

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Landers**

A BILL ACT 397 OF 1991
HOUSE BILL 1642

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-89-301 AND § 17-89-302
9 TO ELIMINATE CERTAIN RESIDENCY REQUIREMENTS TO BE ELIGIBLE
10 TO TAKE THE BOARD OF OPTOMETRY EXAMINATION AND TO REVISE
11 THE PRESCRIBED EXAMINATION FEES FOR OPTOMETRISTS AND
12 PERMIT THE STATE BOARD OF OPTOMETRY TO SET A REASONABLE
13 EXAMINATION FEE TO COVER THE COSTS OF OPTOMETRIC
14 EXAMINATION; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code §17-89-301 is hereby amended to read as
20 follows:

21 "17-89-301. Examinations - Fees.

22 (a) No person, except those already licensed by the board, shall
23 practice optometry until he or she shall have:

24 (1) Passed an examination conducted by the board in the subjects
25 of:

26 (A) Theoretical, practical, and physiological optics;

27 (B) Theoretical and practical optometry;

28 (C) Anatomy, physiology, and pathology of the eye; and

29 (D) Any other subject materials required or elective in
30 accredited schools of optometry;

31 (2) Demonstrated his or her ability to properly use scientific
32 instruments and methods used in the practice of optometry; and

33 (3) Been registered and received a certificate of registration
34 which shall have conspicuously printed on its face the definition of optometry
35 set forth in 17-89-101.

36 (b) Every applicant for examination shall present satisfactory evidence

1 that he is:

- 2 (1) Over the age of twenty-one (21) years;
- 3 (2) A successful candidate having passed all parts of the
- 4 National Board of Optometry examination since January 1, 1987;
- 5 (3) Of good moral character; and
- 6 (4) A graduate of a college of Optometry which has been
- 7 accredited by the Council on Education of the American Optometric Association.

8 (c) All persons making application for examination and for registration
9 shall be required to pay to the treasurer of the board a fee in a reasonable
10 amount to be fixed by the board."

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12 SECTION 2. Arkansas Code § 17-89-302 is hereby amended to read as
13 follows:

14 "17-89-302. Reciprocity.

15 (a) Any person from another state desiring to engage in the practice of
16 optometry in this state may be issued a certificate at the sole discretion of
17 the board without a written examination upon satisfactory proof that he:

- 18 (1) Is qualified under this chapter;
- 19 (2) Has been issued a certificate or license to practice
- 20 optometry by a state having licensure requirements at least equal in scope and
- 21 standards to Arkansas with whom the board has an agreement of reciprocity; and
- 22 (3) Has engaged in the practice of optometry for a period of
- 23 three (3) years in the other state and has complied with all the requirements
- 24 of the Arkansas licensure law at the time of application.

25 (b) He shall be required to pay a fee to the treasurer of the board for
26 registration in a reasonable amount to be fixed by the board."

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28 SECTION 3. All provisions of this act of general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 4. Severability. In the event any provision of this act is
33 declared or adjudged to be invalid or unconstitutional, such declaration or
34 adjudication shall not affect the remaining portions of this act which can be
35 given effect without the invalid or unconstitutional provision. The remaining

1 portions of this act shall remain in full force and effect as if the portion
2 declared or adjudged invalid or unconstitutional was not originally a part of
3 the act.

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5 SECTION 5. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
9 Seventy-Eighth General Assembly of the State of Arkansas that the current law
10 regarding the licensure of optometrists is outdated with regard to residency
11 requirements and that, in order to avoid potential litigation, these sections
12 of the optometric licensing law should be changed as soon as possible.
13 Therefore, in order for these changes to have effect with the next examination
14 cycle, an emergency is hereby declared to exist, and this act being necessary
15 for the immediate preservation of the public peace, health and safety shall be
16 in full force and effect from and after its passage and approval.

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18 APPROVED: 3-7-91

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