

235 CMR: BOARD OF REGISTRATION OF DISPENSING OPTICIANS

235 CMR 4.00: APPRENTICESHIP REQUIREMENTS AND PROCEDURES

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4.01: Scope and Purpose

The purpose of 235 CMR 4.00 is to establish standards and procedures for apprenticeships for individuals who have not completed two years of training in educational program in opticianry accredited by the Commission on Opticianry Accreditation, and who therefore seek to become licensed dispensing opticians pursuant to 235 CMR 2.07(1)(b) or (c).

4.02: General Requirements

- (1) Any individual who applies for licensure as a dispensing optician pursuant to 235 CMR 2.07(1)(b) shall be granted such a license only if he or she successfully completes an apprenticeship consisting of at least 2,100 hours of supervised work experience and related classroom instruction over a period of not less than 18 months which meets all applicable requirements of 235 CMR 4.00.
- (2) An individual who applies for licensure as a dispensing optician pursuant to 235 CMR 2.07(1)(c) shall be granted such a license only if he or she successfully completes an apprenticeship consisting of at least 4,200 hours of supervised work experience and related classroom instruction over a period of not less than three years which meets all applicable requirements of 235 CMR 4.00.
- (3) Every apprenticeship shall be designed and structured so as to integrate, to the maximum extent feasible, the work experience and related classroom instruction so that the apprentice optician may derive maximum benefit from the related classroom instruction.
- (4) Every apprenticeship undertaken pursuant to 235 CMR 4.00 shall be completed pursuant to the terms and conditions of a written apprenticeship agreement between the apprentice optician and his or her employer which has been reviewed and approved by the Division of Apprentice Standards of the Massachusetts Department of Labor and Workforce Development. Each such apprenticeship shall comply with all applicable requirements of M.G.L. c. 23, §§ 11E through 11L, and 454 CMR 26.00: *Apprentice Training*.
- (5) Apprentice opticians who work in excess of the normal workday or work week shall nevertheless complete the minimum apprenticeship duration specified in 235 CMR 4.02(1) or (2) before applying for full licensure as a licensed dispensing optician.
- (6) An apprentice optician shall complete his or her apprenticeship within five calendar years from the date of his or her registration as an apprentice optician in order to qualify for licensure as a licensed dispensing optician.

4.03: Application for Registration as an Apprentice Optician

- (1) An individual who seeks to qualify for licensure as a licensed dispensing optician through completion of an apprenticeship shall apply to the Board for registration as an apprentice optician prior to commencing that apprenticeship.
- (2) Such application shall be fully and properly completed by the applicant on a form prescribed and furnished by the Board for that purpose, and shall be accompanied by:
 - (a) Payment of the apprentice optician registration fee prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*;
 - (b) Satisfactory written proof that the applicant is 17 years of age or older;
 - (c) A complete copy of the applicant's written apprenticeship agreement with his or her employer which has been reviewed and approved by the Division of Apprentice Standards of the Massachusetts Department of Labor and Workforce Development;
 - (d) The name and address of the employer of that apprentice optician; and
 - (e) The name, residential address, business address and license number of the individual who will provide the supervision required by 235 CMR 4.07(1) and who will be responsible for the applicant's practice and conduct as an apprentice optician.

4.04: Subject Matter Requirements for All Apprenticeships

Every apprenticeship undertaken pursuant to 235 CMR 4.00 shall provide the apprentice optician with both supervised work experience and related classroom instruction in all of the following subject areas:

- (1) Lensometer measurement, including sphere, cylinder, axis, and prism measurement and marking of measurements;
- (2) Lens cutting;
- (3) Automatic edging of lenses;
- (4) Drilling and rimless mounting of plastic lenses;
- (5) Hand stone edging of lenses;
- (6) Lens hardening, including drop ball testing;
- (7) Use of a colmoscope;
- (8) Alterations of plastic frames and lens insertion;
- (9) Use of lens-measuring devices, including clocks, Geneva lens measures, thickness gauges and neutralization devices;
- (10) Use of fitting tools, including pliers, files, distometers, pupillometers and frame warmers;
- (11) Supervised optical fitting of eyeglasses with patients, including measurement of patients for eyeglasses, interpretation of prescriptions, selection of lens types, designing of lenses, and adjustment of eyeglasses;
- (12) Principles of administrative work, including inventory control, purchasing, use of statistical studies, and formula pricing;

