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COMMONWEALTH OF VIRGINIA  
BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS



# OPTICIAN REGULATIONS

Last Updated April 1, 2019

STATUTES  
Title 54.1, Chapter 15



Department of Professional and Occupational Regulation

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**NOTICE**  
**SUMMARY OF SIGNIFICANT CHANGES**

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for Hearing Aid Specialists and Opticians is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)).

This document is a complete, edited (unofficial) copy of the Optician Regulations (18 VAC 80-30). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <https://law.lis.virginia.gov/title54.1/chapter15/>

## STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license as an optician. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 15. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your optician's license. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR OPTICIAN'S LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

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Forms, regulations, statute and information pertaining to the Board for Hearing Aid Specialists and Opticians may be accessed on the Agency's website at [www.dpor.virginia.gov](http://www.dpor.virginia.gov)

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## PART I.

### GENERAL DEFINITIONS

#### 18 VAC 80-30-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Virginia Apprenticeship Council.

"Board" means the Board for Hearing Aid Specialists and Opticians.

"Contact lens endorsed optician" means any person not exempted by § 54.1-1506 of the *Code of Virginia* who is a Virginia licensed optician and who has received a contact lens endorsement from the board, who fits contact lenses on prescription from licensed physicians or licensed optometrists for the intended wearers.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Fit or dispense" means to measure, adapt, fit or adjust eyeglasses, spectacles, lenses, or appurtenances to the human face, or to verify the prescription to be correct in the prescription eyeglasses or prescription optical devices.

"Licensed optician" means any person who is the holder of a license issued by the Board for Opticians.

"Optician" means any person not exempted by § 54.1-1506 of the *Code of Virginia* who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances for the intended wearers or users on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances to the human face.

"Opticianry" means the personal health service that is concerned with the art and science of ophthalmic optics as applied to the compounding, filling and adaptations of ophthalmic prescriptions, products, and accessories.

#### ***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

## PART II.

### ENTRY REQUIREMENTS

#### 18 VAC 80-30-20. Qualifications of applicant.

An applicant for a license shall furnish satisfactory evidence on an application provided by the board establishing that:

1. The applicant is at least 18 years of age unless emancipated under the provisions of § 16.1-333 of the *Code of Virginia*;
2. The applicant is a graduate of an accredited high school, has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development;
3. The applicant is in good standing as a licensed optician in every jurisdiction where licensed;
4. The applicant has not been convicted in any jurisdiction of a misdemeanor or felony involving sexual offense, drug distribution or physical injury, or any felony that directly relates to the profession of opticianry. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of opticianry. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The licensee shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the licensee to the board within 10 days after all appeal rights have expired;
5. The applicant has successfully completed one of the following education requirements:
  - a. A board-approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or
  - b. A two-year apprenticeship with a minimum of one school year of related instruction or home study while registered in the apprenticeship program in accordance with the standards established by the state Department of Labor and Industry, Division of Registered Apprenticeship, and approved by the board;
6. The applicant has disclosed his current mailing address;

7. The nonresident applicant for a license has filed and maintained with the department an irrevocable consent for the director of the department to serve as service agent for all actions filed in any court in the Commonwealth; and
8. The applicant shall certify, as part of the application, that the applicant has read and understands Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the *Code of Virginia* and the regulations of the board.

***Historical Notes:***

*Derived from VR505-01-1:1 §1.1, eff. November 1, 1991; amended, Virginia Register Volume 14, Issue 4, eff. December 29, 1997; Volume 15, Issue 26, eff. November 1, 1999; Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012; Volume 35, Issue: 12, eff. April 1, 2019.*

**18 VAC 30-30-30. Opticians licensed in another state.**

- A. An optician licensed in another state seeking to be licensed as an optician in Virginia shall submit an application on a form provided by the board with the required fee. All fees are nonrefundable and shall not be prorated.
- B. The board, using the following standards, shall issue a license to any person licensed in another state who:
  1. Has met requirements equivalent to those listed in 18 VAC 80-30-20; and
  2. Has passed a substantially equivalent examination.

