

Referred to State Gov. 1/14

Amended from 3357 to 358 (p. 145) 1979
NEED MAR 27 1979

SENATE FILE 358

By COMMITTEE ON STATE GOVERNMENT
approved 2/5 (p. 148)

Passed Senate, Date 4-11-79 (p. 146) Passed House, Date 4/9/80 (p. 145)

Vote: Ayes 27 Nays 18 Vote: Ayes 26 Nays 8

Approved May 21 1980

Referred to committee of 12 on 4/23 *Referred to House 4/22/80 (p. 143)*
Approved Senate 4/10/80 (p. 145) *88-3*
34-11

A BILL FOR

1 An Act to provide for the licensing of ophthalmic dispensers,
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. NEW SECTION. DEFINITIONS. For the purpose
2 of this title, ophthalmic dispenser means a person who prepares
3 and dispenses ophthalmic lenses for spectacles to the intended
4 user by neutralization if prescription verification is unob-
5 tainable, or a person who prepares and dispenses ophthalmic
6 lenses, spectacles, optical devices and contact lenses by
7 written prescription signed by a physician and surgeon, os-
8 teopathic physician, osteopathic physician and surgeon, or
9 optometrist licensed to practice in this state. Physicians
10 and surgeons, osteopathic physicians, osteopathic physicians
11 and surgeons, and optometrists licensed to practice in this
12 state, and persons operating under their direct supervision,
13 are not engaged in practice as ophthalmic dispensers.

14 Sec. 2. NEW SECTION. REQUIREMENTS TO PRACTICE. An ap-
15 plicant for a license to practice ophthalmic dispensing shall
16 meet the following requirements:

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

19 2. Either of the following:

20 a. Three years or more employment as a registered ap-
21 prentice under the direct supervision of a physician and
22 surgeon, osteopathic physician, osteopathic physician and sur-
23 geon, or optometrist, or ophthalmic dispensers licensed to
24 practice in this state. Attendance at a course of study from
25 a school of optics or school of ophthalmic dispensing approved
26 by the board shall be credited toward the time requirement
27 under this paragraph.

28 b. Successful completion of a course of study from a
29 school of optics or school of ophthalmic dispensing approved
30 by the board.

31 3. Passage of an examination prescribed by the board in
32 the subjects of mathematics, physics, ophthalmic optics,
33 ophthalmic materials and laboratory technique, ophthalmic
34 dispensing, contact lens dispensing techniques, contact lens
35 materials, contact lens modification, and practical ophthalmic

1 dispensing.

2 Sec. 3. NEW SECTION. REQUIREMENTS FOR BUSINESS LOCA-
3 TIONS. A minimum of one licensed ophthalmic dispenser is
4 required at each business location where ophthalmic dispensing
5 is practiced. A licensed ophthalmic dispenser may not have
6 more than two registered apprentices at a time under direct
7 supervision.

8 Sec. 4. NEW SECTION. APPRENTICE OPHTHALMIC DISPENSERS.
9 A person employed by a physician and surgeon, osteopathic
10 physician, osteopathic physician and surgeon, optometrist,
11 or ophthalmic dispenser licensed to practice in this state
12 for the purpose of obtaining practical experience and skill
13 as an ophthalmic dispenser shall be registered with the board
14 as an apprentice. Persons desiring to be registered as an
15 apprentice shall file an application with the state depart-
16 ment of health on a form provided by the board. The appli-
17 cation shall be signed by the applicant and the applicant's
18 employer and accompanied by the registration fee prescribed
19 under section one hundred forty-seven point eighty (147.80)
20 of the Code.

21 Sec. 5. NEW SECTION. CONTINUING EDUCATION. The continu-
22 ing education required by the board under chapter two hundred
23 fifty-eight A (258A) of the Code shall include attendance
24 at an educational program or clinic conducted by the opticians
25 association of Iowa, inc., or its equivalent, for a period
26 of at least twelve hours. The attendance requirement at the
27 education program or clinic shall not be conditioned upon
28 membership in the opticians association of Iowa, inc. Non-
29 members shall be admitted to the educational program or clinic
30 upon payment of their share of the cost. The board may approve
31 in lieu of attendance at the education program or clinic,
32 attendance at local ophthalmic dispensers study group meetings
33 which are of equivalent educational value.

