



LAWS OF ALASKA

1973

Source

Chapter No.

CSHB 33 (Judiciary) am S

45

AN ACT

Relating to the licensing of dispensing opticians; and providing for an effective date.

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

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

CHAPTER 71. DISPENSING OPTICIANS.

ARTICLE 1. BOARD OF DISPENSING OPTICIANS.

Sec. 08.71.010. CREATION OF BOARD. There is created the Board of Dispensing Opticians.

Sec. 08.71.020. MEMBERSHIP OF BOARD; SOURCE OF APPOINTMENTS; TERM OF OFFICE. The board consists of five persons appointed by the governor. The governor shall appoint board members from a list of qualified opticians prepared by the association of opticians in the state and submitted at least 30 days before the effective date of this chapter, at least 30 days before the expiration of a term and not more than 60 days after a vacancy occurs in an unexpired term. The list shall contain not less than two recommended candidates for each appointment. The governor shall make appointments within 30 days after receiving the list. The term of office of each member is three years. However, of the first members of the board, one shall be appointed for a one-year term, two for two-year terms, and two for three-year terms. Vacancies on the board shall be filled for the unexpired term in the same manner as original appointment.

Sec. 08.71.030. QUALIFICATIONS OF BOARD MEMBERS. A board member shall be a licensed, practicing dispensing optician residing in the state.

Sec. 08.71.040. ELECTION OF OFFICERS. The board shall elect a chairman and secretary from among its members. The officers may administer oaths.

Sec. 08.71.050. BOARD REGULATIONS. The board may adopt regulations:

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

(2) governing the practice of dispensing opticians;

(3) specifying the subject matter to be covered in examinations for dispensing opticians.

Sec. 08.71.060. RECORD OF PROCEEDINGS. The secretary shall keep a record of all proceedings, including the name of each applicant for examination and licensing. These records shall be open for public inspection.

Sec. 08.71.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT. The board shall comply with the Administrative Procedure Act (AS 44.62).

ARTICLE 2. LICENSING.

Sec. 08.71.080. LICENSE REQUIRED. No person may act as a dispensing optician in the state unless he is licensed under this chapter. In order to be licensed under this chapter, a person shall pass an examination given by the board. A license shall be issued for (1) the dispensing of contact lenses, or (2) the dispensing of other lenses, eyeglasses, spectacles, artificial eyes, and their appurtenances, or (3) both. The board shall by endorsement on the license designate for which aspect of dispensing opticianry the license is issued. The board shall license successful examinees.

Sec. 08.71.090. CONTENT OF EXAMINATION. To be licensed as a dispensing optician a person shall pass an examination given by the board. At the discretion of the board, the examination may test orally, in writing, or otherwise, knowledge and skills in any or all of the following subjects: optics, anatomy laboratory technology, ophthalmic dispensing, contact lens technology, technical mathematics and physics, and business concepts of optical dispensing.

Sec. 08.71.100. ADMINISTRATION OF EXAMINATION. The board shall offer an examination at least once a year. Examinations shall be administered so that one who grades the written part of the examination does not know whose paper he is grading.

Sec. 08.71.110. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION. A person is entitled to take the examination who

(1) has either

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

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

(2) has paid the required examination fee.

Sec. 08.71.120. FEES. The following fees shall be imposed under this chapter when applicable:

(1) examination fee	\$50
(2) initial dispensing optician license fee	50
(3) biennial renewal fee	50

Sec. 08.71.130. RENEWAL OF LICENSE. (a) A licensed dispensing optician shall renew his license biennially with the Department of Commerce on or before the date set by the department under AS 08.01.100.

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

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

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

Sec. 08.71.140. DISPLAY OF LICENSE. A licensed dispensing optician shall conspicuously display his license in his place of business.

Sec. 08.71.150. ISSUANCE OF LICENSE BY RECIPROCITY. An applicant who has been licensed and has been practicing as a dispensing optician in a state, territory, district or possession of the United States which has requirements for licensing and gives reciprocal rights equivalent to those of this state, and who otherwise meets the requirements of sec. 110 of this chapter, shall be licensed by the board without examination.

