

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

A Bill

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

19 "TO AMEND CERTAIN SECTIONS OF THE OPHTHALMIC DISPENSING
20 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

1 of Optometry.

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

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

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

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

14

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

17 "17-88-304. Examinations.

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

24 (1) Mechanical optics;

25 (2) Occupational vision requirements;

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

27 (4) Ophthalmic lens types;

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

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

34 (c) Each applicant for licensure or registry under this chapter shall
35 be examined by the board by written and practical examination and shall be

1 required to meet certain standards of performance established by rules adopted
2 by the board.

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

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

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

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

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

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

20

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

23 "§ 17-88-307. Certificates - Renewal.

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

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

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

34 (3) Any person licensed or registered under the provisions of
35 this chapter who has not paid his or her renewal fee in full by July 1 of that

1 year shall be required to pay a renewal penalty established by the board."

2

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

5 "(a) The board shall:

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

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

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

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

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

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

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

As Engrossed: 3/24/93

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