

RULES OF GEORGIA STATE BOARD OF DISPENSING OPTICIANS

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CHAPTER 420-1

ORGANIZATION

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420-1-.01 Organization of Board

All Rules and Regulations pertaining to the Administration of the Georgia State Board of Dispensing Opticians shall be administered by the Examining Boards Division of the Office of Secretary of State. The office of the Examining Boards is located at 166 Pryor Street, SW, Atlanta, Georgia 30303.

Authority Ga. Code 84-101, as amended.

420-1-.01 Organization of Board. Amended.

The State Board of Dispensing Opticians consists of six members appointed by the Governor for a term of four years. The Board elects its own chairman and vice-chairman and its secretary shall be the Joint Secretary of the Examining Boards Division of the Office of the Secretary of State. Any member of the public desiring information regarding the Board or its activities should contact the Georgia State Board of Dispensing Opticians at 166 Pryor Street, SW, Atlanta, Georgia 30303.

Authority Ga. Code 84-101, as amended; Ga. L. 1978, p. 1960. **Administrative History.** Original Rule entitled "Organization of Board was and filed effective 30, 1965. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed March 3, 1981; effective March 23, 1981.

CHAPTER 420-2

REGISTRATION REQUIREMENTS

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420-2-01 Registration

420-2-.02 Certificate Lost, Destroyed or Name Change

420-2-.01 Registration. Amended.

420-2-.01 Registration.

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. Failure to register and pay this fee shall forfeit the certificate of such delinquent but he may be reinstated by paying all registration dues and an additional penalty.

(2) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

Authority O.C.G.A. Secs. 43-1-25, 43-29-3, 43-29-6, 43-29-10. **History.** Original Rule entitled "Registration" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Mar. 3, 1981; eff. Mar. 23, 1981. **Repealed:** New Rule of same title adopted. F. Aug. 7, 1984; eff. Aug. 27, 1984. **Repealed:** New Rule of same title adopted. F. July 2, 1991; eff. July 22, 1991. **Repealed:** New Rule of same title adopted. F. Aug. 18, 2005; eff. Sept. 7, 2005.

420-2-.02 Certificate Lost, Destroyed, or Name Change. Amended.

The Board shall issue a duplicate certificate of registration when it shall be certified to the Board that the original has been lost, destroyed or there has been a name change. The fee required will be twenty-five (\$25.00) dollars. To receive a duplicate wall certificate, the licensee must surrender the original license, if not lost or destroyed, prior to receiving a new license.

Authority Ga. L. 1978, pp. 1517, 1960. Administrative History. Original Rule entitled "Certificate Lost or Destroyed" was filed and effective on June 30, 1965. **Amended:** Rule repealed and a new Rule entitled "Certificate Lost, Destroyed, or Name Change" adopted. Filed March 3, 1981; effective March 23, 1981. **Amended:** F. Jun. 12, 1998; eff. Jul. 2, 1998.

CHAPTER 420-3

PROFESSIONAL FUNCTIONS

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420-3-.01 Change in Address

420-3-.02 Display of Refracting Equipment

420-3-.03 Repealed

420-3-.04 Repealed

420-3-.05 Repealed

420-3-.06 Branch Office

420-3-.01 Change in Address.

A dispensing optician licensed under the laws of Georgia must inform the Secretary of the Georgia State Board of Dispensing Opticians of any change of mailing address. This must be done within ten days after the change is made.

Authority Ga. L. 1956, pp. 148, 151. Administrative History. Original Rule entitled "Change in Address" was filed and effective on June 30, 1965.

420-3-.02 Repealed.

Authority Ga. L. 1956, pp. 148, 151, 155. Administrative History. Original Rule entitled "Display of Refracting Equipment" was filed and effective on June 30, 1965. Repealed: F. Oct. 10, 1997; eff. October 30, 1997.

420-3-.03 Repealed.

