



# LAWS OF ALASKA

2002

**Source**

HCS CSSB 270(RLS) am H

**Chapter No.**

58

**AN ACT**

Extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 19, 2002

**Actual Effective Date:** June 20, 2002

AN ACT

1 Extending the termination date of the Board of Dispensing Opticians; relating to the  
2 regulation of dispensing opticians; and providing for an effective date.

3

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 FINDINGS; INTENT. (a) The legislature finds that the Board of Dispensing  
7 Opticians has not collected sufficient fees in recent years to cover its costs and may not have  
8 been complying properly with AS 08.01.065(c).

9 (b) It is the intent of the legislature that, during the next review of the board under  
10 AS 44.66.050, an analysis and determination be made about the extent to which the board is  
11 complying with AS 08.01.065(c) and what factors, if any, hamper the board's ability to cover  
12 its costs with fee collections.

13 \* **Sec. 2.** AS 08.03.010(c)(9) is amended to read:

14 (9) Board of Dispensing Opticians (AS 08.71.010) -- June 30, **2004**

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1 [2002];

2 \* **Sec. 3.** AS 08.71.055 is amended to read:

3 **Sec. 08.71.055. Powers and duties.** The board shall have the following  
4 powers and duties:

5 (1) to [EXAMINE AND] issue licenses to applicants;

6 (2) to renew licenses;

7 (3) to hold hearings and order disciplinary sanctions against a person  
8 who violates this chapter or the regulations of the board;

9 (4) to supply forms for applications, licenses, and other needed  
10 documents;

11 (5) to keep a record of all proceedings open to the public, including the  
12 name of each license applicant [FOR EXAMINATION] and each licensee;

13 (6) to enforce the provisions of this chapter and adopt or amend  
14 regulations necessary to make these provisions effective.

15 \* **Sec. 4.** AS 08.71.080 is amended to read:

16 **Sec. 08.71.080. License required.** A person may not act as a dispensing  
17 optician in the state unless the person is licensed under this chapter. [IN ORDER TO  
18 BE LICENSED UNDER THIS CHAPTER, A PERSON SHALL PASS AN  
19 EXAMINATION GIVEN BY THE BOARD UNLESS THE PERSON IS ELIGIBLE  
20 FOR LICENSING WITHOUT EXAMINATION UNDER AS 08.71.145.] A license  
21 shall be issued for (1) the dispensing of contact lenses, or (2) the dispensing of other  
22 lenses, eyeglasses, spectacles, artificial eyes, and their appurtenances, or (3) both. The  
23 board shall by endorsement on the license designate for which aspect of dispensing  
24 opticianry the license is issued. [THE BOARD SHALL LICENSE SUCCESSFUL  
25 EXAMINEES.]

26 \* **Sec. 5.** AS 08.71.090 is repealed and reenacted to read:

27 **Sec. 08.71.090. Examination requirement.** To be licensed to dispense  
28 contact lenses, a person, unless eligible for licensing under AS 08.71.145, shall  
29 document to the board that the person has passed the contact lens registry examination  
30 offered by the National Contact Lens Examiners with a score acceptable to the board.  
31 In order to be licensed to dispense other lenses, eyeglasses, spectacles, artificial eyes,

1 and their appurtenances, a person, unless eligible for licensing under AS 08.71.145,  
2 shall document to the board that the person has passed the national opticianry  
3 competency examination offered by the American Board of Opticianry with a score  
4 acceptable to the board. An applicant for licensure in both areas shall document  
5 having received a score acceptable to the board on both examinations. The board  
6 shall, by regulation, establish the scores that will be acceptable for the examinations  
7 described in this section.

