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Renumber the chapter heading of He-P 6000, eff. 10-31-13 (doc. #10453), as Plc 800, to read as follows:

CHAPTER ~~He-P 6000~~ ***Plc 800*** OPHTHALMIC DISPENSING

Statutory Authority: ***RSA 327-A:5, VI; RSA 327-A:12; RSA 310:6, II***

Adopt Plc 801 to read as follows:

PART ~~Plc 801~~ ***Plc 801*** PURPOSE AND APPLICABILITY; FEES

Plc 801.01 Purpose. The purpose of this chapter is to implement RSA 327-A relative to regulating the profession of ophthalmic dispensing, by establishing requirements for:

(a) Obtaining and renewing a certificate of registration to practice ophthalmic dispensing in New Hampshire;

(b) Obtaining the reinstatement of a certificate of registration to practice ophthalmic dispensing that has expired or been suspended or revoked; and

(c) The regulation of the practices of registered ophthalmic dispensers, including ethical and professional standards required to be met by registrants.

Plc 801.02 Applicability. This chapter shall apply to any individual who intends to practice or who does actually practice ophthalmic dispensing in New Hampshire, exclusive of those persons and practices excluded by RSA 327-A:13, reprinted in Appendix B.

Readopt with amendment He-P 6002.06, eff. 10-31-13 (doc. #10453), and renumber as Plc 801.03, to read as follows:

~~He-P 6002.06~~ ***Plc 801.03 Fees***. ~~(a) The registration fees shall be as follows: *specified in Plc 1002.*~~

~~(1) The initial registration fee shall be \$100; and~~

~~(2) The renewal registration fee shall be \$100.~~

~~(b) Registration fees shall be non-refundable pursuant to RSA 327-A:7.~~

Readopt with amendment He-P 6001, eff. 10-31-13 (doc. #10453), and renumber as Plc 802, to read as follows:

PART ~~He-P 6001~~ ***Plc 802*** DEFINITIONS

~~He-P 6001.01~~ Definitions:

~~(a) “Commissioner” means “commissioner” as defined in RSA 327-A:1, V, or his or her designee.~~

Plc 802.01 “Contact information” means the individual’s designated email address, home or other personal telephone number, and home physical address and home mailing address, if different.

Plc 802.02 “Designated email address” means the email address identified by an applicant or registrant as the address for the OPLC to use when sending notifications and licenses.

~~(b) ***Plc 802.03*** “Continuing education credit” means one hour of continuing education approved by the commissioner.~~

~~(c) “Department” means “department” as defined in RSA 327-A:1, VI.~~

Plc 802.04 “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 802.05 “License” means “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” For purposes of this chapter, the term includes any similar form of approval to practice ophthalmic dispensing in any jurisdiction.

Plc 802.06 “Licensing bureau” means the organizational unit within the OPLC’s division of licensing and board administration that is responsible for accepting and processing applications.

Plc 802.07 “Live programming” means a program led by one or more instructors that is available to attendees at the time it is being originally presented. The term includes a program attended remotely using a computer or other audio-visual telecommunications equipment, provided the attendee has an opportunity during the program to ask questions about the material presented that are answered by the instructor(s).

Plc 802.08 “Military spouse” means an individual who is legally married to an individual who is on active military duty.

Plc 802.09 “Necessary knowledge and skills” means the knowledge and skills that are necessary to safely and competently provide ophthalmic dispensing services to the public, including:

- (a) Prescription analysis and interpretation;***
- (b) The taking of measurements, including the pupillary distance, to determine the size, shape, and specifications of the spectacle lenses, frames, or lens forms best suited to the wearer's needs;***
- (c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear;***
- (d) The verification of the quality of finished ophthalmic products and the adjustment of lenses or frames to the intended wearer’s face;***
- (e) The delivery of such ophthalmic products including instruction in hygiene and insertion and removal of contact lenses; and***
- (f) The adjustment, replacement, and reproduction of previously prepared ophthalmic lenses, frames, contact lenses, or other specially fabricated ophthalmic devices.***

Plc 802.10 “On active military duty” means on active duty in the U.S. armed forces. The term includes “active military”.

~~(d)~~***Plc 802.11 “Ophthalmic dispenser” means “ophthalmic dispenser/optician” as defined in RSA 327-A:1, VII, reprinted in Appendix B.***

~~(e)~~***Plc 802.12 “Ophthalmic dispensing” means “ophthalmic dispensing” as defined in RSA 327-A:1, I, reprinted in Appendix B.***

~~(f)~~***Plc 802.13 “Plano lenses” means “plano lenses” as defined in RSA 327-A:1, IX, reprinted in Appendix B.***

~~(g)~~***Plc 802.14 “Prescription” means “prescription for spectacle lenses” and “prescription for contact lenses” as defined in RSA 327-A:1, III and IV, respectively, reprinted in Appendix B.***

~~(h)~~***Plc 802.15 “Registrant” means a person—an individual who is registered as an ophthalmic dispenser pursuant to He P-6000-RSA 327-A and Plc 800.***

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Plc 802.16 “Self-directed study program” means a program that is presented via audio, video, or computer programming at a time chosen by the registrant, which requires successful completion of a written examination to obtain proof of completing the self-study program.

Plc 802.17 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observance of holidays.

Change the heading of He-P 6002 and renumber as Plc 803, as follows:

PART ~~He-P 6002~~-*Plc 803 APPLICATION PROCEDURE AND FEES INITIAL REGISTRATION*

Adopt Plc 803.01 and Plc 803.02 to read as follows:

Plc 803.01 Eligibility for Registration as an Ophthalmic Dispenser.

(a) Any individual wishing to register as an ophthalmic dispenser shall:

- (1) Be at least 18 years of age;
- (2) Have obtained a high school diploma or have passed a test that resulted in the receipt of a certificate of high school equivalency; and
- (3) Demonstrate the necessary knowledge and skills to safely and competently provide ophthalmic dispensing services to the public.

(b) An applicant shall demonstrate the necessary knowledge and skills required by (a)(3), above, by:

- (1) Passing a national examination that tests the necessary knowledge and skills, namely the National Opticianry Competency Examination (NOCE) offered by the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE);
- (2) Providing proof of successful completion of a course or series of courses leading to a certificate or degree in ophthalmic dispensing or other field that includes instruction in the necessary knowledge and skills; or
- (3) Obtaining certification based on work experience in accordance with Plc 803.02.

Plc 803.02 Certification Based On Work Experience.

