

**HOUSE CS FOR CS FOR SENATE BILL NO. 270(RLS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 5/11/02

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act extending the termination date of the Board of Dispensing Opticians; relating**  
2 **to the regulation of dispensing opticians; relating to the use of pharmaceutical agents in**  
3 **the practice of optometry; and providing for an effective date."**

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 FINDINGS; INTENT. (a) The legislature finds that the Board of Dispensing  
8 Opticians has not collected sufficient fees in recent years to cover its costs and may not have  
9 been complying properly with AS 08.01.065(c).

10 (b) It is the intent of the legislature that, during the next review of the board under  
11 AS 44.66.050, an analysis and determination be made about the extent to which the board is  
12 complying with AS 08.01.065(c) and what factors, if any, hamper the board's ability to cover  
13 its costs with fee collections.

14 \* **Sec. 2.** AS 08.03.010(c)(9) is amended to read:

1 (9) Board of Dispensing Opticians (AS 08.71.010) -- June 30, **2004**  
 2 [2002];

3 \* **Sec. 3.** AS 08.71.055 is amended to read:

4 **Sec. 08.71.055. Powers and duties.** The board shall have the following  
 5 powers and duties:

6 (1) to [EXAMINE AND] issue licenses to applicants;

7 (2) to renew licenses;

8 (3) to hold hearings and order disciplinary sanctions against a person  
 9 who violates this chapter or the regulations of the board;

10 (4) to supply forms for applications, licenses, and other needed  
 11 documents;

12 (5) to keep a record of all proceedings open to the public, including the  
 13 name of each **license** applicant [FOR EXAMINATION] and each licensee;

14 (6) to enforce the provisions of this chapter and adopt or amend  
 15 regulations necessary to make these provisions effective.

16 \* **Sec. 4.** AS 08.71.080 is amended to read:

17 **Sec. 08.71.080. License required.** A person may not act as a dispensing  
 18 optician in the state unless the person is licensed under this chapter. [IN ORDER TO  
 19 BE LICENSED UNDER THIS CHAPTER, A PERSON SHALL PASS AN  
 20 EXAMINATION GIVEN BY THE BOARD UNLESS THE PERSON IS ELIGIBLE  
 21 FOR LICENSING WITHOUT EXAMINATION UNDER AS 08.71.145.] A license  
 22 shall be issued for (1) the dispensing of contact lenses, or (2) the dispensing of other  
 23 lenses, eyeglasses, spectacles, artificial eyes, and their appurtenances, or (3) both. The  
 24 board shall by endorsement on the license designate for which aspect of dispensing  
 25 opticianry the license is issued. [THE BOARD SHALL LICENSE SUCCESSFUL  
 26 EXAMINEES.]

27 \* **Sec. 5.** AS 08.71.090 is repealed and reenacted to read:

28 **Sec. 08.71.090. Examination requirement.** To be licensed to dispense  
 29 contact lenses, a person, unless eligible for licensing under AS 08.71.145, shall  
 30 document to the board that the person has passed the contact lens registry examination  
 31 offered by the National Contact Lens Examiners with a score acceptable to the board.

1 In order to be licensed to dispense other lenses, eyeglasses, spectacles, artificial eyes,  
 2 and their appurtenances, a person, unless eligible for licensing under AS 08.71.145,  
 3 shall document to the board that the person has passed the national opticianry  
 4 competency examination offered by the American Board of Opticianry with a score  
 5 acceptable to the board. An applicant for licensure in both areas shall document  
 6 having received a score acceptable to the board on both examinations. The board  
 7 shall, by regulation, establish the scores that will be acceptable for the examinations  
 8 described in this section.

9 \* **Sec. 6.** AS 08.71.110 is amended to read:

10 **Sec. 08.71.110. Qualifications for licensure [OF APPLICANTS FOR**  
 11 **EXAMINATION].** (a) **The board may issue a license to a** [A] person [IS  
 12 ENTITLED TO TAKE THE EXAMINATION] who

13 (1) has had education equivalent to four years attendance at a high  
 14 school;

15 (2) has either

16 (A) completed at least **1,800** [6,000] hours of training as an  
 17 apprentice after registering with the department as an apprentice; or

18 (B) been engaged for at least **1,800** [6,000] hours as a  
 19 practicing optician in good standing in a state, territory, district, or possession  
 20 of the United States; [AND]

21 (3) **has passed the applicable examination required under**  
 22 **AS 08.71.090 with a score acceptable to the board;**

23 **(4) has passed a course designated in the board's regulations as**  
 24 **being acceptable; and**

25 **(5)** has paid the required **license** [EXAMINATION] fee.