***Historical Notes:***

*Derived from VR505-01-1:1 §1.5, eff. November 1, 1991; amended, Virginia Register Volume 14, Issue 4, eff. December 29, 1997; Volume 15, Issue 26, eff. November 1, 1999; Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-40. Registration for voluntary practice by out-of-state licensees.**

Any optician who does not hold a license to practice in Virginia and who seeks registration in accordance with § 54.1-1506 of the *Code of Virginia* shall:

1. File a complete application for registration on a form provided by the board within 15 days prior to engaging in such practice. An incomplete application will not be considered;
2. Provide a complete list of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide a name of the nonprofit organization, the dates and location of the voluntary provision of services;



4. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with the provisions of § 54.1-1506 of the *Code of Virginia*.

**Historical Notes:**

*Derived from Virginia Register Volume 21, Issue 20, eff. August 1, 2005; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-50. Fees.**

- A. The fee for examination or examinations shall consist of the combination of an administrative charge of \$25 (spectacle), \$25 (contact lens), and the appropriate contract charges. Examination service contracts shall be established in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the *Code of Virginia*). The total examination fee shall not exceed a cost of \$1000 to the applicant.
- B. All application fees for licenses are nonrefundable and the date of receipt by the board or its agent is the date which will be used to determine whether it is on time.
- C. Application and examination fees must be submitted with the application for licensure.

The following fees shall apply:

<b>FEE TYPE</b>	<b>AMOUNT DUE</b>	<b>WHEN DUE</b>
Application for licensure	\$100	With application
Application for contact lens certification	\$100	With application
Renewal	\$100	Up to the expiration date on the license with a 30-day grace period
Late renewal (includes renewal fee)	\$125	Between 30 and 60 days after the expiration date on the license
Reinstatement (Includes renewal and late fees)	\$225	After 60 days following the expiration date on the license

**Historical Notes:**

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-60. Examinations.**

- A. All examinations required for licensure shall be approved by the board and administered by the board, or its agents or employees acting on behalf of the board.
- B. The board shall schedule an examination to be held at least twice each calendar year at a time and place to be designated by the board.
- C. The applicant shall follow all rules established by the board with regard to conduct at an examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board with regard to conduct at an examination shall be grounds for denial of application.

***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-70. Content of optician examination and reexamination.**

- A. Applicants for licensure shall pass a written examination and a practical examination approved by the board.
- B. The optician examination given by the board may include, but is not limited to, the following topics:
  - 1. Ophthalmic materials;
  - 2. Ophthalmic optics and equipment;
  - 3. Ophthalmic spectacle lens grinding;
  - 4. Prescription interpretation;
  - 5. Theory of light;
  - 6. Finishing, fitting and adjusting of eyeglasses and frames;
  - 7. Ethics of relationship in respect to patient and physician or optometrist;
  - 8. Anatomy and physiology; and
  - 9. Applicable laws and regulations.

- C. Any applicant who fails the written or practical examination, or both examinations, shall be required to be reexamined on the failed examination(s) and shall pay the reexamination fee(s).
- D. An applicant shall pass the written and practical examination within two years of the initial test date. After two years, the applicant shall file a new application and pay the required fee.

**Historical Notes:**

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-80. Endorsement to fit contact lenses.**

The board shall administer a contact lens examination to fit contact lenses. The "Contact Lens" endorsement shall be mandatory for licensed opticians to fit contact lenses as set out in §§ 54.1-1508 and 54.1-1509 of the *Code of Virginia*, and the contact lens endorsement shall not be issued unless the individual's license is in good standing. A contact lens endorsed optician is any Virginia licensed optician who has been endorsed by the board to fit contact lens.

