

Chapter 246-824 WAC DISPENSING OPTICIANS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-824-060	Dispensing optician examination. [Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.34.040 and 18.34.080. WSR 84-08-019 (Order PL 464), § 308-26-017, filed 3/27/84. Statutory Authority: RCW 18.34.080. WSR 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.] Repealed by WSR 18-04-110, filed 2/7/18, effective 3/15/18. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW.
246-824-065	Duties and responsibilities of the dispensing optician examining committee. [Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-21-028 (Order 197), § 246-824-065, filed 10/8/91, effective 11/8/91.] Repealed by WSR 18-04-110, filed 2/7/18, effective 3/15/18. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW.
246-824-070	Informal review of examination results. [Statutory Authority: RCW 18.130.040(4). WSR 15-01-134, § 246-824-070, filed 12/19/14, effective 1/19/15. Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-070, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.060. WSR 87-22-019 (Order PM 688), § 308-26-025, filed 10/27/87.] Repealed by WSR 18-04-110, filed 2/7/18, effective 3/15/18. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW.
246-824-170	AIDS prevention and information education requirements. [Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-170, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.040, 70.24.270 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-170, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. WSR 88-22-077 (Order PM 786), § 308-26-200, filed 11/2/88.] Repealed by WSR 21-02-002, filed 12/23/20, effective 1/23/21. Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085.
246-824-995	Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-995, filed 2/13/98, effective 3/16/98.] Repealed by WSR 05-12-012, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110.

WAC 246-824-010 Definitions. (1) "Secretary" means the secretary of the department of health.

(2) "Primary supervisor" is a physician licensed under chapter 18.57 or 18.71 RCW, an optometrist licensed under chapter 18.53 RCW, or a dispensing optician licensed under chapter 18.34 RCW, who is responsible for the acts of the apprentice and provides the majority of the training and direct supervision received by the apprentice.

(3) "One year of apprenticeship" is 2,000 hours of training under the supervision of a licensed physician, optometrist or dispensing optician.

(4) "Direct supervision" means the supervising optometrist, physician, or dispensing optician shall:

(a) Inspect a substantial portion of the apprentice's work;

(b) Be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training; and

(c) When fitting or adjusting contact lenses, "direct supervision" means the supervising optician, optometrist, or physician inspect all the apprentice's work and be physically present on the premises at all times.

[Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-010, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.04.040. WSR 78-07-073 (Order PL-289), § 308-26-005, filed 6/30/78; Order PL-106, § 308-26-005, filed 2/2/71.]

WAC 246-824-020 Registration of apprentices. (1) The primary supervisor shall apply for registration of an apprentice on forms provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one primary supervisor.

(3) Once registered by the primary supervisor, the apprentice may thereafter, at the business or place of employment of the primary supervisor, receive training and direct supervision from a physician, optometrist or dispensing optician. No physician, optometrist or dispensing optician may have more than two apprentices in training or under their direct supervision at any one time.

(4) Only the apprenticeship training received subsequent to the date the apprentice was formally registered with the secretary will be credited toward the required 6,000 apprenticeship hours. No apprentice may engage in the work of a dispensing optician unless formally registered as an apprentice with the secretary. An apprentice must complete his or her apprenticeship training in no less than three or no more than six years.

(5) An individual registered by the Washington State Apprenticeship and Training Council or other similar program with substantially equivalent standards administered by an agency of the state of Washington may have dispensing optician training hours credited toward the required 6,000 apprenticeship hours, if:

(a) The program is approved by the secretary;

(b) The apprentice received training and direct supervision from a licensed physician, optometrist or dispensing optician; and

(c) The apprentice is formally registered as an apprentice with the secretary by the licensed physician, optometrist or dispensing optician who has provided or does provide the supervision referred to in (b) of this subsection.

(6) The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours. This record shall be verified by initial of both the primary supervisor and apprentice and

shall be available upon request by the secretary or secretary's designee.