(a) For purposes of this qualification, “registered optician” means an individual who:

- (1) Is registered as an ophthalmic dispenser in New Hampshire or licensed in another jurisdiction whose requirements for licensure are substantially similar to, or more stringent than, New Hampshire’s, and is in good standing in all jurisdictions; and
- (2) Has passed the NOCE or has practiced ophthalmic dispensing for not less than 2 years.

(b) To obtain certification based on work experience, an individual shall:

- (1) Complete not less than 400 hours of supervised work under a registered optician to obtain the necessary knowledge and skills; and
- (2) Obtain certification from the supervising registered optician that meets the requirements of (c) and (d), below.

(c) The certification required by (b)(2), above, shall be a written statement that:

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- (1) The applicant has completed not less than 400 hours of on-the-job training through work experience; and
- (2) The applicant possesses the necessary knowledge and skills to practice as a registered ophthalmic dispenser.

(d) The registered optician providing the certification shall sign and date the written statement, which shall constitute the signer’s certification that the information provided is true, complete, and not misleading to the best of the signer’s knowledge and belief.

Readopt with amendment He-P 6002.01, eff. 10-31-13 (doc. #10453), and renumber as Plc 803.03 through Plc 803.09, to read as follows:

~~He-P 6002.01~~***Plc 803.03 Initial Application for Initial Registration.***

(a) ~~Each applicant for registration under RSA 327-A shall make application on a form provided by the commissioner. Any individual who wishes to engage in ophthalmic dispensing who is not already registered in New Hampshire shall file an application for an initial registration in accordance with this section.~~

(b) The applicant shall submit the following to the licensing bureau:

- (1) A completed “Universal Application for Initial License” as tailored for ophthalmic dispensing registrations, dated August 2023, that contains the information specified in Plc 304.03 and Plc 803.04 and is signed and attested to as specified in Plc 304.06;***
- (2) The documentation specified in Plc 304.04 and Plc 803.05, as applicable; and***
- (3) The application processing and licensing fee specified in Plc 1002, provided that if the applicant is active military or a military spouse, no fee shall be required.***

~~(b) The submitted application for registration shall contain the following:~~

- ~~(1) Name of applicant;~~
- ~~(2) Home address and phone of applicant;~~
- ~~(3) Date of birth of applicant;~~
- ~~(4) The applicant’s social security number, which:
 - ~~a. Is required by RSA 161-B:11; VI a;~~
 - ~~b. Is used only for enforcement of the laws governing child support; and~~
 - ~~c. Shall be held confidential by the department;~~~~
- ~~(5) The name, address, and phone of the business where the applicant is employed as an ophthalmic dispenser;~~
- ~~(6) If a partnership, the name and address of each partner;~~
- ~~(7) If a corporation, the name and address of each corporate officer;~~
- ~~(8) The name of each state where the applicant holds or has held a license or registration to practice ophthalmic dispensing and the dates the applicant has practiced in each state;~~
- ~~(9) A statement as to whether the applicant has ever been denied a license or registration to practice ophthalmic dispensing, has had an ophthalmic dispensing license or registration revoked or suspended, or has had any other disciplinary action taken against his or her ophthalmic dispensing license or registration in this or any other state;~~
- ~~(10) Recent 2” x 2” photograph of applicant’s face; and~~
- ~~(11) Signature of applicant and date signed.~~

~~(c) The completed application shall be submitted to the commissioner and shall be accompanied by the registration fee set forth in He-P 6002.06 (a) (1).~~

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Plc 803.04 Information Required for Initial Registration. In addition to the information required by Plc 304.03, the applicant shall identify whether the applicant:

- (a) Passed the NOCE;*
- (b) Successfully completed education leading to a certificate or degree in ophthalmic dispensing or another field that includes instruction in the necessary knowledge and skill; or*
- (c) Obtained on-the-job training, as certified by a registered optician.*

Plc 803.05 Documentation Required for Initial Registration. In addition to the information and documentation required by Plc 304.04, the applicant shall:

- (a) Submit proof of being 18 years old or older, in the form of an official government identification card showing date of birth or an official birth certificate; and*
- (b) Submit proof of having the obtained the necessary knowledge and skills, in the form of:
 - (1) Documentation of passing the NOCE from the ABO-NCLE, for applicants who qualify based on Plc 803.01(b)(1);*
 - (2) A certified transcript or certificate of completion of the program of education, for applicants who qualify based on Plc 803.01(b)(2); or*
 - (3) The written certification required by Plc 803.02, for applicants who qualify based on Plc 803.01(b)(3).**

~~***Plc 803.06 Initial Review of Applications for Initial Registration; Abandonment. –The commissioner shall either accept the application as being complete or notify the applicant in writing within 30 days of receipt of the application, that the application is incomplete, specifying what the applicant needs to submit to complete the application.***~~

- ~~*(a) Within 30 days of receipt of an application for initial registration submitted pursuant to Plc 803.02, the licensing bureau shall process the application as provided in Plc 304.06.*~~
- ~~*(b) The application shall be subject to the abandonment provisions of Plc 304.06(h).*~~
- ~~*(c) If the application is abandoned, the application processing and licensing fee shall not be refunded.*~~

Plc 803.07 Withdrawal of Application for Initial Registration.

- (a) An applicant may withdraw the application for registration at any time prior to being notified of a decision under Plc 803.07, by proceeding in accordance with Plc 304.07.*
- (b) If the application is withdrawn, the application processing and licensing fee shall not be refunded.*
- ~~*(c) Applicants who submit a complete application in accordance with He P 6002.01 (a) through (e) and pay the registration fee set forth in He P 6002.06 (a) (1) shall be granted registration as an ophthalmic dispenser.*~~

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Plc 803.08 Review of Complete Applications for Initial Registration; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all applicable criteria to be registered as an ophthalmic dispenser.

(b) The licensing bureau shall approve an application for initial licensure and register the applicant if:

(1) The applicant has complied with Plc 803.02 and meets the qualifications listed in Plc 803.01; and

(2) No information has been submitted that demonstrates the applicant has engaged in any of the conduct listed in RSA 327-A:9, which is reprinted in Appendix B.

