

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 457

TO AMEND THE LAWS RELATING TO THE PRACTICE OF OPHTHALMIC DISPENSERS.

Amendment No. 1 to Senate Bill No. 457

Amend Senate Bill No. 457 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-89-102(4), concerning the definition of ophthalmic dispensing, is amended to read as follows:

(4)(A) "Ophthalmic dispensing" means the preparation of laboratory work orders, verification, and dispensing of spectacle lenses, spectacles, eyeglasses, or parts thereof to the intended wearer on a written prescription from a licensed physician skilled in disease of the eye or from a licensed optometrist.

(B) "~~Ophthalmic~~ Ophthalmic dispensing" ~~shall include~~ includes:

(i) The measuring, fitting, adapting, and adjusting of spectacle lenses, spectacles, eyeglasses, or parts thereof to the human face;

(ii) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabrication of eyewear;

(iii) The verification of the quality of finished spectacle lenses, spectacles, or eyeglasses; and

(iv) The adjustment or repair of spectacle frames to the human face.

(C) The prescribing, adapting, fitting, ~~duplicating, dispensing, or modifying, selling, or supplying~~ of contact lenses for or to the human eye is specifically excluded.

(D) Ophthalmic dispensing includes the dispensing, selling, or supplying of contact lenses by a licensed dispensing optician, registered dispensing optician, or apprentice dispensing optician if there is no attempt to practice optometry;

SECTION 2. Arkansas Code § 17-89-103 is amended to read as follows:
17-89-103. Exceptions.

(a) Except as expressly provided otherwise in this chapter, ~~nothing in this chapter shall~~ this chapter does not apply to persons who sell glasses, spectacles, lenses, frames, mountings, or prisms at wholesale on individual prescriptions to licensed optometrists, physicians, or dispensing opticians, ~~nor shall it~~ and does not prohibit the sale of ready-made eyeglasses and



spectacles when sold as merchandise at any established place of business where no attempt is made to practice optometry or opticianry.

(b)(1) ~~Nothing in this chapter shall~~ This chapter does not prohibit an employee of an Arkansas-licensed optometrist or an Arkansas-licensed physician skilled in disease of the eye from performing any of the acts described in § 17-89-102(4) when the acts are performed in the office of an Arkansas-licensed optometrist or an Arkansas-licensed physician skilled in disease of the eye.

(2) ~~The employees are~~ A employee is not required to be registered or licensed under the provisions of this chapter.

(c)(1) The provisions of this chapter shall not apply to licensed optometrists or physicians skilled in disease of the eye, except as stated in this chapter.

(2) It is the specific intent of the General Assembly that this subsection supplement, not repeal, existing acts of Arkansas.

SECTION 3. Arkansas Code § 17-89-104(c) and (d) are amended to read as follows:

(c) ~~Nothing in this~~ This chapter ~~shall be construed to~~ does not authorize or permit ~~any~~ a licensed or registered dispensing optician or any other person except a licensed optometrist or licensed physician skilled in disease of the eye to undertake or hold himself or herself out as being able:

(1) To examine eyes by any objective or subjective method or exercise eyes;

(2) To undertake by any method or means the measurement of the cornea of the human eye; or

(3) To examine, prescribe, diagnose, treat, or correct for visual deficiency.

(d) The prescribing, adapting, fitting, ~~duplicating, dispensing, or~~ modifying, selling, or supplying of contact lenses for or to the human eye is specifically prohibited except when done by a licensed optometrist, ~~or~~ licensed physician skilled in disease of the eye, licensed dispensing optician, registered dispensing optician, or apprentice dispensing optician.

SECTION 4. Arkansas Code § 17-90-109, concerning the regulation of contact lenses, is amended to add an additional subsection to read as follows:

(d) The board may investigate and discipline a person, firm, corporation, or other legal entity in the State of Arkansas that fills, dispenses, sells, supplies, or delivers contact lenses that are not medicated and without a prescription."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Hester
JMB/JMB - 03-16-2015 14:38:36
JMB222 _____
Secretary