



TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 20. BOARD OF DISPENSING OPTICIANS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
October 1, 2021 through December 31, 2021

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Questions about these rules? Contact:

Board: Board of Dispensing Opticians
Address: 1740 W. Adams, Suite 3001
Phoenix, AZ 85007
Website: www.do.az.gov
Name: Megan Darian, Executive Director
Telephone: (602) 542-8158
Fax: (602) 926-8103
E-mail: mdarian@do.az.gov

The release of this Chapter in Supp. 21-4 replaces Supp. 20-1, 1-8 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division
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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 20. BOARD OF DISPENSING OPTICIANS

Authority: A.R.S. § 32-1671 et seq.

Supp. 21-4

CHAPTER TABLE OF CONTENTS

ARTICLE 1. GENERAL

Table listing sections R4-20-101 through R4-20-112 and R4-20-113 through R4-20-126 with corresponding page numbers. Includes sub-sections like 'Definitions', 'Application for a Dispensing Optician's License by Examination', etc.

CHAPTER 20. BOARD OF DISPENSING OPTICIANS

ARTICLE 1. GENERAL

R4-20-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "ABO" means the American Board of Opticianry.
2. "Applicant" means an individual requesting an initial or renewal license from the Board.
3. "Application packet" means the forms and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
4. "Comity" means the procedure for granting an Arizona license to an applicant who is already licensed as a dispensing optician in another state of the United States.
5. "Days" means calendar days.
6. "Laboratory experience" means work directly involved in the process of producing optical devices and does not include work that is strictly clerical.
7. "License" means a written authorization issued by the Board to practice as a dispensing optician or operate an optical establishment in Arizona.
8. "NCLE" means the National Contact Lens Examiners.
9. "Nationally recognized body on opticianry accreditation" means the Commission on Opticianry Accreditation.
10. "Optical devices" means eyeglasses, contact lenses, prosthetic eyes, low-vision aids, other eyewear, and eyewear appurtenances or parts.
11. "Optometrist" means a person currently licensed in any state of the United States in the practice of the profession of optometry as defined in A.R.S. § 32-1701.
12. "Physician" means a person currently licensed in any state of the United States to practice allopathic or osteopathic medicine.
13. "Work week" means the period of time beginning on Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m.

Historical Note

Former Rule II. Amended effective December 14, 1979 (Supp. 79-6). Amended Subsections (A) and (D) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-102 repealed, new Section R4-20-102 adopted effective October 24, 1983 (Supp. 83-5). Amended Subsection (B) effective August 29, 1985 (Supp. 85-4). Former Section R4-20-101 repealed, Section R4-20-102 amended and renumbered as Section R4-20-101 effective September 18, 1987 (Supp. 87-3). Amended by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

R4-20-102. Application for a Dispensing Optician's License by Examination

At least 30 days before a regularly scheduled board meeting date, an applicant for a dispensing optician's license by examination shall submit to the Board an application packet that contains:

1. An application form provided by the Board, signed and dated by the applicant, that contains:
 - a. The applicant's name, Social Security number, address, and telephone number;
 - b. The name and address of the applicant's employer at the time of application, if applicable;
 - c. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(b), the name and address of each dispensing optician, physician, or optometrist for whom the applicant served as an apprentice for

three of the six years immediately preceding the application date, and the beginning and ending dates of each apprenticeship;

- d. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c), the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, degree received, and the name and address of each dispensing optician for whom the applicant served as a dispensing optician apprentice for one of the six years immediately preceding the application date and the beginning and ending dates of service. The applicant shall submit a photocopy of the applicant's diploma from the optical dispensing school;
 - e. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c) received during military service, the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, and degree received, the location and name of the duty station at which the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of service.
 - f. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(d), the name and address of each dispensing optician, physician, or optometrist for whom the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of employment;
 - g. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
 - h. A statement of whether the applicant has ever had an application for a professional license denied or had a license suspended or revoked in any state; and
 - i. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the applicant's:
 - a. High school diploma or general educational diploma issued in any state; or
 - b. Transcripts from a high school or college; or,
 - c. Evidence of a college degree or admission to any college in any state;
 3. Verification of passing both spectacle and contact lens written and practical examinations in opticianry administered by a nationally recognized body as evidenced by an original notice of examination results or a copy of the original certificate of passage issued by the organization that prepared the examination;
 4. A letter attesting to good moral character from each of three individuals who are not family members, who have known the applicant for two years immediately before the date of the application, and support the applicant's licensure;
 5. A letter from each physician, optometrist, or dispensing optician named in subsections (1)(c), (d), or (e) that contains:
 - a. The individual's printed name, address, and telephone number; and
 - b. A statement that the applicant has either served as an apprentice or been employed as a dispensing optician by the physician, optometrist, or dispensing optician for the time required in subsections (1)(c), (d), or (e);

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6. A photograph of the applicant taken not more than six months before the date of application; and
7. The fee required in R4-20-112.