{(f) moved, renumbered as Plc 803.09(b)}

~~(g) Notwithstanding (e) above, the commissioner shall deny any application if the applicant:~~

~~(1) Has not met any one of the requirements of RSA 327-A or He P 6002; or~~

~~(2) Has engaged in behavior justifying denial under RSA 327-A:9.~~

{(g) now covered by Plc 803.06(b)(2)}

~~(h) The commissioner-licensing bureau shall send-notify the applicant of the decision to deny on the application in writing sent to the applicant’s designated email address at the address shown on the application.~~

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to be registered are met, then:

(1) The licensing bureau shall deny the application; and

(2) The notice sent pursuant to (c), above, shall:

a. Specifically identify the reason(s) for the denial; and

b. Inform the applicant that the denial shall become final unless the applicant files a petition for rehearing in writing within 30 days.

(e) If the application is denied, the application processing and licensing fee shall not be refunded.

~~(i) Notification of denial shall be in accordance with He P 6003.03 (a), (b) and (c).~~

Plc 803.09 Initial Registrations: Issuance and Duration.

(a) Each initial registration as an ophthalmic dispenser issued by the OPLC shall specify:

(1) The name of the registrant;

(2) The effective date of the registration; and

(3) The registration number.

~~(b) Initial rRegistrations issued by the commissioner shall be effective:~~

~~(1) Be valid for 2 full calendar years from the date of approval-issuance as provided in RSA 310:8, II, provided that the timely filing of a complete renewal application shall continue~~

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the validity of the license being renewed until final action is taken on the renewal application;

(2) Expire 2 years from the date on which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked in accordance with Plc 807; and

(3) Be subject to renewal.

Adopt Plc 803.10 and Plc 803.11 to read as follows:

Plc 803.10 Challenging a Denial of Initial Registration. An applicant who wishes to challenge the denial of an application for initial registration shall do so as provided in Plc 304.10.

Plc 803.11 Facilitated Registration for Active Duty Military and Military Spouses.

(a) An applicant for licensure who is on active military duty or who is a military spouse shall apply for licensure as provided in Plc 803.02, except that no application processing fee shall be required.

(b) Each applicant who applies for facilitated licensing under this section shall be eligible to obtain a facilitated license if the applicant meets the qualifications for licensure summarized in Plc 803.01.

(c) Any individual who obtains a facilitated license under this section shall comply with all license renewal requirements specified in Plc 805 if the individual wishes to continue to work as a ophthalmic dispenser in New Hampshire after the term of the initial registration.

Add a heading for Plc 804 to read as follows:

PART Plc 804 REGISTRANT OBLIGATIONS; CONTINUING EDUCATION

Readopt with amendment He-P 6002.04, eff. 10-31-13 (doc. #10453), and renumber as Plc 804.01, to read as follows:

~~He-P 6002.04~~***Plc 804.01 Change of Address and Timely Submission of Application-Registrant Obligations to Notify, Display Registration.***

(a) ~~Each r~~Registrants shall ~~immediately~~:

~~(1) Notify the commissioner~~***licensing bureau within 10 working days*** when a change of ~~home or office address~~***name*** occurs; ***and***

~~(2) Update the OPLC's records within 10 working days when a change of personal contact information occurs.~~

~~(b) Failure to receive an application for renewal of the current registration sent by the department shall not excuse the ophthalmic dispenser from the obligation to submit an application for renewal at least 30 days prior to the expiration of the current registration in accordance with He-P 6002.02 (c).~~

{(b) now covered by Plc 805.02(b)}

~~(b) As required by RSA 327-A:8, registrants shall display their registrations so as to be visible to customers in their principal place of business.~~

~~(c) Each registrant shall know, and have available in the registrant's office or other place of business, information regarding how complaints can be filed with the OPLC.~~

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(d) Each registrant shall inform the licensing bureau within 10 working days of any of the circumstances identified in Plc 307.02.

Adopt Plc 804.02 to read as follows:

Plc 804.02 Registrant Responsibilities for Renewal. Each registrant shall:

- (a) Know when the individual’s registration is due to expire; and
- (b) File an application for renewal prior to the expiration of the current registration in accordance with Plc 805 if the registrant wishes to continue to practice in New Hampshire.

Readopt with amendment He-P 6002.05, eff. 10-31-13 (doc. #10453), and renumber as Plc 804.03 through Plc 804.05, to read as follows:

~~He-P 6002.05~~ ***Plc 804.03 Continuing Education.***

(a) ***As required by RSA 327-A:14,*** Registered ophthalmic dispensers shall complete a minimum of 8 continuing education credits during the 2 year period prior to each renewal of registration ~~in accordance with RSA 327-A:14.~~

(b) At least 5 of the continuing education credits shall be earned through live ~~didactic courses~~ ***programming.***

(c) ***The remaining credits shall be earned through live programming or through Home-self-directed*** study programs ~~shall include audio, video, or computer programs with successful completion of a written examination.~~

~~(d) Applicants for renewal shall submit documentation concerning continuing education credits with the application for renewal in accordance with He P 6002.02 (e)(2).~~ ***{(d) now covered by Plc 805.03(c)}***

~~(e)~~ Continuing education events approved by the American Board of Opticianry or the National Contact Lens Examiners ***ABO-NCLE*** shall be accepted by the commissioner ***qualify*** for continuing education credits ***without pre-approval by the executive director.***

~~(f)~~ Events ~~which~~ ***that*** are not approved by the American Board of Opticianry or the National Contact Lens Examiners ***ABO-NCLE*** shall be pre-approved by the commissioner ***executive director*** as described in ~~(g) through (j) below in accordance with RSA 327-A:14~~ ***Plc 804.05 to qualify*** for continuing education credits.

Plc 804.04 Pre-Approval of Continuing Education Programs by the Executive Director.

~~(g)~~ Requests for pre-approval ***of programs*** for continuing education credits shall be submitted by the ~~association or~~ organization sponsoring the event.

~~(h)~~ Associations and organizations requesting pre-approval ***of programs*** for continuing education credits shall submit ~~their~~ requests to the commissioner ***executive director***, in writing, at least 60 days prior to the scheduled event.

