

Florida Laws and Rules for Dispensing Opticians

(Optical Seminars Course # HS-01)

by

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Course Objectives

**Upon completing this two-hour home study course,
the optician should be able to:**

1. Differentiate between Florida Statutes (FS 484, FS 456, FS 120) and Florida Administrative Codes (FAC 64B12 and 64B29), including their respective authority and hierarchy.
2. Interpret the legislative intent of FS 484 and explain how “protection of the public health, safety, and welfare” shapes the Board’s authority.
3. Identify and apply statutory definitions (e.g., direct supervision, optical dispensing, Board-certified optician) to real-world practice scenarios.
4. Analyze the Board of Opticianry’s authority and statutory limitations under FS 484.005 and 484.006.
5. Determine licensure, renewal, continuing education, and Optical Establishment Permit requirements under applicable statutes and rules.
6. Distinguish between lawful and unlawful acts under FS 484.013 and 484.014, including criminal and administrative violations.
7. Correlate specific violations with potential disciplinary penalties outlined in FAC 64B12-8.

8. Evaluate supervision requirements and delegation responsibilities in compliance with statutory definitions of direct supervision.
9. Locate and verify current regulatory requirements using official Department of Health and Board of Opticianry resources.
10. Summarize key federal regulations affecting opticians, including HIPAA, the Fairness to Contact Lens Consumers Act (FCLCA), and the updated Eyeglass Rule.
11. Achieve a minimum score of 70% on the required 25-question post-course assessment.

Introduction

Just over 2,000 years ago, the classical Greek philosopher, Plato, said of the law, “Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.” While the exact wording of that quotation might be more apocryphal than factual it is with that sentiment in mind that we embark on this two-hour continuing education course that is meant to familiarize the participant more fully with the laws and rules that govern the practice of opticianry in the state of Florida. At the same time, it is my hope to raise your comfort level as well. I always tell people who attend my live seminars that if you will simply take an hour to read the laws and rules, to the 95-percent level you’ll “get it.” Are there a few “gray” areas, and areas that were not adequately addressed by the Legislature and Boards through the years? Yes. But these areas are few and far between. Finally, it is my hope that you will, for lack of a better word, be inspired to download and print an updated copy of the rules and laws at least once a year – and to read them. They are, after all, the regulations that govern the practice of what is for most licensed opticians, the main source of their livelihood, and it is their personal responsibility to be aware of all the rules and laws. I’m sure we all remember the cliché: Ignorance of the law is no excuse. (Definition of terms: “Laws” are what are found in the Florida Statutes, for example, Florida Statutes 484 and 456. “Rules” are what are found in the Administrative Codes, for example, 64B12 and 64B29. Laws and Rules are both “Regulations.” Be aware that regardless of what they are called, we are “regulated” by them all, and we must follow all their directives.) Also, because fees, forms, and some rule language can change, this course teaches the structure and key requirements (as of January 2026) and shows where to verify the current text when you are participating in this module.

There are several sections of Florida regulations that will be addressed, all at different levels of thoroughness. They are:

- **FS 484, part I** (Florida Statute Chapter 484, part 1) – This is the original law enacted by the Florida Legislature. Among other things, it has created the Board of Opticianry and sets out the parameters and guidelines within which the Board must operate. It charged the Board with certain duties and responsibilities and clearly restricts the Board as well. We will study this section in much depth and detail.



- **FS 456** (Florida Statute Chapter 456) – This is the law that contains all the general provisions that govern all health professions and occupations in the state of Florida. Since there is nothing *specific* pertaining to opticianry in this section, we will only touch on it briefly. Realize, however, that all the professionals - such as opticians - that come under the purview of the Department of Health are governed by these laws.



- **FS 120** (Florida Statute Chapter 120) – This is the law that is known as the Administrative Procedure Act, and is contained in Title X. It deals with all public officials, records, and employees. Again, nothing specific to do with the practice of opticianry here, so we will only spend a brief amount of time here as well.



- **FAC 64B12** (Florida Administrative Code, Rules Chapter 64B12)
- **FAC 64B29** (Florida Administrative Code, Rules Chapter 64B29) – These are rules that are eliminated, enacted, changed, supplemented, etc. by the action of the Board. Along with FS 484, part I, these rules are specific to opticianry, and therefore, we will cover them in detail.



The above, brief explanation, I believe, is a good illustration of the *hierarchy* of the laws and rules. Understand that regardless of the origin of the regulations (i.e., the Legislature, the Department of Health, or the Board of Opticianry), we, as licensed opticians, are required to be aware of them all, and of course, to follow them. Remember when regulations change, the state is not required to notify us of such change. It is our responsibility to keep our knowledge of the laws and rules comprehensive and current.



Florida Statute 484, part I – (Preparing and Dispensing of Eyeglasses and Other Optical Devices)

I was once asked why we don't cover part II of FS 484 in our study of the law. The reason is simple. Part II deals with the fitting and dispensing of hearing aids. Part I, as you will recall, contains the original legislative decisions made regarding the optical profession.

Rarely does an actual law tell you *why* it exists. An exception to this rule of thumb is found in the very first words of FS 484. The Legislature tells us why they are enacting this section. In part, it is because, "The Legislature finds that the practice of opticianry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature further finds that it is difficult for the public to make an informed choice about opticians and that the consequence of a wrong choice could seriously endanger their health and safety." {484.001} It further goes on to explain that the only way to protect the public from the incompetent practice of opticianry is by establishing minimum requirements for entry into the profession, and through fast and effective "discipline" for those opticians who choose to violate any of the rules. In fact, this statute explains that the "sole purpose" of enacting this entire section of the law is "for the protection of the public health, safety, and welfare." {484.001(2)}

The legislature then felt the need to specifically define nine certain terms used throughout the chapter. They are department, board, opticianry, optician, direct supervision, Board-certified optician, optical establishment, contact lenses, and optical dispensing. {484.002} Throughout FS484, when these words are used, they mean the following:

- Department – The Department of Health
- Board – The Board of Opticianry
- Opticianry – Preparation and dispensing of lenses, spectacles, eyeglasses, contact lenses and other optical devices upon the written prescription of a licensed medical doctor, doctor of osteopathy, or optometrist. It also says that a “duplicate prescription” is acceptable, and duplication of lenses as to power without a prescription. Opticianry as defined herein also allows a Board-certified optician to independently fill, fit, or adapt any soft contact lens prescription. This applies to soft contacts only. It specifically says this power only applies to extended wear and gas permeable lenses “to the extent authorized by the prescribing [doctor].” The legislature also went out of its way to tell us **three things that are NOT considered the practice of opticianry**. They are: 1) the selection of frame designs. 2) The actual sales transaction. 3) The transfer of physical possession of said devices *AFTER* the optician has completed a fitting of the device.
- Optician – A person who is licensed to practice opticianry in Florida.
- Direct Supervision – “Supervision where the licensee remains on the premises while all work is being done and gives final approval to any work performed by an employee.” Over the years this has brought up two questions, both of which, I believe, are exactly what Plato meant by bad people trying to find a way around the law. Some people try to stretch the meaning of “on the premises” to include, for example, being in the lunchroom of a department store, hundreds of feet away from the Vision Center. “I’m on the premises, after all.” Nice try. Any reasonable definition of “premises” regarding business, would read something like this: The physical environment where commercial conveyance occurs. The other stretch occurs when an optician says to an unlicensed employee, “I hereby give my ‘final approval’ to anything you do.” That is what I would call a broad interpretation of the law. Further into the statutes, the Legislature tightens up the definition of direct supervision to include the fact that the licensee is responsible for all acts he/she delegates to unlicensed personnel.
- Board-Certified Optician - An optician who has passed the NCLE (National Contact Lens Exam); successfully completed a course of at least 20 contact lens hours covering competencies required in the fitting, adapting, and dispensing of contact lenses; met all other requirements established by the Board; completed the application and paid a fee set by the Board (which can not exceed \$100); and has been issued a certificate by the Department. Note: Until the Board has issued the certificate, you are not a Board-certified optician.

- Optical Establishment – Any establishment in Florida which offers, advertises, and performs opticianry services for the public.
- Contact Lenses – prescribed medical devices intended to be worn directly against the cornea to correct vision, act as a therapeutic device, or provide a cosmetic effect. Originally the “cosmetic effect” was not part of the definition. The addition of these words explicitly prohibits the sale of plano, cosmetic lenses at beauty salons, flea markets, etc. without a written prescription, and without being dispensed by an optician.
- Optical Dispensing – Interpreting (but not altering) prescriptions. It also includes designing, adapting, fitting, or replacing prescribed optical aids, and duplicating lenses. The legislature once again, went out of its way to tell us **three things that are not included in the definition of optical dispensing**. They are: 1) Frame selection, 2) The transfer of an optical aid after an optician has fitted it, and 3) Providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning. That last sentence sure sounds like what most Eye Care Professionals (ECPs) call a standard I&R (Insertion and Removal) session.

Standards in Practice #1 – Direct Supervision

Compliance Scenario: “On the Premises”

A licensed optician leaves the optical department to eat lunch in the mall food court. During that time, an unlicensed employee adjusts eyeglasses and dispenses completed work to patients. The optician remains somewhere inside the mall.

Question:

Does this situation meet the statutory definition of “direct supervision” under FS 484.002?

Answer and Explanation:

No. This does **not** meet the statutory definition of direct supervision.

