

**STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
ADMINISTRATIVE RULES FOR OPTICIANS**

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Effective date: October 22, 2008

Note: This table of Contents is not part of the formal rules. It is provided as an aid to their use.

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cite as RFO #

Part 1. General Information

1.1 The Purpose of Licensure The Secretary of State and the Director of the Office of Professional Regulation (Office) have been given certain powers under Vermont law to protect the public health, safety, and welfare by setting standards, licensing applicants, and regulating licensed opticians and their practices. Legal authority for oversight of this profession is given to the Director of the Office of Professional Regulation. The Director is assisted by two advisors, licensed opticians residing in Vermont, who are appointed by the Secretary of State. The advisors will meet as needed.

1.2 Business Address

The mailing address for matters concerning opticians is
Secretary of State
Office of Professional Regulation
Optician Licensing
National Life Bldg., North, FL2
Montpelier, VT 05620-3402

The Office is located at the National Life Building North, in Montpelier. Copies of these rules may be obtained on line at <http://vtprofessionals.org> or by contacting the Office 802-828-2837.

1.3 Laws That Govern Licensure

(a) Licensure is governed by a specific state law that establishes responsibilities for setting standards, issuing licenses, and regulating the profession. The law is in Chapter 47, Title 26 Vermont Statutes Annotated. In addition, the Director of the Office of Professional Regulation is obligated to comply with several other State laws such as the Administrative Procedure Act (3 V.S.A. §§ 801-849), the “Law of Professional Regulation” (3 V.S.A. §§ 121-131), the “Right to Know Law” (1 V.S.A. §§ 311-314), and the “Access to Public Records Law” (1 V.S.A. §§ 315-320). These laws spell out the rights of an applicant, license holder or member of the public.

(b) Applicants and licensees should be aware that Chapter 5 of Title 3 of the Vermont Statutes contains several statutes which govern regulation of licensed professionals. See among them, 3 V.S.A. § 129a which defines unprofessional conduct.

(c) The complete text of these laws may be found in the Vermont Statutes Annotated. Most town clerks and public libraries have copies of the Vermont Statutes Annotated. The laws may be found on line at <http://www.leg.state.vt.us/statutes/statutes2.htm> .

1.4 Rules The Director is authorized to make these rules by 26 V.S.A. § 2665.

Administrative rules for this profession have the force of law and govern proceedings related to this profession. In making rules, the Director must follow the Administrative Procedure Act ("APA"). The provisions of the Act governing rulemaking are found in 3 V.S.A. §§ 801-808 and 817-849.

1.5 Making and Resolving Complaints The Office follows the current complaint procedure recommended by the Director of the Office of Professional Regulation. Copies of the procedure and more information about the complaint process may be obtained via the Office of Professional Regulation web site, <http://vtprofessionals.org> or from the Office.

Part 2. Information for Applicants

2.1 Need for a License

(a) No one is allowed to practice as an optician in Vermont unless he or she is currently licensed by the Office.

(b) A licensed optician, ophthalmologist, or optometrist shall be present when optician services are rendered. An optician's, ophthalmologist's, or optometrist's office or shop which is open to the public when the optician, ophthalmologist, or optometrist is not present shall notify customers that no optician services may be rendered.

(c) When rendering optician services, a licensed optician shall wear a name tag clearly visible to the client stating the licensee's name and bearing the words "Licensed Optician" beneath the name.

(d) During regular business hours, a representative of the Office may inspect the premises where a licensed optician, optometrist, or ophthalmologist is providing optician services, for compliance with statutes and rules of the profession.

2.2 Where to Obtain an Application An application for a license may be downloaded from the Optician Web page at <http://vtprofessionals.org>. More information about the application process may be obtained by calling or writing the Office.

2.3 Licensure by Examination

(a) Examination: To qualify for licensure by examination, an applicant must be at least 18 years old and have a high school diploma or its equivalent. In addition, an applicant must meet either requirement (1) or (2) below, and (3):

(1) Complete at least a two-year college level program in ophthalmic dispensing at a school of ophthalmic dispensing which is accredited or a candidate for accreditation by an accreditation agency approved by the United States Department of Education and which agency is also approved by the Director, or

(2) Complete at least three years of practical experience as a registered optician trainee. Specific requirements for optician training are set forth in Part 3 below;

and

(3) Successfully complete the National Opticianry Competency Examination (NOCE) sponsored by the American Board of Opticians (ABO). The examination may be taken no sooner than the final year of education in section 1 or 2 above.