34 Sec. 6. Section one hundred forty-seven point one (147.1),
35 subsections two (2) and three (3), Code 1979, are amended

1 to read as follows:

2 2. "Licensed" or "certified" when applied to a physician
3 and surgeon, podiatrist, osteopath, osteopathic physician
4 and surgeon, psychologist or associate psychologist,
5 chiropractor, nurse, dentist, dental hygienist, optometrist,
6 ophthalmic dispenser, speech pathologist, audiologist,
7 pharmacist, physical therapist, practitioner of cosmetology,
8 practitioner of barbering or funeral director shall mean a
9 person licensed under this title.

10 3. "Profession" shall mean medicine and surgery, podiatry,
11 osteopathy, osteopathic medicine and surgery, psychology,
12 chiropractic, nursing, dentistry, dental hygiene, optometry,
13 ophthalmic dispensing, speech pathology, audiology, pharmacy,
14 physical therapy, cosmetology, barbering or mortuary science.

15 Sec. 7. Section one hundred forty-seven point two (147.2),
16 Code 1979, is amended to read as follows:

17 147.2 LICENSE REQUIRED. No person shall engage in the
18 practice of medicine and surgery, podiatry, osteopathy,
19 osteopathic medicine and surgery, psychology, chiropractic,
20 physical therapy, nursing, dentistry, dental hygiene,
21 optometry, ophthalmic dispensing, speech pathology, audiology,
22 pharmacy, cosmetology, barbering or mortuary science as defined
23 in the following chapters of this title, unless he or she
24 shall have obtained from the state department of health a
25 license for that purpose.

26 Sec. 8. Section one hundred forty-seven point three
27 (147.3), Code 1979, is amended to read as follows:

28 147.3 QUALIFICATIONS. An applicant for a license to
29 practice a profession under this title shall not be ineligible
30 because of age, citizenship, sex, race, religion, marital
31 status or national origin, although the application form may
32 require citizenship information. Any board may consider the
33 past felony record of an applicant only if the felony
34 conviction relates directly to the practice of medicine,
35 podiatry, osteopathy, osteopathy and surgery, chiropractic,

1 nursing, psychology, optometry, ophthalmic dispensing, speech
2 pathology, audiology, pharmacy, physical therapy, cosmetology,
3 barbering or mortuary science for which the applicant requests
4 to be licensed. Character references may be required, but
5 shall not be obtained from licensed members of the profession.

6 Sec. 9. Section one hundred forty-seven point thirteen
7 (147.13), Code 1979, is amended to read as follows:

8 147.13 DESIGNATION OF BOARDS. The examining boards
9 provided in section 147.12 shall be designated as follows:
10 For medicine and surgery, and osteopathy, and osteopathic
11 medicine and surgery, medical examiners; for psychology,
12 psychology examiners; for podiatry, podiatry examiners; for
13 chiropractic, chiropractic examiners; for physical therapists,
14 physical therapy examiners; for nursing, board of nursing;
15 for dentistry and dental hygiene, dental examiners; for
16 optometry, optometry examiners; for ophthalmic dispensing,
17 ophthalmic dispenser examiner; for speech pathology and
18 audiology, speech pathology and audiology examiners; for
19 cosmetology, cosmetology examiners; for barbering, barber
20 examiners; for pharmacy, pharmacy examiners; for mortuary
21 science, mortuary science examiners.

22 Sec. 10. Section one hundred forty-seven point fourteen
23 (147.14), Code 1979, is amended by adding the following new
24 subsection:

25 NEW SUBSECTION. For ophthalmic dispenser examiners, five
26 members licensed to practice ophthalmic dispensing, one mem-
27 ber licensed to practice optometry, one member licensed to
28 practice medicine and surgery, osteopathy, or osteopathic
29 medicine and surgery, and two members who are not licensed
30 to practice any of the professions listed in this subsection
31 who shall represent the general public. A majority of the
32 members of the board shall constitute a quorum.