Historical Note

Former Rule III. Amended effective August 9, 1977 (Supp. 77-4). Amended effective August 7, 1978 (Supp. 78-4). Amended effective December 14, 1979 (Supp. 79-6). Former Section R4-20-103 repealed, new Section R4-20-103 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-103 amended and renumbered as Section R4-20-102 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-102 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

R4-20-103. Repealed**Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Amended effective December 14, 1979 (Supp. 79-6). Amended Subsection (E) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-104 repealed, new Section R4-20-104 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-104 amended and renumbered as Section R4-20-103 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-104. Repealed**Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-105 repealed, new Section R4-20-105 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-105 amended and renumbered as Section R4-20-104 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-105. Repealed**Historical Note**

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-106 repealed, new Section R4-20-106 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-106 amended and renumbered as Section R4-20-105 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-106. Repealed**Historical Note**

Adopted effective March 20, 1978 (Supp. 78-2). Amended effective August 7, 1978 (Supp. 78-4). Former Section R4-20-107 repealed, new Section R4-20-107 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-107 amended and renumbered as Section R4-20-106 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-107. Application for a Dispensing Optician's License by Comity

An applicant for a dispensing optician's license by comity shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant, that contains:
 - a. The applicant's name, Social Security number, address, and telephone number;
 - b. The applicant's dispensing optician license number and the state and date of licensure;
 - c. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
 - d. A statement of whether the applicant has ever been denied a license or had a license suspended or revoked in any state; and
 - e. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the unexpired license and a written statement, signed by an officer of the Board that issued the license, that states the license is in good standing, and that the license is valid to dispense both eyeglasses and contact lenses;
3. A photograph of the applicant taken not more than six months before the date of application; and
4. The fee required in R4-20-112.

Historical Note

Adopted effective August 7, 1978 (Supp. 78-4). Former Section R4-20-108 repealed, new Section R4-20-108 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-108 amended and renumbered as Section R4-20-107 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-107 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

R4-20-108. Repealed**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-109 amended and renumbered as Section R4-20-108 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3).

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Section R4-20-108 repealed by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-109. Renewal of Dispensing Optician's License; Late Renewal; Reinstatement

- A. No later than December 31 of each year, an applicant for renewal of a dispensing optician's license shall submit to the Board the fee required by R4-20-112, proof of continuing education credits required by R4-20-120, and an application form, provided by the Board, signed and dated by the applicant, that contains:
1. The applicant's name, Social Security number, address, and telephone number;
 2. The name, address, telephone number, and Arizona license number of the optical establishment at which the applicant is currently practicing as a dispensing optician; and
 3. A statement that the information contained on the renewal application is correct.
- B. A licensee who submits a renewal application and renewal fee after December 31 but before January 31 of the following year shall pay the late fee in R4-20-112.
- C. A licensee who fails to submit a renewal application before January 31 following a license expiration of December 31, and who wishes to reinstate the license, shall:
1. Submit a reinstatement application within one year of license expiration;
 2. Pay the renewal fee and the late fee in R4-20-112;
 3. Achieve a passing grade on the practical examination, unless the applicant has successfully completed the practical examination in the five-year period immediately preceding the license expiration.

Historical Note

Adopted effective April 2, 1981 (Supp. 81-2). Former Section R4-20-110 repealed, new Section R4-20-110 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-110 amended and renumbered as Section R4-20-109 effective September 18, 1987 (Supp. 87-3). Section R4-20-109 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-110. Application for an Optical Establishment License; Qualifications

- A. Any person, corporation, company, partnership, firm, association or society operating an optical establishment, except those exempt under A.R.S. § 32-1691, shall obtain an optical establishment license.
- B. An applicant for an optical establishment license shall submit an application packet to the Board that contains:
1. An application form provided by the Board, signed and dated by the applicant, that contains:
 - a. The applicant's name, establishment name, establishment address, and telephone number.
 - b. The hours the establishment will be open to the public for business;
 - c. If a corporation, the name of the statutory agent, the corporation's officers, and the state of incorporation; and
 - d. The name and license number of each licensed dispensing optician who is scheduled to work at the

establishment on a full-time basis, consisting of 32 hours or more per week;