Authority Ga. L. 1956, pp. 148, 151. Administrative History. Original Rule entitled "Optical Dispensing Shall be 75% of Annual Gross Sales" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed February 24, 1969; effective March 16, 1969, as specified by the Agency.

420-3-.04 Repealed.

Authority O.C.G.A. Sec. 43-29-6. Administrative History. Original Rule entitled "Contact Lenses" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed December 5, 1984; effective December 25, 1984.

420-3-.05 Repealed.

Authority O.C.G.A. Sec. 43-29-6. Administrative History. Original Rule entitled "Rebates" was filed and effective on June 30, 1965. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed December 5, 1984; effective December 25, 1984. **Amended:** Rule repealed. Filed March 27, 1985; effective April 16, 1985.

420-3-.06 Branch Office.

Any branch office of a licensed dispensing optician shall have to be under the direct supervision of a licensed dispensing optician.

Authority Ga. L. 1956, pp. 148, 151. Administrative History. Original Rule entitled "Branch Office" was filed and effective on June 30, 1965.

CHAPTER 420-4

CONDUCT

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420-4-.01 All Work Under Supervision of Licensed Dispensing Optician

420-4-.02 Unprofessional Conduct

420-4-.03 Code of Ethics

420-4-.01 All Work Under Supervision of Licensed Dispensing Optician.

Any trainee, apprentice, unlicensed optician, or any other person working for and under a licensed dispensing optician, optometrist, or physician shall not do optical dispensing unless he/she is working exclusively for and under the direct supervision of a licensed dispensing optician, optometrist, or physician and does not hold himself/herself out to the public generally as a dispensing optician. Direct supervision shall mean daily, onsite, close contact while optical dispensing is taking place within the retail establishment.

Authority Ga. L. 1956, pp. 148, 151, 153. **History.** Original Rule entitled "All Work Under Supervision of Licensed Dispensing Optician" was filed and effective on June 30, 1965. **Amended:** Filed June 29, 1971; effective July 19, 1971. **Repealed:** New Rule of same title adopted. F. Sept. 14, 1999; eff. Oct. 4, 1999.

420-4-.02 Unprofessional Conduct.

(1) Unprofessional conduct, fraud, deceit, or misrepresentation in the practice of optical dispensing shall include but not be limited to the following:

(a) the use of the title "doctor", or any abbreviation thereof by an "optical dispenser" except by a person duly licensed to practice medicine in this State or by a person who holds an approved degree of doctor of optometry when followed by the qualification "optometrist";

(b) any conduct or advertising of a character tending to deceive or mislead the public;

(c) Reserved.

(d) aiding or abetting, either directly or indirectly in the conduct or advertising of any employer, firm or associate if such conduct or advertising conflicts with the foregoing regulations; or continuing the practice of optical dispensing with any such employer, firm or associate after the optical dispenser has received written notice from the Board of such conduct or advertising by the firm or associate;

(e) directly or indirectly participating in any manner in the division, assignment, rebate, splitting or refunding of service fees or cost of completed eye glasses, or part thereof, with a physician, optometrist or other person or persons.

(2) A licensed dispensing optician shall display either the title "Licensed Dispensing Optician" or the abbreviation "L.D.O." on a name tag or other similar form of identification during times when such person is providing direct patient care.

Authority O.C.G.A. Secs. 43-1-25, 43-29-3, 43-29-6. **History.** Original Rule entitled "Unprofessional Conduct" adopted. F. and eff. June 30, 1965. **Amended:** F. Aug. 7, 1984; eff. Aug. 27, 1984. **Amended:** F. Dec. 5, 1984; eff. Dec. 25, 1984. **Repealed:** New Rule of same title adopted. F. Aug. 12, 2004; eff. Sept. 1, 2004.

420-4-.03 Code of Ethics.

