

235 CMR: BOARD OF REGISTRATION OF DISPENSING OPTICIANS

235 CMR 2.00: DEFINITIONS, BOARD PROCEDURES AND REQUIREMENTS FOR FULL LICENSURE

Section

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2.01: Scope and Purpose

The purpose of 235 CMR is to establish requirements and procedures for licensure of dispensing opticians and persons seeking to become licensed dispensing opticians; standards of professional practice and conduct for such persons.

2.02: Citation

235 CMR may be cited as the “Regulations of the Board of Registration of Dispensing Opticians”.

2.03: Severability

If any provision of 235 CMR, or the application of any such provision to any person or circumstances, is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of 235 CMR which can be given effect without the invalid provision or application. To this end, the provisions of 235 CMR are declared to be severable.

2.04: Definitions

As used in 235 CMR, the following terms shall have the following meanings, unless the context in which they are used clearly requires otherwise:

American Board of Opticianry or ABO. The American Board of Opticianry.

Apprentice Optician. An individual who is registered with the Board and the Division of Apprentice Standards as an apprentice optician pursuant to M.G.L. c. 112, § 73K and 235 CMR 4.03: *Application for Registration as an Apprentice Optician*, is obtaining the experience and training in opticianry required in order to qualify for a license as a dispensing optician pursuant to 235 CMR 2.07 or 2.08, and performs or provides opticianry functions or services under the supervision of an individual who meets the requirements of 235 CMR 4.07: *Employment and Supervision of Apprentice Opticians* and in accordance with the applicable requirements of 235 CMR 4.00: *Apprenticeship Requirements and Procedures*.

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Board. The Massachusetts Board of Registration of Dispensing Opticians, established pursuant to M.G.L. c. 13, § 48.

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Business Organization or Entity. Any sole proprietorship; any partnership; any domestic or foreign business corporation; any domestic or foreign professional corporation; any limited liability company or foreign limited liability company as defined in M.G.L. c. 156C, § 2; any registered limited liability partnership or foreign registered limited liability partnership as defined in M.G.L. c. 108A, § 2; any association; or any other business organization or entity, however named and whether or not it is conducted for profit.

Commission on Opticianry Accreditation or COA. The Commission on Opticianry Accreditation, which grants accreditation to college or university-based educational programs in opticianry.

Contact Hour. A unit of not less than 50 consecutive minutes of organized learning experience in an approved continuing education course, program, seminar, workshop or other approved continuing education activity.

Contact Lens Prescription. A written order bearing the original handwritten or electronic signature of a duly licensed optometrist or ophthalmologist, or an oral order issued directly by a duly licensed optometrist or ophthalmologist, which authorizes the provision of specified rigid or soft contact lenses to a patient.

Contact Lens Registry Examination. The Contact Lens Registry Examination developed and administered by the National Contact Lens Examiners and/or its agents.

Continuing Education Activities. Any course, program, seminar, workshop or other educational activity which provides information or knowledge which contributes directly to the professional competence of dispensing opticians and which meets the requirements of 235 CMR 3.04: *Verification of Continuing Education Activities.*

Dispensing Optician. An individual who prepares and dispenses lenses, spectacles, eyeglasses, contact lenses and/or appliances thereto to the intended wearer or user thereof pursuant to written contact lens or eyeglass prescriptions from a duly licensed physician or duly registered optometrist, and who, in accordance with such prescriptions, interprets, measures, adapts, fits and adjusts such lenses, spectacles, eyeglasses, contact lenses, or appliances to the human eyes and/or face for the purpose of aiding or correcting visual or ocular anomalies of the human eyes.

Division of Apprentice Standards. The Division of Apprentice Standards within the Massachusetts Department of Labor and Workforce Development, established pursuant to M.G.L. c. 23, §§ 11E through 11L.

Employer. A licensed dispensing optician, an optometrist duly registered to practice optometry in Massachusetts, or a duly licensed physician registered to practice medicine in Massachusetts who employs and supervises an apprentice optician while that apprentice optician obtains the experience and training in opticianry required in order to qualify for a license as a dispensing optician pursuant to 235 CMR 2.07 or 2.08.

