



Jim Kelly

Bill Analysis

Legislative Service Commission

S.B. 168

123rd General Assembly
(As Introduced)

Sens. Cupp, Schafrath, Spada

BILL SUMMARY

- Prohibits the Ohio Optical Dispensers Board from issuing new "spectacle dispensing optician" licenses and new "contact lens dispensing optician" licenses, requiring instead that all new licenses for dispensing opticians be the all-inclusive spectacle-contact lens licenses.
- Permits holders of either of the two more limited licenses to retain their licenses and practice under them, but also prescribes procedures for them to convert to the all-inclusive spectacle-contact lens license.
- Eliminates the option to complete a two-year apprenticeship instead of a two-year college-level education program in optical dispensing, but permits individuals whose apprenticeships started within two years prior to the bill's effective date to complete them to qualify for a license.
- Revises the design and scheduling of the licensing examination for dispensing opticians, requires further education before an applicant may repeat a part of the exam that he or she failed, and imposes a five-year waiting period before an applicant may repeat the exam after a fourth failure.
- Creates the new occupation of "optical intern" who, if registered with the Ohio Optical Dispensers Board, may engage in the practice of optical dispensing under the supervision of a licensed dispensing optician.
- Requires that the five licensed dispensing opticians appointed to the Ohio Optical Dispensers Board be actively engaged in the practice and have at least five years' experience in it.

CONTENT AND OPERATION

Types of dispensing optician licenses

Current law

(secs. 4725.40(D) to (F) and 4725.50(A))

Under current law, the Ohio Optical Dispensers Board may issue three types of licenses authorizing the practice of optical dispensing:

- (1) A "spectacle dispensing optician" license, which authorizes its holder to dispense all optical aids except contact lenses;
- (2) A "contact lens dispensing optician" license, which authorizes its holder to dispense only contact lenses; and
- (3) A "spectacle-contact lens dispensing optician" license, which authorizes its holder to dispense all optical aids.

The bill requires that all new licenses cover both spectacle and contact lens dispensing

(secs. 4725.50(A), 4725.501, and 4725.51)

Beginning on its effective date, the bill requires the Board to cease issuing *new* "spectacle dispensing optician" licenses and *new* "contact lens dispensing optician" licenses. New licenses issued on and after that date must be the all-inclusive "spectacle-contact lens dispensing optician" licenses.

Individuals who already hold either of the two, more limited licenses on that date may keep them and continue to renew their licenses annually for an indefinite time. But the bill offers procedures for them to replace their limited licenses with the "spectacle-contact lens" licenses, therefore enabling them to expand their practices. For five years after the bill's effective date, they may do so by (1) successfully completing 100 clock hours of college-level training acceptable to the Board in the area of optical dispensing in which they are not licensed and (2) passing a licensing examination in that area. Beginning five years after the bill takes effect, holders of limited licenses that wish to convert to the all-inclusive license must complete the same kind of two-year college-level program in optical dispensing required of new applicants for a license, but apparently need not pass the licensing examination.

License qualifications

Current law

(sec. 4725.48(B))

Under current law, a person applying for a dispensing optician license must be at least 18 years old, of good moral character, free of contagious or infectious disease, and a high school graduate or its equivalent. He or she must have successfully completed either:

(1) An apprenticeship consisting of two years of supervised experience under a licensed optician, optometrist, or ophthalmologist (one year of which may be continuous experience of at least 30 hours per week in an optical laboratory); or

(2) A two-year college-level program in optical dispensing that is approved by the Optical Dispensers Board.

Finally, the person must pass a licensing examination in the area for which he or she is seeking a license.

The bill eliminates the apprenticeship option; grandparenting clause

(sec. 4725.48(B); Section 4)

The bill eliminates the option of completing a two-year supervised apprenticeship to qualify for a license. All future license applicants will have to complete the two-year college-level program to qualify for a license. But there is an exception for individuals who are serving apprenticeships that were initiated within the two years preceding the bill's effective date. These "grandparented" apprenticeships must consist of two years of supervised experience under a licensed optician, optometrist, or ophthalmologist. This grandparenting clause does not include the option to spend one year of the apprenticeship in an optical laboratory.

Course requirements; program must give preference to license applicants

(sec. 4725.48(B)(5))

The two-year college-level program must be approved by the Ohio Optical Dispensers Board. Current law specifies numerous subjects that a program must contain to receive the Board's approval, which the bill does not alter: mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, ophthalmic lens design, keratometry (measuring astigmatism in the eye), and the fitting and adjusting of

spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care. But where current law requires the program to cover lens *grinding and edging*, the bill requires it cover lens edging (that is, the bill eliminates lens grinding).