33 Sec. 11. Chapter one hundred forty-seven (147), Code 1979,
34 is amended by adding the following new section as section
35 one hundred forty-seven point fifty-six (147.56):

1 147.56 OPHTHALMIC DISPENSER. The following acts of an
2 ophthalmic dispenser shall also be grounds for the revocation
3 or suspension of the license:

4 1. The altering of a prescription from an optometrist,
5 physician and surgeon, osteopath, or osteopathic physician
6 and surgeon pursuant to which the ophthalmic dispenser is
7 adapting and fitting glasses.

8 2. The adapting and fitting of contact lenses without
9 informing or requiring the intended user to obtain a post
10 examination by the examining optometrist, physician and
11 surgeon, osteopath, or osteopathic physician and surgeon.

12 3. Engaging in the diagnosis and treatment of diseases
13 of the human eye or an attempt to determine the refractions
14 of the human eye.

15 Sec. 12. Section one hundred forty-seven point seventy-
16 four (147.74), Code 1979, is amended by adding the following
17 new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. A licensed ophthalmic dispenser
19 may use the words "licensed ophthalmic dispenser" after the
20 ophthalmic dispenser's name.

21 Sec. 13. Section one hundred forty-seven point eighty
22 (147.80), Code 1979, is amended by adding the following new
23 subsection:

24 NEW SUBSECTION. License to practice ophthalmic dispensing
25 issued upon the basis of an examination given by the board
26 of ophthalmic dispenser examiners, license to practice
27 ophthalmic dispensing issued under a reciprocal agreement,
28 renewal of a license to practice ophthalmic dispensing,
29 registration as an ophthalmic dispenser apprentice, renewal
30 of registration as an ophthalmic dispenser apprentice.

31 Sec. 14. Chapter one hundred forty-seven (147), Code 1979,
32 is amended by adding the following new section as section
33 one hundred forty-seven point one hundred seventeen (147.117):

34 147.117 OPHTHALMIC DISPENSER INSPECTOR. An inspector
35 may be appointed by the board of ophthalmic dispenser examiners

1 pursuant to the provisions of chapter nineteen A (19A) of
2 the Code.

3 Sec. 15. Section one hundred forty-seven point one hun-
4 dred thirty-six (147.136), Code 1979, is amended to read as
5 follows:

6 147.136 SCOPE OF RECOVERY. In an action for damages for
7 personal injury against a physician and surgeon, osteopath,
8 osteopathic physician and surgeon, dentist, podiatrist,
9 optometrist, ophthalmic dispenser, pharmacist, chiropractor,
10 or nurse licensed to practice that profession in this state,
11 or against a hospital licensed for operation in this state,
12 based on the alleged negligence of the practitioner in the
13 practice of the profession or occupation, or upon the alleged
14 negligence of the hospital in patient care, in which liability
15 is admitted or established, the damages awarded shall not
16 include actual economic losses incurred or to be incurred
17 in the future by the claimant by reason of the personal injury,
18 including but not limited to, the cost of reasonable and
19 necessary medical care, rehabilitation services, and custodial
20 care, and the loss of services and loss of earned income,
21 to the extent that those losses are replaced or are indemnified
22 by insurance, or by governmental, employment, or service
23 benefit programs or from any other source except the assets
24 of the claimant or of the members of the claimant's immediate
25 family.

26 Sec. 16. Section two hundred fifty-eight A point one
27 (258A.1), subsection one (1), Code 1979, is amended by adding
28 the following new paragraph:

29 NEW PARAGRAPH. The board of ophthalmic dispenser examiners,
30 created pursuant to chapter one hundred forty-seven (147)
31 of the Code.