**Historical Notes:**

*Derived from VR505-01-1:1 §1.6, eff. November 1, 1991; amended, Virginia Register Volume 15, Issue 26, eff. November 1, 1999; Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-90. Content of contact lens endorsement examination and reexamination.**

- A. The contact lens endorsement examination administered by the board may include, but is not limited to, the following topics:
  - 1. Rigid lens verification;
  - 2. Lens identification;
  - 3. Keratomy;
  - 4. Slit lamp;
  - 5. Slides (fitting patterns, edge patterns, quality stains); and
  - 6. Insertion/removal.
- B. Any applicant who fails the written or practical contact lens examination, or both examinations, who desires to retake the examination(s), shall be required to be reexamined on the failed examination(s) and shall pay the reexamination fee(s).

C. An applicant shall pass the written and practical examination within two years of the initial test date. After two years, the applicant shall file a new application and pay the required fee.

***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

### **PART III.**

#### **RENEWAL**

##### **18 VAC 80-30-100. License renewal required.**

- A. Licenses issued under this chapter shall expire 24 months from the last day of the month in which the license was issued.
- B. The board shall mail a renewal application form to the licensee at the last known mailing address. Failure to receive this notice does not relieve the licensee of the obligation to renew. Prior to the expiration date shown on the license, each licensee desiring to renew his license must return all of the required forms and the appropriate fee to the board as outlined in 18 VAC 80-30-50. If the licensee fails to receive the renewal notice, a copy of the existing license shall be submitted to the board with the required fee.
- C. Licensees shall be required to renew their license by submitting the appropriate fee made payable to the Treasurer of Virginia. Any licensee who fails to renew within 30 days after the license expires shall pay a late renewal fee, in addition to the renewal fee, as set out in 18 VAC 80-30-50.
- D. The board, in its discretion and for just cause, may deny renewal of a license. Upon such denial, the applicant for renewal may request that a proceeding be held in accordance with the provision of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*).

##### ***Historical Notes:***

*Derived from VR505-01-1:1 §2.1, eff. November 1, 1991; amended, Virginia Register Volume 14, Issue 4, eff. December 29, 1997; Volume 15, Issue 26, eff. November 1, 1999; Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

## PART IV.

### REINSTATEMENT

#### **18 VAC 80-30-110. Reinstatement required.**

- A. If a licensee fails to renew his license within 60 days after the expiration date on the license, the licensee must apply for reinstatement on a form provided by the board.
  - 1. Individuals for reinstatement shall continue to meet the standards of entry as set out in subdivisions 1 through 8 of 18 VAC 80-30-20.
  - 2. Individuals for reinstatement shall submit the required fee as set out in 18 VAC 80-30-50.
- B. Twenty-four months after expiration of the license, the individual may be reinstated if he can show proof of continuous, active, ethical and legal practice outside of Virginia. If not, the individual must show proof of completion of a board-approved review course which measures current competence. Credit will not be allowed for any review course which has not been approved by the board prior to administration of the course.
- C. Sixty months after expiration of the license, the individual, who cannot show proof of continuous, active, ethical and legal practice outside of Virginia, shall be required to apply as a new applicant for licensure. He shall be required to meet all current education requirements and retake the board's written and practical examination.
- D. The board, in its discretion and for just cause, may deny reinstatement of a license. Upon such denial, the applicant for reinstatement may request that a proceeding be held in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*).
- E. A licensee who reinstates his license shall be regarded as having been continually licensed without interruption. Therefore, the licensee shall remain under the disciplinary authority of the board during the entire period and may be held accountable for his activities during this period. Nothing in these regulations shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of licensure as set out in this provision.

