

1 IN THE HOUSE

BY FRITZ

CS

HOUSE BILL NO. 33

2  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of dispensing  
7 opticians."

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

9 \* Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 73. DISPENSING OPTICIANS.

11 ARTICLE 1. BOARD OF DISPENSING OPTICIANS.

12 Sec. 08.73.010. CREATION OF BOARD. There is created the Board of  
13 Dispensing Opticians.

14 Sec. 08.73.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The  
15 board consists of three persons appointed by the governor. The term of  
16 each member is three years. However, the first members of the board  
17 shall be appointed for one, two and three year terms. Vacancies on the  
18 board shall be filled for the unexpired term.

19 Sec. 08.73.030. QUALIFICATIONS OF BOARD MEMBERS. A board member  
20 shall be a licensed, practicing dispensing optician residing in the  
21 state.

22 Sec. 08.73.040. ELECTION OF OFFICERS. The board shall elect a  
23 chairman and secretary from among its members. The officers may ad-  
24 minister oaths.

25 Sec. 08.73.050. BOARD REGULATIONS. The board may adopt regula-  
26 tions:

27 (1) necessary or advisable to carry out the provisions of this  
28 chapter and which help to assure the competency of dispensing opticians  
29 and prevent conduct on their part which would tend to do harm to the

CS

1 visual health of the public;

2 (2) governing the practice of dispensing opticians;

3 (3) specifying the subject matter to be covered in examin-  
4 ations for dispensing opticians.

5 Sec. 08.73.060. RECORD OF PROCEEDINGS. The secretary shall keep  
6 a record of all proceedings, including the name of each applicant for  
7 examination and licensing. These records shall be open for public in-  
8 spection.

9 Sec. 08.73.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.  
10 The board shall comply with the Administrative Procedure Act (AS 44.62).

11 ARTICLE 2. LICENSING.

12 Sec. 08.73.080. LICENSE REQUIRED. No person may act as a dispens-  
13 ing optician in the state unless he is licensed under this chapter. In  
14 order to be licensed under this chapter, a person shall pass an examina-  
15 tion given by the board. The board shall license successful examinees.

16 Sec. 08.73.090. CONTENT OF EXAMINATION. The examination for  
17 dispensing opticians shall be oral, written and practical in nature and  
18 shall cover the following subjects: ophthalmic material and technical  
19 laboratory, elements of optics, ophthalmic dispensing, contact lenses,  
20 technical math and physics, anatomy and physiology of the eye, dispensing  
21 business concepts, communications skills and other subjects the board  
22 considers advisable.

23 Sec. 08.73.100. ADMINISTRATION OF EXAMINATION. The board shall  
24 offer an examination at least once a year. Examinations shall be ad-  
25 ministered so that one who grades the written part of the examination  
26 does not know whose paper he is grading.

27 Sec. 08.73.110. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION. A  
28 person is entitled to take the examination who

29 (1) is at least 18 years of age;

1 (2) has graduated from a secondary school approved by the  
2 board;

3 (3) is of good moral character;

4 (4) is a United States citizen or has duly declared his  
5 intention of becoming a citizen of the United States;

6 (5) has either

7 (A) completed at least 6,000 hours of training as an  
8 apprentice, or

9 (B) been engaged for at least five years as a practic-  
10 ing optician in good standing in a state, territory, district or  
11 possession of the United States; and

12 (6) has paid the required examination fee.

13 Sec. 08.73.120. FEES. The following fees shall be imposed under  
14 this chapter when applicable:

15 (1) examination fee . . . . . \$25

16 (2) initial dispensing optician license fee . . . . . 25

17 (3) biennial renewal fee . . . . . 25

18 Sec. 08.73.130. RENEWAL OF LICENSE. (a) A licensed dispensing  
19 optician shall renew his license biennially with the Department of Com-  
20 merce on or before the date set by the department under AS 08.01.100.

21 (b) If the license is not renewed on or before that date, it shall  
22 lapse. A penalty of \$10 shall be charged, in addition to all delinquent  
23 fees, for the reinstatement of a license which remains lapsed for more  
24 than 60 days.

25 (c) If the license remains lapsed for more than one year, the  
26 board may require the applicant to take and pass the examination given  
27 under sec. 90 of this chapter.

28 Sec. 08.73.140. DISPLAY OF LICENSE. A licensed dispensing op-  
29 tician shall conspicuously display his license in his place of business.

1           Sec. 08.73.150. ISSUANCE OF LICENSE BY RECIPROCITY. An applicant  
2 who has been licensed and has been practicing as a dispensing optician  
3 in a state, territory, district or possession of the United States which  
4 has requirements for licensing and gives reciprocal rights equivalent  
5 to those of this state, and who otherwise meets the requirements of sec.  
6 110 of this chapter, shall be licensed by the board without examination.

7           Sec. 08.73.160. DISPENSING OPTICIAN'S APPRENTICE. (a) A person  
8 may be employed by a licensed dispensing optician as an apprentice. An  
9 apprentice shall be designated as such in the records of the board at  
10 the request of a licensed physician, optometrist or dispensing optician  
11 and shall be in training and under the direct supervision of a dispensing  
12 optician. No apprentice may be employed under this section for longer  
13 than six years unless the board determines that an apprentice is pre-  
14 vented by circumstances beyond his control from obtaining a license as  
15 a dispensing optician within that time.

