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Bill Analysis
Legislative Service Commission

H.B. 293

124th General Assembly
(As Introduced)

Reps. Salerno, G. Smith

BILL SUMMARY

- Generally extends the provisions of law governing optical dispensing to cover ocularistry, the profession of designing, making, and fitting artificial eyes.
- Makes changes to the law governing licenses to practice optical dispensing or ocularistry.
- Removes an exemption under which persons employed by or under the supervision of a physician or optometrist are not subject to the law governing the practice of optical dispensing and ocularistry.
- Makes changes to provisions governing the practice in Ohio of optical dispensers and ocularists licensed in other states.
- Makes changes to the process of license renewal and the consequences of failure to renew.
- Makes changes to the continuing education requirements for dispensing opticians that do not have an associate degree in optical dispensing.
- Provides for and governs the practice of optical interns and ocularistry apprentices.
- Makes changes to the law governing the registration and regulation of optical apprentices.
- Makes changes to the prohibitions regarding engaging in optical dispensing or ocularistry without a license, sale or barter of certificates of licensure, and rebates or commissions paid to physicians or optometrists.

- Makes changes to the grounds for denying, suspending or revoking a dispensing optician license and extends those grounds to ocularist licenses and apprentice and optical intern registrations.
- Applies the provisions governing action against a license holder for defaulting under a child support order to apprentices and optical interns.
- Eliminates the requirement that a dispensing optician notify a patient who has been dispensed contact lenses to return to the prescribing ophthalmologist or optometrist for final evaluation.
- Provides that the two public members of the Ohio Optical Dispensers Board can have no financial interest in ocularistry services.
- Makes changes to the definitions of "optical aid," "optical dispensing," "prescription," and "supervision" and fashions out of existing law a definition of "ocularistry."

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CONTENT AND OPERATION

Introduction--the law governing dispensing opticians and ocularists

Under Ohio law, dispensing opticians and ocularists are regulated by the Ohio Optical Dispensers Board.¹ The current statutory scheme includes provisions for examining, licensing, and regulating the practice of ocularistry and optical dispensing. The bill makes changes to these provisions as discussed below.

The bill also addresses how dispensing opticians and ocularists are governed under Ohio law. Currently, the provisions governing dispensing opticians are established in detail in statute; provisions governing ocularists are predominantly established by administrative rule of the Board. The bill changes,

¹ *"Dispensing optician" is defined in the bill as a person who holds a current valid license that authorizes the person to engage in optical dispensing (see "**Definition changes**," below for definition of optical dispensing). "Spectacle dispensing optician" means a dispensing optician authorized to engage in the dispensing of optical aids other than contact lenses. "Contact lens dispensing optician" means a dispensing optician authorized to engage only in dispensing contact lenses. "Spectacle-contact lens dispensing optician" means a dispensing optician authorized to dispense both contact lenses and spectacles. Current law uses "licensed" in the definition of each of these terms. The bill eliminates "licensed" as part of the definitions but maintains the requirement that these persons be licensed.*

*"Ocularist" is defined as a person holding a current, valid license to engage in the practice of ocularistry (see "**Definition changes**," below for definition of ocularistry). Under current law, ocularists are referred to as "licensed ocularists." The bill eliminates "licensed" but maintains the licensing requirement.*

generally, the regulatory scheme by establishing similar statutory provisions to govern both dispensing opticians and ocularists.

Obtaining a dispensing optician or ocularist license

(secs. 4725.47, 4725.48 [repealed], and 4725.48 [new section], 4725.49, and 4725.50)

Current law requires a person who seeks a license to practice optical dispensing to file a written application for examination with the Ohio Optical Dispensers Board or with the testing service the Board has contracted with.² If the person meets certain qualifications specified in statute, he or she may take the examination. If the person passes the examination, a certificate of licensure will be issued allowing the person to practice as a spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician. A person must pay a fee to apply for examination and receive a license.

Current law also provides that any person seeking a license to practice ocularistry must file an application and proof the applicant meets the licensure requirements and pay a fee. The Board must establish, by rule, the application fee and the licensure requirements, including education, examination, or experience standards recognized by the Board as national standards for ocularists. The Board must issue a license to practice as an ocularist to an applicant who files a completed application, pays the application fee, and meets the licensure requirements.