Eyeglass Prescription. A written order bearing the original handwritten or electronic signature of a duly licensed optometrist or ophthalmologist, or an oral order issued directly by a duly-licensed optometrist or ophthalmologist, authorizing the provision of specified ophthalmic lenses or spectacle eyeglasses to a patient.

License. A license certificate, issued by the Board pursuant to M.G.L. c. 112, § 73E and

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235 CMR 2.07 or 2.08 which authorizes a named individual to lawfully engage in the practice of opticianry in the Commonwealth of Massachusetts.

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Licensed Dispensing Optician. A dispensing optician who meets the qualifications set forth in M.G.L. c. 112, § 73E and 235 CMR 2.07 or 2.08 and who is licensed by the Board to engage in the practice of opticianry in accordance with 235 CMR.

National Contact Lens Examiners or NCLE. The National Contact Lens Examiners.

National Opticianry Competency Examination. The National Opticianry Competency Examination developed and administered by the American Board of Opticianry and/or its agents.

Optical Goods Establishment. Any business organization or entity, however named and whether or not it is conducted for profit, which engages in selling, furnishing or otherwise providing ophthalmic lenses, eyeglasses, spectacles, or contact lenses to members of the general public.

Optometrist. An individual who is duly licensed to practice optometry in the Commonwealth of Massachusetts by the Massachusetts Board of Registration in Optometry pursuant to M.G.L. c. 112, §§ 66 through 73B and 246 CMR; or an individual who is duly licensed or registered to practice optometry pursuant to the laws of another state, territory or political subdivision of the United States (including but not limited to the District of Columbia or the Commonwealth of Puerto Rico).

Physician. An individual who is duly licensed to practice medicine in the Commonwealth of Massachusetts by the Massachusetts Board of Registration in Medicine pursuant to M.G.L. c. 112, § 2 and 243 CMR; or an individual who is duly licensed or registered to practice medicine pursuant to the laws of another state, territory or political subdivision of the United States (including but not limited to the District of Columbia or the Commonwealth of Puerto Rico).

Practice of Opticianry. Includes, but shall not necessarily be limited to, the performance of the following functions and/or services:

- (a) Preparing ophthalmic lenses, contact lenses, spectacles, eyeglasses and/or associated appliances pursuant to, and in accordance with, the terms of a contact lens prescription or eyeglass prescription issued by a duly registered optometrist or duly licensed ophthalmologist;
- (b) Verifying that ophthalmic lenses, contact lenses, spectacles, eyeglasses and/or associated appliances conform to the terms of the applicable contact lens prescription or eyeglass prescription issued by a duly registered optometrist or duly licensed ophthalmologist;
- (c) Dispensing ophthalmic lenses, contact lenses, spectacles, eyeglasses and/or associated appliances to the intended wearer or user thereof, except as set forth in 235 CMR 5.06: *Restrictions on Practice of Opticianry by Business Organizations or Entities*;
- (d) Interpreting or measuring ophthalmic lenses, contact lenses, spectacles, eyeglasses and/or associated appliances for the purpose of aiding or correcting visual or ocular anomalies of the eyes of the intended wearer or user of such lenses, spectacles, eyeglasses or appliances; and
- (e) Adapting, fitting or adjusting ophthalmic lenses, contact lenses, spectacles, eyeglasses and/or associated appliances to the human face and/or eyes of the intended wearer or user for the purpose of aiding or correcting visual or ocular anomalies.

Registered Pharmacy. Any business organization or entity which is registered, licensed or otherwise authorized to operate as a pharmacy, wholesale druggist or drug business in the Commonwealth of Massachusetts by the Massachusetts Board of Registration in Pharmacy pursuant to M.G.L. c. 112, §§ 24 through 42A and 247 CMR.