The following code of ethics is hereby adopted by the Board to govern and as a guide for the conduct of licensed dispensing opticians in the practice of opticianry in this state. Each licensed optician shall:

- (a) Keep the visual welfare of the customer uppermost at all times;
- (b) Promote in every possible way the better care of the visual needs of the citizens of this state;
- (c) Enhance continuously his/her educational and technical proficiency to the end that his/her customers shall receive the benefits of all acknowledged improvements in visual care;
- (d) See that no worthy person shall lack for opticianry service regardless of the financial status of the person;
- (e) Advise each customer whenever consultation with an Optometrist or Ophthalmologist for professional care seems advisable;
- (f) Hold in confidence all information concerning a customer and use such data only for the benefit of the customer;
- (g) Conduct himself/herself as an exemplary citizen;
- (h) Maintain his office and practice in harmony with true professional standards;
- (i) Maintain and promote cordial and useful mutual relationships with members of his profession and other professions for the interchange of information for the advantage of mankind; and
- (j) Refrain from any exaggeration of a customer's condition.

Authority O.C.G.A. Sec. 43-29-6. **History.** Original Rule entitled "Code of Ethics" adopted. F. May 16, 1990; eff. Jun. 5, 1990.

CHAPTER 420-5

LICENSES

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420-5-.01 Application and Examination Requirements

420-5-.02 Repealed

420-5-.03 Revocations; Suspension

420-5-.04 Reciprocity

420-5-.01 Application and Examination Requirements.

(1) The optical dispensing examination shall be held a minimum of twice a year.

(2) Complete applications with all attachments and documents shall be filed with the Board at least thirty (30) days prior to the examination. Each application must be accompanied by the following attachments:

(a) Verification of age (Birth Certificate or equivalent required);

(b) Copy of high school diploma or its equivalent as defined by the State Board of Education;

(c) If applying on the basis of education, the applicant must have satisfactorily completed a course of study in a recognized school of ophthalmic dispensing approved by the Board. College transcript, with graduation date, and copy of diploma must accompany application.

(d) A recognized school of ophthalmic dispensing is defined as one that offers an ophthalmic dispensing program issuing a diploma and/or degree that is recognized by the Georgia State Board of Dispensing Opticians;

(e) Applicants applying on the basis of education and experience must submit a transcript and an affidavit that specifies total course study clock hours completed from a recognized accredited program, plus an affidavit of work hours completed. The total combined number of hours must be a minimum of 3000 hours;

(f) A fee established by the Board must accompany the application;

(g) Photograph of applicant within last year.

(3) Subject matter of examination shall be related to ophthalmic dispensing.

(4) The passing score for the ophthalmic dispensing practical examination shall be 75

(5) Any false or misleading information in connection with any application may be cause for exclusion from the examination on the ground of lack of good moral character. If the Board finds that the application is complete and that all the requirements of the

statue and of the regulations have been met, it shall issue to the applicant a letter which shall advise the applicant of the time, date and place of the examination. The candidate shall submit his/her letter to the examiner upon entrance to the examination room.

(6) Licensing examinations shall be conducted in accordance with the following procedure, and any candidate violating any of such procedure, may be dismissed from the examination room or otherwise disciplined:

(a) no candidate may enter the examination room late nor leave the examination room early.

(b) during the examination no candidate shall communicate with any other candidate in any other way;

(c) a candidate shall not bring books or other help of any kind into the examination room unless directed to do so by the Board because of the character of the examination.

(7) Prior to issuance of a license, applicant must submit current ABO and NCLE certificates.

Authority O.C.G.A. Secs. 43-29-3, 43-29-6, 43-29-7, 43-29-8. **History.** Original Rule entitled "Examination Requirements" was f. and eff. on June 30, 1965. **Amended:** Filed June 4, 1975; effective June 24, 1975. **Amended:** Rule repealed and a new Rule of the same title adopted. F. Mar. 3, 1981; eff. Mar. 23, 1981. **Amended:** Filed Feb. 4, 1986; eff. Feb. 24, 1986. **Amended:** F. May 9, 1986; eff. May 29, 1986. **Amended:** F. May 16, 1990; eff. June 5, 1990. **Repealed:** New Rule entitled "Application and Examination Requirements" adopted. F. Mar. 14, 2007; eff. Apr. 3, 2007.