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- (13) Principles of office management;
- (14) Resolution of client complaints;
- (15) Use of contact lens equipment, including keratometers, slit lamps, radiosopes, cobalt light with flourescein, and measuring gauges; and

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- (16) Preparation and fitting of contact lenses, including keratometer measurement, corneal lens design, and lens inspection.

4.05: Related Classroom Instruction Requirements

- (1) Every apprenticeship undertaken pursuant to 235 CMR 4.00 shall include a minimum of 150 hours of related classroom instruction per year in the subject areas specified in 235 CMR 4.04. Such related classroom instruction shall be counted towards satisfaction of the total apprenticeship hours requirements of 235 CMR 4.02(1) or 235 CMR 4.02(2), whichever applies.
- (2) The related classroom instruction hours required by 235 CMR 4.05(1) may be completed by any one or more of the following methods:
 - (a) Completion of appropriate courses or programs at any educational program in opticianry which is accredited by the Commission on Opticianry Accreditation;
 - (b) Completion of appropriate courses or programs which have been approved for continuing education credit, pursuant to 235 CMR 3.05, by the American Board of Opticianry, the National Contact Lens Examiners, or the Board; or
 - (c) Completion of classroom instruction and training programs developed and administered by the apprentice optician's employer, provided that such training programs have been reviewed and approved in advance by both the Board and the Division of Apprentice Standards.
- (3) An individual who applies for licensure as a licensed dispensing optician pursuant to 235 CMR 2.07(1)(b) or 235 CMR 2.07(1)(c) shall submit satisfactory written proof of his or her completion of all of the related classroom instruction required by 235 CMR 4.05(1) to both the Board and the Division of Apprentice Standards at the time he or she completes his or her apprenticeship and applies to the Board for full licensure as a licensed dispensing optician. Failure to do so shall result in denial of his or her application for full licensure.
- (4) An apprentice optician who is completing his or her apprenticeship pursuant to 235 CMR 4.02(1), and who submits an official transcript or other satisfactory written proof of his or her successful completion of one year of education at an educational program in opticianry which is accredited by the Commission on Opticianry Accreditation to both the Board and the Division of Apprentice Standards, shall be deemed to have thereby completed all of the related classroom instruction required by 235 CMR 4.05(1).

4.06: Credit for Apprenticeships in Other Jurisdictions

Any individual who has served part of an apprenticeship in another state or in a foreign country may enter into an apprenticeship agreement in accordance with the provisions of 235 CMR 4.02(4) and apply for registration as an apprentice optician pursuant to 235 CMR 4.03. Such an individual may be granted credit towards completion of the apprenticeship for all or part of his or her prior training and experience in that other jurisdiction, as long as:

- (1) He or she submits a detailed, written description of the apprenticeship training and experience he or she obtained in that other state or foreign country; and
- (2) The Board determines that the standards and requirements for the apprenticeship in that foreign jurisdiction are substantially equivalent to the standards and requirements set forth in 235 CMR 4.00 and 454 CMR 26.00: *Apprentice Training*.

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4.07: Employment and Supervision of Apprentice Opticians

(1) A duly registered apprentice optician may perform any function or service which is included within the “practice of opticianry”, as defined in 235 CMR 2.04, as long as he or she does so under the direct, on-site supervision of:

- (a) a duly licensed dispensing optician licensed by the Board pursuant to 235 CMR 2.07 or 235 CMR 2.08;

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(b) physician who is duly licensed by the Massachusetts Board of Registration in Medicine to practice medicine in the Commonwealth of Massachusetts; or

(c) an optometrist who is duly registered by the Massachusetts Board of Registration in Optometry to practice optometry in the Commonwealth of Massachusetts.

