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Sequence Number: 10-09-13
Notice ID(s): 2081
File Date: 10/8/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Dispensing Opticians
Division:	TDH- Health Related Boards
Contact Person:	Stefan Cange
Address:	665 Mainstream Drive, Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Stefan.Cange@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center	
Address 2:	665 Mainstream Drive, Poplar Conference Room	
City:	Nashville, Tennessee	
Zip:	37228	
Hearing Date :	02/04/2014	
Hearing Time:	9:00 a.m.	X CST/CDT ___EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0480-01	General Rules Governing Dispensing Opticians

Rule Number	Rule Title
0480-01-.01	Definitions
0480-01-.02	Scope of Practice
0480-01-.12	Continuing Education
0480-01-.14	Apprenticeship Training Program

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Substance of Proposed Amendments

Rule 0480-01-.01 Definitions is amended by inserting new paragraphs (9) and (18) and renumbering the remaining paragraphs, so that as amended, the new paragraphs (9) and (18) shall read:

(9) Dispensing Optician – A person holding a current, valid license issued by the Board that authorizes that person to engage in the practice of optical dispensing.

(18) Optical Dispensing – The design, verification and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-118, 63-14-101, 63-14-102, 63-14-103, 63-14-106, and 63-14-107.

Rule 0480-01-.02 Scope of Practice is amended by deleting paragraphs (1) and (4) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1) and (4) shall read:

(1) The practice of optical dispensing includes the preparation, adaptation and dispensing of lenses, spectacles, eye glasses and optical devises on the written prescription of an optometrist or a physician including the interpretation of written prescriptions and the transposing of prescriptions.

(4) Nothing in this section or in this chapter shall be construed to require the licensing of persons, firms or corporations which are wholesale suppliers to opticians, optometrists or ophthalmologists, of lenses, spectacles, eye glasses or optical devices, or to prevent such persons, firms or corporations from the preparation of lenses, spectacles, eye glasses or optical devices, defined to be the surfacing, fabrication, or finishing of any substance or material used or to be used for the correction of human vision, or the adaptation of such lenses, spectacles, eye glasses or optical devices, defined to be the mounting of such a prepared substance or material to frames or to other devices designed to be worn by the user thereof, as long as such preparation or adaptation is done under the written order of an ophthalmologist or optometrist only, and as long as such lenses, spectacles, eye glasses or optical devices so prepared or adapted are delivered directly to an ophthalmologist, optometrist or dispensing optician, and as long as such persons, firms or corporations do not engage in advertising as to the price of either the finished product or any part thereof.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-14-101, 63-14-102, and 63-14-103.

Rule 0480-01-.12 Continuing Education (CE) is amended by deleting subparagraph (1)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(a) shall read:

(a) Each person licensed by the Board is required to complete eight (8) clock hours of continuing education during each calendar year which shall include: four (4) hours in spectacles, two (2) hours in contact lenses, and two (2) hours in optional courses. Supervisors of apprentices shall fulfill the two (2) optional courses by taking two (2) hours in supervisory courses.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-14-101, 63-14-103, 63-14-104, 63-14-106, 63-14-107, and 63-14-111.

Rule 0480-01-.14 Apprenticeship Training Program is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

(2) Apprenticeship training must be supervised by a dispensing optician, optometrist, or ophthalmologist who has been licensed in Tennessee or another state for at least two (2) years

and whose license to practice in Tennessee is current, undisciplined, unrestricted and unencumbered.

Authority: T.C.A. §§4-4-5-202, 4-5-204, 63-14-101, and 63-14-103.

Rule 0480-01-.14 Apprenticeship Training Program is amended by deleting paragraph (4) and subparagraph (4)(b) in their entirety and substituting instead the following language, so that as amended, the new paragraph (4) and new subparagraph (4)(b) shall read:

(4) Length of Training Program - Pursuant to T.C.A. § 63-14-103(a)(1), the period of apprenticeship training shall be not less than three (3) years and no more than six (6) years and must include a total of five thousand two hundred and fifty (5250) hours of full time or part time education and training under qualified supervision. If the apprenticeship is not completed within a maximum of six (6) years, the applicant shall be required to start the apprenticeship program from the beginning.

(b) Part Time - Any part time work must be at least five hundred (500) hours per year to count toward the five thousand two hundred and fifty (5,250) hour requirement.

Authority: T.C.A. §§4-4-5-202, 4-5-204, 63-14-101, and 63-14-103.

Rule 0480-01-.14 Apprenticeship Training Program is amended by adding the following language to subparagraph (5)(c) which, as amended, shall read:

(c) The filing of semi-annual evaluation reports for each apprentice under the direct supervision of a licensed eye care professional is mandatory. The appropriate form will be supplied by the Board a nd shall be notarized before submission. Semi-annual evaluation periods begin 6 months from initial registration and each 6 months thereafter until licensure as a dispensing optician has been achieved.

Authority: T.C.A. §§4-4-5-202, 4-5-204, 63-14-101, and 63-14-103.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 10-7-13

Signature:

Name of Officer: Stefan Cange

Title of Officer: Assistant General Counsel
Department of Health

Subscribed and sworn to before me on: 10-7-13

Notary Public Signature:

My commission expires on: MY COMMISSION EXPIRES APRIL 19, 2017

SUZANNE MECHKOWSKI NOTARY TENNESSEE SUMNER COUNTY

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Filed with the Department of State on: 10/8/13

Tre Hargett
Secretary of State

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