FS 484.002 defines direct supervision as supervision where the licensee “remains on the premises while all work is being done and gives final approval to any work performed by an employee.” The physical premises refers to the optical establishment itself, not the larger shopping mall.

Because the licensed optician was not physically present within the optical establishment at the time the work was performed, the unlicensed employee was not properly supervised. This exposes the licensee to potential disciplinary action under FS 484.014 for improper delegation and failure to maintain direct supervision.

The Legislature then created the Board of Opticianry. (FS 484.003) It was created within the Department of Health and must consist of seven members appointed by the Governor and confirmed by the Senate. Five of the seven must be licensed opticians. Two members must be Florida residents who have never been licensed and who have no connection or interest in opticianry. Additionally, the Legislature said that one of the seven (could be licensed or not) must be at least 60 years of age. Again, they do not say *why* this age requirement was included, but I think we can safely infer the reason. After all, why do any of these rules and laws exist? They exist to ensure the general safety, health, and welfare of Florida's citizenry. Since a large percentage of our population is over the age of 60, I'm sure the lawmakers wanted to ensure that that segment of the population had some form of representation on the Board.

Some newly licensed opticians assume the Board exists to be their representatives in Tallahassee, and to look out for their interests. Nothing could be further from the truth. That does not mean to imply that the Board-Optician relationship is an adversarial one; it is not. It should only even seem adversarial when the Board acts against an optician, who presumably has done something that might endanger his/her clients.

Members are appointed by the Governor of Florida. They serve terms of four years. The legislature said that the Board's headquarters would be in Tallahassee. {FS 484.004}

In FS 484.005 the legislature charged the newly formed Board to write four specific rules:

1. To establish a standard of practice for opticians.
2. To establish minimum equipment requirements for the practice of opticianry.
3. Procedures for transferring prescription files when an optician or corporation goes out of business.
4. To establish a standard of practice for filling prescriptions for contact lenses and for the fitting, adapting and dispensing of contact lenses.

Indeed, the Board of Opticianry has fulfilled its responsibility regarding these four things. Their guidelines and rules can be found in the Administrative Codes (64B12 and 64B29) which we will delve into toward the end of this course.

While the Legislature charged the Board with making the above four rules, in its infinite wisdom, the lawmakers went out of their way to restrict the Board, telling it that it was prohibited from making rules regarding six specific things. {FS 484.006} The legislature said:

1. The Board can never restrict or prohibit opticians from offering discounts for their goods or services, or from advertising their services.
2. The Board can never restrict or prohibit opticians from practicing jointly with doctors.
3. The Board can never make a rule prohibiting the sale of reading glasses, toy glasses, plano sunglasses, or ready-made non-prescription glasses. In no way can the Board make rules regarding the manufacturing or sale of artificial eyes.
4. The Board cannot restrict an optician from being employed by any individual, partnership or corporation. This is in stark contrast to optometrists, for example, who cannot be employed by lay corporations.

5. The Board cannot prohibit an optician from opening branch offices.
6. The Board cannot prohibit the practice of opticianry under a trade name or service mark. Therefore, it would be okay for an optician to open up a shop and call it Eyeglasses ‘r Us. On the other hand, an optometrist could not have a business establishment called Eye Exams ‘r Us, as that is prohibited in their rules and laws. {FS 463}

In FS 484.007 the Legislature set up regulations for the licensure of opticians and for the permitting of optical establishments.

Licensure for Opticians: Any person who wishes to practice opticianry in the state must apply to the Board to do so, and have completed the application form, paid the application fee (no more than \$100), and the examination fee (no more than \$325); be at least 18 years of age; be a high-school graduate or possess a certificate of equivalency of a high-school education, and meet at least one of the following four requirements:

1. Have received an Associate Degree (or its equivalent) in opticianry from an accredited institution.
2. Have been a practicing optician in another licensed state for a minimum of three years immediately preceding application and meeting the exam criteria listed above.
3. Have been a practicing “optician” in another state that is unlicensed for a minimum of five years immediately preceding application and meet the exam criteria listed above.
4. Have registered as an apprentice with the Department, paid the registration fee (no more than \$60), and completed 6,240 hours of training/schooling as described in the Administrative Code (64B12).

The Legislature *requires* the Board to issue a license to any individual who successfully meets all those requirements and passes the examination.

Licensure of Optical Establishments: Any person who wishes to operate an optical establishment must apply for said permit to the Department. The Department is required to issue an Optical Establishment Permit (OEP) to any applicant who meets the following three requirements:

1. Has completed the permit form and paid the application fee (no more than \$500).
2. Has identified the establishment by name, street address, mailing address, and phone number.
3. Has identified the owner of the establishment by name, street address, mailing address, phone number, and contact information for a “registered agent” if other than the owner.

An Optical Establishment Permit is for that physical establishment only and is valid for as long as the business operates in that same physical location. It is not transferable to another owner or to another location. If an owner sells the business and/or moves the location, he/she has 30 days to return the actual permit to the Department, and 30 days in which to obtain a new one.

In FS 484.008 the Legislature establishes regulations for the renewal of licenses. The Department must renew a license once it receives the renewal application and a fee set forth by

the Board. This fee may never exceed \$350. (This is a good example of the hierarchy of the statutes. The Legislature (in 484) says that the renewal fee may never exceed \$350. The Board, over the years, has set the fee between \$100-285 (This information could be found in FAC 64B12.) The Board could not, for example, decide to raise the renewal fee to \$500. Why? The Legislature says it can never exceed \$350. It would take an act of the Florida Legislature to change that.)

Renewal occurs biennially – that is, once every two years. All optician licenses expire December 31 in the “even” years (i.e., December 2022, December 2024, etc.)

The Legislature said that the Board can require a certain number of continuing education hours for license renewal – but not to exceed 20 hours. As you probably know, the Board has set the number of CE hours for renewal at its current maximum limit – 20 hours.

This section of FS 484 says that all education programs that “advance, extend, or enhance professional skills or knowledge” are eligible for approval. One must simply make application to the Board to gain Continuing Education Provider status, meet certain requirements, and pay an application fee to do so. This fee may never exceed \$200.

It is also in this section where the Legislature gives the Board the authority to excuse a licensee from the standard continuing education requirements until the licensee can fulfill the requirements, in cases of “unusual circumstance, emergency, or hardship.”

In the following section, the Legislature speaks to “Inactive Status” of licensees, regarding the CE requirements to revert to active status. These rules were formed in 64B12 and will be discussed later in the course. But it is interesting to note that herein the Legislature allows the Board to require as many as 12 hours of CE for each year of inactivity to renew. The state says that the Board may require a reactivation fee not to exceed \$200, and a renewal fee of an inactive license not to exceed \$50. {FS 484.009}

In the next, very short section of FS 484 (484.011), the lawmakers define and mention “Support Personnel,” which further defines and relates to the “Direct Supervision” definition in 484.002. It is so short, and I think so enlightening, that I submit it here in its entirety for you to read for yourself: “No person other than a licensed optician may engage in the practice of opticianry, except that a licensed optician may delegate to unlicensed supportive personnel those duties, tasks, and functions which fall within the purview of 484.002. All such delegated acts shall be performed under the direct supervision of a licensed optician, who shall be responsible for all such acts performed by persons under her or his supervision.”

That seems to make a few things perfectly clear. First, you must always be on the physical premises while opticianry and optical dispensing is being practiced. Second, while you may certainly delegate tasks to non-licensed personnel, you must provide direct supervision. Third, and most importantly, however loosely or tightly you interpret these things, this section makes one thing clear: *You are responsible for all acts performed on your watch.*

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Section 484.012 deals with three specific, though unique things. It is, in my opinion (based on frequently asked questions in live CE format), one of the most widely misconstrued sections of FS484. This confusion occurs because of the use of one particular word: duplication. Let us ‘dissect’ this section carefully, to gain true understanding.

- 1. The Filing of Prescriptions.** Note, it says “filing,” not “filling.” All prescriptions that are filled by the optical establishment must be retained (filed) by the establishment for a minimum of two years. Can you keep them longer? Sure. But the establishment shall keep them a minimum of two years. Interestingly, the Legislature says here that while it is the establishment’s responsibility to maintain the Rx, the “licensed optician may [also] maintain a copy of the prescription.”
- 2. The Duplication of Prescriptions.** This is the confusing part. When an optician sees or hears the word “duplication” he/she immediately assumes that this type of “duplication” would require a lensometer, lens clock, etc. Nothing could be further from the truth. When you think of the word “duplication” as it is meant in this paragraph, think Xerox machine, carbon paper, handwritten copy, etc. They are talking about the duplication (copy) of the Rx form itself.

Here it also says if the patient, or an agent of the patient (someone acting on the patient’s behalf) requests a copy of the filled Rx (during the required two-year time you must keep it on file), you must provide it. You could Xerox it, of course. But the legislature also says that you can transcribe yourself, on a form approved by the Board (said form is described later in 64B12), the patient’s prescription. This “copy” or “duplication” you might create – by hand, is a valid prescription for a period of five years from the date of the original prescription (for spectacles), or for two years (for contacts), or as restricted by the original prescriber.

- 3. The Duplication of Lenses.** Now don’t think Xerox, think lensometer. “Nothing in this part shall be construed to prohibit a licensed optician from accurately duplicating lenses as to power without a prescription.” (FS 484.012(3)) An example I like to use in live seminars is the following: A man enters your dispensary, waving a pair of glasses in his hand that he describes as being his grandfather’s old reading glasses. He tells you he sees great with them when he drives at night and asks you to duplicate the lenses and make him a pair of sunglasses for driving during the day. He further explains that he hasn’t had his eyes examined in over 20 years. Could you do it? Absolutely. Should you do it? Probably not - but that’s an issue for the Ethics class, not the Law class. Remember, just because the law says you are *allowed* to do something, it doesn’t mean you *have* to do it.