26 (b) Graduation from an associate degree program in a recognized school or  
 27 college of opticianry may be substituted for [4,000 OF] the [6,000 HOURS OF]  
 28 experience required by (a)(2) **and (4)** of this section.

29 \* **Sec. 7.** AS 08.71.120 is amended to read:

30 **Sec. 08.71.120. Fees.** The department shall set fees under AS 08.01.065 for  
 31 [EXAMINATION,] initial license [,] and license renewal.

1 \* **Sec. 8.** AS 08.71.130(c) is amended to read:

2 (c) If the license remains lapsed for more than one year, the board may require  
3 the applicant to **retake and successfully pass again the applicable examination or**  
4 **examinations required** [BE EXAMINED] under AS 08.71.090.

5 \* **Sec. 9.** AS 08.71.145 is amended to read:

6 **Sec. 08.71.145. Licensure by credentials.** A person with a valid license as a  
7 dispensing optician from another state, territory, district, or possession of the United  
8 States with licensing requirements substantially equivalent to or higher than those of  
9 this state shall be issued a license **under this chapter** [WITHOUT EXAMINATION]  
10 for those professional areas in which the person is licensed **in the other jurisdiction**  
11 upon payment of any fee and documentation that the board may require by regulation.

12 \* **Sec. 10.** AS 08.71.160(a) is amended to read:

13 (a) A person may be employed by or serve under a licensed **physician,**  
14 **optometrist, or** dispensing optician as an apprentice **for dispensing optician tasks.**  
15 An apprentice shall register with the department before beginning employment or  
16 service as an apprentice, shall be designated as such in the records of the board, and  
17 shall be in training [AND] under the **regular** [DIRECT] supervision of a licensed  
18 physician, optometrist, or dispensing optician. **Notwithstanding AS 08.71.180, a**  
19 **registered apprentice may perform dispensing optician tasks that are delegated**  
20 **by and performed under the regular supervision of the licensed physician,**  
21 **optometrist, or dispensing optician and may use the title "dispensing optician**  
22 **apprentice."** [UNDER THIS SECTION A PERSON MAY NOT APPRENTICE  
23 FOR LONGER THAN SIX YEARS UNLESS THE BOARD DETERMINES THAT  
24 THE PERSON IS PREVENTED BY CIRCUMSTANCES BEYOND THE  
25 PERSON'S CONTROL FROM OBTAINING A LICENSE AS A DISPENSING  
26 OPTICIAN WITHIN THAT TIME.]

27 \* **Sec. 11.** AS 08.71 is amended by adding new sections to article 2 to read:

28 **Sec. 08.71.163. Dispensing optician's assistant.** Notwithstanding  
29 AS 08.71.180, a person who is not a licensed dispensing optician or a registered  
30 apprentice under AS 08.71.160 may perform dispensing optician tasks that are  
31 delegated by and performed under the regular supervision of a licensed physician,

1 optometrist, or dispensing optician. The hours spent as an assistant under this section  
 2 may not be counted toward satisfaction of the training requirement in  
 3 AS 08.71.110(a), and the assistant may not use a title that includes the word "optician"  
 4 or "opticianry."

5 **Sec. 08.71.165. Delegation authorized.** A licensed physician, optometrist, or  
 6 dispensing optician may delegate dispensing optician tasks to an apprentice or  
 7 assistant. The licensee shall regularly supervise the performance of the delegated  
 8 tasks and retains responsibility for the proper performance of the delegated tasks.

9 \* **Sec. 12.** AS 08.72.175 is amended to read:

10 **Sec. 08.72.175. License endorsement.** (a) The board may issue a license  
 11 endorsement authorizing a licensee to prescribe and use **a** [THE] pharmaceutical  
 12 **agent** [AGENTS] described in AS 08.72.272, if the licensee or applicant for a license  
 13 **(1)** passes the written and practical portions of an examination on ocular  
 14 pharmacology, approved by the board, that tests the licensee's or the applicant's  
 15 knowledge of the characteristics, pharmacological effects, indications,  
 16 contraindications, and emergency care associated with the prescription and use of  
 17 pharmaceutical agents; **and (2) meets additional education requirements, if any,**  
 18 **that are adopted by the board for receiving the endorsement. In addition to the**  
 19 **limitations contained in AS 08.72.272, the board may further limit the type of**  
 20 **pharmaceutical agents that are authorized for use under an endorsement.** The  
 21 endorsement expires at the same time as the license to which it attaches. The  
 22 endorsement may be renewed upon satisfactory completion of continuing education  
 23 requirements established by the board by regulation. **Regulations adopted by the**  
 24 **board under this subsection must be related to ensuring that the licensee with an**  
 25 **endorsement is competent to prescribe and use the pharmaceutical agents**  
 26 **authorized under the endorsement.**

27 (b) A pharmacist or pharmaceutical supplier may supply a licensee with **a**  
 28 pharmaceutical **agent** [AGENTS] as provided under AS 08.72.272 upon presentation  
 29 of evidence that the licensee holds a license endorsement under this section **that**  
 30 **authorizes use of the pharmaceutical agent.**

31 \* **Sec. 13.** AS 08.72.272 is amended to read:

1                   **Sec. 08.72.272. Use of pharmaceutical agents.** (a) **Except as provided in**  
 2 **(c) of this section, a** [A] licensee may prescribe and use a pharmaceutical agent,  
 3 **including a controlled substance,** in the practice of optometry if

4                   (1) **the pharmaceutical agent is not included on schedule IA under**  
 5 **AS 11.71;**

6                   (2) the pharmaceutical agent is **prescribed and used for the**  
 7 **treatment of ocular and ocular adnexal disease or conditions or for emergency**  
 8 **anaphylaxis** [A DRUG TOPICALLY APPLIED TO THE HUMAN EYE AND ITS  
 9 APPENDAGES]; and

10                   (3) [(2)] the person holds a license endorsement issued by the board  
 11 authorizing the prescription and use of **the** pharmaceutical **agent** [AGENTS].

12                   (b) A licensee may not purchase, possess, prescribe, or use a  
 13 pharmaceutical agent unless the licensee has obtained a license endorsement under  
 14 AS 08.72.175 **that authorizes use of the pharmaceutical agent.**

15 \* **Sec. 14.** AS 08.72.272 is amended by adding a new subsection to read:

16                   (c) In addition to the other limitations of this section and AS 08.72.175, a  
 17 licensee may not

18                   (1) inject a pharmaceutical agent into the globe of the eye;

19                   (2) prescribe a systemic analgesic agent in an amount that is more than  
 20 a seven-day supply;

21                   (3) prescribe a pharmaceutical agent for systemic administration unless  
 22 the pharmaceutical agent is in at least one of the following categories:

23                   (A) anti-allergy;

24                   (B) anti-microbial;

25                   (C) anti-glaucoma;

26                   (D) anti-inflammatory;

27                   (E) an analgesic, including controlled substances in schedules  
 28 IIA - VA under AS 11.71 that are analgesics;

29                   (F) an over-the-counter drug available without a prescription;

30                   or

31                   (G) a drug for treatment of anaphylaxis.

1     \* **Sec. 15.** AS 08.71.100 is repealed.

2     \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4           TRANSITIONAL PROVISION. The Board of Examiners in Optometry may not  
5 issue an endorsement under AS 08.72.175 that allows a licensee to prescribe or use a  
6 pharmaceutical agent by systemic administration unless the person has attended and passed a  
7 course covering systemic administration of pharmaceutical agents offered by an accredited  
8 college of optometry and approved by the Board of Examiners in Optometry.

9     \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11           EXISTING ENDORSEMENTS. Notwithstanding AS 08.72.175, as amended by sec.  
12 12 of this Act, and AS 08.72.272, as amended by secs. 13 and 14 of this Act, an endorsement  
13 issued before the effective date of secs. 12 - 14 of this Act does not authorize a licensee to  
14 prescribe or use a pharmaceutical agent by systemic administration until the licensee applies  
15 to the Board of Examiners in Optometry for authorization to prescribe or use a pharmaceutical  
16 agent by systemic administration and the board finds the person has attended and passed a  
17 course covering systemic administration of pharmaceutical agents offered by an accredited  
18 college of optometry and approved by the Board of Examiners in Optometry.

19     \* **Sec. 18.** Sections 1 - 11 and 15 of this Act take effect immediately under  
20 AS 01.10.070(c).