32 Sec. 17. Section two hundred fifty-eight A point three
33 (258A.3), subsection two (2), paragraph a, Code 1979, is
34 amended to read as follows:

35 a. Revoke a license, or suspend a license either until

1 further order of the board or for a specified period, upon
2 the grounds specified in sections 114.21, 115.8, 116.21,
3 117.29, 118.13, 118A.15, 120.10, 147.55, one hundred forty-
4 seven point fifty-six (147.56), 153.34, 154A.24, 169.36,
5 455B.59 and chapters 135E and 151 or upon any other grounds
6 specifically provided for in this chapter for revocation of
7 the license of a licensee subject to the jurisdiction of that
8 board, or upon failure of the licensee to comply with a
9 decision of the board imposing licensee discipline;

10 Sec. 18. The department shall issue a license to a person
11 practicing ophthalmic dispensing on the effective date of
12 this Act without requiring passage of the examination required
13 in section two (2), subsection three (3), of this Act upon
14 submission of notarized evidence, filed within sixty days
15 after the effective date of this Act, of possession of one
16 of the following:

17 1. Six years experience as an ophthalmic dispenser accom-
18 panied by a reference from a physician and surgeon, osteopath,
19 osteopathic physician and surgeon, or optometrist licensed
20 to practice in this state. The six years experience shall
21 not have occurred earlier than January 1, 1973.

22 2. A certificate as an ophthalmic dispenser issued by
23 the American opticians association.

24 3. A certificate as an ophthalmic dispenser issued by
25 the American board of opticianry.

26 4. A valid license to practice ophthalmic dispensing is-
27 sued by a state that requires licensing of ophthalmic dispen-
28 sers with requirements similar to those in this state.

29 5. A certificate of graduation from a school of optics
30 approved by the board.

31 Sec. 19. For the initial board of ophthalmic dispenser
32 examiners appointed under section one hundred forty-seven
33 point fourteen (147.14) of the Code, three members shall be
34 appointed for a term of one year, three members for a term
35 of two years and three members for a term of three years.

1 Members required to be licensed ophthalmic dispensers shall
2 meet the qualifications required in section eighteen (18),
3 subsection one (1) and either subsection three (3) or four
4 (4) of this Act.

5 Sec. 20. This Act is effective January first following
6 its enactment.

7 EXPLANATION

8 This bill requires the licensing of ophthalmic dispensers,
9 sets the requirements for licensing, establishes a board of
10 ophthalmic dispenser examiners, and sets requirements for
11 persons practicing ophthalmic dispensing on the effective
12 date of the Act.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

FISCAL NOTE
Amendment H-5154 to S. F. 358
Requested by Representative I. Hansen
March 5, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment H-5154 to S. F. 358 pursuant to Joint Rule 16.

Amendment H-5154 amends Senate File 358, An Act to provide for the licensing of ophthalmic dispensers and making penalties applicable, by changing the requirements that ophthalmic dispensers be licensed by an examining board after passing an examination administered by the board. The amendment proposes that a new ophthalmic board not be created and that the department of health certify ophthalmic dispensers who meet several requirements including possession of a certificate of examination issued by the American opticians association, the American board of opticianry, or the national committee of contact lens examiners. The amendment also deletes references to appointment of an inspector.

Fiscal Impact: The cost to the Department of Health would be approximately \$2,500. Any costs incurred for issuing of certificates and renewals would be recovered through fee charges to ophthalmic dispensers.

FILED MARCH 11, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

SENATE FILE 358

H-5154

- 1 Amend Senate File 358, as passed by the Senate
2 as follows:
- 3 1. Page 1, line 2, by striking the word "title"
4 and inserting in lieu thereof the word "Act".
- 5 2. Page 1, line 15, by striking the words "a
6 license to practice ophthalmic dispensing" and
7 inserting in lieu thereof the words "certification
8 as an ophthalmic dispenser".
- 9 3. Page 1, line 13, by inserting after line 13
10 the following:
11 "For the purpose of this Act, state department
12 and department mean the state department of health."
13 4. Page 1, line 26, by striking the word "board"
14 and inserting in lieu thereof the words "state
15 department".
- 16 5. Page 1, line 30, by striking the word "board"
17 and inserting in lieu thereof the words "state
18 department".
- 19 6. Page 1, by striking lines 31 through 35 and
20 inserting in lieu thereof the following:
21 "3. Possession of a certificate of examination
22 issued to an ophthalmic dispenser by the American
23 opticians association, the American board of
24 opticianry, or the national committee of contact lens
25 examiners."
- 26 7. Page 2, by striking lines 1 through 7.
- 27 8. Page 2, by striking line 11 and inserting in
28 lieu thereof the words "or certified ophthalmic
29 dispenser".
- 30 9. Page 2, line 13, by striking the word "board"
31 and inserting in lieu thereof the words "state
32 department".
- 33 10. Page 2, line 16, by striking the word "board"
34 and inserting in lieu thereof the words "state
35 department".
- 36 11. Page 2, by striking lines 21, 22, and 23,
37 and inserting in lieu thereof the following:
38 "Sec. 5. NEW SECTION. CONTINUING EDUCATION.
39 The state department shall require the annual
40 completion of continuing education by certified
41 ophthalmic dispensers which shall include attendance".
- 42 12. Page 2, line 30, by striking the word "board"
43 and inserting in lieu thereof the words "state
44 department".
- 45 13. Page 2, line 33, by inserting after the word
46 "value." the words "Section two hundred fifty-eight
47 A point two (258A.2) shall apply to ophthalmic
48 dispensers with the state department of health filling
49 the duties of the board under that section."
- 50 14. By striking page 2, line 34 through page 8,