The bill modifies the current procedure for obtaining a dispensing optician or ocularist license. Under the bill, except with respect to dispensing opticians or ocularists licensed or registered by another state who wish to practice in Ohio, a person who wants to engage in optical dispensing or ocularistry must apply to the Ohio Optical Dispensers Board for a license as a dispensing optician or ocularist. Application must be made on the form provided by the Board and must be accompanied by an application fee the Board establishes by rule.

To be licensed an applicant must meet the following requirements:

(1) Be at least 18 years of age, of good moral character, as defined by rules adopted by the Board, and a graduate of an accredited high school of any state, or have received an equivalent education;

² *Persons who had completed training or were in practice when the examination requirement was established were not required to make written application for examination. See **Elimination of dated transitional licensure procedures.***

(2) Meet one of the following requirements:

(a) With respect to a person who is not a dispensing optician and is seeking licensure as a spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician, one of the following applies: (i) the person has two years of experience as an apprentice under a dispensing optician licensed to dispense the same optical aids for which the person seeks license, or (ii) the person has completed a two-year college level program in optical dispensing that has been approved by the Board and includes courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care;

(b) With respect to a person who is a contact lens dispensing optician and is seeking licensure as a spectacle-contact lens dispensing optician, the person has one year of experience as an apprentice or optical intern under a spectacle dispensing optician or a spectacle-contact lens dispensing optician;

(c) With respect to a person who is a spectacle dispensing optician and is seeking licensure as a spectacle-contact lens dispensing optician, one of the following applies: (i) the person has one year of experience as an apprentice under a contact lens dispensing optician, or (ii) the person successfully completes all contact lens courses required by a Board approved program offering a two-year associate degree in optical dispensing;

(d) With respect to a person seeking licensure as an ocularist, one of the following applies: (i) the person has three years of experience as an apprentice under an ocularist, or (ii) the person meets the experience standards recognized by the Board as national standards for ocularists.

(3) The person has passed the competency examination applicable for the type of dispensing optician license sought or applicable for ocularists established by the Board. Under the bill, no limitation may be placed on the number of times an applicant may repeat any competency examination, but if the Board receives notice that an applicant has failed a competency examination for a third time, the Board must require the applicant, prior to retaking the examination, to successfully complete a remedial course approved by the Board in the specific subject area addressed in the competency examination that the applicant has failed. Until successful completion of the remedial course, the Board may not give further consideration of the application.

The bill requires that each person who qualifies for licensure receive from the Board, a certificate of licensure entitling the person to practice as a spectacle dispensing optician, a contact lens dispensing optician, a spectacle-contact lens dispensing optician, or an ophthalmologist. The appropriate certificate of licensure must be issued by the Board no later than 60 days after it has notified the applicant of the applicant's approval for licensure. The license to practice optical dispensing must designate the licensee as a spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician. The licensure fee must be established by the Board by rule.

Optical dispensing and ophthalmology licensure for employees of physicians and optometrists

(secs. 4725.47 and 4725.59)

The current law regulating optical dispensing and ophthalmology does not apply to (1) a physician or to persons while in the employment and under the supervision of the physician at the physician's office, or (2) an optometrist or to persons while in the employment and under the supervision of an optometrist at the optometrist's office. The bill makes employees of physicians and optometrists subject to the licensing requirements for optical dispensers or ophthalmologists if the employees engage in the practice of optical dispensing or ophthalmology. The bill, however, establishes a transitional licensure provision to cover certain of the physician or optometrist employees. Under the bill, the Board is required to issue a license to practice optical dispensing or ophthalmology, without the necessity of examination, to any person who was employed by an optometrist or physician on the bill's effective date and for the entire year preceding that date and who practiced and desires to continue practicing optical dispensing or ophthalmology, if the person, no later than one year after the bill's effective date, does all of the following: (1) submits an application for licensure on a form provided by the Board, (2) provides or causes to be provided a certification from the employing optometrist or physician that the person was employed on the bill's effective date and the year prior to that date and that the person practiced optical dispensing or ophthalmology, and (3) pays the application fee to be licensed as an optical dispenser or ophthalmologist.

Reciprocity

(sec. 4725.57)

Under current law, an applicant for licensure as a dispensing optician who is licensed and registered in another state will be accorded the full privileges of practice in Ohio, without the necessity of examination if (1) the applicant pays \$75 and submits a certified copy of the license or certificate issued by the other state,

and (2) the Board determines that the applicant meets the requirements necessary to sit for an examination to be a dispensing optician.

