

HOUSE CS FOR CS FOR SENATE BILL NO. 270(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/9/02

Referred: Finance

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; and providing for an effective date."**

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

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

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

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

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

14 (9) Board of Dispensing Opticians (AS 08.71.010) -- June 30, **2004**

1 [2002];

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

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

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

6 (2) to renew licenses;

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

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

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

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

15 * **Sec. 4.** AS 08.71.080 is amended to read:

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

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

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

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

8 * **Sec. 6.** AS 08.71.110 is amended to read:

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

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

14 (2) has either

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

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

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

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

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

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

28 * **Sec. 7.** AS 08.71.120 is amended to read:

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

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

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

4 * **Sec. 9.** AS 08.71.145 is amended to read:

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

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

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

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

27 **Sec. 08.71.163. Dispensing optician's assistant.** Notwithstanding
 28 AS 08.71.180, a person who is not a licensed dispensing optician or a registered
 29 apprentice under AS 08.71.160 may perform dispensing optician tasks that are
 30 delegated by and performed under the supervision of a licensed physician, optometrist,
 31 or dispensing optician. The hours spent as an assistant under this section may not be

1 counted toward satisfaction of the training requirement in AS 08.71.110(a), and the
2 assistant may not use a title that includes the word "optician" or "opticianry."

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

7 * **Sec. 12.** AS 08.71.100 is repealed.

8 * **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).