H-5154
Page Two

1 line 4 and inserting in lieu thereof the following:
2 "Sec. ____ . NEW SECTION. QUALIFICATIONS. An
3 applicant for a certificate as an ophthalmic dispenser
4 shall not be ineligible because of age, citizenship,
5 sex, race, religion, marital status, or national
6 origin, although the application form may require
7 citizenship information. The state department may
8 consider the past felony record of an applicant only
9 if the felony conviction relates directly to practice
10 as an ophthalmic dispenser. Character references
11 may be required, but shall not be obtained from
12 certificated ophthalmic dispensers.
13 Sec. ____ . NEW SECTION. DISPLAY OF CERTIFICATE.
14 A person who possesses a certificate as an ophthalmic
15 dispenser shall publicly display the certificate in
16 the business location in which the ophthalmic dispenser
17 is employed.
18 Sec. ____ . NEW SECTION. RECORD. The state
19 department of health shall enter the name, location,
20 number of years of practice of the person to whom
21 the certificate as an ophthalmic dispenser is issued,
22 the number of the certificate, and the date the
23 certificate is issued in a registry book. The registry
24 book is open to the public. In addition, the state
25 department shall send a list containing the names
26 and addresses of each certified ophthalmic dispenser
27 to each physician and surgeon, osteopathic physician,
28 osteopathic physician and surgeon, and optometrist
29 licensed to practice in this state. The list shall
30 be made available to patients.
31 Sec. ____ . NEW SECTION. CHANGE OF RESIDENCE.
32 A certified ophthalmic dispenser shall notify the
33 state department of a change of residence.
34 Sec. ____ . NEW SECTION. RENEWAL. A certificate
35 as an ophthalmic dispenser shall expire annually as
36 determined by the state department and shall be renewed
37 annually upon application by the certified ophthalmic
38 dispenser. Application for renewal shall be made
39 in writing to the state department accompanied by
40 the required fee at least thirty days prior to the
41 expiration of the certificate. A renewal shall be
42 displayed with the certificate. Every year the state
43 department shall notify certificate holders by mail
44 of the expiration of their certificates. Failure
45 to renew the certificate within a reasonable time
46 after the certificate's expiration shall not invalidate
47 the certificate, but a reasonable penalty may be
48 assessed by the state department.
49 Sec. ____ . NEW SECTION. TITLES. Only a certified
50 ophthalmic dispenser is entitled to use the words

H-5154
Page Three

1 "certified ophthalmic dispenser" after the certified
2 ophthalmic dispenser's name and to use the letters
3 C.O.D.
4 Sec. ____ . NEW SECTION. FEES. The state department
5 shall set the fees for initial issuance of a
6 certificate and for renewal of a certificate. The
7 fees shall be based upon the actual costs of the state
8 department for issuing and renewing certificates as
9 ophthalmic dispensers. Fees shall be collected by
10 the state department, paid to the treasurer of state
11 and deposited in the general fund of the state."
12 15. By numbering and renumbering sections as
13 necessary in accordance with this amendment.