The bill would permit ocularists licensed or registered in another state to seek to practice in Ohio without the necessity of examination. The bill changes, with respect to dispensing opticians, and establishes with respect to ocularists, the requirements that must be met to practice in Ohio without examination. The requirements are as follows: (1) the applicant submits (a) a completed application to practice in Ohio on a form distributed by the Board, (b) a copy of the other state's statute governing optical dispensing or ophthalmology, as appropriate, (c) a certified copy of the license or certificate issued by the other state, (d) a fee established by rule by the Board, and (2) the Board determines the applicant meets the requirements for issuance of a license established under the bill.

Display of license

(sec. 4725.50)

Under current law, a dispensing optician's license must be displayed in a conspicuous place in the dispensing optician's office or place of business. If there is more than one place of business or office, the dispensing optician must display a duplicate copy of the certificate at each location. The Board must issue duplicate copies of the appropriate certificate of licensure for this purpose on the filing of an application form and the payment of a \$5 fee for each copy. The bill applies these provisions to ocularists and changes the \$5 fee amount to an amount established by rule by the Board.

License renewal; failure to renew

(sec. 4725.51)

Under current law, each optical dispensing or ophthalmology license expires on January 1 of the year after it was issued. Each renewal application must be accompanied by a renewal fee and contain evidence that the applicant has met continuing education requirements. If the application for renewal and proof of the requisite continuing education hours are submitted within 90 days after the date the license expired and the annual renewal fee and a penalty of \$75 are paid, an applicant cannot be required to retake the licensing exam. The Board may provide, by rule, for an extension of the grace period for dispensing opticians who are serving in the U.S. armed forces and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

The bill provides that the Board must renew the license of a person who fails, before the expiration date of the license, to apply for renewal, pay the

renewal fee, and show evidence of compliance with continuing education requirements if, no later than April 1 of the year the license expired, the person files an application for renewal that contains proof of meeting the continuing education requirements and is accompanied by the renewal fee and a late fee of \$75. The bill also provides that a person who has good cause for not renewing a license may apply for an extension of the renewal deadline or waiver of the renewal requirement. The application must include an explanation of the cause and be accompanied by supporting documentation, as the Board considers necessary. The Board may grant an extension or waiver for good cause.

Under the bill, a person whose license has expired is prohibited from practicing optical dispensing or ophthalmology after April 1 of the year in which the license expired until the person passes an examination and obtains a new license as provided in the bill.

Continuing education requirements

(sec. 4725.51)

Each application for renewal of a license must contain evidence that the applicant has completed continuing education approved by the Board within the immediately preceding one year period as follows: (1) spectacle dispensing optician--four hours of study in spectacle dispensing, (2) contact lens dispensing optician--eight hours of study in contact lens dispensing, (3) spectacle-contact lens dispensing optician--courses of study as provided in (1) and (2) above, (4) ophthalmologist--courses of study as prescribed by the Board.

Under the bill, a dispensing optician who does not have an associate degree in optical dispensing may comply with the continuing education requirements by doing one of the following that has previously been approved by the Board: (1) if the person is a spectacle dispensing optician or a contact lens dispensing optician, by completing a course on spectacles and lenses or on contacts, as appropriate to the person's authorized area of practice, that is part of the degree requirement offered by a Board-approved associate degree program in optical dispensing, (2) if the person is a spectacle-contact lens dispensing optician, by completing a course on spectacles and lenses and a course on contact lenses that are part of the degree requirement offered by a Board-approved associate degree program in optical dispensing.

Apprentices

(secs. 4725.40, 4725.49, and 4725.52)

Under current law, an apprentice is any person dispensing optical aids under the direct supervision of a dispensing optician. A person serving as an apprentice must register annually with the Board either on a form provided by the Board or in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the Board. Each registrant must pay a registration fee of \$10. A person who is gaining experience under the supervision of a licensed optometrist or physician practicing ophthalmology that would qualify the person to take the competency examination for optical dispensing is not required to register.

The bill describes an apprentice as any person registered with the Board and engaging in optical dispensing or ocularistry under the direct supervision of a dispensing optician or ocularist. An apprentice must register annually with the Board on or before July 1 of each year on a form provided by the Board. The form must provide spaces for the name and license number of the dispensing optician or ocularist responsible for directly supervising the apprentice, the location at which the apprentice is or will be employed, and any other information the Board requires. Each registrant must pay an annual registration fee established by rule of the Board. The bill eliminates the provision excepting a person gaining experience under the supervision of an optometrist or physician practicing ophthalmology from registering. The bill provides that an optical dispensing apprentice may take the competency examination after one year as an apprentice. An ocularistry apprentice may take the competency examination after three years as an apprentice.