~~(i)~~ Requests for pre-approval ***of programs*** for continuing education credits ~~pursuant to RSA 327-A:14~~ shall include:

- (1) The name of the ~~course, seminar, or event~~ ***program***;
- (2) The location of the ~~course, seminar, or event~~ ***program***;
- (3) The sponsor or presenter of the ~~course, seminar, or event~~ ***program***;

- (4) The ***email*** address and telephone number of the sponsor or presenter;
- (5) ***The email address and daytime telephone number of an individual who is authorized by the sponsor or presenter to interact with the OPLC regarding the application;***
- (56) A complete description of the ~~course, seminar, or event~~ ***program, including how the program will contribute to the advancement, extension, or enhancement of the professional skills and technical knowledge of ophthalmic dispensers;***
- (67) The ~~date(s)-total length~~ of the ~~course, seminar, or event~~ ***program and the length of each segment if applicable;*** ~~and~~
- (8) ***The date(s) on which the program is expected to be offered; and***
- (79) The number of continuing education credits being requested ***for the program.***

~~(j-d)~~ The ~~commissioner~~ ***executive director*** shall approve the proposed continuing education ~~course~~ ***program*** if the ~~course~~ ***program***:

- (1) Is sponsored by ~~any~~ ***a*** national, regional, or state optical company; ~~or~~ trade; or professional ~~group~~ ***association***; and
- (2) Contributes to the advancement, extension, or enhancement of the professional skills and the technical knowledge of ~~opticians~~ ***ophthalmic dispensers.***

~~(k) Continuing education requirements shall be completed prior to the expiration date of the registration.~~

Plc 804.05 Documentation Requirements; Audits.

~~(l-a)~~ ***Each r***Registrants shall ~~maintain accurate records of~~ ***retain documentation of participating in*** continuing education ~~credits~~ ***programs for the current registration term and the most recent renewal period.***

~~(m) Certificates and documents of evidence of continuing education credits shall be retained by the registrant for a period of 3 years.~~

~~(n) Original certificates and documents of evidence of continuing education hours shall be subject to inspection by the department upon request.~~

~~(o) Excess continuing education credits earned throughout the registration period shall not be carried forward into the next registration period.~~

(b) Upon being notified by the OPLC that an on-line system administered by a third-party organization is available to manage continuing competence compliance, each registrant shall use the on-line system to track and report the completion of continuing education unless a profession-specific on-line system is authorized by the executive director based on the system being available to all licensees in the profession at no charge to the licensee and accessible by the OPLC.

(c) The executive director shall audit registrant participation in continuing education by:

- (1) Randomly selecting 10% of registrants each year to be audited; and***
- (2) Notifying each selected registrant of the audit by email sent to the registrant’s designated email address.***

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(d) The notice sent pursuant to (c)(2), above, shall direct the registrant to submit documentation for the continuing education claimed by the registrant for the most recent renewal period to the executive director by a specified date, which shall be no sooner than 30 days from the date of the notice.

(e) In response to the notice, a registrant selected for audit shall submit the following to the executive director no later than the date specified in the notice.

(1) Documentation of attendance for a seminar or event, or documentation of successful completion of a self-directed program; or

(2) For any time period covered by the on-line system, a copy of the on-line records, subject to (f), below.

(f) In lieu of submitting a copy of the on-line records, a registrant selected for audit may provide the executive director with direct access to the on-line records.

(g) Failure to submit documentation when directed to do so shall constitute a violation of these rules.

Add a heading for Plc 805 to read as follows:

PART Plc 805 REGISTRATION RENEWAL AND REINSTATEMENT

Adopt Plc 805.01 to read as follows:

Plc 805.01 Eligibility for Registration Renewal. To be eligible for renewal of a registration to practice ophthalmic dispensing, an individual shall:

(a) Have completed not less than 8 hours of continuing education, as required by RSA 327-A:14 and as described in Plc 804.04;

(b) Have paid all administrative and civil penalties imposed, if any; and

(c) Meet the eligibility for renewal criteria specified in Plc 308.02.

Readopt with amendment He-P 6002.02 and He-P 6002.03, eff. 10-31-13 (doc. #10453), and renumber as Plc 805.02 through Plc 805.08, to read as follows:

~~He-P 6002.02~~***Plc 805.02 Renewal Application Notification of Pending License Expiration.***

~~(a) An ophthalmic dispenser who wishes to maintain his/her registration shall submit an application for renewal to the commissioner in accordance with RSA 327-A:14.~~

{(a) now covered by Plc 805.03 intro}

~~(b)~~***(a) At least 60 days prior to the expiration of a registration, the commissioner-licensing bureau shall:***

(1) Notify, in writing to the registrant’s designated email address, the each registrants whose registrations are to expire-is expiring that:

a. Their registrations are is due to expire; and

b. Failure to file a complete and timely application for renewal shall result in the registration expiring;

c. If the registration expires, the registrant shall not be able to work legally in New Hampshire unless and until a registration is reinstated;

d. The application for reinstatement shall require a new application processing and licensing fee; and

e. The application processing and licensing fee paid with the renewal application shall not be refunded; and

(2) Include ~~an~~ ***with the notice a copy of the*** application for renewal of registration with the ~~written notice identified in Plc 805.03(a) or, when the application becomes available on-line, a registration code for the registrant to use to renew on-line, if a code is necessary.~~

(b) A registrant who wishes to renew who does not receive an application or registration code shall contact OPLC customer support at CustomerSupport@opl.nh.gov to obtain an application or code. *{previously covered by He-P 6002.04(b)}*

~~He P 6002.03 Expired Registration.~~

~~He P 6002.03(ac)~~ If an application for renewal is received ***by the OPLC*** after the expiration date of the registration, the registration shall be expired.

~~He P 6002.03(bd)~~ An ophthalmic dispenser whose registration has expired in accordance with (a) above shall not practice ophthalmic dispensing ***in New Hampshire unless and*** until he or she has obtained a registration in accordance with RSA 327-A and He P 6000 ***the registration has been reinstated.***

~~He P 6002.03(ee)~~ An ophthalmic dispenser whose registration has expired in accordance with (a) above, and ***who*** wishes to reapply for a registration, ***be reauthorized to practice ophthalmic dispensing*** shall reapply for an initial ophthalmic dispensing ***reinstatement of the*** registration in accordance with ~~He P 6002.01~~ ***Plc 805.10.***

~~He P 6002.03(d)~~ If an ophthalmic dispenser reapplies for an initial registration in accordance with (e) above, the applicant shall also include with the initial application documentation of having met the continuing education requirements of ~~He P 6002.05.~~

~~He P 6002.02(c)~~ At least 30 days prior to the expiration of a registration, the registrant shall submit to the commissioner:

