

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H2/9/01*

# A Bill

Act 506 of 2001  
HOUSE BILL 1561

5 By: Representative T. Steele  
6  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 17-90-301 KNOWN AS THE  
10 OPTOMETRIST PRACTICE ACT.

### Subtitle

13 TO AMEND ARKANSAS CODE 17-90-301 KNOWN  
14 AS THE OPTOMETRIST PRACTICE ACT.  
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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 17-90-301 is amended to read as follows:  
20 17-90-301. Examinations - Fees.

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

23 ~~(1) Passed an examination conducted by the board in the subjects~~  
24 ~~of:—~~

25 ~~(A) Theoretical, practical, and physiological optics;—~~

26 ~~(B) Theoretical and practical optometry;—~~

27 ~~(C) Anatomy, physiology, and pathology of the eye; and—~~

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

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

32 (1) Successfully passed all examinations as the board may require  
33 in the rules and regulations of the board to include but not be limited to  
34 clinical examinations if required; and

35 ~~(3)-(2) Been registered and received a certificate of registration~~  
36 which shall have conspicuously printed on its face the definition of optometry

1 set forth in § 17-90-101.

2 (b) Every applicant for examination shall present satisfactory evidence  
3 that he is:

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

10 (c) All persons making application for examination and for registration  
11 shall be required to pay to the treasurer of the board a fee in a reasonable  
12 amount to be fixed by the board.  
13

14 SECTION 2. Arkansas Code 17-90-303 is amended to read as follows:  
15 17-90-303. License - Registration and display - Statement of services.

16 ~~(a) No person shall practice optometry in this state without first  
17 having his license registered in the office of the circuit clerk of each  
18 county in which he practices.~~

19 ~~(b) Upon the filing of a license for registration, the clerk shall  
20 issue a certificate to the optometrist certifying that the license or a  
21 certified copy thereof has been registered in his office. The clerk shall  
22 record the registration in a book especially kept for such purposes.~~

23 ~~(c)(a) Any optometrist practicing in any county in this state shall  
24 display his license in a conspicuous place in his office, together with a  
25 certificate from the circuit clerk showing that his license has been duly  
26 registered in the county in which his office is located.~~

27 ~~(d)(b) Any optometrist practicing away from his office shall deliver to  
28 each person obtaining services from him a statement dated and signed by him  
29 setting forth the amount charged, his address, and the number of his  
30 certificate.~~

31 SECTION 3. Arkansas Code 17-90-304 is amended to read as follows:  
32 17-90-304. Renewal - Failure to renew.

33 (a) All registered optometrists shall annually pay ~~twenty-five dollars~~  
34 ~~(\$25.00)~~ or a reasonable sum, to be fixed by the board, to the treasurer of  
35 the board, as a ~~renewal~~ license renewal fee on or before February 1 each year.

36 (b) ~~Default of payment by any person so registered~~ The failure to pay

1 the license renewal fee by any licensee may cause his or her certificate  
2 license to be revoked or suspended, by the board upon or other such penalties  
3 as provided in Arkansas Code 17-90-305, after thirty (30) days' notice.  
4

5 SECTION 4. Arkansas Code 17-90-305 is amended to read as follows:

6 17-90-305. Revocation, suspension, or refusal to renew - Grounds.

7 (a) ~~The board shall have the power to revoke, suspend, or refuse to~~  
8 ~~renew any certificate of license for fraud or deceit or for conviction of~~  
9 ~~crime, or habitual drunkenness, exorbitant charges, false representation of~~  
10 ~~materials, gross incompetency, or unprofessional conduct. The board shall have~~  
11 the power to revoke, suspend, place a license on probation for such time as  
12 the board shall order and under such conditions as the board may impose, to  
13 insure the health and safety of the citizens of Arkansas, impose a fine of up  
14 to one thousand dollars (\$1,000) per violation, refuse to renew a license,  
15 and/or reprimand the licensee or any combination thereof, for any of the  
16 following offenses if the board finds that the individual has committed the  
17 same:

18 (1) Perpetrating a fraud on the public;

19 (2) Presenting false information or documentation to the board in  
20 an attempt to obtain or to retain a license;

21 (3) Conviction of a felony or the conviction of a misdemeanor, if  
22 said misdemeanor conduct would denote an impairment in the ability to practice  
23 optometry;

24 (4) Habitual drunkenness;

25 (5) Habitual or excessive use of schedule medication or other  
26 habit forming or mind altering drugs such as would impair the ability to  
27 practice optometry;

28 (6) Violation of the laws of the United States or the State of  
29 Arkansas regulating the possession, distribution and prescribing of schedule  
30 medication;

31 (7) Flagrant overcharging or billing;

32 (8) False representation of materials;

33 (9) False or misleading advertising;

34 (10) Gross incompetency in the treatment of patients;

35 (11) Unprofessional conduct;

36 (12) Suffering from mental disease or defect rendering the

1 licensee incompetent to practice optometry as a result of proof given by a  
2 licensed medical psychiatrist in the State of Arkansas and in combination with  
3 testimony of a licensed optometrist.

4 (13) Violation of any provision of the laws of Arkansas  
5 regulating the practice of optometry;

6 (14) Violation of any rule or regulation of the Board of  
7 Optometry;

8 (15) Violation of any term of probation or order rendered by the  
9 board.

10 (b) In addition to those acts which may be prescribed by the board as  
11 unprofessional conduct, the following shall be deemed by the board to be  
12 unprofessional :

13 (1) The violation of any provision of this chapter;

14 ~~(2) The solicitation in person or through agents for the purpose~~  
15 ~~of selling optometric materials or services; or~~ The acceptance of employment  
16 either directly or indirectly by a licensed optometrist from an optometrist  
17 not licensed in Arkansas, or an unlicensed person, firm, or corporation  
18 engaged in any business or profession to assist it, him, or them, in  
19 practicing optometry in this state.

20 ~~(3) The acceptance of employment either directly or indirectly by~~  
21 ~~a licensed optometrist from an optometrist not licensed in Arkansas, or~~  
22 ~~person, firm, or corporation engaged in any business or profession to assist~~  
23 ~~it, him, or them in practicing optometry in this state.~~

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25 SECTION 5. Arkansas Code 17-90-306 is amended to read as follows:

26 17-90-306. Revocation, suspension, or refusal to renew - Procedures.

27 (a) No certificate of license shall be rejected for renewal, suspended,  
28 or revoked for any cause, unless the person accused has been given at least  
29 thirty (30) days' notice in writing setting forth the nature of the charges  
30 against him.

31 (b) The accused person must also be afforded a public hearing at which  
32 time the person accused shall have the right to appear with or without  
33 counsel, to confront witnesses who appear against him, and to adduce testimony  
34 in his own behalf.

35 (c) A record of the charges filed and the action taken thereon shall be  
36 prepared.

1 (d) ~~An appeal may be taken to the circuit court of the jurisdiction~~  
2 ~~wherein the hearing was held by filing with the clerk a copy of the record~~  
3 ~~within thirty (30) days after the action was taken, at which appeal there~~  
4 ~~shall be a trial de novo.~~ All hearings of the board and appeals from decisions  
5 or orders of the board will be subject to the provisions of the Administrative  
6 Procedure Act of the State of Arkansas as codified in Arkansas Code 25-15-101  
7 et seq.

8 /s/ T. Steele

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11 APPROVED: 3/01/2001  
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