

**BOARD OF DISPENSING OPTICIAN
PROPOSED RULES CHANGES
Submitted September 2006**

9.4. QUALIFICATIONS FOR LICENSURE OR REGISTRY. Each applicant for licensure or registry shall make application to the Board upon a form and in such a manner as the Board may require. ~~at least 60 days prior to the date of examination.~~ Each applicant shall:

9.5. ~~REVIEW OF APPLICATION.~~ *APPLICATION DEADLINE*

9.5.1. *Applications for the January examination must be completed and received by the Board or post marked no later than November 1. Applications for the July examination must be completed and received by the Board or postmarked no later than May 1. Applications completed and received by the Board after the Application Deadline will be scheduled for the following testing cycle. If the Board determines that an insufficient number of applicants have applied for a testing cycle, those applicants shall be scheduled for the next testing cycle.*

9.5.2. ~~9.5.1~~ The application and supporting documentation will be reviewed by the Secretary-Treasurer. *Incomplete applications will be returned to the applicant.* ~~The Board will inform the applicant in writing if it determines that the application is incomplete, and will specify why the application is incomplete. When a completed application, a supplemental application, or the requested information is returned, the Board will reinitiate action on the application for license.~~

9.5.2 Eligibility Testing Date. ~~Applications must be completed thirty (30) days prior to the testing date. Applications completed and received by the Board after the Eligibility Testing Date will be scheduled for the following testing cycle.~~

11.9. INACTIVE STATUS.

11.9.1. A licensed or registered dispensing optician who fails to renew their license shall be placed on inactive status. The Board shall notify the licensed or registered

dispensing optician ~~as soon as practical after the renewal period~~ 15 days prior to placing an optician on inactive status. The optician shall be notified of their inactive status and inability to continue to provide ophthalmic dispensing services by ~~certified mail~~ regular first class mail at the last address provided by the licensee. Mailing will constitute service.

11.9.2. A licensed or registered dispensing optician may request to be placed upon inactive status by providing a written statement to the Board.

11.9.3. The Board may approve inactive status for a period of no longer than two (2) years and shall notify the requesting licensed or registered dispensing optician in writing of the approval.

11.9.4. Licensed or registered dispensing opticians who are placed on inactive status for failure to renew may return to active status within 2 years upon payment of all renewal fees, late penalties and submission of Continuing Education hours. Licensed or registered dispensing opticians who have been granted Board approved inactive status shall only be required to pay the annual renewal fee to reinstate their license or registration. Failure to return from inactive status after two (2) years shall be considered voluntary surrender of the license by the licensee without further notice.

14.1 COMPOSITION OF THE COMPLAINT COMMITTEE:

14.1.1 The Complaint Committee shall consist of the Chairman and the Secretary/Treasurer of the Board ~~and any other member appointed by the Chair of the Board.~~

15.6 DUTY OF A SANCTIONED PROFESSIONAL. In every case in which a professional shall, within thirty (30) days of the revocation, suspension, or surrender, do the following;

- 15.6.1 Return his or her license and any license badge to the Board's office;
- ~~15.6.2 Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;~~
- 15.6.3 ~~15.6.2~~ Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;
- 15.6.4 ~~15.6.3~~ Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- 15.6.5 ~~15.6.4~~ Refund any part of the fees paid in advance that have not been earned;
- ~~15.6.6 Keep and maintain a record of the steps taken to accomplish the foregoing;~~
- ~~15.6.7 File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the Board will notify those entitled of the revocation, suspension, or surrender; and~~
- ~~15.6.8 The professional shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the Board that he or she has fully complied with the provisions of the order and completely performed the foregoing or provided a full explanation of the reasons for performing the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.~~

- 15.9 RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE. No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least two (2) years after the revocation or surrender of license took effect.
- 15.9.1 The applicant bears the burden of proof that he is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct

authorized by the license without undue risk to the public health, safety, and welfare, and that he is otherwise qualified for the license pursuant to Ark. Code Ann. §§ 17-89-101 et seq..

15.9.2 The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

~~15.9.3 The Board may require that the person seeking re-licensure take the licensing examination.~~