

201 KAR 13:050. Apprentices.

RELATES TO: KRS 326.020, 326.035

STATUTORY AUTHORITY: KRS 326.020(3), 326.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) authorizes the board to promulgate administrative regulations to carry out the purposes of KRS Chapter 326, including the licensing of apprentice ophthalmic dispensers. KRS 326.035 requires the board to issue an apprentice license to any person in training to be an ophthalmic dispenser, under the supervision of a licensed ophthalmic dispenser, and otherwise qualified pursuant to the administrative regulations promulgated by the board. This administrative regulation establishes the requirements for an apprentice ophthalmic dispenser.

Section 1. Definitions. (1) "Apprentice ophthalmic dispenser" means a person who is in training for the vocation of ophthalmic dispenser and who dispenses ophthalmic lenses, frames, and appurtenances thereto to the intended wearer only under the supervision of an ophthalmic dispenser.

(2) "Ophthalmic dispenser" means a physician, osteopath, optometrist, or licensed ophthalmic dispenser licensed pursuant to KRS 326.040 who is sponsoring an apprentice ophthalmic dispenser.

Section 2. (1) An apprentice license shall be required of any person:

(a) Who is not a licensed ophthalmic dispenser, but is in training to be an ophthalmic dispenser;

(b) While in training works under the supervision of a licensed ophthalmic dispenser; and

(c) Whose duties require that he or she perform the services as would be normally performed by a licensed ophthalmic dispenser.

(2) The board shall revoke the apprentice license at any time if either the employer, the apprentice sponsor, or the apprentice fail to carry out the provisions of this administrative regulation.

(3) A licensed apprentice ophthalmic dispenser shall at all times work under the supervision of, and in the same establishment with, an ophthalmic dispenser, and the ophthalmic dispenser shall be responsible for the actions of the apprentice.

(4) The board shall issue an apprentice license for a period ending December 31 of the current year, upon receipt and board approval of the required application and a fee of fifty (50) dollars, as required by 201 KAR 13:040.

(5) If the apprentice's employment under the sponsoring ophthalmic dispenser is terminated for any reason, the board shall be notified immediately in writing and no later than thirty (30) days of the last day of employment. An apprentice ophthalmic dispenser who fails to timely notify the board of termination of employment shall be subject to disciplinary action under KRS 326.090(1)(i).

(6) The board may reject the application for an apprentice license or rescind a license already issued if, upon inspection, it is found that any of the requirements for an apprentice license in KRS 326.035 or any administrative regulations in 201 KAR Chapter 13 not specifically excluding apprentice licenses are being violated.

Section 3. (1) An apprentice ophthalmic dispenser shall train for the vocation of ophthalmic dispenser and demonstrate progress toward an ophthalmic dispenser license to the board by submitting to the board:

(a) Proof of the completed training schedule consistent with KRS 326.035(5) no later than

twelve (12) months from the date that the apprentice ophthalmic dispenser license is issued;

(b) Proof of a passing grade on the American Board of Opticians (ABO) Basic Examination and the National Contact Lens Examiners (NCLE) Basic Examination no later than thirty-six (36) months from the date that the apprentice ophthalmic dispenser license is issued; and

(c) Proof of a passing grade on an approved practical examination no later than five (5) years from the date that the apprentice ophthalmic dispenser license is issued.

(2) An apprentice ophthalmic dispenser who fails to meet the requirements established in subsection (1) of this section shall not have the apprentice license renewed by the board.

(3) A licensee may request an extension of time in which to complete the requirements established in subsection (1) of this section by submitting a request to the board, in writing, no fewer than sixty (60) days before expiration of the applicable due date. The board may allow an extension of time for any applicant demonstrating a need based on medical necessity, family related health emergency, or military service. (OD-2; 1 Ky.R. 722; eff. 5-14-1975; Am. 11 Ky.R. 56; eff. 8-7-1984; 733; eff. 12-11-1984; 21 Ky.R. 483; eff. 10-19-1994; 27 Ky.R. 1530; 2502; eff. 4-9-2001; 42 Ky.R. 2624; 43 Ky.R. 19; eff. 7-20-2016; 45 Ky.R. 3249; eff. 8-19-2019.)