Standards in Practice #2 – Duplication vs. Prescription

Compliance Scenario: “Duplicate This”

A patient requests a “duplicate” of his prescription from three years ago. The optical establishment still has the original prescription on file. The optician writes the information on a blank piece of paper and hands it to the patient without including the prescribing doctor’s name or the original prescription date.

Question:

Does this satisfy the requirements of FS 484.012 and FAC 64B12-10.0065?

Answer and Explanation:

No. This does not comply with the rule.

While FS 484.012 permits duplication of the prescription form itself, FAC 64B12-10.0065 requires that a duplicate prescription include specific elements, including:

- Name of the client
- Name of the prescribing practitioner
- Date of the original prescription
- Sphere, cylinder, axis, prism, and reading power

Failure to include required elements renders the duplicate prescription noncompliant and may subject the licensee to citation or disciplinary action.

I don’t know if it was planned this way, or if it is just an ironic coincidence, but unlucky subsection 13 deals with violations and penalties. Recommended censure and fines is delved into more comprehensively in 64B12, but here are some of the violations and penalties listed in FS 484.013, none of which should come as a surprise:

- It is unlawful to make false or fraudulent statements to the Board.
- It is unlawful to prepare/dispense optical devices if you’re not licensed in Florida.
- It is unlawful to prepare/dispense without first being provided a prescription.
- It is unlawful for any person to use the title “optician” unless he or she is “licensed under this part.” The only people “licensed under this part” are Florida Licensed Opticians, or Apprentice Opticians. No other person can hold themselves out as or use the title of “optician.”
- It is unlawful for an optician to diagnose human eyes, determine the refractive powers of the human eye, or treat diseases or ailments of human beings.

- It is unlawful to operate an optical establishment without first obtaining the Optical Establishment Permit.
- Any violation of these conditions represents a misdemeanor of the second degree, except if a person knowingly violates the third item listed above (dispensing without a prescription), he/she is guilty of a felony of the third degree. The recommended fines and/or imprisonment guidelines will be discussed in 64B12.

In section 484.014 the legislature defines what constitutes grounds for denial of license and/or disciplinary action as specified in FS 456.072 – that part of the law promulgated by the Department of Health. Here they are:

- Trying to obtain a license by misrepresentation, fraud, bribery, etc.
- Trying to obtain a license for any other person as above.
- Knowingly filing false reports to the Board.
- Failing to make fee or price information available after being presented a prescription.
- Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.
- Fraud, deceit, negligence, or practicing opticianry in an incompetent manner.
- Practicing with a revoked, suspended, inactive, or delinquent license.
- Violation of a lawful order made by the Board or Department.
- Violation of any provision of 484.012 (see above).
- Conspiring in such a way that would coerce, intimidate, or preclude another optician from lawfully advertising his/her services.
- Willfully submitting a claim to a third-party payer for services that were not provided.
- Failing to keep written prescription files.
- Willfully failing to report any person who the licensee knows is in violation of any rules of the Department or Board.
- Allowing unlicensed people to dispense.
- Being convicted of a crime that would preclude a person from practicing opticianry.
- Having been disciplined in another state for an offense that would constitute a violation of Florida rules or laws regulating opticianry.
- Being unable to perform competent opticianry due to drug, alcohol use, etc.
- Violating any provision of this chapter or of FS 456.

Duly authorized agents of the Department have the power to inspect (in a lawful manner and during reasonable hours) any optical establishment for the purpose of determining if any regulation herein is being violated. They may secure samples of your work “after paying for them or offering to pay for them.” {FS 484.015}

Section 484.016 deals with the issue of reciprocity. There is much confusion here. This entire section consists of one sentence. Here it is: “In order to ensure that opticians in this state may be licensed in other states, the Board may enter into reciprocity agreements with other states.” The key word here is “may.” The Board has NOT entered into any such agreements. True reciprocity means that by virtue of an optical license from Florida, an optician could automatically practice in another state with which Florida has reciprocity. Again, this type of

agreement does NOT exist between Florida and any other state. Florida now uses endorsement pathways; always verify current options with MQA (Medical Quality Assurance) especially now that MOBILE endorsement exists. This will be briefly explained in the following section.

The final section of FS 484 is FS484.018 and is entitled “Exceptions.” It basically says that medical doctors or optometrists are not required to obtain an Optical Establishment Permit. It does say that an unlicensed employee of a doctor does not have to obtain a license, BUT he or she must work exclusively for that practitioner and must have direct supervision from the doctor. I encourage you to revisit the definition of “Direct Supervision” above.



Florida Statute 456 - (Health Professions and Occupations: General Provisions)

Even if you have never read it, I always say that if you are in violation of a law that appears in FS 456...you know it! Most of the regulations have to do with fraud, deception, false advertising, cheating on tests, filing fraudulent insurance claims, practicing under the influence of drugs or alcohol, etc.

While there is nothing specific to opticianry, some of the following sections may be of some interest:

- Compensation for Board members and travel expenses (456.011)
- Board rules; challenging Board rules (456.012)
- Public inspection of information (456.014)
- Limited licensing for those who seek to help the indigent and underserved (456.015)
- Restrictions for requiring or not requiring U.S. citizenship to practice (456.019)
- Special treatment for members and spouses of members of the Armed Services (456.024)
- Address of Record (456.035)
- Disclosure of financial interest before referring clients (456.052)
- Kickbacks prohibited (456.054)
- Treatment of Medicare beneficiaries (456.056)
- Advertising by health care practitioners for free or discounted services and the required statement when doing so (456.062)
- Sexual misconduct – don’t even think about engaging or attempting to engage a client or anyone connected to the client in verbal or physical sexual activity. (456.063)
- Grounds for discipline; penalties; enforcement (456.072)
- Citations (456.077)

- Mediation (456.078)
- MOBILE (456.0145) - The MOBILE Act (Mobile Opportunity by Interstate Licensure Endorsement Act) is essentially licensure by endorsement. In 2024, Florida created a new, standardized pathway for many Department of Health (MQA) professions to obtain Florida licensure by endorsement: the Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act, codified at FS 456.0145. The MOBILE Act was designed to make it easier for qualified, already-licensed practitioners from other states to move to Florida and become licensed here without starting from scratch, provided they meet the Act’s criteria (for example, holding an active license in another jurisdiction, meeting Florida’s background/eligibility requirements, and satisfying profession-specific education/exam/experience standards). The MOBILE Act took effect July 1, 2024. Since then, the Legislature has continued refining the MOBILE framework; for example, legislation in 2025 amended MOBILE-related requirements and took effect July 1, 2025. The Practical takeaway for Florida opticians: when discussing “reciprocity” or “endorsement,” it is now important to consider FS 456.0145 (MOBILE) and the current MQA licensure instructions, because endorsement pathways are no longer handled only by scattered, profession-by-profession rules—they now sit inside this broader, statewide framework. View the entire content of the MOBILE statute at this link:

<https://www.flsenate.gov/Laws/Statutes/2024/0456.0145>

While the MOBILE Act establishes a uniform, statewide framework for licensure by endorsement, it does not eliminate profession-specific requirements. Opticians seeking licensure through MOBILE must still review the current Medical Quality Assurance (MQA) instructions and profession-specific criteria issued by the Department of Health, as additional documentation, examinations, or conditions may apply beyond the general MOBILE standards.

It is recommended that you now take 5-10 minutes to further study these sections of FS 456, and to view the entire Chapter. To do so, simply go to www.floridasopticianry.gov. Once there, click on Resources, then click on Florida Statutes and Administrative Codes, then click on Chapter 456 from the list on the right.



Florida Statute 120 – (Administrative Procedures Act)

While most of the items covered in FS 120 do not apply *directly* to the practice of opticianry, there are a few entries that are worth noting for opticians:

- Definitions (120.52)
- Rulemaking (120.54)
- Challenges to Rules (120.56)
- Declaratory Statements (120.565)
- Judicial Review (120.68)

Of special note is FS 120.565, which concerns something called “Declaratory Statements.” In essence, if someone who is affected by regulations of the Board or Department have questions concerning the laws or rules that substantively affect them, they may petition the Board or Department to give an opinion regarding the situation. The Board or Department then has 90 days in which to substantively offer an opinion on the situation or deny commenting on the request.

It is recommended that you now take 5-10 minutes to further study these sections of FS 456, and to view the entire Chapter. To do so, simply go to www.floridasopticianry.gov. Once there, click on Resources, then click on Florida Statutes and Administrative Codes, then click on Chapter 456 from the list on the right.



Florida Administrative Code 64B12 – (The Board of Opticianry)

The rules that evolve here in 64B12 do so because of actions taken by the Board of Opticianry through the years. Remember, these rules become regulations by the authority vested in the Board by the Legislature – the parameters of which can be found in the three sections previously presented. Florida Administrative Code 64B12 is divided into the following eight sections:

1. Organization; Operating Procedures; Disciplinary Guidelines (64B12-8)
2. Examination for Licensure; Re-Examination; Examination Review (64B12-9)
3. Standards of Practice for Licensed Opticians (64B12-10)
4. Fee Schedule (64B12-11)
5. Inactive Licenses; Renewal; Reactivation and Expiration (64B12-12)
6. Standards of Practice for Board-Certified Opticians (64B12-14)
7. Continuing Education (64B12-15)
8. Apprenticeship (64B12-16)

1. Organization; Operating Procedures; Disciplinary Guidelines (64B12-8)

The first subsection of 64B12 encourages all members of the public to offer comments to the Board regarding matters it is considering. Comments are limited to five minutes (not including time spent answering Board questions), unless extended by the chair of the Board.

