

1 INTERIM STUDY PROPOSAL 2017-131

2 State of Arkansas

3 91st General Assembly

4 Third Extraordinary Session, 2018

A Bill

JMB/JMB

HOUSE BILL

5
6 By: Representative Magie

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO MODIFY THE DEFINITION OF "OPHTHALMIC
11 DISPENSING" TO INCLUDE THE PREPARATION AND DISPENSING
12 OF CONTACT LENSES; AND FOR OTHER PURPOSES.

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15 **Subtitle**

16 TO MODIFY THE DEFINITION OF "OPHTHALMIC
17 DISPENSING" TO INCLUDE THE PREPARATION
18 AND DISPENSING OF CONTACT LENSES.

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

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

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

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

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

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

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

3 (iv) The adjustment or repair of spectacle frames to
4 the human face; and

5 (v) The adapting, fitting, duplicating, dispensing,
6 modifying, selling, or supplying of contact lenses for the human eye.

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

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11 SECTION 2. Arkansas Code § 17-89-104(d), concerning the prohibition of
12 the practice of optometry or medicine by licensed dispensing opticians, is
13 amended to read as follows:

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

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19 SECTION 3. Arkansas Code Title 17, Chapter 89, Subchapter 4, is
20 amended to add an additional section to read as follows:

21 17-89-409. Contact lenses.

22 (a) The Arkansas Board of Dispensing Opticians shall adopt rules
23 concerning the adapting, fitting, duplicating, dispensing, selling, and
24 supplying of contact lenses by licensed dispensing opticians, including
25 establishing appropriate educational requirements of licensed dispensing
26 opticians.

27 (b) A licensed dispensing optician shall:

28 (1) Fit contact lenses only upon a written prescription from a
29 licensed optometrist or licensed physician skilled in disease of the eye;

30 (2) Advise the intended wearer of the contact lenses at the time
31 of dispensing to return to the licensed optometrist or licensed physician
32 skilled in disease of the eye for evaluation and follow-up care;

33 (3) Not fit a generic type of contact lenses or mode of wear for
34 contact lenses contrary to the type or mode prescribed; and

35 (4) Not duplicate contact lenses solely from previously prepared
36 contact lenses.

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Referred by Representative Magie

Prepared by: JMB/JMB