2.05: Board Duties and Procedures

(1) Duties of the Board. The duties of the Board shall include, but shall not be limited to, the following:

- (a) To establish the conditions and qualifications required for licensure as a dispensing optician in the Commonwealth of Massachusetts, in accordance with M.G.L. c. 112, § 73E and 235 CMR 2.07 or 2.08;
- (b) To determine the eligibility of applicants for licensure;
- (c) To prescribe, and provide for the administration of, examinations for licensure of dispensing opticians;
- (d) To evaluate the qualifications of out-of-state dispensing opticians and determine their eligibility for licensure as dispensing opticians in the Commonwealth of Massachusetts by means of reciprocity, in accordance with M.G.L. c. 112, § 73E;
- (e) To issue license certificates to all individuals who have met all of the applicable requirements for licensure as a dispensing optician;
- (f) To issue wall certificates to all individuals who are registered with the Board and with the Division of Apprenticeship Standards as apprentice opticians;
- (g) To establish and maintain rosters of the names and addresses of all individuals who are licensed as dispensing opticians or registered as apprentice opticians;
- (h) To establish and administer continuing education requirements for renewal of licenses;
- (i) To adopt and promulgate such rules and regulations as are necessary and proper for the transaction of its business, the betterment of the practice of opticianry, and the promotion and protection of the public interest;
- (j) To investigate all complaints which come to its attention regarding the practice of opticianry which indicate possible violation of any of the provisions of M.G.L. c. 112, §§ 73C through 73L or 235 CMR 2.00.
- (k) To conduct adjudicatory proceedings in accordance with M.G.L. c. 30A and 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*;
- (l) To take such disciplinary action as may be appropriate in the case of any violation of any of the provisions of M.G.L. c. 112, §§ 73C through 73L, or 235 CMR 2.00 by any individual who is licensed as a dispensing optician or registered as an apprentice optician with the Board;
- (m) To refer to appropriate law enforcement authorities cases of persons practicing opticianry without a current license issued by the Board; and
- (n) To perform all other functions and duties prescribed or authorized by M.G.L. c. 13, § 48 and c. 112, §§ 73C through 73L.

(2) Board Meetings. The Board shall hold at least one meeting per calendar year, which shall be an annual meeting for the election of officers to be held on or before October 31st of each calendar year. The Board may hold additional meetings at the call of its chairman. In all cases, due notice of the date, time and place of such meetings shall be given to all members of the Board.

(3) Quorum. Three members of the Board shall constitute a quorum for the transaction of business. A simple majority of those members present shall constitute a majority necessary for official action by the Board.

(4) Officers. At the annual meeting prescribed by 235 CMR 2.05(2), the Board shall elect from among its members a chairman and a secretary. Such officers shall serve for a period of one year, but may be reelected for additional terms of one year. If an officer cannot complete his or her term, the vacancy shall be filled at the next meeting of the Board. The chairman shall preside at all meetings of the Board. If the chairman is absent for any reason, the secretary shall preside in his or her absence.

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2.06: Applicability of 235 CMR; Exemptions

(1) Applicability to Individuals. No individual may perform, provide, or offer to perform or provide, any function or service which is included within the “practice of opticianry”, as defined in 235 CMR 2.04, or hold himself or herself out to the public as able to engage in the practice of opticianry, as so defined, unless:

- (a) He or she holds a license to practice as a dispensing optician issued by the Board pursuant to M.G.L. c. 112, § 73E and 235 CMR 2.07 or 2.08; or
- (b) He or she is registered with the Board and with the Division of Apprentice Standards as an apprentice optician pursuant to 235 CMR 4.00: *Apprenticeship Requirements and Procedures* and performs or provides all such functions or services in compliance with all applicable requirements of 235 CMR 4.00 and 454 CMR 26.00: *Apprentice Training* including but not limited to the supervision requirements of 235 CMR 4.07: *Employment and Supervision of Apprentice Opticians*; or
- (c) He or she may perform such functions or services authorized by 15 U.S.C. §§ 7601 through 7610 (2004); or
- (d) He or she is exempt from the licensure requirement pursuant to 235 CMR 2.06(3).