The second subsection of 64B12 creates and specifies the make-up of something called a *Probable Cause Panel*. It is made up of a minimum of two members, one of which may be a former Board member who holds a valid opticianry license in Florida. The function of the panel is to determine if there is “probable cause” to believe that a violation of any of the provisions of FS 484 or FS 456 has occurred when a complaint is received. By a majority vote of the panel, the complaint is either dismissed or passed on to the entire Board for consideration. {64B12-8.008}

The third subsection of 64B12 defines what “unexcused absences” for Board members are NOT. They include:

- Medical problems of a Board member or of his/her family member.
- Death of a family member and/or attendance at the family member’s funeral.
- Conflicting business previously authorized by the Board.
- Conflicts deemed “unavoidable” by the Board.

The fourth subsection (64B12-8.016) is simply a list of “Other Board Business for Which Compensation is Allowed.”

The fifth subsection is something that would be more interesting to licenses. It states that “a spouse of a member of the Armed Forces of the United States is exempt from licensure renewal requirements, but only in cases of absence from the state because of his or her spouse’s duties with the Armed Forces.” (64B12-8.0165).

The sixth subsection - 64B12-8.020 - is by far the lengthiest. It consists of over 12 pages of disciplinary guidelines. It lists out in table form most of the violations outlined in FS 484.013 and FS 484.014. It lists the recommended penalties for first offense, second offense and third offense. Here is a sample of some of the recommendations:

VIOLATIONS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Procuring or attempting to procure or renew a license by bribery, fraud or through an error of the Department or Board.	From reprimand to probation, and a fine between \$250-500. If the violation is for fraud the administrative fine is \$10,000.	From suspension to revocation of the license, and a fine between \$500-750. If the violation is for fraud the administrative fine is \$10,000.	From revocation without the ability to reapply, and a fine between \$750-1,000. If the violation is for fraud the administrative fine is \$10,000.
Procuring or attempting to procure a license for another person by making false representations.	Same as above.	Same as above.	Same as above.
Filing a false report or failing to file a report as required as an optician.	From a letter of concern to a reprimand, and a fine between \$250-500.	From probation to suspension of the license, and a fine between \$500-750.	From suspension to revocation without the ability to reapply, and a fine between \$750-1000.
Practicing with a revoked, suspended, inactive, retired, or delinquent license.	Same as above.	Same as above.	Same as above.
Conspiring to restrict another from lawfully advertising his/her services.	Same as above.	Same as above.	Same as above.
Failure to report another licensee in violation of FS 484, Part 1 or FS 456, or rule of the Board or Department.	From a letter of concern to probation, and a fine of between \$250-500.	From probation to suspension of the license, and a fine of between \$750-1,000.	From suspension to revocation of the license, and a fine of between \$750-1,000.
Failing to keep written prescription files.	Reprimand to probation of the license, and a fine of between \$250-500.	From probation to suspension of the license, and a fine of between \$500-750.	From suspension to revocation of the license, and a fine of between \$750-1,000.

Gross or repeated malpractice.	From probation to revocation of the license, and a fine between \$500-750.	From suspension to revocation of the license, and a fine of between \$750-1,000.	From suspension to revocation of the license without the ability to reapply; fine between \$500-1000.
Failure to give notice of withdrawal of services pursuant to 64B12.10.003	From reprimand to probation of the license, and a fine between \$250-500.	From probation to suspension of the license, and a fine between \$500-750.	From suspension to revocation of license, and a fine between \$750-1,000.
Failure to properly keep and transfer prescription files pursuant to 64B12.10.006	Same as above.	Same as above.	Same as above.
Failure to assure that duplicate prescription forms contain the information required by 64B12.10.0065	Same as above.	Same as above.	Same as above.
Failure to maintain the minimum equipment required by 64B12.10.007	Same as above.	Same as above.	Same as above.
Failure to comply with the educational course requirements for HIV/AIDS pursuant to 456.072(1)	From a letter of concern to a reprimand of the license, and a fine between \$500-1,000.	From a reprimand to probation of the license, and a fine between \$2,500-5,000.	From suspension to revocation of the license, and a fine between \$5,000-10,000.

Remember, this is just a sample of the guidelines provided by the law. I encourage you to read this whole section of the law. You may access the entire table of disciplinary guidelines if you have a copy of the law, or by clicking on the following link:

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64B12-8>

Understand, also, that these guidelines refer to single, isolated incidents. Multiple counts of the same incident or multiple incidents would probably warrant more serious penalties, and this section acknowledges and allows for this.

It is also explicitly stated in this section that the purposes of these penalties are:

- To punish applicants or licensees for violations
- To deter future violations
- To deter other applicants or licensees from violations
- To offer opportunities for rehabilitation, when appropriate

This section also specifically says that the Board may deviate from these guidelines and impose less or more severe penalties (within the maximum allowed) if aggravating or mitigating factors are present. Such factors include things such as:

- The danger to the public because of the violation
- The length of time since the violation occurred
- The number of times the licensee or applicant has previously been disciplined
- The length of time the licensee has practiced
- The actual damage caused by the violation
- The deterrent effect of the penalty to be imposed
- The effect of the penalty on the licensee's livelihood
- Any efforts of rehabilitation by the licensee
- The actual knowledge of the licensee pertaining to the violation
- Attempts by the licensee to correct (or fail to correct) the violation
- Related violations in other states
- Actual negligence by the licensee pertaining to the violation
- Penalties already imposed for related offenses
- Any other relevant, mitigating circumstances

Interestingly, anyone can search the DOH's database to check on disciplinary actions against any licensees. Search your own name! Also, simply search "optician" in the "profession" box and you will see all the disciplinary actions taken by the Board. You may do so by clicking on the "License Verification" box after following this hyperlink:

<https://mqa-internet.doh.state.fl.us/MQASearchServices/Home>

In lieu of the disciplinary actions it may impose for less serious, mostly administrative violations, the Board may instead give you a ticket! It's called a "Citation," and this is the seventh section of 64B12-8. Unlike a citation you might get for meritorious or heroic action, this kind of citation (like a speeding ticket) is one you would probably rather not receive. By accepting the citation, the licensee or applicant pays an administrative fine and agrees to correct the situation in a reasonable length of time – not to exceed three months. The Board lists 14 violations that it calls "citation violations," and the corresponding fine. You are encouraged to read all of these (found in 64B12-8.021), but here are a few examples:

- Failing to keep written prescription files (\$200.00)
- Failing to return required certificates and licenses to the Board (\$500.00)
- Failing to meet Continuing Education requirements (\$500.00, plus \$25.00 per missing credit hour)
- Failing to provide change of address information to the Board (\$200.00)

The eighth subsection (64B12-8.022) of "Organization, Operating Procedures, and Disciplinary Guidelines" deals with something called "Mediation." The Board accepts mediation as a possible remedy in only five specific instances:

1. Failure to respond in a timely manner to a continuing education audit.

2. Failure to include the 72-hour cancellation notice for an advertisement (something required in FS 456.062). The notice, incidentally, must read, “The patient and any other person responsible for payment has a right to refuse to pay, cancel payment, or be reimbursed for payment, for any other service, examination or treatment that is performed as a result of and within 72 hours of responding to the advertisement for the free, discounted fee, or reduce fee service, examination, or treatment.”
3. Client or patient dissatisfaction that does not amount to exploitation or malpractice.
4. Failure to file the proper report upon termination of apprenticeship.
5. Failure of an apprentice to report termination of sponsorship.

The ninth subsection deals with Notices of Noncompliance, which the Board will issue as a first response for minor violations. The licensee then has 15 days to correct the problem, or the Board will either issue a citation (as described above) or initiate further disciplinary actions. These minor violations include the failure to provide change of address information and failure to maintain minimum equipment requirements. (64B12-8.023)

The tenth and final subsection is a relatively new addition to the rules (February 2021). It concerns Out-of-State Telehealth Discipline. It sets out disciplinary penalties for out-of-state, registered telehealth providers. The violations listed are:

1. Failing to notify the Board of adverse actions taken against his or her license.
2. Has restrictions or disciplinary action taken against his or her license in any state.
3. Violation of any of the requirements found in FS456.47
4. Commits any act that is grounds for disciplinary action under FS456.072(1) or FS484.014.

The second section of 64B12 (64B12-9) deals with Examination for Licensure, Re-Examination, and Exam Review.