420-5-.02 Repealed.

Authority Ga. L. 1956, pp. 148, 151. **History.** Original Rule entitled "Licensee in Military Service" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed March 3, 1981; effective March 23, 1981.

420-5-.03 Revocations; Suspension.

Any violation of the provisions of law governing Optical Dispensing or of any rules and regulations of the Board of Dispensing Opticians shall be cause for suspension or revocation of the license of the offender. Upon a verified complaint against any dispensing optician of such violation, the Board after careful investigation, may conduct a hearing to determine whether the license of such practitioner shall be suspended or revoked. At least fifteen days prior to holding such hearing written notice thereof shall be transmitted to the person charged by course of United States Registered Mail, with return receipt requested, addressed to him at the last known place of residence. The notice shall recite the nature of the charge, the act or acts of the practitioner complained of, the provision of law or the regulation of the Board charged to have been violated, and the day, hour, and place at which the hearing will be held. The person charged shall be afforded opportunity to be present in person and by counsel at such hearing, with such witnesses as he may desire to produce. The Board may summon witnesses to testify to facts pertinent to the inquiry. Proceedings at the hearing shall be recorded and transcribed, and the person charged shall be entitled to receive upon request a copy of such transcription. If the Board, upon consideration, shall determine that the person charged has been guilty of a violation of the provision of the statute or the rule of the

Board specified in the notice, the Board shall suspend or revoke any certificate and any license which may be issued to such person, otherwise the complaint shall be dismissed. Upon such suspension or revocation the Board may in its discretion impose such terms and conditions as in its judgement shall be considered just. Any action taken as a result of such hearing shall have the concurrence of a majority of the Board. In addition, the provisions of the Georgia Administrative Procedure Act dealing with contested cases are applicable.

Authority. Ga. L. 1956, pp. 148, 151, 156. **History.** Original Rule entitled "Revocation; Suspension" was filed and effective on June 30, 1965.

420-5-.4 Repealed.

Authority Ga. L. 1956, pp. 148, 154; Ga. L. 1978, p. 1960; Ga. L. pp. 1101, 1104; O.C.G.A. Sec. 43-29-6.

History. Original Rule entitled "Reciprocity" was filed on March 3, 1981; effective March 23, 1981.

Repealed: New Rule, same title, adopted. F. May 16, 1990; eff. Jun. 5, 1990. **Repealed:** F. Jun. 12, 1998; eff. Jul. 2, 1998.

CHAPTER 420-6

DEFINITIONS

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420-6-.01 Dispensing Opticians

420-6-.01 Dispensing Opticians. Amended.

(1) A "dispensing optician" is anyone who prepares, fits and dispenses prescription lenses, spectacles, eyeglasses, contact lenses, or any other type of vision-correcting optical device to the intended user.

(2) A person will be considered as within this definition who does any one or a combination of the following practices:

(a) Interprets optical prescriptions issued by an ophthalmologist, optometrist or physician for the lab optician who fabricates vision-correcting optical lenses;

(b) Measures inter-ocular or pupillary distances to determine the proper position of vision-correcting lenses;

(c) Determines the necessary type or shape of lenses or position of multi-focal segments and optical centers for the intended wearer of vision-correcting optical lenses;

(d) Measures any part of a person's face or head for the purpose of adapting any vision-correcting optical device thereto;

(e) Adapts or aligns frames with vision-correcting lenses to the face of the intended wearer.

(3) Although the Act does not require licensing of those lab opticians or persons who perform merely mechanical work upon inert materials in an optical office or laboratory, it does anticipate that dispensing opticians will, in addition to the above skills, have a basic knowledge of these laboratory techniques. The responsibility to the public for correct grinding and lens preparation, etc., is placed in the hands of the dispensing optician or fitter, and this is the person the Act seeks to control by requiring that he be qualified and licensed.