(7) The primary supervisor shall notify the secretary whenever the apprenticeship training is terminated and provide the total number of apprenticeship hours accumulated during the training period.

[Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-020, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-020, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-09-024 (Order 155), § 246-824-020, filed 4/10/91, effective 5/11/91. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-020, filed 12/27/90, effective 1/31/91; Order PL 241, § 308-26-010, filed 2/26/76; Order PL-106, § 308-26-010, filed 2/2/71.]

WAC 246-824-030 Comments. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.04.040. WSR 78-07-073 (Order PL-289), § 308-26-011, filed 6/30/78.]

WAC 246-824-035 Examination. The examining committee approves the examinations from the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE) for dispensing optician licensure.

[Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 18-04-110, § 246-824-035, filed 2/7/18, effective 3/15/18.]

WAC 246-824-040 Licensure eligibility. To be eligible for licensure, applicants must:

- (1) Be eighteen years or more of age;
- (2) Graduate from an accredited high school or receive a general equivalency degree;
- (3) Complete one of the following:
 - (a) At least six thousand hours of certified apprenticeship training that must be completed in no less than three years as required under chapter 18.34 RCW; or
 - (b) An accredited opticianry course as described in WAC 246-824-050; or
 - (c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years;
- (4) Successfully pass one of the following examinations:
 - (a) The state examination offered on or before August 31, 2017;
 - (b) On or after June 1, 2015, the basic competency examination, basic contact lens examination, and the practical examinations from ABO-NCLE. This requirement can also be met by successfully passing the ABO-NCLE advanced competency examination, advanced contact lens examination, and the practical examinations on or after June 1, 2015; and

(5) Meet any other requirements in law.

[Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 18-04-110, § 246-824-040, filed 2/7/18, effective 3/15/18. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-040, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-040, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.34.040 and 18.34.080. WSR 84-08-019 (Order PL 464), § 308-26-015, filed 3/27/84; Order PL-106, § 308-26-015, filed 2/2/71.]

WAC 246-824-045 License application. An applicant for a dispensing optician license must submit the following:

- (1) A completed application on forms provided by the department;
- (2) Proof of eligibility under WAC 246-824-040;
- (3) Verification of passing the examination under WAC 246-824-040(4); and
- (4) Fees required under WAC 246-824-990.

[Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-824-045, filed 12/23/20, effective 1/23/21. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 18-04-110, § 246-824-045, filed 2/7/18, effective 3/15/18.]

WAC 246-824-050 Approval of prescribed courses in opticianry. The secretary, pursuant to RCW 18.34.070, hereby adopts the accreditation standards of the Commission on Opticianry Accreditation, "Essentials of an Accredited Educational Program for Ophthalmic Dispensers," as adopted by the Commission on Opticianry Accreditation on July 1, 1990. The secretary approves all and only those institutions accredited by, and in good standing with, the Commission on Opticianry Accreditation in accordance with these accreditation standards as of July 1, 1990. Institutions approved by the secretary which have not been accredited by the Commission on Opticianry Accreditation are hereby required to obtain such accreditation on or before September 30, 1992. Graduates from institutions that have not received accreditation from the Commission on Opticianry Accreditation by that date will not be eligible to sit for the examination.

It is the responsibility of a student to ascertain whether or not a school has been approved by the secretary.

[Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-21-028 (Order 197), § 246-824-050, filed 10/8/91, effective 11/8/91. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.34.040 and 18.34.070(5). WSR 80-01-070 (Order 327), § 308-26-016, filed 12/21/79.]

WAC 246-824-071 Applicants currently licensed in other states.

Before licensure to any individual currently licensed to practice as a dispensing optician in another state, as provided in chapter 18.34 RCW, applicants must provide evidence of:

(1) Verification of credential from any state and the state's substantially equivalent licensing standards;

(2) Verification from all states in which the applicant has ever held a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.

[Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-824-071, filed 12/23/20, effective 1/23/21. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 18-04-110, § 246-824-071, filed 2/7/18, effective 3/15/18. Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-071, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-071, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-071, filed 6/24/93, effective 7/25/93.]

WAC 246-824-072 Temporary permits.

Eligibility requirements for temporary permits are the same for licensure by endorsement (WAC 246-824-071), therefore, no temporary permits will be issued. Individuals inquiring about temporary permits will be given information and an application for licensure by endorsement.

[Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-072, filed 6/24/93, effective 7/25/93.]

WAC 246-824-073 Retired active credential.

A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

[Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-073, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-073, filed 6/24/93, effective 7/25/93.]

WAC 246-824-074 Inactive credential.

A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

[Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-074, filed 2/13/98, effective 3/16/98.]

WAC 246-824-075 Continuing education requirements for dispensing opticians.

Purpose and scope. The purpose of continuing education is to ensure the continued high quality of services provided by licensed dispensing opticians. Continuing education consists of programs of

learning which contribute directly to the advancement or enhancement of skills in the field of opticianry, designed to keep the licensed dispensing opticians informed of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. Licensed dispensing opticians whose three-year continuing education reporting cycle begins on or after June 1, 2015, must complete 30 hours of continuing education every three years according to the requirements in WAC 246-12-170 through 246-12-240. Of the 30 hours every three years:

(a) A minimum of five hours must be completed in each of the three years;

(b) At least 15 of the credit hours must relate to contact lenses.

(2) Approved continuing education courses may be completed through the following methods or activities:

(a) Attendance at a local state or national program;

(b) Self-study through distance learning;

(c) Electronically through webinar or video presentations.

(3) Courses offered by the following organizations are presumed to qualify as continuing education courses. The secretary reserves the right to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry:

(a) American Board of Opticianry;

(b) National Academy of Opticianry;

(c) Optical Laboratories Association;

(d) National Contact Lens Examiners;

(e) Contact Lens Society of America;

(f) Opticians Association of Washington;

(g) Joint Commission of Allied Health

Personnel in Ophthalmology;

(h) Council on Optometric Practitioner Education;

(i) Opticianry colleges or universities approved by the secretary;

(j) Speakers sponsored by any of the above organizations;

(k) Any state or national opticianry association; and

(l) Additional qualifying organizations or associations as approved by the secretary.

(4) Dispensing opticians must complete a minimum of two hours in health equity continuing education training every four years by complying with WAC 246-12-800 through 246-12-830.

(a) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(b) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements in this section.

[Statutory Authority: RCW 18.34.120, 18.130.040, 43.70.040, and 43.70.613. WSR 23-21-077, § 246-824-075, filed 10/13/23, effective 11/13/23. Statutory Authority: RCW 18.34.120. WSR 15-07-006, § 246-824-075, filed 3/6/15, effective 4/6/15; WSR 09-07-023, § 246-824-075, filed 3/6/09, effective 4/6/09. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-075, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.17.060 and 18.130.070. WSR

91-09-024 (Order 155), § 246-824-075, filed 4/10/91, effective 5/11/91.]

WAC 246-824-080 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of health, whose address is:

Department of Health
Professional Licensing Services
1300 S.E. Quince St.
Olympia, Washington 98504

(5) "Dispensing optician" means a person licensed pursuant to chapter 18.34 RCW.

(6) "Mentally or physically disabled dispensing optician" means a dispensing optician who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dispensing with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-09-024 (Order 155), § 246-824-080, filed 4/10/91, effective 5/11/91. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-055, filed 6/30/89.]

WAC 246-824-090 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dispensing optician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-090, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-065, filed 6/30/89.]

WAC 246-824-100 Health care institutions. The chief administrator or executive officer of any hospital or nursing home or their designee shall report to the department when any dispensing optician's services are terminated or are restricted based on a determination that the dispensing optician has either committed an act or acts which may constitute unprofessional conduct or that the dispensing optician may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-075, filed 6/30/89.]