(2) Applicability to Business Organizations. No business organization or entity may perform, provide, or offer to perform or provide, any function or service which is included within the “practice of opticianry”, as defined in 235 CMR 2.04, or hold itself to the public as being able to perform or provide any such functions or services, unless:

- (a) At least one individual who is employed by that business organization or entity holds a license to practice as a dispensing optician issued by the Board pursuant to M.G.L. c. 112, § 73E and 235 CMR 2.07 or 2.08, and that business organization or entity otherwise complies with all applicable requirements of 235 CMR 2.00; or
- (b) The business organization or entity is performing such functions or services authorized by 15 U.S.C. §§ 7601 through 7610 (2004).

(3) Exemption for Physicians and Optometrists. Notwithstanding the provisions of 235 CMR 2.06(1) and (2), the provisions of 235 CMR shall not apply to:

- (a) A physician, duly licensed or otherwise authorized to practice medicine in the Commonwealth of Massachusetts pursuant to M.G.L. c. 112, §§ 2 through 9B and 243 CMR: *Board of Registration in Medicine*; or
- (b) An optometrist duly registered or otherwise authorized to practice optometry in the Commonwealth of Massachusetts pursuant to M.G.L. c. 112, §§ 66 through 73B and 246 CMR: *Board of Registration in Optometry*.

(4) Exemption for Pharmacies and Pharmacy Employees. Nothing in 235 CMR shall be construed to prohibit any “registered pharmacy”, as defined in 235 CMR 2.04, or any employee thereof, from physically delivering a set of ophthalmic lenses, spectacles, eyeglasses or contact lenses to a customer and receiving payment for the same, as long as no employee or agent of that registered pharmacy performs or attempts to perform any of the functions or services set forth in 235 CMR 2.04: Practice of Opticianry(a) through (e) without having first met the licensure requirements of 235 CMR 2.06(1).

(5) Exemption for Certain Services Performed by Unlicensed Employees of Optical Goods Establishments. Notwithstanding any other provisions of 235 CMR, it shall not be unlawful for an individual who is employed in an optical goods establishment, but who is not licensed by the Board as a dispensing optician, registered with the Board as an apprentice optician, or exempt from licensure under 235 CMR 2.06(3), to physically deliver a set of ophthalmic lenses, contact lenses, spectacles or eyeglasses to a customer and receive payment from the customer for the same, as long as:

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- (a) There is a duly licensed dispensing optician, duly registered optometrist or duly licensed physician physically present on site in the optical goods establishment at the time the unlicensed individual delivers the lenses, spectacles or eyeglasses to the customer; and
- (b) The unlicensed individual does not attempt to perform any of the functions or services set forth in 235 CMR 2.04: Practice of Opticianry(a) through (e).

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(6) Exemption for Sale of Simple Ready-to-wear Magnifying Eyeglasses or Spectacles. No provision of 235 CMR shall apply to the retail sale of simple ready-to-wear magnifying spectacles or eyeglasses, as long as the seller of such ready-to-wear magnifying spectacles or eyeglasses permanently affixes the following notice to the top of the point-of-sale display or in an area which is immediately adjacent to such display: "THESE MAGNIFIERS ARE NOT INTENDED TO BE A SUBSTITUTE FOR CORRECTIVE LENSES; ONLY A PROFESSIONAL EYE EXAMINATION CAN DETERMINE YOUR EYE HEALTH STATUS AND VISION NEEDS".