In the first subsection of 64B12-9 the Board says that there are three parts to the exam for licensure:

1. A national written exam on opticianry competency (ABO or NCSORB certified)
2. A national written exam on contact lens competency (NCLE or NCSORB certified)
3. A Board-approved national examination

Proof of having successfully completed the national portions of the examination shall consist of certification of the candidate’s scores from the testing body directly to the Board. It is the candidate’s responsibility to arrange for transfer of scores. The scores shall reflect that the candidate successfully completed the examinations within the three years preceding application for licensure. If, however, the candidate successfully completed the examinations and has maintained a current certificate by having completed continuing education courses, the Board shall accept a copy of the original certificate of National Certification. Once candidates have been certified eligible by the board, having completed all requirements, they will be admitted to take the practical examination. The applicant must have successfully completed all required exams within the three years immediately preceding application for licensure. (64B12-9.001)

The next subsection (64B12-9.0015) concerns the Application for Examination and Licensure. Anyone seeking licensure must submit an application along with a non-refundable application fee. The Board shall certify applicants who have fulfilled five requirements:

1. Successfully completed all required examinations.
2. Successful completion of a two-hour Laws and Rules class by an approved provider.
3. Successful completion of a live, two-hour class on fitting and adjusting by an approved provider.
4. Have no disqualifying factors.
5. Payment of initial licensure fee within one year of passing the examination.

The next subsection (64B12-9.0016) sets out specific requirements for demonstrating knowledge of the laws and rules.

The next subsection (64B12-9.002) addresses re-examinations. It states that applicants who fail a portion of the practical exam are only required to retake that portion of the exam and must do so within 12 months. Failing to achieve a passing score on all sections within 12 months means the applicant must apply for and take the entire examination (excluding ABO and NCLE) again.

If you remember, in FS484.007, the Legislature set guidelines and requirements for people who wish to practice opticianry in Florida and have moved here from other licensed and unlicensed states. They used the phrase “immediately preceding application.” That seems pretty gray. What does it mean? A month? A year? The Board, in the final subsections (64B12-9.016 and 64B12-9.017)) defined “immediately preceding application” as two years. The applicant has two years from the time he/she has stopped the practice of opticianry in the other state to invoke that part of the law (484). Proof of such practice (such as tax records) must be provided. This section also states that applicants coming from another licensed state must have practiced for more than three years (and show proof), and applicants coming from unlicensed states must have practiced more than five years (and shoe proof).

The third section of 64B12 creates a Standard of Practice for Licensed Opticians.

The first subsection (64B12-10.003) is a brief section entitled “Responsibility to Client.” Simply stated, an optician must give due notice to his/her clients upon going out of business. “Due notice” is defined as publication in a newspaper of general circulation in the optician’s practice for one day, for four consecutive weeks.

The second matter addressed regarding a Standard of Practice is what is known as the "Disclosure of Licensure" responsibility as outlined in 64B12-10.0035. It basically states that an optician must disclose to his or her clients under which license he or she is practicing. This regulation is very clear in that it may be met in only one of four ways:

1. By wearing a nametag which identifies the licensee as an optician; or
2. By orally disclosing to the patient, during the initial contact, that the licensee is an optician; or
3. By providing a business card or similar document, during the initial contact, which identifies the licensee as an optician; or

4. By placing notice in the lobby or waiting area of the location where the licensee practices, which contains a photograph of the licensee that identifies the licensee as an optician.

Advertising, in general, is the next matter outlined, in subsection 005. Obviously, no ads may be fraudulent, false, deceptive, or misleading, though it's okay for opticians to advertise "eye examinations arranged." The Board felt those words needed further clarification and offered several examples. An advertisement is deemed to be unacceptable if it:

- Contains a misrepresentation of facts
- Contains only partial, relevant facts
- Creates false expectations or benefits
- States price or delivery times without noting any applicable exceptions
- Offers guarantees or warranties without noting any applicable exceptions
- Contains any claim that the optician fails to perform (64B12-10.005)

The next subsection (006) instructs opticians on how to transfer prescription files. It says that when an optician dies, terminates practice, or relocates and is no longer available to patients, prescription files which are two years old or less must be transferred to a location where they are available to patients. The optical establishment must inform patients of file relocation within 60 days.

Remember, in FS484, the legislature said that if an optician transcribed prescription information onto a "duplicate prescription form," it would be considered a valid prescription in the state of Florida. In this section (64B12-10.0065), the Board made a rule that the duplicate prescription form must have a place for the following information:

- Name of the client
- Name of the prescribing doctor
- Date of the original prescription
- The sphere, cylinder power, axis, prism power, and reading power (64B12-10.0065)

As part of its legislative mandate, in 64B12.10-007 the Board herein also lists the minimum equipment that must be present *in each office* in which an optician practices opticianry. Required equipment includes:

- Pupillary gauges
- Thickness gauge
- One set of hand tools for fitting eyeglasses
- One lensometer, vertometer, or similar instrument
- One colmascope or similar instrument (when manufacturing glass lenses on the premises)
- One frame heater
- One lens measure
- Set of sample frames and mountings
- Keratometer and slit lamp if fitting and adapting contact lenses
- A non-expired set of trial soft lenses if fitting and adapting contact lenses

In this section the Board states also that “the technical fitting of contact lenses is embraced in the field of optical dispensing.” It says that a licensed optician may fill, fit, adapt or dispense soft, extended, and hard contacts only to the extent authorized and under the supervision of the prescriber. However, it further states that a Board-certified optician may fill, fit, adapt or dispense *prescribed, soft* contact lenses...and says nothing about supervision by the prescriber. (64B12-10.009)

Finally, the Board says that if a licensee has a change of address, the optician must notify the Board, in writing, within 30 working days of the address change. (64B12-10.012)

The fourth section of 64B12 is the Fee Schedule. It states that all fees must be made payable to the Department of Health. As of January 2026, the following fees apply:

- Application fee - \$100
- Active Status fee - \$125
- Retirement Status fee - \$50
- Initial Active Status fee – It is stated an optician initially licensed in the first half of a biennium must pay the whole fee; if licensed in the second half of the biennium, an optician must pay only half of the fee.
- Renewal of Inactive Status fee - \$50
- Delinquent Status License fee - \$125
- Reactivation of Inactive Status License fee - \$200
- Change of Status fee - \$50
- Application or Re-Application fee for Continuing Education Providership - \$200
- Apprentice Registration fee - \$60
- Application for Board-Certification fee - \$50

The Board then outlines the steps opticians must take to renew active licenses, renew inactive status licenses, reactivate inactive licenses, delinquent licenses, and retired status licenses. (64B12-12). Although not contained within Chapter 484, Florida Statutes, or Rules 64B12 or 64B29 of the Florida Administrative Code, licensed opticians should be aware of House Bill 975, which took effect on July 1, 2025. It is a requirement that affects license renewal. Under FS 456.0135, the Florida Department of Health requires certain health care practitioners (including opticians) to undergo a criminal history screening through fingerprinting. This background screening is conducted electronically through a Livescan vendor and includes both Florida Department of Law Enforcement (FDLE) and FBI review. While this requirement is not found within opticianry rules or laws specifically, it applies to opticians because they are licensed health care professionals regulated by the Department of Health.

The practical implication for opticians is that fingerprinting is required at the time of initial licensure and, in some circumstances, may be required again if prints were not previously submitted in a retained, usable format or if the Department determines that compliance is necessary. Fingerprints are retained by FDLE for ongoing monitoring,

meaning that future arrests or criminal activity may be reported to the Department without additional action by the licensee. It is important to understand that this requirement is statutory and administrative in nature—it does not expand scope of practice or alter dispensing standards—but failure to comply can delay renewal or result in the inability to maintain active licensure. As with all regulatory matters, opticians should verify current requirements directly with the Department of Health to ensure full compliance prior to renewal. It is best to check with the Board website: www.floridasopticianry.gov for current guidance.

In the sixth section, 64B12-14, the Board deals with applications and renewals for Board Certification. An optician who desires to be certified by the Board must make application, pay the fees, and within a period of two years prior to application must have completed a 20-hour, Board-approved preparatory course. If any doubt arises as to the competency of an applicant for Board Certification, he or she may be required to appear before the Board to answer questions regarding competency.

The curriculum for the Board Certification Course must consist of 16 classroom hours and 4 hours of clinical training. All of this is found in 64B12.004. The 16 classroom hours must consist of the following:

- Contact lens theory (2 hours)
- Pre-fitting and post-fitting observation, evaluation, and recordkeeping (2 hours)
- Customer follow-up care (2 hours)
- Contact lens solutions (1 hour)
- Contact lens-induced pathology (2 hours)
- Ocular surface anatomy (2 hours)
- Instrument use and maintenance (2 hours)
- Basic lens fitting (3 hours)

The clinical training must be conducted under the direct supervision of the instructor, and must consist of the following:

- Lens modification (1 hour)
- Contact lens insertion and removal (1 hour)
- Observation, evaluation and referral (1 hour)
- Actual use of required equipment (1 hour) (64B12-14.002 and 64B12-14.004)

In the next section of 64B12, the subject of continuing education is tackled. It is 64B12-15. You will remember in FS484, the Legislature said the Board could require licensees to attend up to 20 hours of continuing education each biennium. As you probably know, the Board has invoked that “right,” and indeed, does require each licensed optician to attend 20 hours of education each biennium. But not really! You see, the Board has defined herein that one-hour of education means “at least 50 minutes of classroom instruction.” So technically, opticians only have to attend 16.67 hours ($50 \times 20 = 1,000$; $1000/60 = 16.67$) each biennium.