H-5154 FILED
FEBRUARY 5, 1980
Chick 4/19 (p. 1455)

BY HANSEN of O'Brien
O'KANE of Woodbury

SENATE FILE 358

H-5359

- 1 Amend Senate File 358, as passed by the Senate
2 as follows:
- 3 1. Page 1, line 2, by striking the word "title"
4 and inserting in lieu thereof the word "Act".
 - 5 2. Page 1, line 15, by striking the words "a
6 license to practice ophthalmic dispensing" and
7 inserting in lieu thereof the words "certification
8 as an ophthalmic dispenser".
 - 9 3. Page 1, line 13, by inserting after line 13
10 the following:
11 "For the purpose of this Act, state department
12 and department mean the state department of health."
 - 13 4. Page 1, line 26, by striking the word "board"
14 and inserting in lieu thereof the words "state
15 department".
 - 16 5. Page 1, line 30, by striking the word "board"
17 and inserting in lieu thereof the words "state
18 department".
 - 19 6. Page 1, by striking lines 31 through 35 and
20 inserting in lieu thereof the following:
21 "3. Possession of a certificate of examination
22 issued to an ophthalmic dispenser by the American
23 opticians association, the American board of
24 opticianry, or the national committee of contact lens
25 examiners."
 - 26 7. Page 2, by striking lines 1 through 7.
 - 27 8. Page 2, by striking line 11 and inserting in
28 lieu thereof the words "or certified ophthalmic
29 dispenser".
 - 30 9. Page 2, line 13, by striking the word "board"
31 and inserting in lieu thereof the words "state
32 department".
 - 33 10. Page 2, line 16, by striking the word "board"
34 and inserting in lieu thereof the words "state
35 department".
 - 36 11. Page 2, by striking lines 21, 22, and 23,
37 and inserting in lieu thereof the following:
38 "Sec. 5. NEW SECTION. CONTINUING EDUCATION.
39 The state department shall require the annual
40 completion of continuing education by certified
41 ophthalmic dispensers which shall include attendance".
 - 42 12. Page 2, line 30, by striking the word "board"
43 and inserting in lieu thereof the words "state
44 department".
 - 45 13. Page 2, line 33, by inserting after the word
46 "value." the words "Section two hundred fifty-eight
47 A point two (258A.2) shall apply to ophthalmic
48 dispensers with the state department of health filling
49 the duties of the board under that section."
 - 50 14. By striking page 2, line 34 through page 8,

H-5359
Page Two

1 line 4 and inserting in lieu thereof the following:
2 "Sec. ____ . NEW SECTION. QUALIFICATIONS. An
3 applicant for a certificate as an ophthalmic dispenser
4 shall not be ineligible because of age, citizenship,
5 sex, race, religion, marital status, or national
6 origin, although the application form may require
7 citizenship information. The state department may
8 consider the past felony record of an applicant only
9 if the felony conviction relates directly to practice
10 as an ophthalmic dispenser. Character references
11 may be required, but shall not be obtained from
12 certificated ophthalmic dispensers.

13 Sec. ____ . NEW SECTION. DISPLAY OF CERTIFICATE.
14 A person who possesses a certificate as an ophthalmic
15 dispenser shall publicly display the certificate in
16 the business location in which the ophthalmic dispenser
17 is employed.

18 Sec. ____ . NEW SECTION. RECORD. The state
19 department of health shall enter the name, location,
20 number of years of practice of the person to whom
21 the certificate as an ophthalmic dispenser is issued,
22 the number of the certificate, and the date the
23 certificate is issued in a registry book. The registry
24 book is open to the public. In addition, the state
25 department shall send a list containing the names
26 and addresses of each certified ophthalmic dispenser
27 to each physician and surgeon, osteopathic physician,
28 osteopathic physician and surgeon, and optometrist
29 licensed to practice in this state. The list shall
30 be made available to patients.

