



# LAWS OF ALASKA

1980

**Source**

CSSB 541 am H

**Chapter No.**

56

**AN ACT**

Relating to professional licensing and to the regulation of the practice of dispensing opticians; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 2, 1980  
Actual Effective Date: June 3, 1980

AN ACT

Relating to professional licensing and to the regulation of the practice of dispensing opticians; and providing for an effective date.

\* Section 1. AS 08.01.100(a) is amended to read:

(a) Except as otherwise provided in this title, [ALL] licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

\* Sec. 2. AS 08.71.020 is amended to read:

Sec. 08.71.020. MEMBERSHIP [OF BOARD; SOURCE OF APPOINTMENT;] AND TERM OF OFFICE. The board consists of four opticians licensed under AS 08.71.080 and one public member [SEVEN PERSONS] appointed by the governor. Members serve staggered terms of four [THREE] years which [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD] shall be set so that they do not expire at the same time. Vacancies on the board shall be filled for the unexpired term. A person who has served two successive complete terms may not be reappointed until four years from the expiration of the second term.

\* Sec. 3. AS 08.71 is amended by adding new sections to read:

Sec. 08.71.045. REMOVAL OF BOARD MEMBERS. A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings constitute cause for removal.

Sec. 08.71.055. POWERS AND DUTIES. The board shall have the

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1 following powers and duties:

- 2 (1) to examine and issue licenses to applicants;
- 3 (2) to renew licenses;
- 4 (3) to hold hearings and order disciplinary sanctions against
- 5 a person who violates this chapter or the regulations of the board;
- 6 (4) to supply forms for applications, licenses, and other
- 7 needed documents;
- 8 (5) to keep a record of all proceedings open to the public,
- 9 including the name of each applicant for examination and each licensee;
- 10 (6) to enforce the provisions of this chapter and adopt or
- 11 amend regulations necessary to make these provisions effective.

12 \* Sec. 4. AS 08.71.110(1)(B) is amended to read:

13 (B) been engaged for at least 6,000 [10,000] hours as a

14 practicing optician in good standing in a state, territory,

15 district or possession of the United States; and

16 \* Sec. 5. AS 08.71.120(3) is amended to read:

17 (3) [BIENNIAL] renewal fee,

18 due every four years ..... 200 [50]

19 \* Sec. 6. AS 08.71.130(a) is amended to read:

20 (a) A licensed dispensing optician shall renew his license every

21 four years [BIENNIALY] with the department [DEPARTMENT OF COMMERCE] on

22 or before the date set by the department under AS 08.01.100.

23 \* Sec. 7. AS 08.71 is amended by adding a new section to read:

24 Sec. 08.71.145. LICENSURE BY CREDENTIALS. A person with a valid

25 license as a dispensing optician from another state, territory, district,

26 or possession of the United States shall be issued a license without

27 examination for those professional areas in which he is licensed upon

28 payment of any fee and documentation which the board may require by

29 regulation.

\* Sec. 8. AS 08.71.160 is amended to read:

Sec. 08.71.160. DISPENSING OPTICIAN'S APPRENTICE. (a) A person may be employed by a licensed dispensing optician as an apprentice. An apprentice shall be designated as such in the records of the board at the request of a licensed physician, optometrist or dispensing optician and shall be in training and under the [DIRECT] supervision of a licensed physician, optometrist or dispensing optician. No apprentice may be employed under this section for longer than six years unless the board determines that an apprentice is prevented by circumstances beyond his control from obtaining a license as a dispensing optician within that time.

(b) No more than two apprentices may be under the [DIRECT] supervision of one licensed dispensing optician at the same time.

