

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2228

4
5 By: Representative Thicksten

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 17-89-102 PERTAINING TO THE
10 DEFINITIONS OF OPHTHALMIC DISPENSING; TO AMEND ARKANSAS
11 CODE 17-89-201 PERTAINING TO THE ARKANSAS BOARD OF
12 DISPENSING OPTICIANS; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO AMEND ARKANSAS CODE 17-89-102
16 PERTAINING TO THE DEFINITIONS OF
17 OPHTHALMIC DISPENSING; TO AMEND ARKANSAS
18 CODE 17-89-201 PERTAINING TO THE
19 ARKANSAS BOARD OF DISPENSING OPTICIANS;
20 AND FOR OTHER PURPOSES."

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

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24 SECTION 1. Arkansas Code 17-89-102 is amended to read as follows:
25 "§ 17-89-102. Definitions.

26 As used in this chapter, unless the context otherwise requires:

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

32 (A) It shall include:

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

36 (ii) The preparation and delivery of work orders to laboratory

1 technicians engaged in grinding lenses and fabrication of eyewear;

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

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

5 (B) The prescribing, adapting, fitting, duplicating, dispensing,
6 modifying, selling, or supplying of contact lenses for or to the human eye is
7 specifically excluded;

8 (2) Licensed dispensing optician means any person licensed by the
9 Arkansas Board of Dispensing Opticians to engage in ophthalmic dispensing;

10 (3) Registered dispensing optician means any person registered by the
11 Arkansas Board of Dispensing Opticians to engage in ophthalmic dispensing;

12 (4) Apprentice dispensing optician means an individual registered with
13 the Arkansas Board of Dispensing Opticians to work under the supervision of a
14 licensed or registered dispensing optician, a physician skilled in disease of
15 the eye, or an optometrist licensed by this state;

16 (5) Supervision means the direct personal physical provision of
17 direction and control through personal inspection;

18 (6) Board means the Arkansas Board of Dispensing Opticians; and

19 (7) Person shall include individuals, partnerships, firms,
20 corporations, professional corporations, unincorporated associations, or any
21 of the foregoing."

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23 SECTION 2. Arkansas Code 17-89-201 is amended to read as follows:

24 "§ 17-89-201. Creation - Members.

25 (a) There is created the Arkansas Board of Dispensing Opticians which
26 shall be responsible for administering the specific duties as set out in this
27 chapter.

28 (b) The board shall be composed of ~~nine (9)~~ seven (7) members appointed
29 by the 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)~~ three
32 (3) names submitted to him by the Arkansas Association of Dispensing
33 Opticians. One (1) of the three (3) members shall be an employee of either an
34 Arkansas licensed ophthalmologist or optometrist.

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

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

4 ~~(4) (3) Two (2) members~~ One (1) member shall be a licensed
 5 ~~ophthalmologists~~ ophthalmologist appointed by the Governor from a list of six
 6 (6) names submitted by the Ophthalmology Section of the Arkansas Medical
 7 Society.

8 ~~(5) (4)~~ One (1) member shall be a consumer.

9 ~~(6) (5)~~ One (1) member, who shall represent the elderly, shall be sixty
 10 (60) years of age or older, shall not be actively engaged in or retired from
 11 the profession of ophthalmic dispensing, shall be appointed from the state at
 12 large, subject to confirmation by the Senate, and shall be a full voting
 13 member but shall not participate in grading examinations.

14 (c) The consumer board member position and the elderly representative
 15 may not be filled by the same person.

16 (d) No person or employee of a person who owns or has direct or
 17 indirect financial interest or control of a manufacturer of ophthalmic lenses
 18 which are prescribed, delivered, sold, or dispensed in the State of Arkansas
 19 shall serve on the board.

20 ~~(e)(1)~~ Terms shall begin on the first day of the fiscal year and end on
 21 the last day of the fiscal year when the term expires.

22 ~~(2) No person shall be eligible to serve more than two (2) full~~
 23 ~~consecutive terms.~~

24 (f)(1) In the event of a vacancy during a board member's term, the
 25 Governor shall appoint a person to fill that vacancy.

26 (2) If the vacating member was an optician, the Governor shall make his
 27 selection from a list of three (3) names submitted by the opticians
 28 association.

29 (3) If the vacating member was an optometrist, the Governor shall make
 30 his selection from a list of three (3) names submitted by the president of the
 31 Arkansas State Board of Optometry.

32 (4) If the vacating member was an ophthalmologist, the Governor shall
 33 make his selection from a list of three (3) names submitted by the
 34 Ophthalmology Section of the Arkansas Medical Society.

35 (g) Board members may receive compensation for services in accordance
 36 with comparable compensation paid members of other boards of the State of

1 Arkansas and shall receive appropriate per diem and travel expenses to the
2 extent authorized by appropriate State of Arkansas travel regulations.

3 (h) Upon the expiration of the term immediately following the passage
4 of this act of a board member who is a licensed optometrist, the Governor
5 shall not fill that vacancy.

6 (i) Upon the expiration of the term immediately following the passage
7 of this act of a board member who is a licensed ophthalmologist appointed
8 under subdivision 3 of subsection (b), the Governor shall not fill that
9 vacancy."

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11 SECTION 3. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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