Sec. 08.71.160. DISPENSING OPTICIAN'S APPRENTICE. (a) A person may be employed by a licensed dispensing optician as an apprentice. An apprentice shall be designated as such in the records of the board at the request of a licensed physician, optometrist or dispensing optician and shall be in training and under the direct supervision of a licensed physician, optometrist or dispensing optician. No apprentice may be employed under this section for longer

than six years unless the board determines that an apprentice is prevented by circumstances beyond his control from obtaining a license as a dispensing optician within that time.

(b) No more than two apprentices may be under the direct supervision of one licensed dispensing optician at the same time.

ARTICLE 3. UNLAWFUL ACTS.

Sec. 08.71.170. GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF LICENSE. The board, after compliance with the Administrative Procedure Act (AS 44.62), may revoke, suspend or deny the license of a person who

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

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

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

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

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

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

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

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

(9) has advertised the "free examinations of eyes", "free consultation", "consultation without obligation", "free advice", or any words or phrases of similar import which convey the impression to the public that eyes are examined free or are of a character tending to deceive or mislead the public, or are in the nature of "bait advertising";

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

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

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

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

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

Sec. 08.71.180. PRACTICING WITHOUT A LICENSE. It is unlawful for a person to practice as a dispensing optician without a license issued under this chapter or while his license is suspended or revoked. A person who violates this section is guilty of a misdemeanor.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 08.71.190. PERSONS PRACTICING AS DISPENSING OPTICIANS BEFORE THE EFFECTIVE DATE OF THIS CHAPTER. (a) Within 60 days after the effective date of this chapter, a person who has been engaged in practice in Alaska as a dispensing optician for a period of at least six months immediately preceding the effective date of this chapter shall be issued a license without examination upon the payment of a fee of \$50 and a certification to the board under oath that he is of good moral character and that

(1) he has been engaged as a dispensing optician for not less than 3,000 hours; or

(2) he has been engaged as a dispensing optician in contact lens fitting for not less than 6,000 hours.

(b) If a person qualifies for a license under (a)(1) or (2) of this section, the board shall by endorsement on the license designate for which aspect of dispensing opticianry the license is issued. If a person qualifies for a license under (a)(1) and (2) of this section, the board shall by endorsement on the license so designate.

(c) Within eight months after the effective date of this chapter, a person who has been engaged in practice in Alaska as a dispensing optician for a period of at least six months immediately preceding the effective date of this chapter but who is not otherwise qualified for licensing under (a)(1) or (2) of this section may take the examination required under sec. 90 of this chapter. A person who has not been engaged in practice in Alaska as a dispensing optician for a period of at least six months immediately preceding the effective date of this chapter must qualify to take the examination under sec. 110 of this chapter.

Sec. 08.71.200. EXEMPTIONS FROM AND LIMITATIONS ON THE APPLICATION OF THIS CHAPTER. This chapter may not be construed to

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

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

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

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

Sec. 08.71.210. DEFINITIONS. In this chapter

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

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

(3) "dispensing optician" means a person who prepares duplications of or prepares and dispenses lenses, spectacles, eyeglasses, artificial eyes, and their appurtenances, to the intended wearers of them on written prescriptions from physicians or optometrists; and in accordance with those prescriptions, measures, adapts, adjusts and fabricates lenses, spectacles, eyeglasses, artificial eyes, and their appurtenances, to the human face for the aid or correction of visual or ocular anomalies of the human eye; however, contact lenses shall be fitted in conjunction with and under the supervision of a licensed physician or an optometrist and with a written contact lens prescription showing that the prescription may be filled for contact lenses and requiring that the patient return to see the prescribing physician or optometrist; in no case may contact lenses be prepared by neutralizing a person's eyeglasses or spectacles.

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

(19) Board of Dispensing Opticians.

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

(36) Board of Dispensing Opticians

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