Optical interns

(secs. 4725.40, 4725.49, and 4725.52)

The bill provides that an optical intern is a person enrolled in a program of study to obtain an associate degree in optical dispensing, registered with the Board, and engaging in optical dispensing under the direct supervision of a dispensing optician. A person serving as an optical intern must register with the Board in accordance with the requirements applicable to an apprentice, except that the person must provide or cause to be provided to the Board, at the time the person registers, a certification by the appropriate official or school or other institution offering an associate degree program of study in optical dispensing approved by the Board that the person is enrolled in that program. When acting as an optical intern, the intern must wear an identifying badge that states the intern's

full name and title. An optical intern is permitted to take the competency examination after one year as an intern.

Supervision of apprentices and optical interns

(sec. 4725.52)

Under current law, any dispensing optician may supervise a maximum of three apprentices. The bill provides that a dispensing optician may supervise at any time a maximum of three people: apprentices, optical interns, or a combination of both. An ocularist may supervise a maximum of three apprentices at any time. The dispensing optician or ocularist responsible for supervising an apprentice or optical intern must be listed at the time of registration as the supervisor of record. The supervisor of record must be the only person responsible for scheduling the working hours of the apprentice or intern. The supervisor of record must provide the Board notice if the supervisor ceases to supervise the apprentice or intern.

Prohibition changes

(secs. 4725.41, 4725.55, and 4725.56)

Engaging in optical dispensing or ocularistry without license

Current law provides that no person shall engage in optical dispensing, except as authorized under transitional licensure provisions, unless the person is a dispensing optician. Current law also provides that no person may engage in the practice of ocularistry unless the person is an ocularist.

The bill continues the prohibition against practicing optical dispensing or ocularistry without a license but permits a person to engage in optical dispensing if the person is an apprentice or optical intern of a dispensing optician. A person may engage in ocularistry if the person is an apprentice of an ocularist.

Sale or barter of certificate of licensure

Under current law no person is permitted to sell or barter, or offer to sell or barter, a certificate of licensure as a dispensing optician. The bill continues this prohibition and makes it applicable to a certificate of licensure as an ocularist.

Rebate or commission to physician or optometrist

Under current law, no dispensing optician or employee or agent of a dispensing optician is permitted to pay or offer to pay a rebate or commission of any nature, or offer any other thing of value, to a physician or optometrist for

referring patients to the dispensing optician. The bill continues this prohibition and makes it applicable to ocularists and their employees or agents.

Practicing optical dispensing or ocularistry without a license

(sec. 4725.54)

Under current law, if the Board discovers or is informed that any person is or has been engaged in optical dispensing without having received a license under the law governing optical dispensing and ocularistry, it must inform the prosecuting attorney for the county in which the alleged unlicensed activity took place. The prosecuting attorney must take all legal action necessary to terminate the illegal practice of optical dispensing and to prosecute the offender. The bill continues these provisions and makes them applicable to persons practicing ocularistry without a license.

Complaint regarding violation of optical dispensing and ocularistry law

(sec. 4725.54)

Under current law, any person who knows the law governing optical dispensing and ocularistry is being violated by a dispensing optician or apprentice or that a ground for denying, suspending, or revoking a license exists, may submit a written complaint, specifying the precise violations or grounds, to the Board. If the Board determines that the charges are sustained by the evidence presented, it may suspend or revoke the license of the person against whom the charges were referred. The bill maintains these provisions and makes them applicable to ocularists and optical interns.

Grounds for denying, suspending, or revoking a license or registration

(sec. 4725.53)

The Board, by a majority vote of its members, may refuse to grant a license and may suspend or revoke the license of a dispensing optician or impose a fine or order restitution on any of a number of grounds including (1) obtaining or attempting to obtain a license by fraud or deception, (2) obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation, (3) finding by a court of incompetence by reason of mental illness and no subsequent finding of competency, (4) finding by a court of incompetence or negligence in the dispensing of optical aids, (5) knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing, (6) permitting another person to use the licensee's license, (7) engaging in optical dispensing not pursuant to the prescription of a physician or optometrist, but nothing in these disciplinary provisions can prohibit duplication

or replacement of previously prepared optical aids, except contact lenses cannot be duplicated or replaced without a written prescription, and (8) waiving, or advertising waiver, of the payment of all or part of a deductible or copayment that a patient would otherwise be required to pay under health insurance coverage if the waiver is used as an enticement to receive services from that provider.

