

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bearden**

A Bill

ACT 1087 OF 1993
SENATE BILL 666

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO INCREASE THE
9 MEMBERSHIP OF THE ARKANSAS BOARD OF DISPENSING OPTICIANS
10 TO NINE (9) AND TO REQUIRE THAT THREE (3) MEMBERS BE
11 PRACTICING LICENSED DISPENSING OPTICIANS; TO CHANGE THE
12 DEADLINE FOR MAKING AN APPLICATION FOR BOARD EXAMINATION
13 TO SIXTY (60) DAYS; TO REQUIRE THAT THE BOARD GIVE NINETY
14 (90) DAYS ADVANCE NOTICE OF EXAMINATIONS; TO AUTHORIZE THE
15 BOARD TO ESTABLISH ANNUALLY AN EXAMINATION AND LICENSE FEE
16 SCHEDULE; AND FOR OTHER PURPOSES."

Subtitle

20 "TO AMEND CERTAIN SECTIONS OF THE OPHTHALMIC DISPENSING
21 ACT DEALING WITH DISPENSING OPTICIANS."

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

26 SECTION 1. Arkansas Code § 17-88-201(b) is hereby amended to read as
27 follows:

28 "(b) The board shall be composed of nine (9) members appointed by the
29 Governor for terms of three (3) years.

30 (1) Three (3) members shall be practicing licensed or registered
31 dispensing opticians appointed by the Governor from a list of six (6) names
32 submitted to him by the Arkansas Association of Dispensing Opticians. One (1)
33 of the three (3) members shall be an employee of either an Arkansas licensed
34 ophthalmologist or optometrist.

35 (2) One (1) member shall be a member of the Arkansas State Board
36 of Optometry.

1 (3) One (1) member shall be a licensed optometrist appointed by
2 the Governor from a list of three (3) names submitted by the Arkansas
3 Optometric Association.

4 (4) Two (2) members shall be licensed ophthalmologists appointed
5 by the Governor from a list of six (6) names submitted by the Ophthalmology
6 Section of the Arkansas Medical Society.

7 (5) One (1) member shall be a consumer.

8 (6) One (1) member, who shall represent the elderly, shall be
9 sixty (60) years of age or older, shall not be actively engaged in or retired
10 from the profession of ophthalmic dispensing, shall be appointed from the
11 state at large, subject to confirmation by the Senate, and shall be a full
12 voting member but shall not participate in grading examinations."

13

14 SECTION 2. Arkansas Code § 17-88-304 is hereby amended to read as
15 follows:

16 "17-88-304. Examinations.

17 (a) No person other than a licensed optometrist or licensed physician
18 skilled in disease of the eye or a person licensed or registered by the board
19 as approved in this chapter shall provide ophthalmic dispensing services to
20 the public until after he or she has passed the written and practical
21 examination conducted by the board and shown proficiency in those subjects and
22 procedures designated by the board, including, but not limited to:

23 (1) Mechanical optics;

24 (2) Occupational vision requirements;

25 (3) Taking facial measurements for proper frame sizing;

26 (4) Ophthalmic lens types;

27 (5) Fitting and adjusting glasses and frames to the face.

28 (b) A person eligible for licensure or registry under this chapter and
29 desirous of licensure or registry shall make application for examination to
30 the board at least sixty (60) days prior to the date of examination, upon a
31 form and in such manner as the board shall prescribe. The application shall be
32 accompanied by the fee prescribed in subsection (f) of this section.

33 (c) Each applicant for licensure or registry under this chapter shall
34 be examined by the board by written and practical examination and shall be
35 required to meet certain standards of performance established by rules adopted

1 by the board.

2 (d) (1) Applicants for licensure or registry shall be examined at a time
3 and place and under such supervision as the board may determine.

4 (2) Examinations shall be given at least once each year at such
5 places within this state as the board may determine.

6 (3) The board shall give reasonable public notice of the
7 examinations, in accordance with its adopted rules, at least ninety (90) days
8 prior to the administration of the examination.

9 (4) The board shall notify by mail all individual examination
10 applicants of the time and place of the examination.