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

34 Sec. ____ . NEW SECTION. RENEWAL. A certificate
35 as an ophthalmic dispenser shall expire annually as
36 determined by the state department and shall be renewed
37 annually upon application by the certified ophthalmic
38 dispenser. Application for renewal shall be made
39 in writing to the state department accompanied by
40 the required fee at least thirty days prior to the
41 expiration of the certificate. A renewal shall be
42 displayed with the certificate. Every year the state
43 department shall notify certificate holders by mail
44 of the expiration of their certificates. Failure
45 to renew the certificate within a reasonable time
46 after the certificate's expiration shall not invalidate
47 the certificate, but a reasonable penalty may be
48 assessed by the state department.

49 Sec. ____ . NEW SECTION. TITLES. Only a certified
50 ophthalmic dispenser is entitled to use the words

H-5359
Page Three

1 "certified ophthalmic dispenser" after the certified
2 ophthalmic dispenser's name and to use the letters
3 C.O.D.

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

12 15. Amend the title, line 1, by striking the words
13 "the licensing of ophthalmic dispensers," and inserting
14 in lieu thereof the words "certification of ophthalmic
15 dispensers."

16 16. Amend the title, by striking line 2.

17 17. By numbering and renumbering sections as
18 necessary in accordance with this amendment.

H-5359 FILED
MARCH 5, 1980

BY COMMITTEE ON STATE GOVERNMENT
CRAWFORD, Chair

State of Michigan

SENATE FILE 358

H-5793

1 Amend Senate File 358, as passed by the Senate,
2 as follows:
3 1. Page 1, by striking lines 3, 4, and 5 and
4 inserting in lieu thereof the words "and dispenses
5 ophthalmic".
6 2. Page 1, line 6, by inserting after the word
7 "by" the word "signed".
8 3. Page 1, line 7, by striking the word "signed"
9 and inserting in lieu thereof the words ", verbal
10 order, or signed copy of a written prescription,".
11 4. Page 1, line 9, by inserting after the word
12 "state" the words "or a person who prepares and
13 dispenses ophthalmic lenses for spectacles to the
14 intended user by duplication by neutralization if
15 the prescribing physician or optometrist practices
16 in another state".

H-5793 FILED
MARCH 31, 1980

BY STROMER of Hancock

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 358

H-6143

1 Amend the House amendment, S-5711, to Senate File 358
2 as passed by the Senate as follows:
3 1. Page 1, by inserting after line 26, the follow-
4 ing:
5 "____. Page 1, line 23, by striking the words ", or
6 ophthalmic dispensers".
7 _____. Page 1, line 24, by inserting after the
8 word "state" the words "or an ophthalmic dispenser
9 certified under this Act"."

H-6143 FILED APRIL 17, 1980

RECEIVED FROM THE SENATE

How - received (22 p. 103)

HOUSE AMENDMENT TO SENATE FILE 358

S-5711

- 1 Amend Senate File 358, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 2, by striking the word "title"
- 4 and inserting in lieu thereof the word "Act".
- 5 2. Page 1, by striking lines 3, 4, and 5 and
- 6 inserting in lieu thereof the words "and dispenses
- 7 ophthalmic".
- 8 3. Page 1, line 6, by inserting after the word
- 9 "by" the word "signed".
- 10 4. Page 1, line 7, by striking the word "signed"
- 11 and inserting in lieu thereof the words ", verbal
- 12 order, or signed copy of a written prescription,".
- 13 5. Page 1, line 9, by inserting after the word
- 14 "state" the words "or a person who prepares and
- 15 dispenses ophthalmic lenses for spectacles to the
- 16 intended user by duplication by neutralization if
- 17 the prescribing physician or optometrist practices
- 18 in another state".
- 19 6. Page 1, line 15, by striking the words "a
- 20 license to practice ophthalmic dispensing" and
- 21 inserting in lieu thereof the words "certification
- 22 as an ophthalmic dispenser".
- 23 7. Page 1, line 13, by inserting after line 13
- 24 the following:
- 25 "For the purpose of this Act, state department
- 26 and department mean the state department of health."
- 27 8. Page 1, line 26, by striking the word "board"
- 28 and inserting in lieu thereof the words "state
- 29 department".
- 30 9. Page 1, line 30, by striking the word "board"
- 31 and inserting in lieu thereof the words "state
- 32 department".
- 33 10. Page 1, by striking lines 31 through 35 and
- 34 inserting in lieu thereof the following:
- 35 "3. Possession of a certificate of examination
- 36 issued to an ophthalmic dispenser by the American
- 37 opticians association, the American board of
- 38 opticianry, or the national committee of contact lens
- 39 examiners."
- 40 11. Page 2, by striking lines 1 through 7.
- 41 12. Page 2, by striking line 11 and inserting
- 42 in lieu thereof the words "or certified ophthalmic
- 43 dispenser".
- 44 13. Page 2, line 13, by striking the word "board"
- 45 and inserting in lieu thereof the words "state
- 46 department".
- 47 14. Page 2, line 16, by striking the word "board"
- 48 and inserting in lieu thereof the words "state
- 49 department".
- 50 15. Page 2, by striking lines 21, 22, and 23,