- (1) ~~An application that contains the following:~~
 - a. ~~The applicant's first, middle and last name;~~
 - b. ~~The applicant's home mailing address;~~
 - c. ~~The name and address of the business where the applicant is employed as an ophthalmic dispenser;~~
 - d. ~~The name of each state where the applicant holds or has held a license or registration to practice ophthalmic dispensing and the dates the applicant has practiced in each state;~~
 - e. ~~A statement as to whether the applicant has ever been denied a license or registration to practice ophthalmic dispensing, has had an ophthalmic dispensing license or registration revoked or suspended, or has had any other disciplinary action taken against his or her ophthalmic dispensing license or registration in this or any other state;~~
 - f. ~~Signature of applicant certifying that the information on the application is true and accurate; and~~
 - g. ~~The date signed;~~

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Plc 805.03 Applying for Registration Renewal. A registrant who wishes to renew a registration to practice ophthalmic dispensing shall submit the following to the licensing bureau:

(a) A completed “Universal Application for License Renewal” as tailored for ophthalmic dispensing registrations, dated August 2023, that provides the information required by Plc 308.06 and is signed and attested to as specified in Plc 308.08;

(b) The information and documentation required by Plc 308.07 and Plc 805.03, as applicable;

(c) The information and attestation relative to meeting continuing education requirements, as specified in Plc 805.04; and

(d) The application processing and licensing fee specified in Plc 1002, provided that applicants applying for facilitated registration as active military or a military spouse shall not pay the fee.

Plc 805.04 Information and Attestation Relative to Continuing Education.

(a) An applicant for renewal of an ophthalmic dispensing registration shall provide the following information relative to continuing education:

(1) The total number of continuing education credits earned by the applicant since the beginning of the current registration term; and

(2) The following information for each continuing education program for which credit is claimed:

~~He P 6002.02(c)(2) The following documentation of having met the continuing education requirements of RSA 327-A:14 and He P 6002.05:~~

~~a. The completed continuing education section of the application form provided by the commissioner which contains the following:~~

~~1a. The name of the continuing education event program;~~

~~2. The location of the event;~~

~~3b. The beginning and ending date(s) of the event program;~~

~~4c. The name and address of the sponsor of the event program; and~~

~~5d. The total number of continuing education hours for each event claimed for the program; and~~

~~6. The signature of the registrant; and~~

~~b. Copies of all certificates of continuing education credits listed on the form required by a. above; and~~

~~(3) The renewal fee required by He P 6002.06 (a) (2).~~

(b) Submission of the information shall constitute the applicant’s attestation that the applicant has met all continuing education requirements of RSA 327-A:14 and Plc 800.

~~He P 6002.02(d) Plc 805.05 Initial Review of Renewal Applications. The commissioner shall either accept the application as being complete or notify the applicant in writing within 30 days that the application is incomplete, specifying what the applicant needs to submit to complete the application. Within 30 days of~~

receipt of an application submitted pursuant to Plc 805.03, the licensing bureau shall process the application as provided in Plc 308.09.

Plc 805.06 Withdrawal or Abandonment of Renewal Application.

(a) An applicant may withdraw an application to renew a registration at any time prior to being notified of a decision under Plc 805.07 by proceeding in accordance with Plc 308.10.

(b) A renewal application shall be deemed to be abandoned if the applicant files an incomplete application and does not provide all information necessary to complete the application when directed to do so pursuant to Plc 308.09.

(c) If the application is withdrawn or abandoned, the application processing and licensing fee shall not be refunded.

Plc 805.07 Review of Complete Renewal Applications; Decisions.

(a) The licensing bureau shall review complete applications as provided in Plc 308.11.

~~He P 6002.02(eb)~~ Applications for renewal shall be approved if ~~The licensing bureau shall renew the license of any applicant who:~~

~~(1) The~~ *Has submitted an* application contains the information and fee required by ~~He P 6002.02 (c) and He P 6002.06 (a) (2)~~ *that meets the requirements of Plc 805.03;*

(2) Meets the eligibility for renewal criteria specified in Plc 308.02 and Plc 805.01;

~~(23) The registrant is in~~ *Has not been shown, through an adjudicative proceeding, to not be in* compliance with ~~He P 6000 and RSA 327-A and Plc 800;~~ and

~~(34) The registrant h~~ *Has not been shown, through an adjudicative proceeding, to have* engaged in an act that would result in denial under RSA 327-A:9.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant’s designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain a license are met, then:

(1) The licensing bureau shall deny the application; and

(2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall be final in 30 days unless the applicant petitions for rehearing in writing within 30 days.

(e) If the application is denied, the application processing and licensing fee shall not be refunded.

Plc 805.08 Renewal Licenses: Issuance and Duration.

(a) Each renewal registration issued by the OPLC shall specify:

(1) The name of the registrant;

(2) The effective dates of the registration; and

(3) The registration number.

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~~He P 6002.02(f-b)~~ ***Each r***Renewal registrations shall:

- ~~(1) B~~***be effective-valid*** for 2 years from the date of ~~issuance~~ expiration of the prior registration, ***provided that the timely filing of a complete renewal application shall continue the validity of the registration being renewed until final action is taken on the renewal application;***
- ~~(2) Expire 2 years from the date on which the registration was issued unless a timely and complete renewal application is filed or the registration is sooner suspended or revoked pursuant to Plc 807; and~~
- ~~(3) Be subject to renewal biennially.~~

~~He P 6002.02(g)~~ The commissioner shall deny any application in accordance with He P 6003.03 if the applicant:

- ~~(1) Has not met any one of the requirements of RSA 327-A:7 and RSA 327-A:14 or He P 6002.02; or~~
- ~~(2) Has engaged in behavior justifying denial under 327-A:9.~~

~~He P 6002.02(h)~~ Notification of denial of renewal shall be in accordance with He P 6003.03 (a), (b) and (c).

Adopt Plc 805.09 through Plc 805.11 to read as follows:

Plc 805.09 Challenging a Denial of License Renewal. An applicant who wishes to challenge the denial of an application for registration renewal shall do so as provided in Plc 308.12.

Plc 805.10 Reinstatement of a Registration After Expiration.

(a) An individual whose registration has expired shall not practice in New Hampshire unless and until the individual has obtained a license in accordance with RSA 327-A and Plc 800.

(b) An individual whose registration has expired who wishes to obtain a license in New Hampshire shall apply for reinstatement by filing a complete application for renewal, including obtaining the required number of continuing education credits.

Plc 805.11 Reinstatement of a Registration After Suspension or Revocation.

(a) Reinstatement of a registration previously suspended or revoked shall be in accordance with Plc 312.05, subject to (b) and (c), below.