11 (e) Every applicant successfully passing the examination of the board
12 and satisfying the qualifications required by this chapter shall receive from
13 the board a certificate of licensure or a certificate of registry to provide
14 ophthalmic dispensing services to the public as a registered or licensed
15 dispensing optician in this state.

16 (f) Any person making application for examination for licensure or
17 registry as a dispensing optician shall be required to pay to the
18 secretary-treasurer of the board a fee established by the board."

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20 SECTION 3. Arkansas Code § 17-88-307 is hereby amended to read as
21 follows:

22 "§ 17-88-307. Certificates - Renewal.

23 (a) All licensed and registered opticians shall pay by July 1 of each
24 year a fee established by the board to the secretary-treasurer of the board as
25 a renewal licensure or registry fee.

26 (b) (1) Unless the fee is paid, certificates of licensure or registry
27 issued under this chapter shall expire and become invalid at 12:00 midnight on
28 July 1 of that year.

29 (2) Upon the payment of the renewal fee and in the absence of a
30 board finding against renewal under this chapter, the person shall have his
31 certificate of licensure or registry renewed for an additional year commencing
32 on July 1 of that year.

33 (3) Any person licensed or registered under the provisions of
34 this chapter who has not paid his or her renewal fee in full by July 1 of that
35 year shall be required to pay a renewal penalty established by the board."

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SECTION 4. Arkansas Code § 17-88-203(a) is hereby amended to read as follows:

"(a) The board shall:

(1) (A) Administer, coordinate, and enforce the provisions of this chapter, evaluate qualifications and supervise the examination of applicants for licensure or registry under this chapter, and investigate complaints, allegations, and charges of practices violating the provisions of this chapter or rules adopted pursuant to this chapter;

(B) In evaluating qualifications and supervising the examination of applicants for licensure or registry under this chapter, verify an applicant's qualifications, establish the format and content of examination procedures, administer both the practical and written examination at least once a year, and issue a certificate of licensure or certificate of registry to each applicant successfully meeting the qualifications and passing the examination;

(2) Establish annually a schedule of examination and license fees based on the board's financial requirements for the ensuing year;

(3) Compile and maintain a book of licensure and a book of registry of all dispensing opticians who are licensed or registered to engage in the business of ophthalmic dispensing in the State of Arkansas, which shall be updated annually. The board shall annually furnish a copy of the books to the Arkansas State Board of Optometry and the Ophthalmology Section of the Arkansas Medical Society;

(4) Register on an annual basis apprentice dispensing opticians together with the licensed or registered dispensing optician by whom they are employed;

(5) Prepare and present an annual report of administration, licensure, registry, and investigation to the Arkansas State Board of Optometry and to the Ophthalmology Section of the Arkansas Medical Society;

(6) Establish by rules those acts on the part of any person licensed or registered under this chapter which shall constitute improper conduct and grounds for revocation or suspension of a license or registry or refusal to renew the license or registry;

(7) Investigate reported violations of this chapter and rules

1 adopted pursuant to this chapter and take such steps as may be necessary to
2 enforce this chapter and the rules;

3 (8) Conduct hearings and keep such records and minutes as are
4 necessary for the orderly dispatch of its functions. The board shall provide
5 notice to appropriate persons in the manner it considers appropriate of the
6 times and places of all hearings authorized under this chapter;

7 (9) Adopt rules and regulations commensurate with the policies of
8 this chapter and for the purpose of carrying this chapter into effect,
9 including, but not limited to, rules which establish ethical standards of
10 ophthalmic dispensing practices, application procedures, and procedures for
11 investigating complaints. Following their adoption, the rules shall govern and
12 control the business conduct of every person licensed or registered under this
13 chapter in this state engaged in ophthalmic dispensing."
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15 SECTION 5. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.
18

19 SECTION 6. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.
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25 SECTION 7. All laws and parts of laws in conflict with this act are
26 hereby repealed.
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28 /s/Senator Bearden

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30 APPROVED: 04/13/93
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As Engrossed: 3/24/93

SB 666

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