Whenever I point this out in a classroom lecture, it is of little solace to the attendees! But alas, I digress. Here are the vital points regarding continuing education (CE), as outlined in this subsection:

- All courses must be obtained by approved providers. You may search for specific courses and/or verify provider status of CE providers at this link to CE Broker, which is the organization that keeps track of the CE courses you take, and lets the State know if CE requirements have not been met when a licensee attempts to renew his or her license:

www.cebroke.com

- Of the 20 required hours, a maximum of 5 hours may be obtained “out of classroom.” That means that no more than five hours may be mail-in, home study, on-line, video classes, etc.
- An optician initially licensed in the first half of a biennium must only complete 10 hours of continuing education – 3 of which, may be out-of-classroom. An optician initially licensed in the latter half of a biennium need not attend any continuing education hours for the first license renewal, except for a two-hour course on the reduction of medical errors.
- Credit hours must be earned during the biennium for which they are submitted.
- The only licensed opticians exempt from the CE requirement are full-time instructors at fully accredited optical schools, and then they are exempt only if so employed during the entire biennium.
- At the time of renewal licensees must submit the renewal request via an on-line portal.

Standards for Continuing Professional Education are outlined in the next subsection (64B12-15). Standards include:

- A credit hour must consist of at least 50 minutes of classroom instruction.
- Credit for CE classes is limited to no more than 8 hours in a 24-hour period.
- Courses must “contribute to the advancement, extension or enhancement of professional skills and knowledge in the practice of opticianry or the management of a practice.”
- As of January 2022, the following is the configuration of the 20 hours that are required for renewal:
 - 11 hours must be related to the technical practice of opticianry (if the licensee is Board-certified, at least 4 of the 11 hours must be related to contact lens theory or practice.
 - 2 hours must relate to Federal or Florida rules and regulations regarding opticianry.
 - 1 hour must be on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). **Note: This is only a requirement for the first renewal in which a licensee is required to take CE credits.**
 - 2 hours must be related to the prevention of medical errors

- 5 hours of elective courses, which may include technical courses, rules and laws, HIV/AIDS, risk management, sales, marketing, business, finance, personnel management, stress management, fire prevention, disaster planning, or attending a Board meeting, if disciplinary action is being taken at said meeting. Of course, if the licensee is appearing before the Board on a disciplinary action, no credit can be claimed. (64B12-15.003)

The Board then outlines specific requirements for providers of continuing education, such as POF (Professional Opticians of Florida), Optical Seminars, Focal Education and others. The rules herein (64B12-15.004 and 64B12-15.007) are designed to ensure environments are conducive to learning, and to minimize distractions. Additionally, general course requirements are outlined here, as well as specific curriculum regarding HIV/AIDS courses. Qualifications for instructors may also be found in this section. The provider of CE hours is required to maintain a summary of course evaluation responses for at least three years. The provider is also required to provide proof of attendance signed by the provider. The provider must also maintain a copy of these attendance records for a minimum of three years and be ready to supply them to the Board if requested to do so.

Finally, the Board details some specific, more stringent requirements for the out-of-classroom hours (remember, no more than five of the twenty may be this type). To qualify for credit, all the following criteria must be met:

- All materials must be submitted to the Board at least 90 days before it is offered to the public.
- Courses must be designed to maximize participant involvement.
- Examinations must be used to test the participant's proficiency; these must be graded by the provider.
- Participants must pass the examination. If a participant fails, re-examination is not allowed.
- Approval for courses lasts no more than four years. (64B12-15.008)

Standards in Practice #3 – Optical Establishment Inspection

Compliance Scenario: “Surprise Visit”

A Department of Health inspector arrives unannounced at 3:00 p.m. on a weekday. The licensed optician is present. The inspector discovers:

- No written prescriptions retained for several recent jobs
- A missing pupil gauge
- An apprentice working without the registered sponsor present

Question:

Identify at least three possible regulatory violations.

Answer and Explanation:

The following potential violations may apply:

1. **Failure to retain written prescriptions for at least two years** (FS 484.012)
2. **Failure to maintain minimum required equipment**, including a pupillary gauge (FAC 64B12-10.007)
3. **Failure to provide direct supervision of an apprentice** (FS 484.002 and FAC 64B12-16)

Each violation could result in citation or formal disciplinary action depending on severity and history. The sponsor is personally responsible for supervision compliance.

The eighth and final section of 64B12 deals with apprenticeship. In this author’s opinion, apprenticeship is a wonderful thing. While any reasonable path to licensure should include classroom/academic participation, apprenticeship provides a path to licensure while working full time. After more than 40 years as an optician in Florida, it is also this author's opinion that many times licensees enter the role of Apprentice Sponsor without the seriousness of purpose needed to successfully and ethically fulfill the role.

An Apprentice Application Packet is available for download and printing by clicking on “PDF Applications and Forms” after going to the Resources page after following this link”

www.floridasopticianry.gov

Therefore, the sponsor/apprenticeship relationship should be entered into seriously and with much forethought and discussion regarding the relationship: How will it be structured? What are our goals? How will we measure them? How will I, the sponsor, be able to maintain

accurate records of the apprentice's time worked? How will we handle termination, if and when - it occurs? Realize that all apprenticeship training must be done by the registered sponsor of an apprentice, and no credit (other than attending CE classes) is given if the work is done under the supervision of someone other than the registered sponsor. Here are some other provisions of apprenticeship, which I believe you should consider carefully:

- An apprentice can have no more than two sponsors at one time: a primary sponsor and a secondary sponsor. If two sponsors are part of the relationship, the primary sponsor is responsible for the secondary sponsor as well as the apprentice. This means it is the primary sponsor's responsibility to see that all forms are completed, signed, and submitted in a timely and proper fashion.
- A sponsor may provide training for no more than two apprentices at a time.
- An apprenticeship consists of 6,240 hours of training and must be completed within five years of registration with the Department. Additionally, each credit hour earned at an approved school of opticianry counts as 86.67 hours of the 6,240. (By the way...if you do the math, 6,240 divided by 40 {a "standard" work week} equals 156 weeks. 156 divided by 52 {number of weeks in a year} equals 3. Which means if you submit your completion forms within three years, it means you worked 40 hours per week – three years straight – with no sick days, vacation time, or holidays off. This is something the Board is acutely aware of, and Sponsors/Apprentices should govern themselves accordingly.)
- Two of the 6,240 hours must include an Apprentice/Sponsor Orientation Course.
- Sponsors may also attend this course, which would count as two hours of elective hours and can be applied as part of the 20 hours required for renewal. I would encourage all sponsors to do just that, if for no other reason so that the Sponsor and the Apprentice can be of one mind regarding the relationship and what is required.
- Apprentices may attend approved CE classes that count hour-for hour toward the 6,240 required hours.
- For the hours to "count" toward the apprenticeship, a sponsor must be on the premises at all times work is conducted by an apprentice.
- Training must include but is not limited to: reading and interpreting prescriptions, working with lens types, working with frames, fitting and adjusting glasses on customers, measuring PDs, basic ocular anatomy and physiology, optics, use of a lensometer including duplicating prescriptions, identifying lenses, assembling lenses into frames, and working with contact lenses if appropriate. If the apprentice does not have an opportunity to adequately work with contacts during his/her apprenticeship (i.e., the sponsor is not a Board-Certified optician, optometrist or physician) then 32 hours of a Board-approved course must be substituted for 32 hours of the apprenticeship.
- In addition to the traditional apprenticeship model, Florida now recognizes certain structured career progression programs as an acceptable pathway toward licensure when they meet Board-approved standards. These programs are typically offered by larger employers or educational partners and combine formalized on-the-job training, documented competencies, and progressive responsibility under licensed supervision. When properly approved and administered, hours earned through an authorized career progression program may be applied toward the 6,240-hour apprenticeship requirement provided all documentation, supervision, and reporting requirements

established by the Board are strictly followed. Apprentices and sponsors should understand that not all employer training programs qualify automatically; only programs that have been reviewed and accepted by the Board or Department may be used for credit. **Licenses considering participation in a career progression program are strongly encouraged to verify current approval status and documentation requirements with the Department of Health before relying on such programs for apprenticeship credit.**

If the apprentice/sponsor relationship is terminated, **the apprentice** must submit an Apprenticeship Sponsor Attestation Form to the Board within 30 days of termination. This form may be downloaded and printed by clicking on Resources after using the following Internet link:

www.floridasopticianry.gov

Failure to submit this form shall subject the apprentice to disciplinary actions up to and including denial of licensure. (64B12-16.004)

Upon completion of the apprenticeship program, the completed Apprenticeship Sponsor Attestation Form (mentioned above) must be submitted to the Board within six months, or the credits are not counted.

All sponsors (opticians, optometrists, or physicians) are required to maintain accurate and complete records of all time worked by the apprentice. Notice it does not say the optical establishment or business is responsible – it is the individual sponsor’s responsibility. This is one example of why I earlier stressed the seriousness of purpose with which the Sponsor/Apprenticeship relationship should be entered into. For example, if you work in the corporate environment, before you agree to sponsor an apprentice, I suggest you schedule a meeting that would include you, the potential apprentice, and the person responsible for providing and maintaining work records (e.g., department manager, store manger, H.R. professional). Receive assurances, up front, and decide ahead of time exactly how YOU will maintain accurate records.

These records must be maintained by the sponsor for a minimum period of six years from the time the sponsor first undertook the apprentice’s training or for one year after the apprentice receives his/her license – whichever comes first. Records must be maintained even if sponsorship is terminated. A sponsor must supply these records to the apprentice if requested and may even charge the apprentice reasonable copy costs. The sponsor must of course, be ready to provide these records to the Board upon request. Failure to comply with these rules opens the sponsoring optician up to disciplinary actions, up to and including denial of sponsorship status. (64B12-16.009)



Florida Administrative Code 64B29 – (Optical Establishments Registration))

The Administrative Code was supplemented to include this subsection which deals with tightening up some of the rules regarding Optical Establishment registrations and inspections. It basically mandates that every person who wishes to operate an optical establishment, every owner who relocates an optical establishment, every owner who changes the name of an optical establishment, and every time a change in the ownership of an establishment occurs, the Board must be informed by the owner/new owner through use of MQA (Medical Quality Assurance) form #OE-001.