#### ***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**PART V.**

**STANDARDS OF PRACTICE AND CONDUCT**

**18 VAC 80-30-120. Lenses and frames standards.**

A. Power Tolerance (diopters).

Sphere: Plano to $\pm 6.50$	$\pm .13$ diopter
Above $\pm 6.50$	$\pm 2\%$

Cylinder: Plano - 2.00	$\pm .13$ diopter
-2.12 to -4.50	$\pm .15$ diopter
above -4.50	$\pm 4\%$

B. Cylinder Axis.

Cyl. Power Diopters	Degrees $\pm$
0.12 - 0.37	7°
0.50 - 0.75	5°
0.87 - 1.50	3°
1.62 and above	2°

C. Distance Optical Center. Contribution to net horizontal prism from processing should not exceed 2/3 prism diopter. A maximum of  $\pm 2.5$ mm variation from the specified distance optical center is permissible in higher power lens combinations.

D. Prism Tolerances (Vertical). Contribution to imbalance from processing should not exceed 1/3 prism diopters. A maximum of 1.0mm difference in vertical level is permissible in higher power lens combinations.

E. Segment Location.

Vertical	$\pm 1.0$ mm
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Horizontal	$\pm 2.5$ mm
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Tilt or twist in the case of a flat-top segment, the tilt of its horizontal axis should be less than 1/2 mm in differential elevation between the segment edges.

F. Multifocal Additions.

Plano + 8.00	$\pm .13$ diopter
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***Historical Notes:***

*Derived from VR505-01-1:1 §3.1, eff. November 1, 1991; amended, Virginia Register Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-150. Notification of change of address or name.**

Notice in writing shall be given to the board in the event of any change of name or address. Such notice shall be mailed to the board within 30 days of the change of name or address. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address.

***Historical Notes:***

*Derived from VR505-01-1:1 §3.2, eff. November 1, 1991; amended, Virginia Register Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-160. Grounds for disciplinary action.**

- A. The board is empowered to revoke, suspend, or refuse to grant or renew a license and is empowered to impose a fine up to the statutory limit, as authorized under § 54.1-202 of the *Code of Virginia*, per violation on a licensee for any of the following reasons:
1. Using nonprescribed controlled substances as defined in § 54.1-3401 of the *Code of Virginia* or alcohol at the work place during working hours;
  2. Displaying professional incompetence or negligence, including but not limited to failure to comply with this part in the performance of opticianry;
  3. Presenting false or fraudulent information on an application certifying possession of the qualifications required under 18 VAC 80-30-20;
  4. Violating or inducing others to violate any provisions of Chapter 1, 2, 3 or 15 of Title 54.1 of the *Code of Virginia*, or of any other statute applicable to the practice of the profession herein regulated, or of any provisions of this chapter;
  5. Publishing or causing to be published any advertisement related to opticianry that is false, deceptive, or misleading;
  6. Having been convicted in any jurisdiction of a misdemeanor or felony involving sexual offense, drug distribution or physical injury, or of any felony that directly relates to the profession of opticianry. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of opticianry. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The licensee

shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the licensee to the board within 10 days after all appeal rights have expired;

7. Having been disciplined by another jurisdiction in the practice of opticianry. Documentary evidence of such discipline shall be submitted by the licensee to the board within 10 days after all appeal rights have expired; or
8. Allowing any person to engage in the practice of opticianry, except an optician apprentice or student enrolled in a course in a school of opticianry under the direct supervision of a licensed optician.

B. A finding of improper or dishonest conduct in the practice of the profession by a court of competent jurisdiction shall be cause for disciplinary action.

***Historical Notes:***

*Derived from VR505-01-1:1 §3.3, eff. November 1, 1991; amended, Virginia Register Volume 17, Issue 9, eff. March 1, 2001; Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-170. Accountability of licensee.**

A licensee shall be responsible for his acts or omissions and for the acts of his agents or employees or his staff in the performance of opticianry services.

***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**18 VAC 80-30-180. Approval of review courses.**

- A. Review courses set out in this chapter shall be approved by the board, except those provided by institutions, schools and universities approved by the State Council of Higher Education for Virginia, for which continuing education units are awarded. Training courses requiring board approval shall be approved by the board prior to commencing in accordance with subsection B of this section.
- B. Training activities for which experience credit may be granted must be conducted in general conformance with the International Association for Continuing Education and Training's "Criteria and Guidelines for Quality Continuing Education and Training Programs: the CEU and Other Measurement Units, 1998." The board reserves the right to waive any of the requirements of the association's guidelines on a case-by-case basis. Only classroom,

laboratory and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.

