

The Law And Rules Regulating the Practice  
Of  
Opticianry and Ocularistry in Ohio

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**This course is not approved by the ABO or NCLE for continuing education credit.**

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- Print the test
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## Course Outline

# The Law And Rules Regulating the Practice Of Opticianry and Ocularistry in Ohio

## A.OBJECTIVES

Upon completion of this independent study, the learner will be able to:

1. Describe the difference in the role of the Ohio Optical Dispensers Board and the Professional Opticianry and Ocularistry Associations;
2. Describe selected functions of the Ohio Optical Dispensers Board;
3. Describe selected portions of the Law and Rules regulating Opticianry and Ocularistry in Ohio.

### A. Regulation Defined

1. Public/legal
2. Private/professional

### B. The Role of the Optical Dispensers Board

1. Protection of the public
2. Regulation
3. Establishment of standards for licensure, education and practice
4. Discipline

### C. The Role of Professional Organizations

1. Voluntary, private
2. Provision of services to the membership

### D. Structure of the Board

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2. Terms
3. Meetings

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1. Requirements for Opticians
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1. License Renewal
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2. Ocularists
3. Apprentices

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1. Due Process
2. Investigation
3. Hearings

THE LAW AND RULES REGULATING THE PRACTICE  
OF  
OPTICIANRY AND OCULARISTRY IN OHIO

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2. Describe selected functions of the Ohio Optical Dispensers Board
3. Describe selected portions of the Law and Rules regulating Opticianry and Ocularistry in Ohio.

This independent study was developed by Nancy Manns, RN, MS, CNS, Executive Director, Ohio Optical Dispensers Board.

There is no commercial support for this independent study.

A score of 75% on the Post Test is required to receive a certificate.

**Regulation Defined**

The regulation of optical dispensing and ocularistry is necessary for the protection of public health and welfare. There are two types of regulation for optical dispensing in Ohio:

- 1) Public or legal regulation; and,
- 2) Private or professional regulation

**The Role of the Ohio Optical Dispensers Board**

The purpose of the Ohio Optical Dispensers Board (Board) is to protect the public by establishing legal qualifications for the practice of optical dispensing and ocularistry by:

1. Establishing the educational requirements to be eligible for licensure;
2. Establishing the requirements to obtain a license to practice as an Optician or Ocularist in Ohio and the requirements to renew and maintain a valid license; and,
3. Disciplining those Opticians and Ocularists who fail to practice in accordance with the law and rules and standards of safe practice.

These legal standards are recognized as the minimum standards determined as adequate to provide safe and effective optical dispensing and ocularistry care. The public is protected because minimum qualifications for optical dispensing and ocularistry practice are identified, inquiry is made as to whether or not an individual meets those qualifications, and, an objective forum is provided for review of consumers' concerns regarding a licensee's practice.

The Board is the governmental agency that has been given the authority to perform these functions by the state legislature who in 1979 passed legislation that formed the Ohio Optical Dispensers Board and by this law gave the Board the mandate to protect the public. It is through this law, Section 4725.40-4725.99 of the Revised Code, that gives

the Board the authority to perform the functions listed above. The main purpose of the law is to protect the public from the unauthorized, unsafe practice of Opticianry and ocularistry and grants the enforcement of the law to the Board.

The Board is financially supported by the individual licensure fees which are paid by those who are regulated by the Board: licensed dispensing Opticians, Ocularists and apprentices. The fees are established by the law and rules and mandatory for those who wish to practice Opticianry or Ocularistry in Ohio.

Because the Board is a public body, its meetings are open to the public. The Board's authority and decision-making are defined by the law which requires that all decisions of the Board are made in open, public meetings. The Board seeks public participation, advice and comments on particular issues at Open Forum sessions during Board meetings.

The law also gives the Board the authority to adopt, amend or rescind rules to carry out provision of the law. The Administrative Code, also known as rules, clarify or explain the law, but cannot conflict with or expand the law. In simplest terms, the law tells the Board what it can do; the rules define how to do what the law mandates. The rules have the same force and effect as law. Ohio law requires the Board to review all its rules once every five years. In addition to the five-year review, the Board may consider other rules or amendments to the rules at various times. When the Board proposes new rules or amendments to existing rules, the Board will hold a public hearing to hear comments from licensees, employers and other interested parties. After receiving public comment, the Board considers testimony and determines whether to make changes to the rules as proposed. The Board must enforce the law and rules regulating the practice of Opticianry and ocularistry as they are written even though individual Opticians and Ocularists may not agree with the law. The Board enforces the law and rules by taking disciplinary action against individuals who have been granted a license to practice from the Board. The Board has no authority over eye care facilities or employers of Opticians and Ocularists. The Board also does not have authority over individuals who are not licensed by the Board.

