasible, identifiable patient health care information shall not be disclosed by a licensed ocularist unless the patient has consented through a properly executed release to the disclosure of identifiable patient health care information.
- (F) At all times when a licensed ocularist is providing ocularistry care to a patient all the licensed ocularists shall:
- (1) Wear an identifying badge with his/her name and designation of licensed ocularist;
  - (2) Cause any apprentices under his/her supervision to wear an identifying badge with his/her name and designation of apprentice ocularist;
  - (3) In a complete, accurate and timely manner, report and document ocularistry care provided by the licensed ocularist for the patient and the patient's response to that care;
  - (4) Not falsify any client record or any other document prepared or utilized in the course of, or in conjunction with, ocularistry practice
  - (5) Treat each patient with courtesy, respect, and with full recognition of dignity and individuality; and,
  - (6) Provide the appropriate direction, supervision and evaluation of tasks performed by apprentices registered under the licensed ocularist.
- (G) When ocularistry practice, as set forth in Section 4725.40 of the Revised Code, is supervised or evaluated, only a licensed ocularist shall:
- (1) Supervise the practice of ocularistry, as set forth in Section 4725.40 of the Revised Code and rules of the board, by other licensed ocularists or registered apprentice ocularists; and,
  - (2) Evaluate the practice of ocularistry, as set forth in Section 4725.40 of the revised Code and rules of the board, by other licensed ocularists.
- In matters other than the practice of ocularistry a non-licensed ocularist supervisor may evaluate an ocularist or ocularist apprentice employee.
- (H) A licensed ocularist shall not submit or cause to be submitted any false, misleading, or deceptive statement, information, or documentation to the board, to current employers, or to any future employers for positions requiring a license as an ocularist.

(I) A licensed ocularist, when functioning in a supervising role, shall assure that adequate procedures are in place and implemented to verify that:

(1) Each ocularist under the supervising ocularist has a current, valid license and wall certificate to practice as a licensed ocularist and that the wall certificate and license are displayed at the place of the practice of ocularistry; and,

(2) Each apprentice ocularist has a current valid registration that is displayed at the place of practice of the practice of apprentice ocularistry.

Replaces: 4726-17-01, 4726-17-02

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4725.44  
Rule Amplifies: 4725.53  
Prior Effective Dates: 11/29/79, 8/4/94 (Emerg.), 10/14/94, 4/10/01

**Rule Summary and Fiscal Analysis (Part A)****Ohio Optical Dispensers Board**

Agency Name

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**4726-13-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Standards relating to competent practice as an ocularist.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4725.44**
5. Statute(s) the rule, as filed, amplifies or implements: **4725.53**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
Establish minimal standards of safe care for the practice of ocularistry.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:  
Parameters of minimal standards of safe ocularistry care.
8. If the rule incorporates a text or other material by reference and the agency

claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

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10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

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### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