2.07: Requirements for Full Licensure as a Dispensing Optician

An applicant may be granted a license to practice as a dispensing optician if he or she submits to the Board a properly-completed application for such licensure, on a form prescribed and furnished by the Board for that purpose, accompanied by all of the following:

- (1) Satisfactory written proof that he or she has:
 - (a) Graduated from a two-year educational program in opticianry which is accredited by the Commission on Opticianry Accreditation or by another accreditation entity recognized and approved by the Board;
 - (b) Successfully completed one year of education in an educational program in opticianry which is accredited by the Commission on Opticianry Accreditation or by another accreditation entity recognized and approved by the Board, and successfully completed an apprenticeship of not less than 2,100 hours over a period of not less than 18 months which meets all applicable requirements of 235 CMR 4.00: *Apprenticeship Requirements and Procedures*; or
 - (c) Successfully completed an apprenticeship of not less than 4,200 hours over a period of not less than three years which meets all applicable requirements of 235 CMR 4.00: *Apprenticeship Requirements and Procedures*; and
- (2) Satisfactory written proof that he or she has taken, and achieved a passing score on, the National Opticianry Competency Examination administered by the American Board of Opticianry, or such any other examination as may be approved by the Board; and
- (3) Applicable to applicants for licensure on or after June 1, 2007, satisfactory written proof that he or she has taken, and achieved a passing score on, the Contact Lens Registry Examination administered by the National Contact Lens Examiners, or any other examination as may be approved by the Board; and
- (4) Satisfactory written proof that he or she has taken, and achieved a passing score on, the practical examination in opticianry prescribed by the Board; or a practical examination in opticianry administered by the governmental licensing authority of another state or territory of the United States which, in the opinion of the Board, is substantially equivalent to the practical examination in opticianry prescribed by the Board; and
- (5) Satisfactory written proof that he or she is 18 years of age or older and is of good moral character; and
- (6) Payment of all required fees prescribed by the Board and the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

2.08: Requirements for Licensure by Endorsement

(1) A license applicant who holds a current, valid license or registration to practice as a dispensing optician issued by the applicable governmental licensing authority of another state, territory or political subdivision of the United States, pursuant to the laws of that state, territory or political subdivision, may be granted a license by the Board without meeting the requirements of 235 CMR 2.07(1) through (3) if:

(a) The educational, experiential and examination requirements for the license or registration held by that applicant in that other state, territory or political subdivision are substantially equivalent, in the opinion of the Board, to the educational, experiential and examination requirements for licensure as a dispensing optician in Massachusetts, as set forth in 235 CMR 2.07(1) through (3); and

(b) The license applicant takes, and achieves a passing score on, the practical examination in opticianry prescribed by the Board; or on a practical examination in opticianry administered by the governmental licensing authority of another state or territory of the United States which, in the opinion of the Board, is substantially equivalent to the practical examination in opticianry prescribed by the Board; and

(c) The license applicant submits a properly-completed application for licensure, on forms prescribed and furnished by the Board for that purpose, accompanied by:

1. Satisfactory written proof that the applicant's license or registration in that other state, territory or political subdivision is in good standing at the time of his or her application, and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that state, territory or political subdivision;
2. Satisfactory written proof that the applicant is 18 years of age or older and is of good moral character; and
3. Payment of all required fees prescribed by the Board and the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

(2) If a license applicant applies for licensure by reciprocity pursuant to 235 CMR 2.08(1), but the Board determines, pursuant to 235 CMR 2.08(1)(a), that the licensure requirements in the state where the applicant is currently licensed or registered are not substantially equivalent to the requirements for licensure as a dispensing optician in Massachusetts, the applicant may be granted a license as a dispensing optician in Massachusetts if he or she submits to the Board all of the following:

(a) A properly-completed application for licensure, on forms prescribed and furnished by the Board for that purpose; and

(b) Satisfactory written proof that the applicant's license or registration in that other state, territory or political subdivision is in good standing at the time of his or her application, and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that state, territory or political subdivision; and

(c) Satisfactory written proof that the applicant has practiced as a dispensing optician in that state, territory or political subdivision for a continuous period of at least three years immediately preceding the date of his or her application; and

(d) Satisfactory written proof that he or she has taken, and achieved a passing score on, the National Opticianry Competency Examination administered by the American Board of Opticianry, or such other examination as may be approved by the Board; and

(e) Satisfactory written proof that he or she has taken, and achieved a passing score on, the Contact Lens Registry Examination administered by the National Contact Lens Examiners, or such other examination as may be approved by the Board; and