### **The Role of Professional Opticianry/Ocularistry Organizations**

In contrast, professional organizations that represent Opticians and Ocularists are voluntary, private entities and the purposes, goals, and mission of the organization are determined by those who choose to be members of the organization. In general, purposes of professional organizations include advocating for the advancement of the profession of Opticianry and ocularistry as well as protecting the public. Professional organizations provide services to members, and in general, their meetings in which decisions are made are open to only those who are members of the organization. Private or professional regulation gives the profession responsibility for ensuring that its members act in the public interest in the course of providing care.

The Board works collaboratively with professional optical organizations as well as other health care and consumer organizations. However, organizations do not dictate the actions of the Board and, in fact, sometimes the Board may make decisions that are not supported by an individual organization. One of the functions of some professional organizations is influencing the making of law through lobbying the state legislature, something the Board does not do.

### **Structure of the Optical Dispensers Board**

The law dictates the composition, that is, the number and type of members that will make up the Board in order to represent all types of licensees and the public in general. The Board is made up of five Opticians, one of which must be a contact lens dispensing Optician, an Optometrist, an Ophthalmologist, and two public members, one of which must be at least 60 years of age. With the exception of the two public members, all the others must be licensed to practice their respective occupations in the state of Ohio.

The public members represent the interests of consumers of optical dispensing care. The public members may have no direct financial interest in or any other interest in the provision of optical aids or the performance of optical dispensing services.

The term of office is for five years expiring on the 22<sup>nd</sup> day of March . Board members may be appointed to one additional five-year term. The expiration of terms is staggered so that all board members' terms do not expire at the same time.

The Governor appoints board members. Individuals who wish to be considered for appointment to the Board must contact the Governor's office to begin the appointment process. Professional organizations as well as other organizations put forth suggestions to the Governor for appointment.

The Board as a whole meets every two months to conduct the business of the Board. Members are paid for a portion of their time spent in doing the work of the Board.

The Board annually elects a President, Vice-President and a Treasurer. The President serves as the Supervising Disciplinary Member for disciplinary matters.

The Board employs an Executive Director who, in turn, employs staff to carry out the functions and directives of the Board. The Executive Director and staff members may be present at Board meetings and may be asked to speak to certain issues, but may not vote on any decisions or actions.

### **Licensure**

An individual who wishes to practice as a dispensing Optician or Ocularist in Ohio must be licensed by the Board. To be licensed in Ohio as a licensed dispensing Optician, an individual must meet certain educational qualifications, either a two-year apprenticeship as an apprentice registered with the Board and under the direct supervision of a licensed

dispensing Optician or completion of a two-year college level program in optical dispensing that has been approved by the Board. An applicant for licensure must also pass the national qualifying exam, American Board of Opticianry (ABO) or the National Contact Lens Exam (NCLE) in order to be considered for licensure in Ohio. The ABO and NCLE is a certification exam that demonstrates a certain level of competency, but is not the same as a license and does not permit the holder of the ABO or NCLE certification to practice optical dispensing in Ohio.

Ocularists must complete a five-year registered apprenticeship and pass a qualifying exam as established by the Board.

Practicing Ocularistry or Optical dispensing in Ohio without a valid license is a criminal offense.

The only exemption from licensure requirements are for those individuals who are directly supervised **and** employed by an Optometrist or physician.

Beginning in March, 2008, all applicants for initial licensure must complete a criminal records check by submitting fingerprints to both the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI). A report of criminal activity from either the BCII or the FBI does not mean that an applicant will be automatically denied a license. It does mean, however, that the Board will need to do an investigation with the applicant in order to determine the seriousness of the charges and the likelihood that the applicant may pose a threat to patients seeking services of a Licensed Optical Dispenser or Ocularist.

Licensees are required to renew their license every year. All licenses expire at midnight of December 31 of each year. The Board is required to mail renewals to all holders of valid licenses at the address of record. For that reason, it is very important that licensees notify the Board immediately of any change of address or a name change. If an individual fails to notify the Board of a change of address and does not receive an application for licensure renewal, failure to receive an application for renewal, for any reason, does not excuse the holder from the requirements for renewal.

The public may access license information by telephone or computer inquiry at the Board's web page at [www.odh.ohio.gov](http://www.odh.ohio.gov). Employers are encouraged to check all licenses with the on-line verification.

