

HOUSE BILL NO. 502

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HOLM

Introduced: 2/16/04

Referred: Labor and Commerce, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to dispensing opticians and dispensing optician apprentices."**

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

3 * **Section 1.** AS 08.71.080 is amended to read:

4 **Sec. 08.71.080. License required.** A person may not act as a dispensing
5 optician in the state unless the person is licensed under this chapter. A license shall be
6 issued for the person to act as a (1) [THE] dispensing optician for [OF] contact
7 lenses, or (2) [THE] dispensing optician for [OF] other lenses, eyeglasses,
8 [SPECTACLES, ARTIFICIAL EYES,] and their appurtenances, or (3) both. The
9 board shall by endorsement on the license designate for which aspect of dispensing
10 opticianry the license is issued.

11 * **Sec. 2.** AS 08.71.090 is amended to read:

12 **Sec. 08.71.090. Examination requirement.** To be licensed to act as a
13 dispensing optician for [DISPENSE] contact lenses, a person, unless eligible for
14 licensing under AS 08.71.145, shall document to the board that the person has passed
15 the contact lens registry examination offered by the National Contact Lens Examiners

1 with a score acceptable to the board. **To** [IN ORDER TO] be licensed to **act as a**
 2 **dispensing optician for** [DISPENSE] other lenses, eyeglasses, [SPECTACLES,
 3 ARTIFICIAL EYES,] and their appurtenances, a person, unless eligible for licensing
 4 under AS 08.71.145, shall document to the board that the person has passed the
 5 national opticianry competency examination offered by the American Board of
 6 Opticianry with a score acceptable to the board. An applicant for licensure in both
 7 areas shall document having received a score acceptable to the board on both
 8 examinations. The board shall, by regulation, establish the scores that will be
 9 acceptable for the examinations described in this section.

10 * **Sec. 3.** AS 08.71.110(a) is amended to read:

11 (a) The board may issue a license to a person who

12 (1) has [HAD EDUCATION EQUIVALENT TO FOUR YEARS
 13 ATTENDANCE AT] a high school **diploma or its equivalent**;

14 (2) has [EITHER]

15 (A) completed at least **4,000** [1,800] hours of training **for**
 16 **eyeglasses or at least 2,000 hours of training for contact lenses** as an
 17 apprentice after registering with the **United States Department of Labor**
 18 [DEPARTMENT] as an apprentice; or

19 (B) been engaged for at least **4,000** [1,800] hours as a
 20 **dispensing** [PRACTICING] optician **in eyeglasses and at least 2,000 hours**
 21 **as a dispensing optician in contact lenses** in good standing in a state,
 22 territory, district, or possession of the United States;

23 (3) has passed the applicable examination required under
 24 AS 08.71.090 with a score acceptable to the board;

25 (4) has passed a course designated in the board's regulations as being
 26 acceptable; and

27 (5) has paid the required license fee.

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

29 **Sec. 08.71.145. Licensure by credentials.** A person with a valid license as a
 30 dispensing optician from another state, territory, district, or possession of the United
 31 States with licensing requirements substantially equivalent to or higher than those of

1 this state shall, **without further examination**, be issued a license under this chapter
 2 for those professional areas in which the person is licensed in the other jurisdiction
 3 upon payment of any fee and documentation that the board may require by regulation.

4 * **Sec. 5.** AS 08.71.145 is amended by adding new subsections to read:

5 (b) A person who is designated by the American Board of Opticianry as a
 6 master optician or as an advanced certified optician may be issued a license
 7 authorizing the person to act as a dispensing optician with respect to eyeglasses upon
 8 payment of the appropriate fee and submission of the documentation that the board
 9 may require by regulation.

10 (c) A person who is designated a fellow of the Contact Lens Society of
 11 America or who is designated by the National Contact Lens Examiners as an advanced
 12 certified contact lens fitter may be issued a license authorizing the person to act as a
 13 dispensing optician with respect to contact lenses upon payment of the appropriate fee
 14 and submission of the documentation that the board may require by regulation.

