

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/17/15
A Bill

SENATE BILL 457

By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF
OPHTHALMIC DISPENSERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS RELATING TO THE
PRACTICE OF OPHTHALMIC DISPENSERS.

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

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

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

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

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

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

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

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



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

(D) Ophthalmic dispensing includes the dispensing, selling, or supplying of contact lenses by a licensed dispensing optician, registered dispensing optician, or apprentice dispensing optician if there is no attempt to practice optometry;

SECTION 2. Arkansas Code § 17-89-103 is amended to read as follows:

17-89-103. Exceptions.

(a) Except as expressly provided otherwise in this chapter, ~~nothing in this chapter shall~~ this chapter does not apply to persons who sell glasses, spectacles, lenses, frames, mountings, or prisms at wholesale on individual prescriptions to licensed optometrists, physicians, or dispensing opticians, ~~nor shall it~~ and does not prohibit the sale of ready-made eyeglasses and spectacles when sold as merchandise at any established place of business where no attempt is made to practice optometry or opticianry.

~~(b)(1) Nothing in this chapter shall~~ This chapter does not prohibit an employee of an Arkansas-licensed optometrist or an Arkansas-licensed physician skilled in disease of the eye from performing any of the acts described in § 17-89-102(4) when the acts are performed in the office of an Arkansas-licensed optometrist or an Arkansas-licensed physician skilled in disease of the eye.

~~(2) The employees are~~ A employee is not required to be registered or licensed under the provisions of this chapter.

~~(c)(1) The provisions of this chapter shall not apply to licensed optometrists or physicians skilled in disease of the eye, except as stated in this chapter.~~

(2) It is the specific intent of the General Assembly that this subsection supplement, not repeal, existing acts of Arkansas.

SECTION 3. Arkansas Code § 17-89-104(c) and (d) are amended to read as follows:

(c) ~~Nothing in this~~ This chapter shall be construed to does not authorize or permit ~~any~~ a licensed or registered dispensing optician or any other person except a licensed optometrist or licensed physician skilled in

disease of the eye to undertake or hold himself or herself out as being able:

(1) To examine eyes by any objective or subjective method or exercise eyes;

(2) To undertake by any method or means the measurement of the cornea of the human eye; or

(3) To examine, prescribe, diagnose, treat, or correct for visual deficiency.

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

SECTION 4. Arkansas Code § 17-90-109, concerning the regulation of contact lenses, is amended to add an additional subsection to read as follows:

(d) The board may investigate and discipline a person, firm, corporation, or other legal entity in the State of Arkansas that fills, dispenses, sells, supplies, or delivers contact lenses that are not medicated and without a prescription.

/s/Hester