(b) Pursuant to RSA 327-A:11, if a registration is revoked or an application is denied, no such registration shall be issued to such former registrant or applicant for at least 6 months from the date the revocation or denial was deemed final, provided that the individual may request the executive director to exercise the discretion authorized by RSA 327-A:11, I by requesting a waiver in accordance with Plc 211.

{(b) previously He-P 6003.03(l)}

(c) An ophthalmic dispenser whose registration has been revoked or denied and who wishes to reapply for a registration shall reapply for an initial ophthalmic dispensing registration in accordance with Plc 803.02.

{(c) previously He-P 6003.03(m)}

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Adopt Plc 806 to read as follows:

PART Plc 806 ETHICAL AND PROFESSIONAL STANDARDS

Plc 806.01 Applicability.

(a) The standards in this part shall apply to each individual who applies to be registered under RSA 327-A or who is registered under RSA 327-A.

(b) Violations of these standards shall constitute unprofessional conduct that subjects the violator to disciplinary proceedings pursuant to Plc 807.

Plc 806.02 Ethical Standards. Each individual who is subject to this chapter shall:

(a) Ensure that any commercial interests of the individual or the individual’s employer are not permitted to override the independent exercise of professional judgment with regard to a patient, or to compromise the standard of care provided, or to affect their cooperation with other healthcare providers;

(b) If an employer, refrain from exerting pressures on staff that may compromise patient welfare;

(c) Provide each patient with information that is sufficient to allow the patient to make informed decisions about the patient’s care;

(d) If a patient’s needs are beyond the scope or skills of the ophthalmic dispenser, advise the patient of this and refer the patient to a practitioner who has the necessary skills, knowledge, qualifications, and experience to address the patient’s needs;

(e) Engage in activities only in those areas in which the individual is trained and competent;

(f) Maintain comprehensive, accurate, and up-to-date clinical records;

(g) Maintain appropriate privacy protections for all clinical records; and

(h) Delegate tasks only to personnel who are appropriately qualified and competent to perform the assigned task.

Plc 806.03 Professional Obligations. Each individual who is subject to this chapter shall:

(a) Comply with RSA 327-A, Plc 307.04 as reprinted in Appendix D, and Plc 800;

(b) Obey in good faith, and within any time periods specified, any disciplinary or remedial orders issued by the executive director;

(c) Interact with colleagues and patients with honesty and integrity;

(d) Not misrepresent professional qualifications or credentials;

(e) Cooperate with inspections and with lawful investigations by the executive director;

(f) Treat all individuals with whom the individual interacts in a professional capacity with respect and civility;

(g) Maintain sexual boundaries by:

(1) Refraining from any behavior that exploits the practitioner-patient relationship in a sexual way; and

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- (2) Avoiding any behavior that is sexual or sexually demeaning, or that could be reasonably interpreted as such, even when initiated by or consented to by the patient or a colleague;
- (h) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity; and
- (i) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, national origin, or any other class of individuals protected by law.

Readopt with amendment He-P 6003, eff. 10-31-13 (doc. #10453), and renumber as Plc 807, to read as follows:

PART ~~He-P-6003~~*Plc 807 PROCEDURES FOR COMPLAINTS;*; DISCIPLINARY ACTIONS;
REVOCATION, DENIAL WAIVERS****

~~He-P-6003~~***Plc 807.01 Complaint Procedure.*** (a) Any person ~~may~~***who wishes to*** file a complaint against an ophthalmic dispenser, or against ~~a person~~***an individual*** who is practicing ophthalmic dispensing without a registration, ***shall do so in accordance with Plc 204.***

- ~~(b) All complaints filed in accordance with (a) above shall be in writing.~~
- ~~(c) The complainant shall include the following in his or her complaint:~~
 - ~~(1) The name of the ophthalmic dispenser or unregistered person;~~
 - ~~(2) The business address and telephone number of the ophthalmic dispenser or unregistered person;~~
 - ~~(3) The name and address of the complainant; and~~
 - ~~(4) The specific facts or circumstances giving rise to the complaint.~~
- ~~(d) Complaints received by the department which are not in accordance with He-P-6003.01 (a) through (c) shall not be accepted.~~
- ~~(e) A copy of He-P-6003.01 (a) through (d) shall be conspicuously posted, along with the following address and phone number, in each ophthalmic dispensing office and store:~~
 - ~~Philbrook Building~~
 - ~~121 South Fruit Street~~
 - ~~Concord New Hampshire 03301~~
 - ~~(603) 271-9480~~

~~He-P-6003~~***Plc 807.02 Complaint Investigation.*** (a) ~~Complaints alleging a violation of RSA 327-A and/or He-P-6000-Plc 800, or both, shall be investigated by the commissioner~~***as provided in Plc 204.***

- ~~(b) If the complaint is accepted, the commissioner shall contact and individually question the complainant and the registrant, or unregistered person, about the complaint in an effort to determine if the complaint can be substantiated.~~
- ~~(c) The registrant, or unregistered person, shall cooperate with the department by providing the department with any information requested by the commissioner relative to the complaint.~~
- ~~(d) Upon the completion of the investigation, the commissioner shall make a determination based on information received during the investigation as to whether the complaint is substantiated.~~
- ~~(e) Copies of the investigative findings shall be sent to the complainant and the registrant, or unregistered person, indicating whether the complaint is substantiated.~~
- ~~(f) Except in the case of violations which warrant revocation pursuant to He-P-6003.03 (j) (1), if the complaint is substantiated, the registrant shall submit to the commissioner and implement a written plan of correction within 15 days of the receipt of the findings.~~
- ~~(g) A written plan of correction shall be required if the registrant:~~

- ~~(1) Has failed to follow the order of a prescription of an ophthalmologist or optometrist;~~
- ~~(2) Has made a material false statement or concealed a material fact in connection with his or her application for registration;~~
- ~~(3) Has used dishonest or misleading advertising; or~~
- ~~(4) Has failed to comply with any other provisions of He P 6000 or RSA 327 A.~~

~~He P 6003~~***Plc 807.03 Revocation, Denial, and Disciplinary Action.*** ~~(a) Prior to an administrative~~ ***disciplinary*** actions against an applicant; ~~or registrant, or unregistered person such as application~~ denial, suspension or revocation of registration, or the imposition of a fine, ~~the department shall send to the applicant, registrant, or unregistered person a written notice which sets forth:~~ ***be initiated and pursued as provided in Plc 206 and Plc 311.***

- ~~(1) The reason(s) for the proposed action;~~
- ~~(2) The action to be taken by the department; and~~
- ~~(3) The rights of the applicant, registrant, or unregistered person to an adjudicative proceeding.~~

