

1 IN THE HOUSE

BY MR. GIERSDORF

2 HOUSE BILL NO. 439

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to opticians; and providing
7 for an effective date."

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

9 Section 1. OPTICIAN DEFINED. An "optician" is a person who
10 prepares ophthalmic lenses, spectacles, eyeglasses or appurten-
11 ances on prescription from duly licensed physicians or optometrists
12 and in accordance with the prescriptions interprets, measures,
13 adapts, fits and adjusts the lenses, spectacles, eyeglasses or
14 appurtenances to the human face for aid or correction of visual or
15 ocular anomalies.

16 Sec. 2. BOARD OF EXAMINERS IN OPTOMETRY. The Board of
17 Examiners in Optometry, as created by and organized and operating
18 pursuant to Secs. 35-3-131 through 35-3-150, ACLA 1949, shall
19 carry out the purposes of this Act.

20 Sec. 3. ADVISORY OPTICIANS. The governor shall appoint two
21 duly qualified and licensed opticians to serve as advisors to the
22 board. The opticians shall be appointed for a term of three
23 years except that those first appointed shall serve for one and
24 two years each or until their successors are appointed. Appoint-
25 ments to fill vacancies shall be made by the governor for the
26 remainder of the term, from the list of licensed practicing
27 opticians who are and have been residents of the state for at
28 least three years prior to their appointment.

29 Sec. 4. DUTIES OF ADVISORY OPTICIANS. At the request of the

1 board, the advisory opticians shall advise the board with respect
2 to matters affecting the licensing and regulation of opticians.

3 Sec. 5. BOARD, RULES AND REGULATIONS. The Board of Examiners
4 in Optometry may make rules and regulations as may be necessary
5 to carry out its duties covering applicants and applications for
6 registration and licensure and governing the business of opticians.

7 Sec. 6. UNLAWFUL TO ENGAGE IN BUSINESS AS OPTICIAN WITHOUT
8 CERTIFICATE OF REGISTRATION. It is unlawful for any person to
9 engage in the business of or to work as an optician in the state
10 unless such person has a certificate of registration from the
11 Board of Examiners in Optometry.

12 Sec. 7. QUALIFICATIONS FOR REGISTRY AS OPTICIAN. A person
13 is qualified to receive a certificate of registration as a regis-
14 tered optician who:

15 (1) is of good moral character and temperate habits and
16 at least 21 years of age;

17 (2) has graduated from a high school or secondary
18 school or equal grade approved by the board or has completed an
19 equivalent course of study;

20 (3) has received a certificate from a school of
21 mechanical optics, approved by the board or has had four years
22 apprenticeship in an optical laboratory which has been established
23 not less than five years and approved by the board; and

24 (4) has passed a satisfactory examination conducted by
25 the board and shows proficiency in processing a lens, frame or any
26 other optical device or appurtenance in accordance with an
27 optometrist's or physician's prescription.

28 Sec. 8. EXAMINATION FOR LICENSE AS OPTICIAN. Every appli-
29 cant for examination for license to work as an optician in the

1 state must pass an examination before the board in light theory,
2 transposition and neutralization of lenses, surface grinding and
3 edging, frame measuring and adjusting.

4 Sec. 9. REGISTER AND CERTIFICATE OF REGISTRATION. Persons
5 successfully passing the examination shall be numbered and regis-
6 tered in the "Optician Register", which shall be kept by the
7 secretary, as licensed to work as an optician and shall receive a
8 certificate of registration, signed by the president and secretary
9 of the board.

10 Sec. 10. FEES. The fee for examination for licensure by the
11 board is \$35.00; the fee for the initial certificate of regis-
12 tration is \$10.00; the fee for applicants who may be admitted on
13 certificate of registration or license from other states in
14 accordance with Sec. 12 of this Act is \$25.00; the fee for annual
15 renewal of registration is \$10.00.

16 Sec. 11. DEPOSIT OF RECEIPTS. All monies received by the
17 board under this Act shall be paid into the general fund of the
18 state.

19 Sec. 12. ISSUANCE OF CERTIFICATE WITHOUT EXAMINATION. a.
20 Any person who has been engaged in the occupation or practice of
21 optician in the state prior to the effective date of this Act
22 shall receive a certificate of registration without examination.

23 b. The board may issue a certificate of registration to an
24 optician registered or licensed in another state, territory or
25 country without requiring an examination if

26 (1) the applicant furnishes proof to the board that he
27 possesses all of the qualifications for registration required of
28 applicants, and

29 (2) the applicant, at the time of making application,

1 has a license or certificate of registration in another state,
2 territory or country.

3 Sec. 13. REVOCATION OR SUSPENSION OF REGISTRATION. a. Any
4 person registered as provided for in this Act may have his certi-
5 ficate of registration revoked or suspended by the board for any
6 of the following causes:

7 (1) Conviction of a felony or misdemeanor involving
8 moral turpitude, in which case the record of conviction or a certi-
9 fied copy thereof certified by the clerk of court and the judge in
10 whose court the conviction is had shall be conclusive evidence
11 thereof;

12 (2) When the certificate of registration has been
13 secured by fraud or deceit practiced upon the board;

14 (3) For unprofessional conduct or for gross ignorance
15 or inefficiency in his profession; and

16 (4) When the holder is suffering from a contagious or
17 infectious disease.

18 b. "Unprofessional conduct" shall mean employing directly or
19 indirectly any suspended or unlicensed optician or optometrist to
20 perform any work covered by this Act, the advertising of an optical
21 business, treatment or advice in untruthful, improbable or impos-
22 sible statements or habitual intemperance or gross immorality, and
23 such other acts as the board may define as constituting "unprofes-
24 sional conduct."

25 Sec. 14. VIOLATION A MISDEMEANOR: PENALTY. All persons who
26 shall violate any of the provisions of this Act shall upon con-
27 viction thereof be deemed guilty of a misdemeanor and shall be
28 fined not less than \$50.00, and not more than \$500.00, or shall
29 serve in jail a term of not less than 10 days and not more than

1 90 days, or both.

2 Sec. 15. EFFECTIVE DATE. This Act takes effect on the day
3 after its passage and approval or on the day it becomes law with-
4 out such approval.

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