1. Organization. The board will only approve training offered by a sponsor who is an identifiable organization with a mission statement outlining its functions, structure, process and philosophy, and that has a staff of one or more persons with the authority to administer training.
  2. Training records. The board will only approve training offered by a sponsor who maintains training records for all participants for a minimum of five years, and who has a written policy on retention and release of training records.
  3. Instructors. The board will only approve training conducted by personnel who have demonstrated competence in the subject being taught, an understanding of the learning objective, a knowledge of the learning process to be used, and a proven ability to communicate.
  4. Objectives. The board will only approve courses that have a series of stated objectives that are consistent with the job requirements of an optician. The training content must be consistent with those objectives.
  5. Course completion requirements. For successful completion of a training program, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, self-assessment, oral examination, or other assessment technique.
- C. The board shall consider the following information, to be submitted by the instructor, institution, school or university on forms provided by the board, at least 45 days prior to the scheduled training activity:
1. Course information.
    - a. Course title;
    - b. Planned audience;
    - c. Name of sponsor;
    - d. Name, address, phone number of contact person;
    - e. Schedule presentation dates;
    - f. Detailed course schedule, hour-by-hour;
    - g. List of planned breaks;

- h. Scheduled presentation location(s); and
    - i. Relevancy of course to opticianry licensing.
  - 2. Instructor qualifications.
    - a. Name of instructor;
    - b. Title of instructor; and
    - c. Summary of qualifications to teach this course.
  - 3. Training materials.
    - a. Course objectives—A listing of the course objectives stated in terms of the skills, knowledge, or attitude the participant will be able to demonstrate as a result of the training;
    - b. Course outline—A detailed outline showing the planned activities that will occur during the training program, including major topics, planned presentation sequence, laboratory and field activities, audio-visual presentations, and other major activities;
    - c. Course reference materials—A list of the name, publisher and publication date for commercially available publications; for reference materials developed by the course sponsor or available exclusively through the course, a copy of the reference materials;
    - d. Audio-visual support materials—A listing of any commercially available audio-visual support material that will be used in the program; a brief description of any sponsor or instructor generated audio-visual material that will be used; and
    - e. Handouts—Identification of all commercially available handout material that will be used; copies of all other planned handouts.
  - 4. Determination of successful completion. A description of the means that will be used to determine the successful completion of the training program by individual attendees, such as examinations, projects, personal evaluations by the instructor, or other recognized evaluation techniques.
- D. Recurring training programs. If there are plans to present the same course of instruction routinely at multiple locations with only minor modifications and changes, the board may approve the overall program rather than individual presentations if so requested by the sponsor.

1. The board shall consider all of the information listed above except those items related to specific offerings of the course.
2. Board approval may be granted for a specific period of time or for an indefinite period.
3. Board approval will apply only to those specific offerings certified by the sponsoring organization as having been conducted by instructors meeting the established criteria and in accordance with the board-approved courses, outlines and objectives.
4. To maintain approval of the program, changes made to the program since initial approval must be submitted to the board for review and approval. Changes must be approved by the board prior to any training subsequent to the changes.

***Historical Notes:***

*Derived from Virginia Register Volume 17, Issue 9, eff. March 1, 2001; amended, Volume 28, Issue 23, eff. August 15, 2012.*

**Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Hearing Aid Specialists and Opticians. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2012 session. Any changes made during the 2012 session became effective July 1, 2012, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.**

### **§ 54.1-1500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Hearing Aid Specialists and Opticians.

"Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

"Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optician" means any person who is the holder of an optician license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optometrist" means any person authorized by Virginia law to practice optometry.

"Licensed physician" means any person licensed by the Board of Medicine to practice medicine and surgery.

"Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the human face.

"Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations or sale of hearing aids, (ii) the sale of hearing aids, or (iii) the making of impressions for earmolds. A practitioner, at the request of a physician or a member of a related profession, may make audiograms for the professional's use in consultation with the hard-of-hearing.

"Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or practitioners.

"Temporary permit" means a permit issued while an applicant is in training to become a licensed hearing aid specialist.

(1970, c. 571, § 54-524.110; 1988, c. 765; 2005, c. 599; 2012, cc. 803, 835.)

### **§ 54.1-1500.1. Board for Hearing Aid Specialists and Opticians; qualifications and terms of members; officers.**

A. The Board for Hearing Aid Specialists and Opticians shall consist of 15 members, as follows: four licensed hearing aid specialists, of which at least one shall be licensed as an audiologist by the Board of Audiology and Speech-Language Pathology, six licensed opticians, one otolaryngologist, one ophthalmologist, and three citizen members.

- B. One of the citizen members shall be a hearing aid user or a person who has a family member who is or has been a hearing aid user. Each hearing aid specialist and the otolaryngologist shall have at least five years of experience in their respective fields immediately prior to appointment. Each of the opticians shall have at least five years of experience prior to appointment and the ophthalmologist shall have practiced ophthalmology for at least five years prior to appointment.
  - C. The terms of Board members shall be four years.
  - D. The Board shall elect a chairman and vice-chairman from its membership.
- (2012, cc. 803, 835.)

**§ 54.1-1500.2. Nominations for Board appointments.**

- A. The appointment of the otolaryngologist member may be made from a list of at least three names submitted to the Governor by the Medical Society of Virginia. The appointment of one of the hearing aid specialist members may be made from a list of at least three names submitted to the Governor by the Speech-Language Hearing Association of Virginia. The appointment of the remaining hearing aid specialist members may be made from a list of at least three names for each vacancy submitted to the Governor by the Virginia Society of Hearing Aid Specialists. Nominations for appointments to regular terms shall be submitted to the Governor on or before June 1 of each year. The Governor may notify the Society or Association, respectively, of any vacancy other than by expiration, and like nominations may be made for the filling of the vacancy. In no case shall the Governor be bound to make any appointment from among the nominees.
  - B. The appointment of the licensed optician members may be made from a list of at least three names for each vacancy submitted to the Governor by the Opticians Association of Virginia for each appointee who is an optician, and by the Medical Society of Virginia for each appointee who is a physician. Nominations for appointments to regular terms shall be submitted to the Governor on or before June 1 of each year. The Governor may notify the Society or Association, respectively, of any vacancy other than by expiration and like nominations may be made for the filling of the vacancy. In no case shall the Governor be bound to make any appointment from among the nominees.
- (2012, cc. 803, 835.)

**§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.**

- A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.
  - B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license, provided that it employs only licensed practitioners in the direct sale and fitting of such products.
  - C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is not employed by an organization which sells hearing aids or accessories from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids.
- (1970, c. 571, §§ 54-524.111, 54-524.112; 1974, c. 534; 1986, c. 279; 1988, c. 765; 1996, c. 741.)

**§§ 54.1-1502. , 54.1-1503.**

Repealed by Acts 2012, cc. 803 and 835, cl. 35.

**§ 54.1-1503. Nominations for Board appointments.**

The appointment of the otolaryngologist member may be made from a list of at least three names submitted to the Governor by the Medical Society of Virginia. The appointment of one of the hearing aid specialist members may be made from a list of at least three names submitted to the Governor by the Speech-Language Hearing Association of Virginia. The appointment of the remaining hearing aid specialist members may be made from a list of at least three names for each vacancy submitted to the Governor by the Virginia Society of Hearing Aid Specialists. Nominations for appointments to regular terms shall be submitted to the Governor on or before June 1 of each year. The Governor may notify the Society or Association, respectively, of any vacancy other than by expiration, and like nominations may be made for the filling of the vacancy. In no case shall the Governor be bound to make any appointment from among the nominees.