2. If a corporation, the articles of incorporation; and
 3. The fee required in R4-20-112.
- C. To be licensed, an optical establishment shall employ at least one dispensing optician licensed by the Board, for at least 32 hours or more per week.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-111 amended and renumbered as Section R4-20-110 effective September 18, 1987 (Supp. 87-3). Repealed effective September 13, 1989 (Supp. 89-3). New Section R4-20-110 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 3668, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

R4-20-111. Time-frames for License Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
1. The administrative completeness review time-frame begins:
 - a. For approval to take a dispensing optician examination or for an optical establishment license, when the Board receives an application packet.
 - b. For approval or denial of a license by examination when the applicant takes the dispensing optician examination.
 - c. For a license by comity, when the Board receives an application packet.
 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended

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from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.

2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications in A.R.S. §§ 32-1681 through 32-1684 and 32-1687.
 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-1681 through 32-1684 and 32-1687.
- D.** The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
1. Supply the missing information under subsection (B)(2) or (C)(1); or
 2. Take the dispensing optician examination.
- E.** An applicant who does not want an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day shall be considered the time-frame's last day.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-112 amended and renumbered as Section R4-20-111 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-111 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

R4-20-112. Fees

- A.** Dispensing optician fees, which are non-refundable unless A.R.S. § 41-1077 applies, are as follows:
1. License issuance fee: \$100
 2. Renewal of dispensing optician license: \$135
 3. License renewal late fee: \$100
- B.** Optical establishment license fees are as follows:
1. License application fee: \$100
 2. License issuance fee: \$100
 3. Renewal of optical establishment license: \$135
 4. License renewal late fee: \$100

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-113 amended and renumbered as Section R4-20-112 effective September 18, 1987 (Supp. 87-3). Amended effective April 22, 1988 (Supp. 88-2). Amended effective May 26, 1989 (Supp. 89-2). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 3163 effective August 3, 2005; amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4). Amended by final rulemaking at 27 A.A.R. 2727 (November 26, 2021), with an immediate effective date of November 4, 2021 (Supp. 21-4).

R4-20-113. Display of Licenses; Non-transferability

- A.** A licensee shall display all licenses in a conspicuous place. If a license is renewed, the licensee shall display the evidence of renewal in public view.
- B.** Optical establishment and dispensing optician licenses are not transferable.

- C.** A licensee shall return an optical establishment license to the Board upon transfer of ownership or going out of business.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-114 amended and renumbered as Section R4-20-113 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-114. Notice of Change of Status

- A.** An optical establishment licensee and dispensing optician licensee shall notify the Board of any change in the information provided to the Board concerning license application or its renewal, including any change in name, address, work location, establishment ownership or the name, address or home telephone number of each dispensing optician working at the establishment.
- B.** This notice shall be in writing and made within 30 days of change of status.
- C.** For purposes of this Section, a change of establishment ownership means:
1. The transfer of a controlling interest in the optical establishment business from one person to another;
 2. The addition or termination of a general partner; or
 3. The transfer or agreement to transfer a block of 20% or more of the outstanding voting stock of a corporation or association or the transfer or agreement to transfer any amount of voting stock that would give the transferee control of a majority of outstanding voting stock. For purposes of this subsection, "voting stock" means any interest or system whereby the operation of a corporation is controlled by its owners or trustees.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-115 amended and renumbered as Section R4-20-114 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

R4-20-115. Renewal of Optical Establishment License; Late Renewal; Re-application

- A.** No later than June 30 of each year, an applicant for renewal of an optical establishment license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board that contains:
1. The name, address, and telephone number of the optical establishment;
 2. The name and license number of each dispensing optician who is scheduled to work 32 hours or more each week at the optical establishment; and
 3. The applicant's signature and title.
- B.** A licensee who submits a renewal application and renewal fee after June 30 but before July 31 of the renewal year shall pay the late fee in R4-20-112.
- C.** A licensee who fails to submit a renewal application before July 31 following a license expiration of June 30, and who wishes to re-apply for an establishment license, shall submit an original application, and pay the application fee and license fee in R4-20-112.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-116 repealed and reserved as Section R4-

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20-115 effective September 18, 1987 (Supp. 87-3). Section R4-20-115 amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-116. Rehearing or Review of Decision