15 * **Sec. 6.** AS 08.71.160(a) is amended to read:

16 (a) A person may be employed by [OR SERVE UNDER] a licensed
 17 physician, optometrist, or dispensing optician as an apprentice for dispensing optician
 18 tasks. An apprentice shall register with the **United States Department of Labor**
 19 [DEPARTMENT] before beginning employment [OR SERVICE] as an apprentice [,
 20 SHALL BE DESIGNATED AS SUCH IN THE RECORDS OF THE BOARD,] and
 21 shall be in training under the regular supervision of **the** [A] licensed physician,
 22 optometrist, or dispensing optician. Notwithstanding AS 08.71.180, a registered
 23 apprentice may perform dispensing optician tasks that are delegated by and performed
 24 under the regular supervision of the licensed physician, optometrist, or dispensing
 25 optician and may use the title "dispensing optician apprentice."

26 * **Sec. 7.** AS 08.71.200 is amended to read:

27 **Sec. 08.71.200. Contact lenses.** Contact lenses shall be fitted in conjunction
 28 with and under the supervision of a licensed physician or an optometrist **using** [AND
 29 WITH] a written contact-lens **fitting authorization that (1) shows the powers of the**
 30 **sphere and the cylinder and axis location; (2) includes an authorization to fit; and**
 31 **(3) states a requirement that the patient must return to the person who**

1 **prescribed the contact lenses for a final evaluation after the fitting has been**
 2 **completed** [PRESCRIPTION SHOWING THAT THE PRESCRIPTION MAY BE
 3 FILLED FOR CONTACT LENSES AND REQUIRING THAT THE PATIENT
 4 RETURN TO SEE THE PRESCRIBING PHYSICIAN OR OPTOMETRIST]. In no
 5 case may contact lenses be prepared by neutralizing a person's eyeglasses. **Duplicate**
 6 **contact lenses may be dispensed, mailed to, or otherwise delivered to a patient**
 7 **from a written contact lens prescription that shows the exact specifications and**
 8 **parameters needed to exactly duplicate the patient's previous contact lenses.**
 9 **Notwithstanding other provisions of this section, contact lenses may not be**
 10 **provided to a patient at a time that is after the expiration of the most recent**
 11 **prescription for the patient unless authorized in writing or orally by the person**
 12 **who issued the prescription** [OR SPECTACLES].

13 * **Sec. 8.** AS 08.71.230 is amended to read:

14 **Sec. 08.71.230. Exemptions from and limitations on the application of this**
 15 **chapter.** This chapter may not be construed to

16 (1) limit or restrict a licensed physician or optometrist from the
 17 practices enumerated in this chapter, and each licensed physician and optometrist has
 18 all the rights and privileges **that** [WHICH] may accrue under this chapter to
 19 dispensing opticians licensed under it;

20 (2) prohibit an unlicensed person from performing mechanical work
 21 upon inert matter in an optical office, laboratory or shop;

22 (3) prohibit an unlicensed person from engaging in the sale of
 23 eyeglasses, [SPECTACLES,] magnifying glasses, goggles, sunglasses, telescopes,
 24 binoculars, or any like articles **that** [WHICH] are completely preassembled and sold
 25 only as merchandise; **however, the exemption in this paragraph does not authorize**
 26 **an unlicensed person to sell contact lenses of any type;**

27 (4) authorize or permit a licensee under this chapter to hold out as
 28 being able to, or to offer to, or to attempt by any means, to refract or exercise eyes,
 29 diagnose, treat, correct, relieve, operate or prescribe for any human ailment,
 30 deficiency, deformity, disease or injury.

31 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION. (a) Notwithstanding AS 08.71.110(a), as amended by sec. 3 of this
3 Act, a person who has completed before the effective date of this Act the requirements of
4 former AS 08.71.110(a) is not required to complete the requirements of AS 08.71.110(a), as
5 amended by sec. 3 of this Act, in order to receive a license as a dispensing optician under
6 AS 08.71, as amended by this Act.

7 (b) Notwithstanding AS 08.71.110(a), as amended by sec. 3 of this Act, a person who
8 is in a training program for an optician's license under AS 08.71 when this Act takes effect
9 may satisfy the requirements of former AS 08.71.110(a), instead of AS 08.71.110(a) as
10 amended by this Act, in order to receive an optician's license.