

Original sponsor: Fritz

Offered: 3/1/73  
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 33

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; and providing for an effective date."

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; SOURCE OF APPOINTMENTS; TERM  
15 OF OFFICE. The board consists of five persons appointed by the governor.  
16 The governor shall appoint board members from a list of qualified op-  
17 ticians prepared by the association of licensed opticians in the state  
18 and submitted at least 30 days before the effective date of this  
19 chapter, at least 30 days before the expiration of a term and not more  
20 than 60 days after a vacancy occurs in an unexpired term. The list  
21 shall contain not less than two recommended candidates for each appoint-  
22 ment. The governor shall make appointments within 30 days after receiv-  
23 ing the list. The term of office of each member is three years. How-  
24 ever, of the first members of the board, one shall be appointed for a  
25 one-year term, two for two-year terms and two for three-year terms.  
26 Vacancies on the board shall be filled for the unexpired term in the  
27 same manner as original appointment.

28 Sec. 08.73.030. QUALIFICATIONS OF BOARD MEMBERS. A board member  
29 shall be a licensed, practicing dispensing optician residing in the

1 state.

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

5 Sec. 08.73.050. BOARD REGULATIONS. The board may adopt regula-  
6 tions:

7 (1) necessary or advisable to carry out the provisions of  
8 this chapter and which help to assure the competency of dispensing  
9 opticians and prevent conduct on their part which would tend to do harm  
10 to the visual health of the public;

11 (2) governing the practice of dispensing opticians;

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

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

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

20 ARTICLE 2. LICENSING.

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

25 Sec. 08.73.090. CONTENT OF EXAMINATION. To be licensed as a  
26 dispensing optician a person shall pass an examination given by the  
27 board. At the discretion of the board, the examination may test orally,  
28 in writing, or otherwise, knowledge and skills in any or all of the  
29 following subjects: optics, anatomy laboratory technology, ophthalmic

1 dispensing, contact lens technology, technical mathematics and physics,  
2 and business concepts of optical dispensing.

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

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

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

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

12 (3) is of good moral character;

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

15 (5) has either

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

18 (B) been engaged for at least 10,000 hours as a practic-  
19 ing optician in good standing in a state, territory, district or  
20 possession of the United States; and

21 (6) has paid the required examination fee.

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

24 (1) examination fee. . . . . \$50

25 (2) initial dispensing optician license fee. . . . . 50

26 (3) biennial renewal fee . . . . . 50

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

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

5 (c) If the license remains lapsed for more than one year, the  
6 board may require the applicant to be examined under sec. 90 of this  
7 chapter.

8 (d) Before a license may be renewed the licensee shall submit  
9 to the board evidence of 15 hours of continuing competence in optical  
10 dispensing as prescribed by regulations of the board.

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

13 Sec. 08.73.150. ISSUANCE OF LICENSE BY RECIPROCITY. An applicant  
14 who has been licensed and has been practicing as a dispensing optician  
15 in a state, territory, district or possession of the United States which  
16 has requirements for licensing and gives reciprocal rights equivalent  
17 to those of this state, and who otherwise meets the requirements of sec.  
18 110 of this chapter, shall be licensed by the board without examination.

19 Sec. 08.73.160. DISPENSING OPTICIAN'S APPRENTICE. (a) A person  
20 may be employed by a licensed dispensing optician as an apprentice. An  
21 apprentice shall be designated as such in the records of the board at  
22 the request of a licensed physician, optometrist or dispensing optician  
23 and shall be in training and under the direct supervision of a dispen-  
24 sing optician. No apprentice may be employed under this section for  
25 longer than six years unless the board determines that an apprentice is  
26 prevented by circumstances beyond his control from obtaining a license  
27 as a dispensing optician within that time.

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

1 ARTICLE 3. UNLAWFUL ACTS.

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

5 (1) has been convicted of a felony involving moral turpitude;

6 (2) is addicted to the use of alcohol or any other drug;

7 (3) has used advertising, whether printed, radio, display,  
8 or of any other nature, which is fraudulent, misleading or inaccurate  
9 in any material particular, or misrepresents in any way goods, services  
10 or credit terms, values, policies, services or the nature or form of the  
11 business conducted;

12 (4) has practiced fraud or deception in his application for  
13 or in his examination for a license;

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

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

20 (7) has participated in the division, assignment, rebate or  
21 refund of fees to a physician or optometrist in consideration of patient  
22 referrals;

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

26 (9) has advertised the "free examinations of eyes", "free  
27 consultation", "consultation without obligation", "free advice", or any  
28 words or phrases of similar import which convey the impression to the  
29 public that eyes are examined free or are of a character tending to

1 deceive or mislead the public, or are in the nature of "bait advertis-  
2 ing";

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

5 (11) has solicited or employed any person to solicit from  
6 house to house;

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

11 (13) has engaged in a group contract for the duplication of  
12 eyeglasses or spectacles without a written prescription from an  
13 optometrist or physician; or

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

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

20 ARTICLE 4. GENERAL PROVISIONS.

21 Sec. 08.73.190. PERSONS PRACTICING AS DISPENSING OPTICIANS BEFORE  
22 THE EFFECTIVE DATE OF THIS CHAPTER. Within 60 days after the effective  
23 date of this chapter, a person, who has been engaged in practice in  
24 Alaska as a dispensing optician for a period of at least six months  
25 immediately preceding the effective date of this chapter, shall be  
26 issued a license without examination upon the payment of a fee of \$50  
27 and a certification to the board under oath that he is of good moral  
28 character.

29 Sec. 08.73.200. EXEMPTIONS FROM AND LIMITATIONS ON THE APPLICATION

1 OF THIS CHAPTER. This chapter may not be construed to

2 (1) limit or restrict a licensed physician or optometrist or  
3 employees working under the personal supervision of a licensed physician  
4 or optometrist from the practices enumerated in this chapter, and each  
5 licensed physician and optometrist shall have all the rights and  
6 privileges which may accrue under this chapter to dispensing opticians  
7 licensed under it;

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

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

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

19 Sec. 08.73.210. DEFINITIONS. In this chapter

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

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

22 (3) "dispensing optician" means a person who prepares dupli-  
23 cations of or prepares and dispenses lenses, spectacles, eyeglasses,  
24 artificial eyes, and their appurtenances, to the intended wearers of  
25 them on written prescriptions from physicians or optometrists; and in  
26 accordance with those prescriptions, measures, adapts, adjusts and  
27 fabricates lenses, spectacles, eyeglasses, artificial eyes, and their  
28 appurtenances, to the human face for the aid or correction of visual or  
29 ocular anomalies of the human eye; however, contact lenses may be fitted

1 with a written prescription in conjunction with and under the super-  
2 vision of a physician or an optometrist.

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

4 (19) Board of Dispensing Opticians.

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

6 (35) Board of Dispensing Opticians.

7 \* Sec. 4. This Act takes effect July 1, 1973.  
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