(b) The applicant must submit an application and fee as stated on the application. The application must be completed accurately. A check for the correct amount should be made payable to the Vermont Secretary of State.

(c) Take the exam. The exam is given at least once a year. Information on examination scheduling may be obtained online at <http://vtprofessionals.org> or from the Office. The exam will include, but is not limited to: ophthalmic materials, laboratory, practical and physiological optics, prescription interpretation, dispensing preparation, adjustment of lenses, spectacles, eye glasses, prisms, tinted lenses, appurtenances, use of lensometers or equivalent instruments, adjusting instruments and pupillary and facial measurements.

2.4 Licensure by Endorsement

(a) An applicant who holds a valid current license in good standing in another United States or Canadian jurisdiction where the current requirements for regulating or licensing opticians are substantially equal to Vermont's current requirements may be issued a license.

(b) The completed application and application fee should be sent as directed on the application form.

2.5 Display of Licenses A licensee or trainee must display his or her license or registration conspicuously in his or her principal place of business.

Part 3 Optician Trainees

3.1 How to Register as an Optician Trainee

(a) An individual may pursue licensure through optician training and experience by working for a licensed optician, ophthalmologist or optometrist. That individual must register as an optician trainee with the Office. The period of traineeship begins on the date the Office determines the registration is complete.

(b) The application for registration must be certified by the trainee's supervisor. The fee as stated on the registration form must also be paid for a trainee's registration certificate.

3.2 Length of Training

(a) A registered optician trainee must complete a minimum of 4,680 hours of practical training in not less than three years and no more than six years approved by the Office under the direct personal supervision of a licensed optician, optometrist, or ophthalmologist within Vermont or another state which requires the supervisor to be

licensed.

(b) A detailed description of the proposed training to be received and the supervisor's name and license number must accompany the application for registration. Upon review of this description and any further review it may undertake, the Office may in its discretion approve the training in this manner.

3.3 Supervisor Requirements and Limitations

(a) A licensed supervisor provides direct personal supervision of a trainee; while the trainee is working, by being physically present for consultation or intervention on the premises where the trainee is working. Merely being available at another optical facility for consultation does not constitute direct personal supervision.

(b) The licensed supervisor may not have more than two trainees under his or her direct personal supervision at any time, nor shall any establishment employ more than two trainees per licensed supervisor at any time. Any change in the named supervisor or in the trainee being supervised shall be reported immediately to the Office for approval.

3.4 Content of Training All optician training must include:

(a) Optical Principles and theory including the theories of light and laws of refraction, reflection and absorption;

(b) Anatomy and physiology of the eye;

(c) Ophthalmic dispensing;

(d) Ophthalmic regulations including Vermont Opticians Act, 26 V.S.A. Chapter 47, ANSI Standards, FDA and FTC regulations;

(e) Laboratory, practical and physiological optics prescription interpretation, adjustment of eyeglasses, prisms, tinted lenses, and appurtenances, the use of lensometers or equivalent instruments, adjusting instruments, and pupillary and facial measurements;

(f) Transposition and interpreting prescriptions;

(g) Single vision, Bifocal & trifocal and progressive addition lens types and their uses;

(h) Proper ordering of lenses and frames;

(i) knowledge of frame material and parts;

(j) Identification of common ophthalmic lens materials, designs, coatings, and uses (e.g. CR-39, polycarbonate, glass, trivex, hi-index plastic; scratch resistant, anti-reflective, and mirror coatings.)

(k) Types of specialty lenses and their uses (e.g. fresnel, aspherics, lenticular, cataract,

prism, slab-off prism, occupational, safety.)

- (l) Absorptive lenses including ultra-violet, infra-red, fixed tint, polarized, and photosensitive.
- (m) Methods for obtaining patient measurements related to interpupillary distance, vertical optical center placement, multifocal segment placement, vertex distance.
- (n) The use of the lensometer to neutralize, duplicate, and verify prescriptions (including identification of sphere, cylinder, axis, and prism; marking of lens optical centers)
- (o) The use of measuring tools such as pupilometer, mm ruler, lens clock, lens thickness gauges;
- (p) Methods for performing standard alignment, custom adjustments, and repairs of frames using fitting tools, pliers, and frame warmers, and;
- (q) Resolution of client complaints.

3.5 Verification of Training Optician training is to be documented by written affidavit from the training supervisor submitted at the completion of the training period or at other times as the Office may direct.