Authority Ga. L. 1956, pp. 148, 149; Ga. L. 1968, p. 1360. Administrative History. Original Rule entitled "Dispensing Opticians" was filed on April 14, 1969; effective May 3, 1969. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed March 3, 1981; effective March 23, 1981.

CHAPTER 420-7

PROCEDURAL RULES

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420-7-.01 Procedural Rules

420-7-.01 Procedural Rules.

The Georgia State Board of Dispensing Opticians hereby adopts by reference as its permanent rules Chapters 295-3 through 295-13, and any future amendments thereto, Rules and Regulations of the Office of Joint Secretary, State Examining Boards, relating to Procedure for Hearings before the several State Examining Boards.

Authority Ga. L. 1956, pp. 151, 152. Administrative History. Original Rule was filed on February 2, 1977; effective February 22, 1977.

CHAPTER 420-8

PRACTICAL TRAINING AND EXPERIENCE

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420-8-.01 Practical Training and Experience

420-8-.01 Practical Training and Experience.

In order to be admitted to the examination pursuant to that provision of O.C.G.A. §43-29-7(b)(4) which provides "practical training and experience of a grade and character satisfactory to the Board for not less than two years under the supervision of a dispensing optician, a licensed physician, or a licensed optometrist: Provided, however, that any time spent in a recognized school shall be considered as a part of the apprenticeship period provided herein", the applicant must submit documentation to the Board with his/her application to establish the satisfaction of such provisions, the satisfaction of which will be determined under the following standards:

(a) "For not less than two (2) years" means two (2) calendar years and shall include, at a minimum 3,000 hours experience.

(b) "Under the supervision of a dispensing optician, licensed physician or a licensed optometrist" means that the appropriate licensed practitioner(s) must be on the premises where the practical training and experience is being acquired for every hour of apprenticeship sought to be considered in fulfillment of this requirement.

Authority O.C.G.A. Secs. 43-1-25, 43-29-3, 43-29-6, 43-29-7. **History.** Original Rule entitled "Practical Training and Experience" adopted. F. Feb. 28, 1977; eff. Mar. 20, 1977. **Repealed:** New Rule of same title adopted. F. Mar. 3, 1981; eff. Mar. 23, 1981. **Amended:** F. Feb. 4, 1986; eff. Feb. 24, 1986. **Repealed:** New Rule of same title adopted. F. Mar. 28, 2003; eff. Apr. 17, 2003. **Amended:** F. May 10, 2005; eff. May 30, 2005.

CHAPTER 420-9

CONTINUING EDUCATION

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- 420-9-.01 Continuing Education for License Renewals**
- 420-9-.02 Continuing Education Hours For New Licensees**
- 420-9-.03 Continuing Education Program Approval**

420-9-.01 Continuing Education for License Renewals

Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Of the ten (10) hours, no more than two (2) hours may be obtained via the internet.

(a) The method of reporting continuing education shall be by audit as follows:

1. Each licensed dispensing optician shall be responsible for maintaining certificates of attendance (and supporting documents as appropriate) for continuing education courses taken to satisfy the requirements for continuing education for a period of four (4) years from the date of attendance;

2. The staff of the State Examining Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed opticians, randomly selected, in the State per biennium;

3. At the time of license renewal, licensed dispensing opticians shall certify to the Georgia State Board of Dispensing Opticians that he/she has completed the continuing education required for license renewal;

4. In the event a licensee, who is audited, fails to submit certificates of continuing education, or other documentation, of having satisfied the continuing education requirements for license renewal, the application for renewal will not be processed until all continuing education requirements are met; and

5. A licensee who fails to meet the continuing education requirements shall be subject to disciplinary actions by the Board.