16           (b) No more than two apprentices may be under the direct super-  
17 vision of one licensed dispensing optician at the same time.

18                           ARTICLE 3. UNLAWFUL ACTS.

19           Sec. 08.73.170. GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF  
20 LICENSE. The board, after compliance with the Administrative Procedure  
21 Act (AS 44.62), may revoke, suspend or deny the license of a person who

22                   (1) has been convicted of a felony involving moral turpitude;  
23                   (2) is addicted to the use of alcohol or any other drug;  
24                   (3) has used advertising, whether printed, radio, display,  
25 or of any other nature, which is fraudulent, misleading or inaccurate  
26 in any material particular, or misrepresents in any way goods, services  
27 or credit terms, values, policies, services or the nature or form of the  
28 business conducted;

29                   (4) has practiced fraud or deception in his application for or

1 in his examination for a license;

2 (5) has used the word "licensed", "registered", or any of  
3 their synonyms publicly, except as provided in sec. 140 of this chapter;

4 (6) has displayed or published directly or indirectly by any  
5 means, a price, terms of payment, or a discount, or a policy or  
6 practice of generally underselling competitors, or any reference to the  
7 benefits available to the subscribers to any prepaid health plan;

8 (7) has participated in the division, assignment, rebate or  
9 refund of fees to a physician or optometrist in consideration of patient  
10 referrals;

11 (8) has bartered or given away as premiums in any manner  
12 either on his own account or as agent or representative for another per-  
13 son, firm or corporation, any eyeglasses, spectacles, lenses or frames;

14 (9) has advertised the "free examinations of eyes", "free  
15 consultation", "consultation without obligation", "free advice", or any  
16 words or phrases of similar import which convey the impression to the  
17 public that eyes are examined free or are of a character tending to  
18 deceive or mislead the public, or are in the nature of "bait advertis-  
19 ing";

20 (10) has employed either directly or indirectly, any person  
21 commonly known as a "capper" or a "steerer" to obtain business;

22 (11) has solicited or employed any person to solicit from  
23 house to house;

24 (12) has used advertising offering a service to the public for  
25 which he is not licensed under this chapter; however, nothing in this  
26 section prohibits the optician from advertising merchandise for which  
27 the license which is the subject of this chapter is not required;

28 (13) has engaged in a group contract for the duplication of  
29 eyeglasses or spectacles without a written prescription from an

1 optometrist or physician; or

2 (14) has advertised the services of any other segment of  
3 the healing arts.

4 Sec. 08.73.180. PRACTICING WITHOUT A LICENSE. It is unlawful for  
5 a person to practice as a dispensing optician without a license issued  
6 under this chapter or while his license is suspended or revoked. A  
7 person who violates this section is guilty of a misdemeanor.

8 ARTICLE 4. GENERAL PROVISIONS.

9 Sec. 08.73.190. PERSONS PRACTICING AS DISPENSING OPTICIANS BEFORE  
10 THE EFFECTIVE DATE OF THIS CHAPTER. Within two months after the ef-  
11 fective date of this chapter, a person, who has been engaged in practice  
12 as a dispensing optician for a period of not less than six months im-  
13 mediately preceding the effective date of this chapter, shall be issued  
14 a license without examination upon the payment of a fee of \$50 and a  
15 certification to the board under oath that he is of good moral character.

16 Sec. 08.73.200. EXEMPTIONS FROM AND LIMITATIONS ON THE APPLICATION  
17 OF THIS CHAPTER. This chapter may not be construed to

18 (1) limit or restrict a licensed physician or optometrist or  
19 employees working under the personal supervision of a licensed physician  
20 or optometrist from the practices enumerated in this chapter, and each  
21 licensed physician and optometrist shall have all the rights and  
22 privileges which may accrue under this chapter to dispensing opticians  
23 licensed under it;

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

26 (3) prohibit an unlicensed person from engaging in the sale  
27 of eyeglasses, spectacles, magnifying glasses, goggles, sunglasses,  
28 telescopes, binoculars, or any like articles which are completely pre-  
29 assembled and sold only as merchandise;

1 (4) authorize or permit a licensee under this chapter to  
2 hold himself out as being able to, or to offer to, or to attempt by any  
3 means, to examine or exercise eyes, diagnose, treat, correct, relieve,  
4 operate or prescribe for any human ailment, deficiency, deformity,  
5 disease or injury.

6 Sec. 08.73.210. DEFINITIONS. In this chapter

7 (1) "board" means the Board of Dispensing Opticians;

8 (2) "department" means the Department of Commerce;

9 (3) "dispensing optician" means a person who prepares duplica-  
10 tions of or prepares and dispenses lenses, spectacles, eyeglasses,  
11 artificial eyes, and their appurtenances, to the intended wearers of  
12 them on written prescriptions from physicians or optometrists; and in  
13 accordance with those prescriptions, measures, adapts, adjusts and  
14 fabricates lenses, spectacles, eyeglasses, artificial eyes, and their  
15 appurtenances, to the human face for the aid or correction of visual or  
16 ocular anomalies of the human eye; however, contact lenses may be fitted  
17 with a written prescription in conjunction with and under the super-  
18 vision of a physician or an optometrist.

19 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

20 (19) Board of Dispensing Opticians.

21 \* Sec. 3. AS 44.62.330 is amended by adding a new paragraph to read:

22 (35) Board of Dispensing Opticians.  
23  
24  
25  
26  
27  
28  
29