S-5711
Page 2

1 and inserting in lieu thereof the following:

2 "Sec. 5. NEW SECTION. CONTINUING EDUCATION.

3 The state department shall require the annual
4 completion of continuing education by certified
5 ophthalmic dispensers which shall include attendance".

6 16. Page 2, line 30, by striking the word "board"
7 and inserting in lieu thereof the words "state
8 department".

9 17. Page 2, line 33, by inserting after the word
10 "value." the words "Section two hundred fifty-eight
11 A point two (258A.2) shall apply to ophthalmic
12 dispensers with the state department of health filling
13 the duties of the board under that section."

14 18. By striking page 2, line 34 through page 8,
15 line 4 and inserting in lieu thereof the following:

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

27 Sec. _____. NEW SECTION. DISPLAY OF CERTIFICATE.
28 A person who possesses a certificate as an ophthalmic
29 dispenser shall publicly display the certificate in
30 the business location in which the ophthalmic dispenser
31 is employed.

32 Sec. _____. NEW SECTION. RECORD. The state
33 department of health shall enter the name, location,
34 number of years of practice of the person to whom
35 the certificate as an ophthalmic dispenser is issued,
36 the number of the certificate, and the date the
37 certificate is issued in a registry book. The registry
38 book is open to the public. In addition, the state
39 department shall send a list containing the names
40 and addresses of each certified ophthalmic dispenser
41 to each physician and surgeon, osteopathic physician,
42 osteopathic physician and surgeon, and optometrist
43 licensed to practice in this state. The list shall
44 be made available to patients.

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

48 Sec. _____. NEW SECTION. RENEWAL. A certificate
49 as an ophthalmic dispenser shall expire annually as
50 determined by the state department and shall be renewed

S-5711

Page 3

1 annually upon application by the certified ophthalmic
2 dispenser. Application for renewal shall be made
3 in writing to the state department accompanied by
4 the required fee at least thirty days prior to the
5 expiration of the certificate. A renewal shall be
6 displayed with the certificate. Every year the state
7 department shall notify certificate holders by mail
8 of the expiration of their certificates. Failure
9 to renew the certificate within a reasonable time
10 after the certificate's expiration shall not invalidate
11 the certificate, but a reasonable penalty may be
12 assessed by the state department.

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

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

26 19. Amend the title, line 1, by striking the words
27 "the licensing of ophthalmic dispensers," and inserting
28 in lieu thereof the words "certification of ophthalmic
29 dispensers."

30 20. Amend the title, by striking line 2.

31 21. By numbering and renumbering sections as
32 necessary in accordance with this amendment.

S-5711 FILED
APRIL 11, 1980

RECEIVED FROM THE HOUSE

Senate concurred 4/14 (p. 1416)
Matine 4/14/80
Reconciled & approved by Concurrence 4/15 (1450)

SENATE FILE 358

S-5728

1 Amend S-5711, the House amendment to Senate File
2 358, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 26 the follow-
4 ing:
5 " . Page 1, line 23, by striking the words "
6 or ophthalmic dispensers".
7 . Page 1, line 24, by inserting after the
8 word "state" the words "or an ophthalmic dispenser
9 certified under this act"."

S-5728 FILED
APRIL 14, 1980

BY TOM SLATER

Adopted 4/15 (p. 1450)