- A.** Except as provided in subsection (G), a party in a contested case before the Board who is aggrieved by a decision rendered in the case may file with the Board not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the rehearing or review. For purposes of this Subsection a decision is deemed to be served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business.
- B.** A party may amend a motion for rehearing or review at any time before it is ruled upon by the Board. Any other party may file a response within 15 days after service of the motion or amended motion. The Board may require the filing of written brief upon the issues raised in the motion and may provide for oral argument.
- C.** A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the Board, the Board's informal interviewing officer or the prevailing party, or any order or abuse of discretion that deprived the moving party of a fair hearing or interview;
 2. Misconduct of the Board or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
 7. The decision is not justified by the evidence or is contrary to law.
- D.** The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters specified.
- E.** Not later than 10 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason for which the Board might have granted a rehearing or review on motion of a party. After giving the parties or the parties' counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- F.** When a motion for rehearing or review is based upon affidavits, the moving party shall serve the affidavits with the motion. An opposing party may within 10 days after service, serve opposing affidavits. The Board may extend the period for an additional 20 days for good cause shown or by written stipulation of the parties. The Board may permit reply affidavits.
- G.** If in a decision the Board makes specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the public peace, health or safety and that a rehearing or review of the decision is impracticable,

unnecessary or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, a party shall make application for judicial review of the decision within the time limits permitted for applications for judicial review of the Board's final decisions.

- H.** For purposes of this Section the terms "contested case" and "party" have the same meaning as in A.R.S. § 41-1001 and "appealable agency action" has the same meaning as in A.R.S. § 41-1092.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-117 amended and renumbered as R4-20-116 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

R4-20-117. Scope of Practice

- A.** The scope of practice of a dispensing optician means the activities described in A.R.S. § 32-1671(3).
- B.** The dispensing optician shall fill a refill of a contact lens prescription prior to its expiration date with no more than the sufficient quantity of replacement contact lenses needed through the expiration date.

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1216, effective May 5, 2007 (Supp. 07-1).

R4-20-118. Unprofessional Conduct

In addition to actions specified in A.R.S. § 32-1696, unprofessional conduct in the practice of optical dispensing includes the following:

1. Substandard care as specified in R4-20-119;
2. Failing to maintain a copy or record of the customer's prescription and failing to prepare and maintain a record of optical devices dispensed for at least three years. The record of optical devices dispensed shall include the brand, style, and size of the frame, if any, and the style, material, source, and all other information necessary to accurately reproduce each lens. The record shall be separate from optometrists' or physicians' records;
3. Failing or refusing to make a copy of a prescription or record described in subsection (2) promptly available to the customer who is the subject of the prescription or record, the customer's designated representative, the customer's prescribing practitioner, or the Board or its investigator, when requested. Notwithstanding this provision, a dispensing optician need not make the record of contact lenses dispensed on a trial basis available to the customer;
4. Failing or refusing to take corrective action or investigate a customer complaint concerning the manufacture or fit of eyeglasses, contact lenses, or other optical devices dispensed at the establishment by which the dispensing optician is employed if there is a substantial basis for the complaint;
5. Failure of any person, corporation, company, partnership, firm, association or society to maintain an active optical establishment license as required by R4-20-110; and
6. Failure to comply with a Board order.

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Historical Note

Adopted effective September 18, 1987 (Supp. 87-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 3668, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1).

R4-20-119. Substandard Care

- A. It is substandard care for a dispensing optician:
1. To dispense improperly manufactured eyeglasses or contact lenses. If a complaint indicates that eyeglasses or contact lenses dispensed by a dispensing optician or other employee of an optical establishment may have been improperly manufactured, the Board shall be guided in its determination of the facts by referring to the standards incorporated by reference in subsection (B) with regard to the individual parameters listed in the standards and considering patient wear, care, and usage;
 2. When interpreting written prescriptions:
 - a. To fail to follow standards incorporated by reference in subsection (B) in determining lens powers due to differences in vertex distances, base curvatures, special lens requirements, and facial fitting problems; or
 - b. To fail to comply with special instructions of the vision practitioner or optometrist shown on the prescription without the full knowledge and consent of the customer, the physician, or optometrist; or
 - c. To fill prescriptions beyond the expiration date indicated on the prescription;
 3. To fail to follow manufacturer's guidelines regarding usual and customary lens thickness of eyewear;
 4. To intentionally or negligently injure a customer during the course of optical dispensing; or
 5. To fail to give the customer appropriate instructions on the care, handling, and wearing of an optical device.
- B. The following standards published by the American National Standards Institute, Inc., (ANSI), 1819 L Street, NW, Suite 600, Washington, DC 20036, are incorporated by reference, and no further editions or amendments and are on file with the Board:
1. ANSI Z80.1 2015, "Prescription Ophthalmic Lenses-Recommendations."
 2. ANSI - Z80.20 2016, "Contact Lenses-Standard Terminology, Tolerances, Measurements And Physiochemical Properties."
 3. ANSI Z87.1 2015, "Occupational and Educational Personal Eye and Face Protection Devices."
 4. ANSI Z80.9 2015, "Optical Devices for Low Vision."