The bill makes the following changes in the disciplinary provisions:

(1) Makes the current law provisions applicable to ocularists, apprentices, and optical interns;

(2) Eliminates the requirement of a majority vote of the Board's members to take disciplinary action;

(3) Adds the following to the grounds for taking disciplinary action (a) using fraud or deception when registering as an apprentice or optical intern, (b) obtaining any fee or making any sale of artificial eyes or prosthesis by means of fraud or misrepresentation, (c) a finding by a court that an apprentice or optical intern is incompetent by reason of mental illness and no subsequent finding by a court of competency, (d) a finding by a court that a licensee is guilty of incompetence or negligence in the dispensing of artificial eyes or prosthesis, (e) knowingly permitting or employing a person whose ocularist license or apprentice or optical intern registration has been suspended or revoked or an unlicensed person to engage in ocularistry if the person is not an apprentice or intern, (f) permitting another person to use the apprentice's or optical intern's registration, (g) engaging in ocularistry not pursuant to the prescription of a physician or optometrist, and (h) violating any order of the Board;

(4) Eliminates the grounds for disciplinary action that address waiving copayments or deductibles and advertising the willingness to make such a waiver;

(5) Eliminates the provision that requires contact lenses to be duplicated or replaced only pursuant to a prescription.

Compliance with child support enforcement laws

(sec. 4725.531)

Under current law, if a person owes support under a child support order, is determined to be in default under the order, and has been issued, or has applied or is likely to apply for, a license or other certification from any entity authorizing the person to engage in an occupation or profession, the entity must suspend or revoke the license or certificate of, and may not issue or renew a license or certificate for, the person. The bill applies these requirements to apprentice and optical intern registrations accepted by the Board.

Elimination of final evaluation notification regarding contact lens dispensing

(sec. 4725.58)

The bill repeals the requirement of current law that a licensed contact lens dispensing optician who has dispensed contact lenses pursuant to the written prescription of a physician or optometrist immediately inform the patient in writing to return to the prescribing physician or optometrist for final evaluation.

Expansion of Board duties regarding ocularists, apprentices, and optical interns

(sec. 4725.44)

The Board is responsible for administration of the law governing the licensing and regulation of dispensing opticians and ocularists. Those responsibilities include (1) processing applications for licensure as dispensing opticians, (2) administering and supervising examinations, (3) issuing, revoking, and suspending licenses, and (4) maintaining adequate records of Board operations and responsibilities. The Board is also required to adopt rules for the licensure of dispensing opticians and such other rules as are required by or necessary to carry out its responsibilities under law.

The bill adds to the Board's duties all of the following: (1) processing of applications for licensure of persons as ocularists, (2) scheduling, administering, and supervising examinations for ocularist licensure, (3) issuing ocularist licenses to qualified individuals, (4) suspending and revoking ocularist licenses, (5) processing of apprentice and optical intern registration forms, (6) registering apprentices and optical interns, (7) suspending and revoking apprentice and optical intern registrations, (8) adopting rules for the licensure of ocularists and the registration of apprentices and optical interns.

The bill gives the Board authority, pursuant to investigation of violations of the law regulating optical dispensing and ocularistry, to issue subpoenas and subpoenas duces tecum as well as conduct depositions. The bill also eliminates a provision of current law stating that the Board has no authority to adopt rules governing the employment of dispensing opticians. This change has the effect of giving the Board authority to regulate such employment.

Fees in excess of application and license renewal fees

(sec. 4725.45)

Under current law, the Board, subject to the approval of the Controlling Board, may establish examination and license renewal fees in excess of the amounts provided under statute, provided that the fees do not exceed those

amounts by more than 50%. The bill continues the fee provisions regarding license renewal fees. The bill also applies the excess fee provisions to the application and late renewal fees provided for under the bill.³ The application and renewal fees are established by the Board in rules; the late renewal fee of \$75 is to be statutory. It is not clear what application the excess fee provisions have to the fees established by Board rule since the Board is not required to seek approval to set them.⁴

Establishment and administration of examinations

(sec. 4725.49)

Under current law, the Board may provide for the examination of applicants by designing, preparing, and administering the qualifying examinations or by contracting with a testing service that is nationally recognized as being capable of determining competence to dispense optical aids as a spectacle dispensing optician, a contact lens dispensing optician, or a spectacle-contact lens dispensing optician.