(f) Satisfactory written proof that he or she has taken, and achieved a passing score on, the practical examination in opticianry prescribed by the Board; or a practical examination in

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opticianry administered by the governmental licensing authority of another state or territory of the United States which, in the opinion of the Board, is substantially equivalent to the practical examination in opticianry prescribed by the Board; and

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- (g) Satisfactory written proof that he or she is 18 years of age or older and is of good moral character; and
- (h) Payment of all required fees prescribed by the Board and the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

(3) If a license applicant has been practicing as a dispensing optician in another state, territory or political subdivision of the United States, but licensure or registration of dispensing opticians is not required by law in that state, territory or political subdivision, the applicant may be granted a license to practice as a dispensing optician in Massachusetts only if he or she submits to the Board all of the following:

- (a) A properly-completed application for licensure, on forms prescribed and furnished by the Board for that purpose; and
- (b) Satisfactory written proof that the applicant has practiced as a dispensing optician in that state, territory or political subdivision for a continuous period of at least five years immediately preceding the date of his or her application; and
- (c) Satisfactory written proof that he or she has taken, and achieved a passing score on, the National Opticianry Competency Examination administered by the American Board of Opticianry, or such other examination as may be approved by the Board; and
- (d) Applicable to applicants for licensure on or after June 1, 2007, satisfactory written proof that he or she has taken, and achieved a passing score on, the Contact Lens Registry Examination administered by the National Contact Lens Examiners, or such other examination as may be approved by the Board; and
- (e) Satisfactory written proof that he or she has taken, and achieved a passing score on, the practical examination in opticianry prescribed by the Board;
- (f) Satisfactory written proof that he or she is 18 years of age or older and is of good moral character; and
- (g) Payment of all required fees prescribed by the Board and the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

2.09: Responsibilities of License Applicants

(1) License applicants shall be responsible for ensuring that any and all information provided to the Board or its designee in connection with any application for licensure is accurate and complete. An applicant shall notify the Board or its designee, in writing, of any and all material changes in any information provided to the Board in connection with his or her license application which may occur during the license application process.

(2) A license applicant may be required to submit to the Board such additional information as the Board may reasonably require in order to determine whether the applicant is qualified and/or suitable for licensure. The Board may require such an applicant to provide such information either in person or in writing. Failure to respond to or cooperate with such requests shall constitute grounds for denial of the application.

(3) A license applicant shall be notified in writing of any deficiency in his or her application for licensure. Upon receipt of such notice, an applicant shall have 30 days in which to correct the deficiency and/or submit any missing or incomplete information, unless a longer period is granted by the Board in writing. Failure to submit missing or corrected information within the prescribed time period shall constitute grounds for denial of the application.

2.10: Term of Licenses

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A license to practice as a dispensing optician in the Commonwealth of Massachusetts shall be valid for a period of two years, beginning on the license holder's date of birth in one calendar year and ending on the license holder's date of birth two calendar years later, unless that license is voluntarily surrendered by the holder thereof, or is revoked, suspended or cancelled earlier by the Board as a result of disciplinary action taken pursuant to M.G.L. c. 112, §§ 61 and/or 73H and/or 235 CMR 5.00: *Standards of Professional Practice and Conduct; Disciplinary Proceedings*.

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2.11: Renewal of Licenses

(1) Renewal Prior to Expiration Date. An individual who is licensed by the Board as a dispensing optician may renew that license, on or before its expiration date as set forth in 235 CMR 2.10, by:

- (a) Filing a properly-completed registration renewal application on a form furnished by the Board for that purpose; and
- (b) Submitting satisfactory written proof to the Board that he or she has completed all of the continuing education activities required for license renewal as set forth in 235 CMR 3.00: *Continuing Education*; and
- (c) Paying the registration renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

(2) Effect of Failure to Renew Prior to Expiration Date. An individual who fails to renew his or her license as a dispensing optician, or who otherwise fails to meet the requirements for renewal of his or her license, on or before the expiration date printed on that license, shall be considered unlicensed as of the expiration date printed on his or her license and shall not thereafter engage or offer to engage in the practice of opticianry until such time as his or her license has been reinstated pursuant to 235 CMR 2.12.