### **Continuing Education**

The Board, through law and rules, establishes continuing education requirements for renewal of licenses. Licensees must meet the requirements for continuing education and must provide proof of completion of Board-approved continuing education to renew their license.

#### **Spectacle Only:**

4 Board-approved spectacle hours, one of which may be Management

**Contact Lens Only:**

8 Board-approved contact lens hours, two of which may be Management

**Combination Spectacle-Contact Lens:**

4 Board-approved spectacle hours and 8 Board-approved contact lens hours, three of which may be Management (1 for spectacle requirements, 2 for contact lens requirements).

**Ocularist**

4 Board-approved ocularist hours, one of which is required to be related to communicable diseases; one of which may be management.

Individuals who are renewing their license for the first time, do not need to meet the requirements for continuing education to renew a license.

Requests for an extension of continuing education requirements may be granted if:

- 1) The request for extension is received in the Board offices no later than December 31;
- 2) The request is accompanied by documentation of proof of active military duty in the Armed Forces of the United States; or,
- 3) The request is accompanied by documentation of hardship or illness.

**Scope of Practice**

Licensed Dispensing Opticians and Ocularists are expected to know and practice within their legal scopes of practice as stated in the law and rules. Opticians and Ocularists are required to maintain current knowledge of the duties, responsibilities and accountabilities for practicing within their respective scopes of practice and for safe practice.

**Optical Dispensers Scope of Practice**

Section 4725.40 of the Revised Code (ORC) defines the practice of optical dispensing:

- interpreting but not altering a prescription of a licensed physician or optometrist
- designing, adapting, fitting, or replacing the prescribed optical aids to or for the intended wearer pursuant to a prescription of a licensed physician or optometrist
- duplicating lenses, other than contact lenses, accurately as to power without a prescription
- duplicating nonprescription eyewear and parts of eyewear.

**Ocularists Scope of Practice**

Section 4725.40 ORC also defines the practice of Ocularistry:

- designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

**Apprentice Practice**

An apprentice is an individual who is learning the art of optical dispensing or ocularistry by practical experience while under the direct supervision of a licensed dispensing Optician or Ocularist and is registered with the Board. The apprentice has no

independent authority to practice unless the licensed Optician/Ocularist under whom the apprentice is registered has delegated the tasks to the apprentice. It is the responsibility of the licensed Optician/Ocularist to delegate to the apprentice only the tasks for which the apprentice has received the appropriate education and training to perform and the apprentice has demonstrated competency to perform.

All apprentices, except those who work under the direct supervision and are employed by an Optometrist or physician, must be registered with the Board.

In addition, there may be other laws that are not regulated by the Board but may impact the practice of dispensing Opticians and Ocularists. An example would be the Health Insurance Portability and Accountability Act (HIPAA) that has added additional layers of complexity to the issue of confidentiality of identifiable health care information. While HIPAA is not part of the law and rules regulating optical dispensing and ocularistry in Ohio, the Board would expect that licensed Opticians and Ocularists in Ohio would practice in accordance with policies and procedures to meet privacy safeguard standards required under HIPAA.

### **Disciplinary Provisions**

One of the most misunderstood powers of the Board is its role in disciplinary action. The Board has authority and responsibility to discipline licensees who violate the provisions of the law and rules. The grounds for disciplinary action and the process for that to occur are found in Sections 4725.53-4725.56 ORC. Opticians and Ocularists who practice according to their respective scopes of practice and the standards of practice minimize their exposure to disciplinary actions as well as liability in a court of law.

The Board does not take any disciplinary action without due process of law. In other words, there are no “Board police” who will “take away” an Optician’s or Ocularist’s license immediately upon some error occurring. No action is taken by the Board without an investigation of all the facts pertinent to the situation and an opportunity for the licensed Optician or Ocularist to explain the circumstances. Any kind of action taken by the Board, just like every other health care related board, must be in accordance with Chapter 119. ORC which sets for strict rules for due process.

The investigatory process by the Board is initiated by the filing of a complaint. A complaint is evidence that demonstrates that a person may have violated a provision of the law or the rules of the Board. All complaints are evaluated to determine if the Board has the authority to investigate.

If the evidence gathered during the investigation warrants further action, formal charges will be made and the Optician or Ocularist will be sent a “Notice of Opportunity for Hearing.” The hearing is a formal process and both the Board and the licensee presents their respective cases. Any Optician or Ocularist who find themselves at this stage of disciplinary action should seek the advice of an attorney if they have not already done so.