WAC 246-824-110 Dispensing optician associations or societies. The president or chief executive officer of any dispensing optician association or society within this state shall report to the department when the association or society determines that a dispensing optician has committed unprofessional conduct or that a dispensing optician may not be able to practice dispensing of optical goods with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-085, filed 6/30/89.]

WAC 246-824-120 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dispensing optician has engaged in fraud in billing for services.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-095, filed 6/30/89.]

WAC 246-824-130 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dispensing opticians shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dispensing optician's incompetency or negligence in the practice of opticianry. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dispensing optician's alleged incompetence or negligence.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-105, filed 6/30/89.]

WAC 246-824-140 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dispensing opticians, other than minor traffic violations.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-115, filed 6/30/89.]

WAC 246-824-150 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dispensing optician is employed to provide client care services, to report to the department whenever such a dispensing optician has been judged to have demonstrated his/her incompetency or negligence in the practice of opticianry, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dispensing optician. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-125, filed 6/30/89.]

WAC 246-824-160 Cooperation with investigation. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the secretary of the department of health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests

for extension of time may be granted by the secretary or the secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the secretary or the secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the secretary's designee. Settlements are not considered final until the secretary signs the settlement agreement.

[Statutory Authority: RCW 43.70.040, 18.130.050, 18.130.070 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-160, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-135, filed 6/30/89.]

WAC 246-824-220 Retention of eyeglass and contact lens records.

Dispensing opticians shall maintain eyeglass and contact lens records for a minimum of five years.

(1) Eyeglass records must at a minimum include:

(a) A copy of the original prescription.

(b) A copy of the refractive powers obtained when neutralizing an eyeglass lens for the purpose of duplicating the lens and the date the lens was neutralized.

(2) Contact lens records must at a minimum include:

(a) The written prescription;

(b) Base curve (posterior radius of curvature);

(c) Thickness when applicable;

(d) Secondary/peripheral curve, when applicable;

(e) Power of lens dispensed;

(f) Lens material, brand name or manufacturer;

(g) Diameter, when applicable;

(h) Suggested wearing schedule and care regimen;

(i) Color, when applicable.

[Statutory Authority: RCW 18.130.050(14) and 18.34.060. WSR 14-20-067, § 246-824-220, filed 9/26/14, effective 10/27/14. Statutory Authority: RCW 18.130.070, 43.17.060 and 43.70.040. WSR 94-06-047, § 246-824-220, filed 3/1/94, effective 4/1/94.]

WAC 246-824-230 Minimum fitting equipment.

Dispensing opticians shall have direct access to the following equipment while fitting contact lenses: Slitlamp or biomicroscope (for evaluation of the fit only), rioscope, diameter gauge, thickness gauge, lensometer, and keratometer.

[Statutory Authority: RCW 18.130.070, 43.17.060 and 43.70.040. WSR 94-06-047, § 246-824-230, filed 3/1/94, effective 4/1/94.]

WAC 246-824-990 Dispensing optician fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	\$100.00
Active license renewal	125.00
Late renewal penalty	65.00
Retired active renewal	50.00
Late renewal penalty	25.00
Expired license reissuance	65.00
Apprentice registration	75.00
Duplicate license	10.00
Verification of license	25.00
Endorsement application	100.00
Inactive license	35.00

[Statutory Authority: RCW 18.34.120, 43.70.250, and 43.70.280. WSR 17-15-127, § 246-824-990, filed 7/19/17, effective 8/19/17. Statutory Authority: RCW 18.130.250, 43.70.110, and 43.70.250. WSR 13-24-097, § 246-824-990, filed 12/3/13, effective 2/1/14. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. WSR 05-12-012, § 246-824-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 94-08-078, § 246-824-990, filed 4/5/94, effective 5/6/94; WSR 93-14-011, § 246-824-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040, 43.70.250 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. WSR 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.]