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-120. Continuing Education; Hours Required; Reporting

- A. A person licensed as a dispensing optician shall complete no fewer than 12 hours of continuing education that is approved by the Board for credit.
1. For the initial period of licensure for an applicant who obtains initial licensure between January 1 and June 30,

continuing education credits are due by December 31 of the second full calendar year of licensure.

2. For the initial period of licensure for an applicant who obtains initial licensure between July 1 and December 31, continuing education credits are due by December 31 of the third full calendar year of licensure.
 3. Continuing education credits for every subsequent period of licensure are due every three years thereafter at the time of licensure renewal.
- B. Each licensee shall submit documentation to the Board verifying that the licensee has completed 12 hours or more of continuing education, within each three-year period. The licensee shall provide documentation that identifies the courses and the number of credit hours completed and include the following:
1. If the course is from a school approved by the Commission on Opticianry Accreditation or college-accredited course, proof of course completion and the number of credits earned.
 2. If the course is part of an event, a certificate of completion issued by the sponsor which identifies each part completed.
 3. If the course is a home-study course, a certificate of completion issued by the sponsor and the number of credits earned.
 4. For any other course, a certificate of completion issued by the sponsor or presenter and the number of credits earned.
 5. If the licensee cannot obtain the above documentation, any other documents, affidavits, or testimony which provides assurance that the licensee has completed the requirements.
- C. Of the 12 hours of continuing education, each licensee shall obtain at least:
1. Four hours in eyeglass fitting and dispensing;
 2. Three hours in contact lens fitting and dispensing;
 3. One hour in state or national opticianry standards.
- D. Hours will be measured as follows: one credit hour will be assigned for each 50 minutes of a single session.
- E. The Board shall discipline any licensee who submits false information for continuing education documentation.
- F. A licensee shall not apply any hours accrued during one reporting period to any subsequent reporting period.

Historical Note

Adopted effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 26 A.A.R. 202, with an immediate effective date of January 14, 2020 (Supp. 20-1).

R4-20-121. Continuing Education; Approval of Courses

ABO and NCLE courses are approved by the Board for continuing education credit. Other individuals or organizations seeking approval of a continuing education course for credit shall apply to the Board 45 days before the date the course is offered. The application shall contain the following information on the course:

1. Title and description of course content;
2. Time, date, and place;
3. Number of credit hours;
4. Name of the sponsor and presenter; and
5. Brief curriculum vitae of the presenter.

Historical Note

Adopted effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3).

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R4-20-122. Agency Record; Directory of Substantive Policy Statements

The official rulemaking record for each rulemaking and a directory of substantive policy statements is located in the office of the Board and may be reviewed Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3).

R4-20-123. Repealed

Historical Note

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-124. Repealed

Historical Note

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-125. Repealed

Historical Note

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

R4-20-126. Repealed

Historical Note

New Section made by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (05-3). Repealed by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Timeframe	Administrative Completeness Time-frame	Substantive Review Time-frame
License by Examination (R4-20-102)	A.R.S. § 32-1682 A.R.S. § 32-1684	60	30	30
License by Comity (R4-20-107)	A.R.S. § 32-1683	90	30	60
Optical Establishment License (R4-20-110)	A.R.S. § 32-1684.01	60	30	30
Optician's License Renewal (R4-20-109)	A.R.S. § 32-1682	60	30	30
Optical Establishment License Renewal (R4-20-115)	A.R.S. § 32-1684.01	60	30	30

Historical Note

Table adopted by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1). Table amended by final rulemaking at 11 A.A.R. 3660, effective November 15, 2005 (Supp. 05-3). Amended by final rulemaking at 19 A.A.R. 584, effective May 5, 2013 (Supp. 13-1). Amended by final rulemaking at 24 A.A.R. 3418, effective December 4, 2018 (Supp. 18-4).