~~(b) Failure of the applicant, registrant, or unregistered person to request a hearing within 30 days of receipt of the notice shall result in the proposed action becoming final and immediately imposed.~~

~~(c) If the applicant, registrant, or unregistered person requests a hearing in writing within 30 days of receipt of the notice, no action shall be imposed on the applicant, registrant, or unregistered person pending the completion of an adjudicative process conducted in accordance with RSA 541 A and He C 200.~~

~~(d) The commissioner shall suspend a registration in accordance with (a) through (c) above if the registrant:~~

- ~~(1) Fails to submit and implement a plan of correction within 15 days pursuant to He P 6003.02 (f) and (g);~~
- ~~(2) Fails to maintain a plan of correction;~~
- ~~(3) Does not cooperate with an investigation by the commissioner to the extent required by these rules;~~
- ~~(4) Has given false information on his or her renewal application relative to continuing education; or~~
- ~~(5) Fails to pay an administrative fine in accordance with He P 6003.04.~~

~~(e) If a registration is suspended in accordance with (d) (1) above, and the registrant requests a hearing in accordance with (c) above, the scope of the hearing shall be on the violations of He P 6000 or RSA 327 A that resulted in the requiring of a plan of correction.~~

~~(f) If the outcome of a hearing held in accordance with (e) above is that the department did not have valid grounds to order the submission and implementation of a plan of correction, then the suspension shall not be imposed.~~

~~(g) If the outcome of a hearing held in accordance with (e) above is that the department’s order requiring the submission of corrective action is upheld, the suspension shall take effect immediately and remain in effect until such time as the corrective action is submitted and approved in accordance with (h) below.~~

~~(h) The length of suspension shall be until such time as the registrant:~~

- ~~(1) Complies with the requirements for which the suspension was issued; and~~
- ~~(2) Has paid all fines, if any, associated with the suspension; or~~
- ~~(3) Has his/her registration revoked in accordance with He P 6003.03 (j) (2).~~

~~(i) Upon reinstatement of a suspended registration, the applicant shall not be required to pay an additional registration fee, and the expiration date shall be the expiration date of the previously suspended registration.~~

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~~(j) The commissioner shall revoke a registration in accordance with (a) through (c) above if the registrant:~~

- ~~(1) Has been found guilty of fraud or fraudulent practices in accordance with RSA 327-A:9, III; or~~
- ~~(2) Has failed to comply with any conditions for the removal of a suspension within 90 days of the suspension taking effect.~~

~~(k) Upon suspension or revocation of a registration, the registrant shall return his or her certificate of registration in accordance with RSA 327-A:10.~~

~~(l) Pursuant to RSA 327-A:11, if a registration is revoked or an application is denied, no such registration shall be issued to such former registrant or applicant for at least 6 months from the date the revocation or denial was deemed final.~~ *{now covered by Plc 805.11(b)}*

~~(m) An ophthalmic dispenser whose registration has been revoked or denied and who wishes to reapply for a registration in accordance with (l) above shall reapply for an initial ophthalmic dispensing registration in accordance with He P 6002.01.~~ *{now covered by Plc 805.11(c)}*

~~(n) In addition to (m) above, a registration shall not be granted to any applicant until the applicant has complied with the requirements for which the revocation or denial was issued, and has paid all fines, if any, associated with the revocation or denial.~~ *{now covered in Plc 312}*

~~He P 6003~~*Plc 807.04* Administrative Fines.

~~(a) When the commissioner has determined that a violation or violations of RSA 327-A or He P 6000 have occurred, the commissioner shall impose an administrative fine of \$250.00 for each offense in accordance with RSA 327-A: 17. ***The executive director shall issue a written notice to any individual proposed to be subjected to an administrative fine that notifies the individual:***~~

- ~~***(1) Of the violation(s) for which the administrative fine is proposed;***~~
- ~~***(2) Of the amount of the proposed administrative fine;***~~
- ~~***(3) That the individual may request a hearing prior to the imposition of the fine; and***~~
- ~~***(4) Of the deadline for requesting a hearing, which shall be no sooner than 20 days from the date of the notice.***~~

~~***(b) If the recipient of the notice requests a hearing, the hearing shall be conducted in accordance with the provisions in Plc 200 and RSA 541-A that govern adjudicative proceedings.***~~

~~(bc) If the person, applicant or registrant ***individual*** who is ***proposed to be*** fined waives the right to a hearing and chooses to pay the ~~imposed~~***proposed*** fine, the fine shall be paid ***by sending payment in cash or by check or money order made payable to “Treasurer – State of New Hampshire”*** to ~~and received by the department~~***OPLC*** within 30 days of receipt of the notice of fine.~~

~~(c) The fine payments shall be sent to the commissioner.~~

~~(d) Administrative fines ***for violations of RSA 317-A or Plc 800*** shall be imposed in accordance with RSA 327-A:17 and He P 6003.04 (a) for violations of RSA 327-A or He P 6000, including, but not limited to, ***Plc 311*** based on the following ***schedule of fines***:~~

- ~~***(1) For sSubmitting false or fraudulent ***material*** information on or with an application, ***the fine shall be \$250 per item of material false information submitted;******~~

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- ~~(2) Falsification of~~ ***For falsifying*** a registration to practice ophthalmic dispensing, ***the fine shall be \$250 for each day the individual practices ophthalmic dispensing under the falsified registration;***
- ~~(3) For practicing~~ ***Practicing*** ophthalmic dispensing, including the dispensing of plano lenses, without a registration, ***the fine shall be \$250 per client served;***
- ~~(4) Failure~~ ***For failing*** to submit a plan of correction in accordance with ~~He P 6003.02(f)~~ ***Plc 312.05, the fine shall be \$250 for each month or portion thereof the plan is not submitted;***
- ~~(5) Failure~~ ***For failing*** to implement and maintain a plan of correction, ***the fine shall be \$250 per item not implemented;***
- ~~(6) Failure~~ ***For failing*** to cooperate during an investigation, ***the fine shall be \$250 per occurrence of non-cooperation; and***
- ~~(7) Failure~~ ***For failing*** to display ***the*** certificate of registration ~~in accordance with as required by RSA 327-A:8,~~ ***the fine shall be \$250 per month or portion thereof the certificate of registration is not displayed.; and***
- ~~(8) Failure to display the complaint procedures in accordance with He P 6003.01(e).~~

(e) If the executive director believes a fine is appropriate for a violation that is not included in (d), above, the amount of the fine to be sought shall be no more than \$250 for each offense and scaled to reflect the scope and severity of the violation based on:

- (1) How much the misconduct deviated from the requirement;***
- (2) Whether the misconduct was committed negligently, recklessly, or intentionally; and***
- (3) The extent of harm or potential for harm that occurred.***

(f) As provided in RSA 327-A:17, the imposition of an administrative fine shall not preclude the imposition of further penalties or administrative actions.