2.12: Reinstatement of Expired Licenses

(1) Reinstatement of License Expired for Less than Two Years. A licensed dispensing optician who fails to renew his or her license, or who otherwise fails to meet the requirements for renewal of his or her license, prior to its expiration date, may obtain reinstatement of that expired license at any time within the first two years after its expiration date by:

- (a) Filing a properly-completed license reinstatement application on a form furnished by the Board for that purpose; and
- (b) Submitting to the Board satisfactory written proof that he or she has completed all continuing education hours required by 235 CMR 3.00: *Continuing Education* for the last licensure period during which his or her license was valid; and
- (c) Submitting to the Board satisfactory written proof that he or she has completed all continuing education hours required by 235 CMR 3.00: *Continuing Education* for the period of time which has elapsed since his or her license expired. If that period of time is less than one full licensure period, as defined in 235 CMR 2.10, the number of hours of continuing education required by 235 CMR 2.12(1)(c) for reinstatement of the license shall be pro-rated accordingly; and
- (d) Paying the license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*; and
- (e) Paying an additional late license renewal fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

(2) Special Reinstatement Following Temporary Retirement or Relocation. A licensed dispensing optician who applies for reinstatement of his or her expired license at any time within the first five years after the date on which that license expired may also obtain reinstatement of that license pursuant to 235 CMR 2.12(1) if:

- (a) He or she submits satisfactory proof that he or she notified the Board, in writing, not later than 90 days after the expiration of his or her last valid license, that he or she temporarily ceased practice as a dispensing optician within the Commonwealth of Massachusetts or temporarily relocated to a location outside of the Commonwealth of Massachusetts; and
- (b) He or she submits a sworn affidavit attesting that he or she has not engaged in the “practice of opticianry”, as defined in 235 CMR 2.04, within the Commonwealth of

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Massachusetts at any time since the expiration of his or her last valid license to practice as a dispensing optician in Massachusetts; and

(c) He or she submits all of the documentation and payments required by 235 CMR 2.12(1).

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(3) Reinstatement of Licenses Expired for More than Two Years. A licensed dispensing optician who fails to renew his or her license, or who otherwise fails to meet the requirements for renewal of his or her license, prior to its expiration date, and who does not meet the requirements for reinstatement set forth in 235 CMR 2.12(1) or 235 CMR 2.12(2), may obtain reinstatement of that license only if:

- (a) He or she files a properly-completed license reinstatement application on a form furnished by the Board for that purpose; and
- (b) He or she personally appears before the Board and submits satisfactory written proof that:
 - 1. He or she has completed all continuing education hours required by 235 CMR 3.00: *Continuing Education* for the last licensure period during which his or her license was valid; and
 - 2. He or she has completed all continuing education hours required by 235 CMR 3.00: *Continuing Education* for the period of time which has elapsed since his or her license expired. If that period of time includes any portion of a full licensure period, as defined in 235 CMR 2.10, the number of hours of continuing education required by 235 CMR 2.12(3) for that partial licensure period shall be pro-rated accordingly;
- (c) He or she submits satisfactory written proof that he or she has retaken, and achieved a passing score on, the practical examination in opticianry prescribed by the Board; and
- (d) He or she pays the late reinstatement fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

2.13: Changes in Licenses

A licensed dispensing optician shall notify the Board, in writing, of any change in his or her name or address, as listed in the licensure records of the Board. Failure to do so shall not excuse the licensee from his or her obligation to renew his or her license in a timely manner, as required by 235 CMR 2.11.

(2) The Board shall issue a new license to any licensed dispensing optician whose name has been legally changed, upon its receipt of satisfactory evidence of the legality of such change, and the return of the original license or certificate of registration with satisfactory evidence that he or she is the same person to whom the certificate was issued, together with the required fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.

REGULATORY AUTHORITY

235 CMR 2.00: M.G.L. c. 112, § 73F.