For purposes of 235 CMR 4.07(1), “direct on-site supervision” shall mean that the individual who is providing such supervision is physically present on the premises where the apprentice optician is performing the function or service, and is available for consultation, at the time that the function or service is being performed.

(2) Where the employer of an apprentice optician is a partnership, corporation, limited liability partnership, limited liability company, association or other business organization or entity which owns and/or operates a commercial optical goods establishment, the supervision of the apprentice optician required by 235 CMR 4.07(1) shall be provided by an individual identified by that employer, in writing, as the supervisor of that apprentice optician. The individual so designated shall be an individual who:

(a) meets the requirements of 235 CMR 4.07(1)(a) or 235 CMR 4.07(1)(b);

(b) has agreed in writing to provide the supervision required by 235 CMR 4.07(1); and

(c) has agreed in writing to accept responsibility for the acts and omissions of that apprentice optician.

The employer shall notify the Board and the Division of Apprentice Standards of the name, address and license number of the individual so designated as the supervisor of that apprentice optician.

(3) In accordance with 246 CMR 3.03(2), an optometrist registered to practice optometry in the Commonwealth of Massachusetts shall not serve as the supervisor of an apprentice optician unless the apprentice optician is directly employed by that optometrist, or by an optical goods establishment owned and operated by that optometrist.

(4) In the event that the individual who is identified as the supervisor of an apprentice optician pursuant to 235 CMR 4.03(2)(e) is temporarily unavailable to provide such supervision due to illness, vacation or other similar cause, the employer of the apprentice optician shall delegate the responsibility for providing such supervision to another individual who meets the applicable requirements of 235 CMR 4.07(1) through 235 CMR 4.07(3). In such event, the employer shall not be required to notify the Board or the Division of Apprenticeship and Standards of the identity of that temporary supervisor, but shall maintain a permanent written record on site which contains the name, address and license number of the individual who was designated as the temporary supervisor and the period of time for which that individual served as the temporary supervisor. Such records shall be made available to any duly authorized representative of either the Board or the Division of Apprentice Standards, without prior notice, for inspection and copying at any time during regular business hours.

(5) No employer may employ more than two apprentice opticians for every licensed dispensing optician, registered physician or registered optometrist, as the case may be, so that the ratio of licensed dispensing opticians (or registered physicians or registered optometrists) to apprentice opticians is no greater than 1:2. This maximum ratio of 1:2 shall not be exceeded at any office or premises at which an apprentice works.

(6) An employer of an apprentice optician shall notify both the Board and the Division of Apprentice Standards, in writing, of any and all changes in the employment status of any apprentice optician in his or her employ, and of the completion of any apprenticeship.

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(7) The employer shall give each apprentice optician in his or her employ a copy of 235 CMR at the beginning of the apprenticeship period.

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4.08: Identification of Apprentice Opticians

Every apprentice who holds an apprentice's certificate issued by the Board shall, during any time when he is engaged in performing the acts set forth in M.G.L. c. 112, § 73C, wear an identification badge or tag which sets forth in large print his name followed by the word "APPRENTICE", and his apprentice's certificate number.

4.09: Termination of Apprenticeship Prior to Completion

(1) An apprenticeship pursuant to 235 CMR 4.00 may be terminated prior to its completion by either the apprentice optician or the employer. In the event of such termination, the employer of the apprentice optician shall provide both the Board and the Division of Apprentice Standards with satisfactory written verification of the number of hours of apprenticeship and the number of hours of related classroom instruction successfully completed by the apprentice optician as of the date of the termination of the apprenticeship.

(2) In the event of any dispute between the apprentice optician and the employer concerning the termination of any apprenticeship, such dispute shall be resolved or adjudicated by the Division of Apprentice Standards pursuant to the provisions of 454 CMR 26.00: *Apprentice Training*. The Board shall give presumptive effect to any decision or determination made by the Division of Apprentice Standards pursuant to those procedures.

REGULATORY AUTHORITY

235 CMR 4.00: M.G.L. c. 112, § 73F.