Additionally, the bill requires that a program, as a condition of receiving approval from the Board, give admission preference to persons who have declared their intent to complete a program leading to licensure in optical dispensing.

Licensing examinations

The bill requires the exam to cover both spectacle and contact dispensing

(sec. 4725.49(B)(3))

The bill specifies that the Ohio Optical Dispensers Board must provide for one test that contains two parts: one part for spectacle dispensing and the other part for contact lens dispensing.

Further education required before repeating failed part of the test

(sec. 4725.49(D) to (F))

Current law stipulates that there is no limitation on the number of times a license applicant may repeat the examination, but after a third failure the Ohio Optical Dispensers Board may require an applicant to undergo additional study. The bill removes this stipulation, requires additional education before an applicant may repeat part of the test he or she failed, and imposes a five-year waiting period following a fourth failure, as follows:

(1) The first and second time an applicant fails a part of the test, the applicant must complete a minimum of 12 hours of review courses approved by the Board in the area covered by the failed part of the exam. An applicant who fails both parts must take a minimum of 24 hours of approved review courses, with 12 hours in each area.

(2) The third time an applicant fails one or both parts, he or she may retake the failed parts only after completing one year of courses covering the failed part or parts. The courses must be obtained through one of the college-level courses approved by the Board for initial training of opticians.

(3) The fourth time an applicant fails one or both parts, the applicant may not retake the exam for five years, and must have repeated the two-year college-level program.¹

When applicants may first sit for the examination

(sec. 4725.48(C); Section 4)

Current law allows license applicants to sit for the licensing examination after completing the first year of their apprenticeships or college-level programs. The bill revises this somewhat by allowing applicants to sit for the exam after completing three academic semesters or five academic quarters of the college-level program. It maintains the specification of current law that although applicants may sit for the exam before completing their education, they cannot be licensed until they complete their programs.

The law specifying when apprentices may sit for the exam is eliminated because the bill eliminates the apprenticeship option. But the bill's grandparenting clause (Section 4), which allows persons already serving apprenticeships to continue them and qualify for their licenses, specifies that they may not sit for the exam until they complete their apprenticeships. This is a change from current law allowing apprentices to take the exam one year into their two-year apprenticeships.

Scheduling and location of exams

(secs. 4725.49(B)(2) and 4725.50(B))

Current law requires simply that licensing exams be offered twice each year in Columbus. The bill specifies that the exams must be offered every six months, in April and October. It eliminates the requirement that they be held in Columbus.

Interstate reciprocity

(sec. 4725.57)

Current law permits a dispensing optician who is licensed in another state to be licensed in Ohio without having to take Ohio's licensing exam, but only if the Ohio Optical Dispensers Board determines that his or her educational background

¹ *The Ohio Optical Dispensers Board also licenses ocularists, who engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the eye. The bill does not change the laws governing their licensing, and therefore imposes no limits on the number of times they may repeat their licensing exams.*

or experience meets that required by the Revised Code for Ohio licenses. The bill eliminates this restriction, allowing licensees from other states to receive Ohio licenses without the Board's having to examine their educational background or experience.

Optical interns

(secs. 4725.40(G), 4725.52, and 4725.54(A))

The bill creates a new kind of occupation: optical interns, who may engage in the practice of optical dispensing under the supervision of a licensed dispensing optician. An optical internship is not a prerequisite for any kind of license, and so does not replace the apprenticeship that the bill eliminates. Optical interns apparently may hold their status as interns indefinitely, able to work as interns as long as they have a licensed dispensing optician supervising them.

A licensed dispensing optician may supervise up to three optical interns. Each optical intern must register with the Ohio Optical Dispensers Board within six months after first commencing employment with a licensed dispensing optician, and annually thereafter. The annual registration fee is \$10.

Qualifications of Board members

(sec. 4725.42; Section 3)

The Ohio Optical Dispensers Board consists of nine members, five of whom are licensed dispensing opticians. (The other four must include one Ohio-licensed physician who specializes in ophthalmology, one Ohio-licensed optometrist, and two members of the public.) The bill specifies that the five members who are licensed dispensing opticians must (1) be actively engaged in the practice of optical dispensing and (2) have, at the time of appointment, at least five years of experience practicing as a licensed dispensing optician. It further specifies that to qualify for reappointment for a second term, a member must continue to meet all qualifications for the original appointment. (As under current law, no member may serve more than two consecutive terms.)

However, the bill explicitly states in uncodified law that these changes do not affect the terms of the Board members holding office on the bill's effective date.

HISTORY

ACTION	DATE	JOURNAL ENTRY
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Introduced

07-01-99

p. 878

S0168-I.123/rss