(1970, c. 571, § 54-524.114; 1988, c. 765; 1994, c. 26.)

**§ 54.1-1504. License required.**

No person shall engage in the practice of fitting or dealing in hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting or dealing of hearing aids unless he holds a license as provided in this chapter.

(1970, c. 571, § 54-524.111; 1974, c. 534; 1986, c. 279; 1988, c. 765; 2005, c. 599.)

**§ 54.1-1505. Return of hearing aid by purchaser or lessee.**

A. Within thirty days of the date of delivery, any purchaser or lessee of a hearing aid shall be entitled to return the hearing aid for any reason, provided such aid is returned in satisfactory condition. Such purchaser or lessee shall be entitled to a replacement or a refund of all charges paid, less a reasonable charge for medical, audiological, and hearing aid evaluation services provided by the hearing aid specialist.

B. The right of a purchaser or lessee to return a hearing aid and the charges to be imposed upon the return of such hearing aid, as provided in subsection A of this section, shall be explained and given in writing in at least ten-point, bold-faced type to such purchaser or lessee by the hearing aid specialist.

C. The provisions of this section shall be subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

(1990, c. 584.)

**§ 54.1-1506. Exemptions.**

The provisions of this chapter shall not apply to:

1. Any licensed physician or licensed optometrist;
2. Any individual, partnership, or corporation engaged in supplying ophthalmic prescriptions and supplies exclusively to licensed physicians, licensed optometrists, licensed opticians, or optical scientists;



3. Any person who does not hold himself out to the public as an "optician," and who works exclusively under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician, and in the same location;

4. The sale of spectacles, eyeglasses, magnifying glasses, goggles, sunglasses, telescopes, or binoculars that are completely preassembled and sold as merchandise; or

5. Any optician who (i) does not regularly practice in Virginia; (ii) holds a current valid license or certificate to practice as an optician in another state, territory, district, or possession of the United States; (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world; (iv) files a copy of the license or certificate issued in such other jurisdiction with the Board; (v) notifies the Board, within 15 days prior to the voluntary provision of services of the dates and location of such services; and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. (1954, c. 237, §§ 54-398.1, 54-398.3; 1974, c. 534; 1988, c. 765, § 54.1-1701; 2002, c. 740; 2012, cc. 803, 835.)

**§ 54.1-1507. Practice of opticians restricted.**

No person shall practice or offer to practice as an optician in the Commonwealth unless he holds a license issued under this chapter.

(1954, c. 237, § 54-398.3; 1974, c. 534; 1988, c. 765, § 54.1-1704; 2012, cc. 803, 835.)

**§ 54.1-1508. Optical prescriptions, ocular refraction, etc.**

Nothing in this chapter shall authorize an optician, or anyone else not otherwise authorized by law, to make, issue, or alter optical prescriptions, or to practice ocular refraction, orthoptics, or visual training, or to fit contact lenses except on the prescription of an ophthalmologist or optometrist and under his direction, or to advertise or offer to do so in any manner.

(1954, c. 237, § 54-398.27; 1964, c. 101; 1988, c. 765, § 54.1-1705; 2012, cc. 803, 835.)

**§ 54.1-1509. Permissible practices.**

Notwithstanding the provisions of subdivisions 7 and 8 of § 54.1-3204, a licensed optician is authorized to prepare and dispense eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists; duplicate and reproduce previously prepared eyeglasses, spectacles, lenses, or related appurtenances; and, in accordance with such prescriptions, duplications, or reproductions, measure, adapt, fit, and adjust eyeglasses, spectacles, lenses, or appurtenances to the human face. A licensed optician shall not, however, duplicate a contact lens solely from a previously prepared contact lens.

(1990, c. 718, § 54.1-1706; 1993, c. 206; 2009, cc. 353, 761; 2012, cc. 803, 835.)



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