

1 IN THE SENATE

BY SENATOR POLLOCK

2 SENATE BILL NO. 11

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST 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 or dispenses ophthalmic lenses, spectacles, eyeglasses,
11 contact lenses, or appurtenances on prescription from duly
12 licensed physicians or optometrists, and in accordance with the
13 prescriptions interprets, measures, adapts, fits and adjusts the
14 lenses, spectacles, eyeglasses or appurtenances for aid or cor-
15 rection of human visual or ocular anomalies. An optician may
16 duplicate lenses without prescription, provided that no optician
17 shall engage in the diagnosis of the diseases of the human eye
18 or attempt to determine the refractive powers of the human eye.

19 Sec. 2. BOARD OF EXAMINERS. The state medical board, here-
20 inafter called the board, as created pursuant to Secs. 35-3-81
21 through 35-3-98, ACLA 1949, as amended, shall carry out the pur-
22 poses of this Act.

23 Sec. 3. ADVISORY OPTICIANS. Within six months of the
24 effective date of this Act, the governor shall appoint two duly
25 qualified and licensed opticians to serve as advisors to the
26 board. The opticians shall be appointed for a term of three
27 years except that those first appointed shall serve for one and
28 two years each or until their successors are appointed. Appoint-
29 ments to fill vacancies shall be made by the governor for the

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1 remainder of the term, from the list of licensed practicing
2 opticians who are and have been residents of the state for at
3 least three years prior to their appointment.

4 Sec. 4. DUTIES OF ADVISORY OPTICIANS. At the request of
5 the board, the advisory opticians shall advise the board with
6 respect to matters affecting the licensing and regulation of
7 opticians.

8 Sec. 5. BOARD, RULES AND REGULATIONS. The board may
9 make rules and regulations as may be necessary to carry out its
10 duties covering applicants and applications for registration and
11 licensure and governing the business of opticians.

12 Sec. 6. UNLAWFUL TO ENGAGE IN BUSINESS AS OPTICIAN WITHOUT
13 CERTIFICATE OF REGISTRATION. It is unlawful for any person to
14 engage in the business of or to work as an optician in the state
15 unless such person has a certificate of registration from the
16 board.

17 Sec. 7. QUALIFICATIONS FOR REGISTRY AS OPTICIAN. A person
18 is qualified to receive a certificate of registration as a
19 registered optician who:

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

22 (2) has graduated from a high school or secondary school
23 or equal grade approved by the board or has completed an equiva-
24 lent course of study;

25 (3) has received a certificate from a school of mechan-
26 ical optics, approved by the board or has had four years appren-
27 ticeship in an optical laboratory which has been established not
28 less than five years and approved by the board; and

29 (4) has passed a satisfactory examination conducted

1 by the board and show proficiency in processing a lens frame or
2 any other optical device or appurtenance in accordance with an
3 optometrist's or physician's prescription.

4 Sec. 8. EXAMINATION FOR LICENSE AS OPTICIAN. Every appli-
5 cant for examination for license to work as an optician in the
6 state must pass an examination before the board in light theory,
7 transposition and neutralization of lenses, surface grinding
8 and edging, frame measuring and adjusting and such additional
9 subjects as the board may deem proper.

10 Sec. 9. REGISTER AND CERTIFICATE OF REGISTRATION. Persons
11 successfully passing the examination shall be numbered and regis-
12 tered in the "Optician Register," which shall be kept by the
13 secretary of the board, as licensed to work as an optician and
14 shall receive a certificate of registration, signed by the presi-
15 dent and secretary of the board.

16 Sec. 10. FEES. The fee for examination for licensure by
17 the board is \$35.00; the fee for the initial certificate of
18 registration is \$10.00; the fee for applicants who may be admitted
19 on certificate of registration or license from other states in
20 accordance with Sec. 12 of this Act is \$25.00; the fee for annual
21 renewal of registration is \$10.00

22 Sec. 11. DEPOSIT OF RECEIPTS. All monies received by the
23 board under this Act shall be paid into the general fund of the
24 state.

25 Sec. 12. ISSUANCE OF CERTIFICATE WITHOUT EXAMINATION. a.
26 Any person actively and openly engaged in the occupation or
27 practice of optician in the state 90 days prior to the effective
28 date of this Act shall receive a certificate of registration
29 without examination provided he makes application for the same

1 within six months after the effective date of this Act.

2 b. The board may issue a certificate of registration to an
3 optician registered or licensed in another state, territory or
4 country without requiring an examination if the applicant shall
5 produce and exhibit to the board a license from a board of exam-
6 iners appointed under the laws of any state of the United States,
7 said board recognizing licenses from this state and issuing
8 reciprocal licenses therewith, and a certificate to the fact that
9 the said person presenting said license is duly and well qualified
10 as an optician in the state issuing said license, and that said
11 license was issued after a thorough examination to ascertain this
12 fact; thereafter, he or she may, at the discretion of the board,
13 upon payment of the fee herein prescribed, and otherwise complying
14 with all the requirements of this Act, receive a license to prac-
15 tice and work as an optician as if the examination of said applicant
16 was held in Alaska.

17 Sec. 13. REVOCATION OR SUSPENSION OF REGISTRATION. a. Any
18 person licensed and registered as provided for in this Act may
19 have his license and certificate of registration revoked or sus-
20 pended by the board pursuant to the Administrative Procedure Act
21 for any of the following causes:

22 (1) Conviction of a felony or misdemeanor involving
23 moral turpitude, in which case the record of conviction or a
24 certified copy thereof certified by the clerk of the court and the
25 judge in whose court the conviction is had shall be conclusive
26 evidence thereof;

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

29 (3) For unprofessional conduct or for gross ignorance

1 of inefficiency in his profession.

2 b. "Unprofessional conduct" shall mean employing directly
3 or indirectly any suspended or unlicensed optician or optometrist
4 to perform any work covered by this Act, treatment or advise in
5 untruthful, improbable or impossible statements or habitual in-
6 temperance or gross immorality, and such other acts as the board
7 may define as constituting "unprofessional conduct."

8 Sec. 14. VIOLATION A MISDEMEANOR: PENALTY. All persons
9 who shall violate any of the provisions of this Act shall upon
10 conviction thereof be deemed guilty of a misdemeanor and shall be
11 fined not less than \$50.00, and not more than \$500.00, or shall
12 serve in jail a term of not less than 10 days and not more than
13 90 days, or both.

14 Sec. 15. EFFECTIVE DATE. This Act takes effect on the day
15 after its passage and approval or on the day it becomes law
16 without such approval.
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