

for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 20. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36 and, 455B.49 and section seven (7) of this Act and chapters 135E and 151, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 21. The members of the board of physical therapy examiners shall become members of the board of physical and occupational therapy examiners and may continue to serve the terms to which they were appointed; however, service on both boards shall be considered together for the purposes of section one hundred forty-seven point nineteen (147.19) of the Code. The governor shall appoint two persons who would be qualified to take or have waived the examination to become a licensed occupational therapist pursuant to this Act to the initial positions for licensed occupational therapists on the board of physical and occupational therapy examiners. The board shall grant these appointees licenses as occupational therapists. One initial appointee shall be appointed to a term of three years and the other to a term of two years.

Sec. 22. This Act is effective January first following its enactment.

Approved March 10, 1980

CHAPTER 1046
OPHTHALMIC DISPENSERS
S. F. 358

AN ACT to provide for certification of ophthalmic dispensers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. DEFINITIONS. For the purpose of this Act, ophthalmic dispenser means a person who prepares and dispenses ophthalmic lenses, spectacles, optical devices and contact lenses by signed written prescription, verbal order, or signed copy of a written prescription, by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, or optometrist licensed to practice in this state or a person who prepares and dispenses ophthalmic lenses for spectacles to the intended user by duplication by neutralization if the prescribing physician or optometrist

practices in another state. Physicians and surgeons, osteopathic physicians, osteopathic physicians and surgeons, and optometrists licensed to practice in this state, and persons operating under their direct supervision, are not engaged in practice as ophthalmic dispensers.

For the purpose of this Act, state department and department mean the state department of health.

Sec. 2. NEW SECTION. REQUIREMENTS TO PRACTICE. An applicant for certification as an ophthalmic dispenser shall meet the following requirements:

1. Possession of a high school diploma or a high school equivalency diploma.

2. Either of the following:

a. Three years or more employment as a registered apprentice under the direct supervision of a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, or optometrist licensed to practice in this state or an ophthalmic dispenser certified under this Act. Attendance at a course of study from a school of optics or school of ophthalmic dispensing approved by the state department shall be credited toward the time requirement under this paragraph.

b. Successful completion of a course of study from a school of optics or school of ophthalmic dispensing approved by the state department.

3. Possession of a certificate of examination issued to an ophthalmic dispenser by the American opticians association, the American board of opticianry, or the national committee of contact lens examiners.

Sec. 3. NEW SECTION. APPRENTICE OPHTHALMIC DISPENSERS. A person employed by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, optometrist, or certified ophthalmic dispenser for the purpose of obtaining practical experience and skill as an ophthalmic dispenser shall be registered with the state department as an apprentice. Persons desiring to be registered as an apprentice shall file an application with the state department of health on a form provided by the state department. The application shall be signed by the applicant and the applicant's employer and accompanied by the registration fee prescribed under section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 4. NEW SECTION. CONTINUING EDUCATION. The state department shall require the annual completion of continuing education by certified ophthalmic dispensers which shall include attendance at an educational program or clinic conducted by the opticians association of Iowa, inc., or its equivalent, for a period of at least twelve hours. The attendance requirement at the education program or clinic shall not be conditioned upon membership in the opticians association of Iowa, inc. Nonmembers shall be admitted to the educational program or clinic upon payment of their share of the cost. The state department may approve in lieu of attendance at the education program or clinic, attendance at local ophthalmic dispensers study group meetings which are of equivalent educational value. Section two hundred fifty-eight A point two (258A.2) shall apply to ophthalmic dispensers with the state department of health filling the duties of the board under that section.

Sec. 5. NEW SECTION. QUALIFICATIONS. An applicant for a certificate as an ophthalmic dispenser shall not be ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. The state department may consider the past felony record of an applicant only if the felony conviction relates directly to practice as an ophthalmic dispenser. Character references may be required, but shall not be obtained from certificated ophthalmic dispensers.

Sec. 6. NEW SECTION. DISPLAY OF CERTIFICATE. A person who possesses a certificate as an ophthalmic dispenser shall publicly display the certificate in the business location in which the ophthalmic dispenser is employed.

Sec. 7. NEW SECTION. RECORD. The state department of health shall enter the name, location, number of years of practice of the person to whom the certificate as an ophthalmic dispenser is issued, the number of the certificate, and the date the certificate is issued in a registry book. The registry book is open to the public. In addition, the state department shall send a list containing the names and addresses of each certified ophthalmic dispenser to each physician and surgeon, osteopathic physician, osteopathic physician and surgeon, and optometrist licensed to practice in this state. The list shall be made available to patients.

Sec. 8. NEW SECTION. CHANGE OF RESIDENCE. A certified ophthalmic dispenser shall notify the state department of a change of residence.

Sec. 9. NEW SECTION. RENEWAL. A certificate as an ophthalmic dispenser shall expire annually as determined by the state department and shall be renewed annually upon application by the certified ophthalmic dispenser. Application for renewal shall be made in writing to the state department accompanied by the required fee at least thirty days prior to the expiration of the certificate. A renewal shall be displayed with the certificate. Every year the state department shall notify certificate holders by mail of the expiration of their certificates. Failure to renew the certificate within a reasonable time after the certificate's expiration shall not invalidate the certificate, but a reasonable penalty may be assessed by the state department.

Sec. 10. NEW SECTION. TITLES. Only a certified ophthalmic dispenser is entitled to use the words "certified ophthalmic dispenser" after the certified ophthalmic dispenser's name and to use the letters C.O.D.

Sec. 11. NEW SECTION. FEES. The state department shall set the fees for initial issuance of a certificate and for renewal of a certificate. The fees shall be based upon the actual costs of the state department for issuing and renewing certificates as ophthalmic dispensers. Fees shall be collected by the state department, paid to the treasurer of state and deposited in the general fund of the state.

Sec. 12. This Act is effective January first following its enactment.