Authority O.C.G.A. Secs. 43-29-3, 43-29-6, 43-29-11. Original Rule entitled "Continuing Education for License Renewals in January 1979 and Renewal Years Thereafter" adopted. F. Mar. 24, 1977; eff. Apr. 13, 1977. **Repealed:** New Rule entitled "Continuing Education for License Renewals in March, 1985, and Renewal Years Thereafter" adopted. F. Aug. 7, 1984; eff. Aug. 27, 1984. **Amended:** F. Dec. 2, 1986; eff. Dec. 22, 1986. **Repealed:** New Rule of same title adopted. F. Mar. 30, 1990; eff. Apr. 19, 1990. **Amended:** F. June 12, 1998; eff. July 2, 1998. **Repealed:** New Rule entitled "Continuing Education for License Renewals" adopted. F. May 30, 2006; eff. June 19, 2006.

420-9-.02 Continuing Education Hours for New Licensees.

An optician licensed by examination during the first six months of the renewal period shall be required to obtain the full ten (10) hours of continuing education; if licensed during the following twelve months he/she shall be required to obtain five (5) hours of continuing education; if licensed during the last six months of the renewal period, he/she shall be exempt from the continuing education requirements for that renewal period only. The full requirement of ten (10) hours must be fulfilled each renewal period thereafter.

Authority O.C.G.A. Secs. 43-1-25, 43-29-6, 43-29-11. **History.** Original Rule entitled "Continuing Education Program Approval" adopted. F. July 28, 1989; eff. Aug. 17, 1989. **Repealed:** New Rule entitled "Continuing Education Hours for Licensees" adopted. F. Mar. 30, 1990; eff. Apr. 19, 1990. **Amended:** F. May 21, 1997; eff. June 10, 1997. **Amended:** F. June 12, 1998; eff. July 2, 1998. **Repealed:** New Rule of same title adopted. F. Feb. 26, 2004; eff. Mar. 17, 2004.

420-9-.03 Continuing Education Program Approval.

(1) The Board shall give credit for any course given by any recognized national, regional or state dispensing society or association if such courses are made available to all licensed opticians on a reasonably nondiscriminatory fee basis.

(2) Any group of ten or more licensed opticians may arrange for an education program and they must request prior Board approval.

(3) Any program other than those sponsored by a national, regional or state society or association must submit said program approval by the Board ninety (90) days prior to the program date. The request shall include the following documents or information:

(a) Letter of request;

(b) Copy of proposed promotional material showing the name and date of the program;

(c) Location and time of program;

(d) Names of instructors and vitae;

(e) Number of credit hours applied for;

(f) Method of notifying attendees; and

(g) Copy of attendance certificates to be used.

(4) The certificate of attendance shall not be issued until the program is completed and the method of monitoring must be reported to the Board prior to the program date.

(5) Credit will be allowed on the basis of an hour for an hour. To receive one hour credit, an optician must attend a class for one full hour.

(6) Post-approval of continuing education courses will not be granted.

Authority O.C.G.A. Sec. 43-29-11. **History.** Original Rule entitled “Continuing Education Program Approval” adopted. F. Mar. 30, 1990; eff. Apr. 19, 1990.

CHAPTER 420-10

FEES

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420-10-.01 Fees

420-10-.01 Fees. Amended.

The required fee must accompany the appropriate applications as noted in the following schedule:

- (a) Application fee for examination--Per schedule of fees adopted by the Board;
- (b) Examination fee--per schedule of fees adopted by the Board;
- (c) Application fee for reciprocity--per schedule of fees adopted by the Board;
- (d) Biennial renewal--per schedule of fees adopted by the Board;
- (e) Delinquent renewal penalty--per schedule of fees adopted by the Board;
- (f) Duplicate certificate--per schedule of fees adopted by the Board;

Authority O.C.G.A. Sec. 43-29-6. **History.** Original Rule entitled "Fees" was filed on July 8, 1982; effective July 28, 1982. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed August 7, 1984; effective August 27, 1984. **Amended:** F. Dec. 11, 1995; eff. Dec. 31, 1995. **Amended:** F. Jun. 12, 1998; eff. Jul. 2, 1998.