\* Sec. 9. AS 08.71.170 is repealed and re-enacted to read:

Sec. 08.71.170. IMPOSITION OF DISCIPLINARY SANCTIONS. The board may revoke or suspend the license of a dispensing optician, or the licensee may be reprimanded or otherwise disciplined when the board finds after a hearing that he

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a crime which affects his ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in or permitted the performance of patient care by persons under his supervision which does

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1 not conform to minimum professional standards regardless of whether  
2 actual injury to the patient occurred;

3 (6) continued to practice after becoming unfit due to

4 (A) professional incompetence;

5 (B) addiction or severe dependency on alcohol or other  
6 drugs which impairs his ability to practice safely;

7 (C) physical or mental disability;

8 (7) engaged in lewd or immoral conduct in connection with the  
9 delivery of professional service to patients;

10 (8) participated in the division, assignment, rebate or  
11 refund of fees to a physician or optometrist in consideration of patient  
12 referrals;

13 (9) advertised the services of any other segment of the  
14 healing arts.

15 \* Sec. 10. AS 08.71.175 is repealed and re-enacted to read:

16 Sec. 08.71.175. DISCIPLINARY SANCTIONS. (a) When it finds that a  
17 dispensing optician is guilty of an offense under AS 08.71.170, the  
18 board may impose the following sanctions singly or in combination:

19 (1) permanently revoke a dispensing optician's license to  
20 practice;

21 (2) suspend a dispensing optician's license for a determinate  
22 period of time;

23 (3) censure a dispensing optician;

24 (4) issue a letter of reprimand;

25 (5) place a dispensing optician on probationary status and  
26 require him to

27 (A) report regularly to the board upon matters involving  
28 the basis of probation;

29 (B) limit practice to those areas prescribed;

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(C) continue professional education until a satisfactory degree of skill has been attained in those areas determined by the board to need improvement;

(6) impose limitations or conditions on the practice of a dispensing optician.

(b) The board may withdraw probation status of a dispensing optician if it finds that the deficiencies which required the sanction have been remedied.

(c) The board may summarily suspend a dispensing optician's license before final hearing or during the appeals process if the board finds that he poses a clear and immediate danger to the public health and safety if he continues to practice. A dispensing optician whose license is suspended under this section shall be entitled to a hearing by the board no later than seven days after the effective date of the order. The dispensing optician may appeal the suspension after a hearing to a court of competent jurisdiction.

(d) The board may reinstate a license which has been suspended or revoked if the board finds after a hearing that the applicant is able to practice with skill and safety.

(e) The board shall seek consistency in the application of disciplinary sanctions, and significant departure from prior decisions involving similar situations shall be explained in findings of fact or orders.

\* Sec. 11. AS 08.71.180 is amended to read:

Sec. 08.71.180. PRACTICING WITHOUT A LICENSE. It is unlawful for a person to practice as a dispensing optician without a license issued under this chapter or while his license is suspended or revoked. A person who violates this section is guilty of a class B misdemeanor.

\* Sec. 12. AS 08.71.230(1) is amended to read:

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(1) limit or restrict a licensed physician or optometrist [OR EMPLOYEES WORKING UNDER THE PERSONAL SUPERVISION OF A LICENSED PHYSICIAN OR OPTOMETRIST] from the practices enumerated in this chapter, and each licensed physician and optometrist has all the rights and privileges which may accrue under this chapter to dispensing opticians licensed under it;

\* Sec. 13. AS 08.71.240 is amended by adding new paragraphs to read:

(4) "dispensing optician" means a person who, on written prescription from a licensed physician or optometrist, prepares and dispenses to the intended wearer or person who writes the prescription, original or duplicate lenses, eyeglasses, contact lenses, and appurtenances to them, and interprets, measures, adapts, fits, and adjusts lenses, eyeglasses, contact lenses, and appurtenances to them in accordance with the written prescription, to the face for the aid or correction of visual or ocular anomalies of the human eye;

(5) "supervision" means the provision of any needed direction, control, consultation, instruction, evaluation, and personal inspection of work being performed.

\* Sec. 14. AS 08.71.030, 08.71.050, 08.71.060, 08.71.070, and 08.71.-240(3) are repealed.

\* Sec. 15. This Act takes effect immediately in accordance with AS 01.10.070(c).