8 \* Sec. 6. AS 08.71.110 is amended to read:

9 **Sec. 08.71.110. Qualifications for licensure [OF APPLICANTS FOR**  
10 **EXAMINATION].** (a) **The board may issue a license to a** [A] person [IS  
11 ENTITLED TO TAKE THE EXAMINATION] who

12 (1) has had education equivalent to four years attendance at a high  
13 school;

14 (2) has either

15 (A) completed at least **1,800** [6,000] hours of training as an  
16 apprentice after registering with the department as an apprentice; or

17 (B) been engaged for at least **1,800** [6,000] hours as a  
18 practicing optician in good standing in a state, territory, district, or possession  
19 of the United States; [AND]

20 (3) **has passed the applicable examination required under**  
21 **AS 08.71.090 with a score acceptable to the board;**

22 **(4) has passed a course designated in the board's regulations as**  
23 **being acceptable; and**

24 **(5)** has paid the required **license** [EXAMINATION] fee.

25 (b) Graduation from an associate degree program in a recognized school or  
26 college of opticianry may be substituted for [4,000 OF] the [6,000 HOURS OF]  
27 experience required by (a)(2) **and (4)** of this section.

28 \* Sec. 7. AS 08.71.120 is amended to read:

29 **Sec. 08.71.120. Fees.** The department shall set fees under AS 08.01.065 for  
30 [EXAMINATION,] initial license [,] and license renewal.

31 \* Sec. 8. AS 08.71.130(c) is amended to read:

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1 (c) If the license remains lapsed for more than one year, the board may require  
2 the applicant to retake and successfully pass again the applicable examination or  
3 examinations required [BE EXAMINED] under AS 08.71.090.

4 \* Sec. 9. AS 08.71.145 is amended to read:

5 **Sec. 08.71.145. Licensure by credentials.** A person with a valid license as a  
6 dispensing optician from another state, territory, district, or possession of the United  
7 States with licensing requirements substantially equivalent to or higher than those of  
8 this state shall be issued a license under this chapter [WITHOUT EXAMINATION]  
9 for those professional areas in which the person is licensed in the other jurisdiction  
10 upon payment of any fee and documentation that the board may require by regulation.

11 \* Sec. 10. AS 08.71.160(a) is amended to read:

12 (a) A person may be employed by or serve under a licensed physician,  
13 optometrist, or dispensing optician as an apprentice for dispensing optician tasks.  
14 An apprentice shall register with the department before beginning employment or  
15 service as an apprentice, shall be designated as such in the records of the board, and  
16 shall be in training [AND] under the regular [DIRECT] supervision of a licensed  
17 physician, optometrist, or dispensing optician. Notwithstanding AS 08.71.180, a  
18 registered apprentice may perform dispensing optician tasks that are delegated  
19 by and performed under the regular supervision of the licensed physician,  
20 optometrist, or dispensing optician and may use the title "dispensing optician  
21 apprentice." [UNDER THIS SECTION A PERSON MAY NOT APPRENTICE  
22 FOR LONGER THAN SIX YEARS UNLESS THE BOARD DETERMINES THAT  
23 THE PERSON IS PREVENTED BY CIRCUMSTANCES BEYOND THE  
24 PERSON'S CONTROL FROM OBTAINING A LICENSE AS A DISPENSING  
25 OPTICIAN WITHIN THAT TIME.]

26 \* Sec. 11. AS 08.71 is amended by adding new sections to article 2 to read:

27 **Sec. 08.71.163. Dispensing optician's assistant.** Notwithstanding  
28 AS 08.71.180, a person who is not a licensed dispensing optician or a registered  
29 apprentice under AS 08.71.160 may perform dispensing optician tasks that are  
30 delegated by and performed under the regular supervision of a licensed physician,  
31 optometrist, or dispensing optician. The hours spent as an assistant under this section

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1 may not be counted toward satisfaction of the training requirement in  
2 AS 08.71.110(a), and the assistant may not use a title that includes the word "optician"  
3 or "opticianry."

4 **Sec. 08.71.165. Delegation authorized.** A licensed physician, optometrist, or  
5 dispensing optician may delegate dispensing optician tasks to an apprentice or  
6 assistant. The licensee shall regularly supervise the performance of the delegated  
7 tasks and retains responsibility for the proper performance of the delegated tasks.

8 \* **Sec. 12.** AS 08.71.100 is repealed.

9 \* **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).