You will remember that FS484 allows the Board to charge as much as \$500 for an Optical Establishment Permit. As of January 2026, the fee is \$100. The fee for an establishment name change is \$25. There is a \$100 charge for the relocation of the establishment. When ownership changes, the new owner has 30 days to submit the \$100 application fee and request a new permit. (64B29-1.001), and the previous owner must return to original Optical Establishment Permit to the Board.

All optical establishments are subject to periodic inspections (at least once every other year) by Department personnel or agents working on the Department's behalf. These inspections are to be held at "reasonable" hours and can be unannounced if during a time when the establishment is occupied. Specific items to be inspected include:

- Possible discrepancies regarding registration information.
- Determining if unreported change of ownership has occurred.
- Determining if ANY rules in FS484 have been violated.
- Determining if written prescriptions are being kept on file for the minimum two years required.
- Determining if minimum equipment is present.
- Determining if a licensed optician is on the premises as required.
- Determining that the establishment is permitted as required. (64B29-1.002)

Standards in Practice #4 – Continuing Education Audit

Compliance Scenario: “Missing Hours”

At renewal time, a licensed optician discovers she completed:

- 9 technical hours
- 2 laws & rules hours
- 2 medical errors hours
- 5 elective hours

She is Board-certified but completed no contact lens-specific hours.

Question:

Is this optician compliant with FAC 64B12-15 CE requirements?

Answer and Explanation:

No. She is not compliant.

Board-certified opticians must complete:

- 11 technical hours total
- Of those 11, at least 4 must relate to contact lens theory or practice

In this case, the licensee completed only 9 technical hours, and none were specific to contact lenses. She also only has a total of 18 hours. Twenty hours is the minimum required.

She is deficient in both total technical hours and contact lens-specific hours. This may result in citation, renewal delay, or other penalties until corrected.



Treating Minors Under Florida’s Parental Consent Law

Prior to this being signed into law, the Florida Statutes did not contain a provision that specifically made it a crime to provide medical treatment to a minor child without parental consent. With the new parental consent law that went into effect on July 1, 2021, Florida law now specifically makes it a misdemeanor of the first degree for physicians and other health care providers to provide medical services to a minor without first obtaining written parental consent.

Of concern to opticians is Section 7 of the bill, which states, “Except as otherwise provided by law, a health care practitioner, as defined in s. 456.0001, or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.” When first discussing it at a Board meeting it was the consensus of the Board and the attending attorney that this would apply to opticians – meaning that before providing any service (e.g., selling a minor contact or glasses) *written* permission must be obtained from the minor’s parent or guardian, even if the parent/guardian is present at the time.

Having said that, more broadly, Florida’s parental consent requirements are governed by Florida Statute 1014.06, not by Chapter 456 itself. FS1014.06 generally requires that a health care practitioner, as defined in FS 456.001, obtain written parental or guardian consent before providing health care services to a minor child, except as otherwise provided by law. This statute was enacted to strengthen parents’ rights in making medical decisions for their children. It is important to understand, however, that the law is not absolute. The phrase “except as otherwise provided by law” is critical and means that existing statutory exceptions still apply, including (but not limited to) emergency medical care, circumstances in which a minor is legally authorized to consent to care under other Florida statutes, and situations where services are provided pursuant to a valid prescription issued by a licensed prescriber.

For dispensing opticians, this means the law should not be interpreted to automatically criminalize all services provided to minors without a separate written consent form in every situation. Instead, opticians should understand that parental involvement and consent remain the default expectation, while also recognizing that the scope of opticianry, valid prescriptions, and other statutory exceptions may affect how FS 1014.06 applies in practice.

Standards in Practice #5 – Treating a Minor

Compliance Scenario: “Parent at the Counter”

A 16-year-old patient presents with a valid prescription and selects eyeglasses. The parent is physically present but does not sign any written consent form. The optician completes the transaction and dispenses the glasses.

Question:

Does Florida’s parental consent framework automatically require separate written consent in this scenario?

Answer and Explanation:

Not necessarily.

Florida Statute 1014.06 generally requires parental consent for health care services to minors, but includes the phrase “except as otherwise provided by law.” When a valid prescription has been issued by a licensed prescriber and the parent is present during dispensing, this typically satisfies the intent of parental involvement.

While a separate written consent form may not be explicitly required in every such scenario, best practice is to document parental presence or consent to reduce risk.

Opticians should verify current interpretations and seek clarification if uncertainty exists.

This ends our study of the Florida laws and rules that govern opticianry. Let us now briefly consider some federal laws.



Federal Laws – HIPAA and Eyeglass II

A licensed optician is also responsible for federal laws that may substantially affect the practice of opticianry. The two that I believe an optician should be most familiar with are HIPAA and Eyeglass II. HIPAA (Health Insurance Portability and Accountability Act), which primarily deals with patient privacy issues and the security of information. Details of the law can be found at the United States Department of Health and Human Services:

<http://www.hhs.gov/ocr/privacy/>

An optician must be familiar with the FCLCA (Fairness to Contact Lens Consumers Act), which took effect in February 2004, and had proposed amendments in 2021. This law requires doctors to “automatically” release contact lens prescriptions after the fitting is complete and offers up hefty fines (originally up to \$11,000 per incident) if they do not comply. These fines are periodically adjusted for inflation and under current FTC regulations, violations of the Contact Lens Rule may result in civil penalties exceeding \$50,000 per violation, per incident. Such penalties may be imposed for failures including, but not limited to, not releasing a contact lens prescription to a patient, placing unlawful restrictions on prescription expiration dates, or failing to properly verify a prescription before selling contact lenses. Because these federal penalty amounts are subject to regular inflation adjustments, opticians and contact lens sellers should consult the FTC’s most current guidance to confirm applicable penalty limits.

Though it applies to doctors and not opticians, you should be aware that under the FTC’s Contact Lens Rule, prescribers are required to retain records for a minimum of three (3) years documenting that a contact lens prescription was provided to the patient, including any required confirmation of prescription release.

The key point for all licensees is that noncompliance with the FCLCA can result in significant financial penalties, making strict adherence to federal contact lens laws essential. It also restricts the expiration dates of prescriptions. As opticians, the FCLCA affects us, because it mandates that contact lens sellers take steps to verify that a customer’s prescription is valid before selling the contacts. Therefore, if you are contacted for verification – and you do not respond to the verification request within 8 business hours – the seller can assume it is a valid prescription. There are many other considerations, and you are encouraged to view the entire statute, which is readily available online. I have found the most FAQs (frequently asked questions) regarding the FCLCA to be most adequately addressed by this link, sponsored by the Bureau of Consumer Protection, which is under the purview of the Federal Trade Commission:

<http://business.ftc.gov/documents/bus62-contact-lens-rule-guide-prescribers-and-sellers>

If you are interested, the original text of the law may be found at the following link:

<http://www.gpo.gov/fdsys/pkg/PLAW-108publ164/pdf/PLAW-108publ164.pdf>

Although forgotten by older opticians and never known at all by younger ones, the original Eyeglass Rule, adopted by the Federal Trade Commission (FTC) in 1978, was created to ensure that patients automatically receive a copy of their eyeglass prescription after an eye examination, thereby promoting competition and consumer choice (sort of like a HIPAA for eyeglasses).

For decades, compliance relied largely on professional norms rather than documentation. In response to ongoing consumer complaints and marketplace changes, the FTC adopted a major update (commonly referred to as Eyeglass Rule II) which took effect on September 24, 2024. This update strengthened enforcement by requiring prescribers to affirmatively confirm and document that an eyeglass prescription was provided to the patient, and to retain those records for at least three years. The revised rule aligns federal eyeglass prescription requirements more closely with existing contact lens regulations and reinforces the FTC's position that automatic prescription release is mandatory, not optional.

Standards in Practice #6 – Contact Lens Verification

Compliance Scenario: “The 8-Hour Rule”

An online contact lens seller sends a verification request via fax at 9:00 a.m. on Monday. The prescriber’s office is open but does not respond. By 5:00 p.m. Tuesday, the seller ships the lenses.

Question:

Under the Fairness to Contact Lens Consumers Act (FCLCA), was this shipment lawful?

Answer and Explanation:

Yes. The shipment would be considered lawful under federal law.

Under the FCLCA and FTC Contact Lens Rule, if a seller sends a verification request and does not receive a response within **8 business hours**, the prescription is considered verified by passive verification.

Because more than 8 business hours elapsed without a response from the prescriber, the seller may legally ship the lenses.

Failure of the prescriber to respond in a timely manner does not invalidate the shipment under federal law.



Conclusion

With 40 years of experience behind me, I will leave you with what I have observed to be the 10 most common optician activities that lead to violations:

1. Failure to notify Board of address change within 30 days
2. Inadequate CE tracking
3. Incomplete duplicate prescription forms
4. Improper or “loose” interpretation of “direct supervision”
5. Missing minimum equipment
6. Failure to maintain prescription files for 2 years or transfer them properly
7. Advertising without required disclaimers
8. Exceeding the scope of practice of opticianry
9. Improper contact lens verification response
10. Approaching apprentice sponsorship far too casually

We began this CE module with a quote from an ancient Greek: “Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.” It is my hope that this course has had the effect of assuring all the good people practicing opticianry in our state that the laws exist to simply help and guide them toward acting more responsibly in their practice of opticianry. As for the bad people trying to find a way around the law, it is my hope that this course has had the effect of communicating that the effort to try to circumvent the law is simply not worth it. And always remember, this is all to ensure the safety, health, and welfare of us all.