After hearing all facts of the case, including testimonies from witnesses who may have either direct knowledge of the case or may be experts in the area in question, the Board will make a determination based upon the evidence presented if a violation has occurred. The Board will then determine the disciplinary action, if any.

The Board may suspend or revoke the license of an Optician or Ocularist or impose a fine of not more than five hundred dollars for a first occurrence that is grounds for discipline and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence. The Board may also order restitution to a person who has suffered a financial loss as a result of the licensee's actions.

### **Summary**

The purpose of the Ohio Optical Dispensers Board is to protect the welfare of the public consumer. In order for a person to practice as a licensed dispensing Optician or Ocularist in Ohio, the individual must meet certain licensure requirements and obtain a license to practice from the Ohio Optical Dispensers Board. Licensees must renew their license by December 31 of each year and pay the mandatory renewal fee.

Professional organizations represent members in matters concerning the advancement of the profession for the protection of the public. Membership is voluntary.

The law and rules provide the basis for functions of the Board, including licensure requirements, renewal/continuing education requirements, and discipline of violators of the law and rules.

## TEST QUESTIONS

Name\_\_\_\_\_

Street Address\_\_\_\_\_

City State Zip\_\_\_\_\_

Phone\_\_\_\_\_

Email\_\_\_\_\_

Date Test Completed\_\_\_\_\_

Apply toward spectacle requirements\_\_\_\_\_

or

Apply toward contact lens requirements\_\_\_\_\_

A score of 75% or higher is required to receive a CE certificate.

Circle the correct answer for the questions below

then mail or fax the completed test to:

Optical Training Institute  
Suite 250  
4000 Barranca Parkway  
Irvine, CA 92604

Fax: 949-857-5455

Phone: 949-551-5455

1. The purpose of the Ohio Optical Dispensers Board (Board) is to protect the jobs of Opticians and Ocularists.
  - a. True
  - b. False
  
2. The law does not apply to the practice of apprentices.
  - a. True
  - b. False
  
3. Individual Opticians and Ocularists voluntarily pay dues to belong to the Board.
  - a. True
  - b. False

4. The Ohio State Legislature enacted the law regulating the practice of Opticians and Ocularists in Ohio.
  - a. True
  - b. False
  
5. The Board can take away the license of an Optician or Ocularist based upon a complaint being filed and the Optician or Ocularist might never have a chance to tell his/her side of the story.
  - a. True
  - b. False
  
6. The Board has a range of disciplinary actions available to utilize in the discipline of Optician or Ocularist.
  - a. True
  - b. False
  
7. Opticians and Ocularists have to be more concerned about the law than the rules.
  - a. True
  - b. False
  
8. One of the 9 Board members must be at least 60 years of age..
  - a. True
  - b. False
  
9. The license of every Optician and Ocularist expires at midnight every December 31<sup>st</sup>.
  - a. True
  - b. False
  
10. Ohio Opticians and Ocularists must belong to a professional association in order to be licensed.
  - a. True
  - b. False
  
11. The ABO/NCLE exam is required for licensure, but does not give an individual the authority to practice optical dispensing or ocularistry in Ohio.
  - a. True
  - b. False
  
12. The law and rules of the Board establish legal standards for safe and effective optical dispensing and ocularistry care.
  - a. True
  - b. False

13. The professional associations representing Opticians and Ocularists are governmental agencies.
  - a. True
  - b. False
14. The Board has no authority over eye care facilities or employers of Opticians and Ocularists.
  - a. True
  - b. False
15. The Board does have authority over individuals who are not licensed as Opticians or Ocularists.
  - a. True
  - b. False
16. The Board works collaboratively with professional optical associations to protect the welfare of citizens of Ohio.
  - a. True
  - b. False
17. The only exemption from licensure requirements are for those individuals who are directly supervised and employed by an optometrist or physician.
  - a. True
  - b. False
18. Spectacle and contact lens Apprentices must obtain two years of practical experience only while under the direct supervision of their registered supervisor who is a licensed Optician.
  - a. True
  - b. False
19. Registered supervisors are not held responsible for the practice of their apprentices.
  - a. True
  - b. False
20. The Health Insurance Portability and Accountability Act (HIPAA) is a part of the laws and rules regulating the practice of Opticians and Ocularists.
  - a. True
  - b. False
21. Anyone can file a complaint with the Board against a licensed Optician or Ocularist and the Board is required to investigate.
  - a. True
  - b. False