~~He P 6003~~ ***Plc 807.05*** Waivers. ~~(a) Applicants or registrants seeking waivers of specific rules in this chapter shall submit a written request for waiver to the commissioner which includes the following:~~ ***in accordance with Plc 211.***

- ~~(1) Specific reference to the rule for which a waiver is being sought;~~
- ~~(2) Full explanation of why a waiver is necessary; and~~
- ~~(3) Full explanation of alternatives proposed by the applicant or registrant, which shall be equally as protective of public health as the rule from which a waiver is sought.~~
- ~~(b) The commissioner shall approve a request for waiver if:~~
 - ~~(1) The commissioner concludes that authorizing deviation from strict compliance with the rule from which waiver is sought does not contradict the intent of the rule;~~
 - ~~(2) The alternative proposed by the applicant or registrant ensures that the objective or intent of the rule from which waiver is sought will be accomplished; and~~
 - ~~(3) The alternative proposed by the applicant or registrant does not violate any statutory provision.~~
- ~~(c) If a waiver is approved, the applicant's or registrant's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.~~
- ~~(d) No waiver shall be granted for a period to exceed 2 years.~~

Appendix A: State Statutes Implemented

Rule	State Statute(s) Implemented
Plc 800 (see below for specific sections)	RSA 327-A
Plc 803	RSA 327-A:2; RSA 327-A:3; RSA 327-A:6; RSA 327-A:7
Plc 804	RSA 327-A:8; RSA 327-A:14
Plc 805	RSA 327-A:14
Plc 806	RSA 327-A:12, IV
Plc 807	RSA 327-A:11; RSA 327-A:17

Appendix B: Statutory Provisions

327-A:1 Definitions. – In this chapter:

I. “Ophthalmic dispensing” means the design, verification, and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription. It includes, but is not limited to, prescription analysis and interpretation; the taking of measurements, including the pupillary distance, to determine the size, shape, and specifications of the spectacle lenses, frames, or lens forms best suited to the wearer’s needs; the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear; the verification of the quality of finished ophthalmic products, the adjustment of lenses or frames to the intended wearer’s face; the delivery of such ophthalmic products including instruction in hygiene and insertion and removal of contact lenses; and the adjustment, replacement, and reproduction of previously prepared ophthalmic lenses, frames, contact lenses, or other specially fabricated ophthalmic devices. It does not include the alteration without permission of the prescriber of any prescriptions, nor does it include the fitting of contact lenses which may only be performed by ophthalmologists or optometrists pursuant to law regulating such practices, unless the ophthalmic dispenser is in possession of a statement of delegation authorizing the fitting of contact lenses.

II. “Fitting contact lenses” means measurement of the shape of the eye, as well as determining the lens specifications, including base curve, size, shape, thickness, color, and material composition.

III. “Prescription for spectacle lenses” means a dated and signed, written or oral direction not more than 24 months old from an ophthalmologist or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and when necessary, the vertex distance, cylinder axis, and prism. The oral prescription must be recorded and kept on file for one year by the ophthalmic dispenser.

IV. “Prescription for contact lenses” means a dated and signed, written direction specifying that it is for contact lenses or plano lenses, and shall include at least the power, size, curvature, color, and material composition of the lenses. A prescription for contact lenses may also include, at the prescriber’s professional discretion, other parameters or instructions such as lens manufacturer, prescription expiration date, number of permitted refills, and a statement prohibiting substitutions. Such parameters or instructions shall be honored by a person filling the prescription. Unless otherwise specified by the prescriber for health reasons, a contact lens prescription shall expire one year from the date of issue.

VII. “Ophthalmic dispenser/optician” means anyone who sells or dispenses, upon prescription, spectacles, eyeglasses or contact lenses.

VIII. “Statement of delegation” means a written, signed statement from the prescribing ophthalmologist or optometrist which authorizes a named ophthalmic dispenser to fit the prescription for contact lenses. The statement shall be written on the prescription for contact lenses or shall be a letter which shall be attached to the prescription for contact lenses.

IX. “Plano lenses” means contact lenses with no refractive power.

Text added to existing rules in *bold italics*
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Text that is all new (introduced with “**Adopt**”) in regular font

Source. 1989, 389:1. 1995, 310:157, 158. 1998, 308:1. 2011, 121:4, 5. 2015, 276:92, 108, XXI, eff. July 1, 2015. 2022, 298:1, eff. Jan. 1, 2023.

327-A:9 Suspension, Revocation or Refusal to Issue Certificate. – The executive director may deny the application for a certificate of registration and may suspend or revoke the registration of any ophthalmic dispenser issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

I. Has made a material false statement or concealed a material fact in connection with his application for certificate of registration;

II. Has had a certificate of registration issued under this chapter revoked or suspended previously;

III. Has been found guilty of fraud or fraudulent practices after prosecution by the attorney general, or has used dishonest or misleading advertising;

IV. Has failed to follow the orders on the prescription of an ophthalmologist or optometrist;

V. Has failed to comply with any other provision of this chapter or any rules promulgated by the executive director.

Source. 1989, 389:1. 1995, 310:183, eff. Nov. 1, 1995. 2017, 144:17, eff. Aug. 15, 2017.

327-A:13 Persons and Practices Not Affected. – Nothing in this chapter shall apply to:

I. Licensed physicians and surgeons authorized to practice medicine or surgery and licensed optometrists authorized to practice optometry under the laws of this state.

II. [Repealed.]

III. Any individual, firm, or corporation employing persons registered under this chapter.

IV. The activities of any employee of an ophthalmic dispenser, licensed physician, or optometrist if the employee is not engaged in ophthalmic dispensing as defined in RSA 327-A:1, I. Such activities shall include, but not be limited to, the sale of related products, work performed by laboratory technicians, and the making of minor mechanical repairs on eyeglasses or frames.

Source. 1989, 389:1. 1998, 308:3. 1999, 221:1, 2, eff. Sept. 4, 1999.