The bill provides that the Board *must* (instead of *may*) design, prepare, and administer the examination or it may contract with a testing service. If the Board contracts with a testing service, the service must be nationally recognized as being capable of determining competence to practice ocularistry as an ocularist or to dispense optical aids as a spectacle dispensing optician, a contact lens dispensing optician, or a spectacle-contact lens dispensing optician. The bill changes the name of the examinations to competency examinations instead of qualifying examinations.

Changes to Board composition

(sec. 4725.42)

The Board has nine members, two of which must be members of the public who have no direct financial interest in or any other interest in the provision of optical aids or the performance of optical dispensing services. The bill provides further that the two public members can have no direct financial interest in or any other interest in the provision of eye prosthetics or the performance of ocularistry services.

³ *The bill eliminates the examination fee and replaces it with an application fee.*

⁴ *An amendment may be needed to clarify this provision.*

Elimination of dated transitional licensure provisions

(secs. 4725.42 and 4725.47)

The bill eliminates a transitional licensure provision under which any person who has or was engaged in optical dispensing within one year after March 22, 1979, could be licensed without complying with licensing requirements by submitting a written application with a \$50 fee and meeting certain qualifications.⁵

Definition changes

(sec. 4725.40)

Optical aid

Under current law, "optical aid" means an instrument or device prescribed by a physician or optometrist licensed by any state to correct human vision, including spectacles, eyeglasses, contact lenses, and accessories. The law provides that contact lenses may be dispensed only in accordance with a written prescription designated for contact lenses.

The bill changes the definition of "optical aids" to mean "a fabricated ophthalmic instrument, accessory, item, procedure, or device designed based on a prescription or written or verbal instructions of a physician or optometrist to correct human vision, including spectacles, eyeglasses, contact lenses, and accessories." The bill eliminates the provision that contact lenses may be dispensed only in accordance with a written prescription designated for contact lenses.

Optical dispensing

Current law provides that, "optical dispensing" means interpreting but not altering a prescription of a physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription, and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

⁵ This provision is no longer effective because the deadline for submitting an application has passed.

Under the bill, "optical dispensing" means "designing, adapting, fitting, duplicating, or adjusting any new or replacement optical aid, to or for the intended user." Optical dispensing includes: (1) interpreting, but not altering, the prescription of a physician or optometrist and duplicating lenses accurately as to power without prescription, (2) recommending and selecting the appropriate ophthalmic frame, (3) determining, by means of accurate ophthalmic measurement, the placement of the optical center, both horizontally and vertically for the prescribed lenses, (4) recommending and selecting, by means of interpreting the prescription, the appropriate ophthalmic lens size, style, and material, both for single visions and multifocal vision correction, (5) recommending and selecting all accessories and coatings that could affect human vision when applied to prescribed ophthalmic lenses, (6) recommending and selecting, through personal interaction for or on behalf of the intended user, of the correct frame and lenses, (7) designing, fitting, adapting, duplicating, or adjusting non-prescription eyewear and parts of eyewear, (8) providing instruction in the general care and use of an optical aid, including placement, removal, and cleaning; and (9) measuring corneal shape and appraising contact lens fit. "Optical dispensing" does not include fabricating an optical aid or transferring a completed optical aid to, or on behalf of, the intended user, if none of the activities described in (1) through (9) above are involved.

Prescription

"Prescription" is defined in current law as the written or verbal directions or instruction as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient. The bill defines "prescription" as "the written or verbal directions or instructions of a physician or optometrist to correct human vision." It specifies that the date of the prescription is not part of the prescription.

Supervision

Under current law, "supervision" means the provision of direction and control through personal inspection and evaluation of work. Under the bill, "supervision" means "the provision of direction and control of work at all times work is being done through personal inspection and evaluation."

Ocularistry

"Ocularistry" is not defined in current law. However, an "ocularist" is a person holding a current valid license issued under the law governing the licensure of dispensing opticians and ocularists to engage in the practice of designing, fabricating, and fitting artificial eyes and prosthesis associated with the appearance or function of the human eye. Under the bill, the definition of "ocularist" is split

to make the definition of "ocularistry." "Ocularistry" is defined as "the designing, fabricating, and fitting artificial eyes and prosthesis associated with the appearance or function of the human eye pursuant to a prescription from a physician or optometrist."

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-12-01	p. 645

h0293-i.124/kl:ss