3.6 Renewal of Training Certificate Every registered optician trainee who continues to act as an optician trainee shall, biennially, renew his or her optician trainee's certificate of registration by paying the renewal fee as stated on the renewal form. After initial registration, a trainee may renew his or her trainee's certificate of registration no more than three times, permitting no more than six years in which to complete the 4,680 hours of practical training required by this rule. Thereafter, a trainee's certificate of registration may not be renewed.

3.7 Identification as Trainee The registered optician trainee shall wear in a manner clearly visible to the client a name tag stating the registered optician trainee's name and bearing the words "Registered Optician Trainee" beneath the name.

3.8 Inspections During regular business hours, a representative of the Office may inspect the premises where a licensed optician, optometrist, or ophthalmologist is providing direct personal supervision of a registered trainee, for compliance with this rules.

Part 4 Licensing and Registration Decisions

4.1 Right to a Written Decision

- (a) The Office will notify applicants in writing of all decisions to either grant or deny a

license, registration, license renewal, or registration renewal. If a license or registration or renewal is denied, the decision is called a “preliminary denial.” The Office will give the applicant specific reasons for denying a license or registration and will also inform the applicant of the right to appeal that decision.

(b) The Office most often issues a preliminary denial of licensure or renewal when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing by an administrative law officer acting on behalf of the Director. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the administrative law officer issues a final decision in writing.

4.2 Right to Appeal Licensing and Registration Decisions An applicant who is not satisfied with the final decision denying a license or registration or renewal may appeal the decision to the Washington County Superior Court which shall review the matter on the basis of the record created before the administrative law officer.

Part 5. Information for Licensed Opticians and Optician Trainees

5.1 License and Registration Renewals

(a) Licenses expire no later than two years after issuance. A licensee must renew his or her license by the expiration date. Before the expiration date, the Office will mail each licensee a renewal application and notice of the renewal fee. However, if a licensee has changed name or address without advising the Office, the licensee may not receive this notice. It is still the licensee's responsibility to renew on time. Failure to report a change of name or address within 30 days is, according to 3 V.S.A. § 129a(14), unprofessional conduct.

(b) A licensee who does not return the completed renewal application and fee to the Office by the expiration date, will be assessed a late renewal fee which must be paid before the license or registration can be reinstated.

(c) Initial licenses issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. Applicants issued an initial license more than 90 days prior to the renewal expiration date are required to renew and pay the renewal fee.

5.2 Reinstating a License

(a) Any person whose license has expired, provided the period of expiration has been less than five years, may reinstate that license by documenting completion of continued education for the previous renewal period and paying the renewal fee plus the late renewal penalty. The licensee shall not be required to pay renewal fees during periods when the license was expired.

(b) Licenses which have lapsed for more than five years may be reinstated by:
(1) demonstrating more than 1,000 hours of licensed practice in another state

- over the preceding two years; or
- (2) successfully completing the national licensing examination within one year prior to applying for reinstatement; and
- (3) paying the renewal fee and late renewal penalty.

5.3 Continuing Education (CE) Requirements for Opticians and Registered Trainees

(a) All opticians and trainees must take a minimum of ten (10) CE credit hours during a two-year license renewal period. Credit hours must be obtained during the current renewal period.

(b) Limitations:

- (1) Content: C.E. credits may include courses in contact lenses, but contact lens courses may not exceed three credits per renewal period.
- (2) Format: CE credits may include home study courses, but such courses may not exceed two credits per renewal period.
- (3) Credit may also include live web seminars and interactive television, but such courses may not exceed two (2) credits per renewal period.

(c) Acceptable CE credit courses:

- (1) Courses approved by the ABO Education Committee or the NCLE Education Committee will be accepted for continuing education credit.
- (2) Courses obtained from any of the institutions of higher learning on the list of schools, colleges and universities approved by the Office will be accepted for continuing education credit.

(d) Credits will be accepted at the rate of one credit per hour of instruction. A certificate of course completion must also accompany the credits.

(e) Reporting of CE credits: At the time of license renewal, the applicant must submit documentation of having taken ten acceptable credit hours in the two-year period.

5.4 Exemption for Applicants Granted an Initial License to Practice by the Office The mandatory continuing education requirement begins with the first day of the first biennial renewal period following the issuance of initial license. The Director recommends, but does not require, continuing education for initial licensees during their first licensing period.

5.5 Failure to Meet Continuing Education Requirement Licensees whose submissions do not satisfy the continuing education requirement may, absent exceptional circumstances, be denied renewal or may be issued a 90 day temporary license. During that period each person shall submit for approval and once approved, complete a specified corrective action plan. Once the Office determines that the plan has been met, it will issue a license. Otherwise the temporary license will expire.

Effective date: October 22, 2008