To obtain the most recent copy of the rules and laws, or any forms needed in the practice of opticianry, you may do so by clicking on Resources after clicking on the following hyperlink:

www.floridasopticianry.gov

Good luck with the Final Assessment.



Final Assessment

1. Another name for Florida Statute 120:
 - a. The Florida Opticianry Law
 - b. Administrative Procedures Act
 - c. Florida Health and General Provisions Act
 - d. Fairness to Contact Lens Consumers Act

2. Assisting a patient in picking out frames and saying, "I think you ought to try a smaller frame - how 'bout one in a different color too?" is a good example of:
 - a. The practice of opticianry
 - b. Something that is NOT considered optical dispensing
 - c. Something that cannot be said unless by a licensed optician
 - d. Something that an apprentice could say only if being supervised by an optician

3. How many licensed opticians normally make up the Florida Board of Opticianry, and how long is their term of service?
 - a. Five opticians / three-year terms
 - b. Seven opticians / four-year terms
 - c. Five opticians / four-year terms
 - d. Seven opticians / three-year term
4. In order to act as an advocate for the elderly population in our state, at least one Board member must be at least _____ years of age or older.
 - a. 50
 - b. 55
 - c. 60
 - d. 65
5. In FS 484.005 the legislature did NOT charge the Board with the responsibility of making which of the following rules?
 - a. Establish a standard of practice for opticianry
 - b. Establish minimum equipment requirements for the practice of opticianry
 - c. Procedures for transferring prescription files when an optician or corporation goes out of business
 - d. Establish a specific procedure for dissatisfied patients to request a refund for goods and services received by an optician
6. Which of the following items does the Board of Opticianry regulate?
 - a. The length of time a pair of glasses may be duplicated
 - b. How many branch offices an optician may own and operate
 - c. The length of time apprentice work records must be kept on file
 - d. The sale of over-the-counter reading glasses
7. The Board of Opticianry members are:
 - a. Appointed by the governor
 - b. Elected by Florida opticians
 - c. To serve terms of six years
 - d. Never compensated for expenses

8. The Board of Opticianry has entered into reciprocity agreements between Florida and which other state(s)?
- Georgia and North Carolina
 - North Carolina and South Carolina
 - Tennessee and Idaho
 - There are no current reciprocity agreements in place
9. According to the restrictions of FS 484, the Board of Opticianry can never make the examination fee exceed what amount?
- \$125
 - \$225
 - \$325
 - \$425
10. If an optician places an ad in the local newspaper that reads: "Come on in...we can arrange eye exams for you," that optician has:
- Placed a fraudulent and/or misleading ad
 - Exceeded the scope of opticianry by offering to refract
 - Exposed himself/herself to a \$1,000 fine
 - Done something that is expressly allowed by the law
11. Unless otherwise restricted by the prescriber, a contact lens is valid for no longer than _____ year(s) in the state of Florida.
- 1
 - 2
 - 5
 - 10
12. It is mandated by FS 484 that a person making application for licensure as an optician in the state of Florida must:
- Be at least 21 years of age
 - Pay all application and examination fees
 - Possess a two-year degree in optics from an accredited institution
 - Have never been arrested in the state of Florida

13. If not otherwise restricted by the prescribing physician or optometrist, a spectacle prescription is valid in the state of Florida for a period of:
- 1 year
 - 2 years
 - 3 years
 - 5 years
14. Which of the following statements is true regarding apprenticeship?
- All 6,240 hours must be completed under the sponsorship of one sponsor
 - You may not take vacations, sick days, or holidays while an apprentice
 - You can attend CE classes and have them count toward the 6,240 hours
 - You may not switch sponsors more than twice during the 6,240 hours
15. Rules that relate to things like sexual misconduct, requirements for citizenship for licensure, kickbacks, and other things that apply to all health care licensees may be found in:
- The FCLCA
 - F.A.C. 64B12
 - F.A.C. 64B29
 - FS 456
16. Which of the following is something that the Board could act upon?
- Failing to report your unlicensed boss to the Board because she works alone on Mondays fitting and dispensing eyeglasses on her own
 - Stealing eyeglass frames from your dispensary
 - Repeatedly arriving for work late and improperly dressed
 - Speaking disrespectfully about a Board member in a public forum
17. Which of the following courses are NOT required for license renewal every biennium?
- Rules and Laws
 - Medical Errors
 - HIV-AIDS
 - Technical hours

18. A pair of eyeglasses brought into your dispensary for duplication can only be duplicated if the glasses are:
- a. Less than 2 years old
 - b. Less than 3 years old
 - c. Less than 5 years old
 - d. There is no restriction whatsoever
19. A sponsor must keep records verifying an apprentice's work hours for a minimum number of years. How many?
- a. 2 years
 - b. 4 years
 - c. 6 years
 - d. 8 years
20. According to opticianry rules, prescriptions filled by an optical establishment must be kept on file for a minimum number of years. How many?
- a. 2 years
 - b. 3 years
 - c. 5 years
 - d. None of the above
21. According to Florida's Parental Consent Law, providing services to a minor is:
- a. Allowed only in the presence of a parent or guardian
 - b. Allowed only after obtaining written permission from a parent or guardian
 - c. Allowed if performed by a licensed optician only
 - d. Allowed only as described in FS 484, part I
22. The FCLCA and HIPAA are:
- a. Federal laws that deal with contact lenses and intraocular lens implants respectively
 - b. Federal laws that deal with contact lenses and privacy issues respectively
 - c. Federal laws that are part of FS 484 and AC 64B12 respectively
 - d. Due to "sunset" at the end of the 2015-2016 biennium

23. What is the maximum number of CE hours that may be obtained out of classroom during each biennium?
- a. 5 of the required 10 hours
 - b. 5 of the required 20 hours
 - c. 10 of the required 10 hours
 - d. 20 of the required 20 hours.
24. As of 2022, the fee to obtain a duplicate license from the Board is:
- a. \$25
 - b. \$50
 - c. \$75
 - d. \$100
25. The 6,240 hours that are required to complete the apprenticeship must be obtained in a period of no more than:
- a. 3 years
 - b. 5 years
 - c. 10 years
 - d. There is no time limit
26. Who said, “Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws”?
- a. Socrates
 - b. Aristotle
 - c. Plato
 - d. Euripides
27. Which is a federal law that relates to the selling of contact lenses?
- a. The FCLCA
 - b. The DOH
 - c. FS 484, part I
 - d. FAC 64B12

28. What is the main purpose of the Board of Opticianry, and to a broader extent the rules and laws that govern the practice of opticianry?
- Raise money to help support the Board of Opticianry
 - To protect the health and welfare of the citizenry
 - To represent the interests of Board members with lobbyists
 - To represent opticians' interests in Tallahassee
29. As of 2022, how much does it cost to obtain an Optical Establishment Permit?
- \$100
 - \$250
 - \$500
 - \$1,000
30. For them to count toward an apprentice's required hours, which of the following requirements must be met?
- The work must occur during normal business hours
 - The apprentice's primary sponsor must be on the premises
 - The apprentice's primary and secondary sponsor must both be on the premises
 - The apprentice's primary or secondary sponsor must be on the premises
31. The Board of Opticianry defines one hour of continuing education as a minimum of:
- 60 minutes
 - 50 minutes
 - A minimum of 45 minutes of classroom instruction
 - The Board does not define it at all
32. To take advantage of certain requirements for opticians who move to Florida from other states, within how long of moving to Florida must they make application to the Board?
- 6 months
 - 1 year
 - 2 years
 - 5 years

33. What is the minimum number of out-of-classroom hours that must be obtained each biennium?
- a. 0
 - b. 2
 - c. 5
 - d. 10
34. How many different violations qualify as less serious, "Citation" violations?
- a. 3
 - b. 7
 - c. 14
 - d. 21
35. According to statute definitions, a standard I&R session, in which a contact lens patient is instructed in the placement and care of contact lenses is:
- a. One of the most critical duties of opticianry
 - b. Can only be conducted by a Board-Certified optician
 - c. Must be done under the supervision of a licensed optician
 - d. Is not considered to be within the scope of opticianry
36. Selling of toy glasses, reading glasses, and plano glasses:
- a. Are all governed by FS 484, part I
 - b. Are things the Board of Opticianry can never restrict
 - c. Must all meet the same standards as prescription eyewear
 - d. May only be sold to adults
37. According to FS 484, part I, the renewal fee for an inactive license may never exceed:
- a. \$50
 - b. \$100
 - c. \$500
 - d. \$1,000

38. The recommended fine for the first time a licensee is found guilty of failing to report a fellow licensee who is in violation is between:
- a. \$100-250
 - b. \$250-500
 - c. \$500-750
 - d. \$750-1,000
39. The recommended fine for the first time a licensee fails to fulfill the requirement of attending the HIV-AIDS CE class is between:
- a. \$100-250
 - b. \$250-500
 - c. \$500-1,000
 - d. \$1,000-2,500
40. By statute, the maximum application fee someone who wishes to become a provider of continuing education must pay is:
- a. \$100
 - b. \$200
 - c. \$500
 - d. \$1,00

