Chapter 246-824 WAC

DISPENSING OPTICIANS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-824-995 Conversion to a birthday renewal cycle. [Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-995, filed 2/13/98, effective 3/16/98. Repealed by WSR 05-12-012, filed 5/20/05, effective 7/1/05.]

WAC 246-824-010 Definitions. (1) "Secretary" means the secretary of the department of health.

(2) "Primary supervisor" is a physician licensed under chapter 18.57 or 18.71 RCW, an optometrist licensed under chapter 18.53 RCW, or a dispensing optician licensed under chapter 18.34 RCW, who is responsible for the acts of the apprentice and provides the majority of the training and direct supervision received by the apprentice.

(3) "One year of apprenticeship" is 2,000 hours of training under the supervision of a licensed physician, optometrist or dispensing optician.

(4) "Direct supervision" means the supervising optometrist, physician, or dispensing optician shall:

(a) Inspect a substantial portion of the apprentice's work;

(b) Be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training; and

(c) When fitting or adjusting contact lenses, "direct supervision" means the supervising optician, optometrist, or physician inspect all the apprentice's work and be physically present on the premises at all times.

[Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-010, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), reclassified as § 246-824-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.04.040. WSR 78-07-073 (Order PL-289), § 308-26-005, filed 6/30/78; Order PL-106, § 308-26-005, filed 2/2/71.]

WAC 246-824-020 Registration of apprentices. (1) The primary supervisor shall apply for registration of an apprentice on forms provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one primary supervisor.

(3) Once registered by the primary supervisor, the apprentice may thereafter, at the business or place of employment of the primary supervisor, receive training and direct supervision from a physician, optometrist or dispensing optician. No physician, optometrist or dispensing optician may have more than two apprentices in training or under their direct supervision at any one time.

(4) Only the apprenticeship training received subsequent to the date the apprentice was formally registered with the secretary will be credited toward the required 6,000 apprenticeship hours. No apprentice may engage in the work of a dispensing optician unless formally registered as an apprentice with the secretary. An apprentice must complete his or her apprenticeship training in no less than three or no more than six years.

(5) An individual registered by the Washington State Apprenticeship and Training Council or other similar program with substantially equivalent standards administered by an agency of the state of Washington may have dispensing optician training hours credited toward the required 6,000 apprenticeship hours, if:

(a) The program is approved by the secretary;

(b) The apprentice received training and direct supervision from a licensed physician, optometrist or dispensing optician;

(c) The apprentice is formally registered as an apprentice with the secretary by the licensed physician, optometrist or dispensing optician who has provided or does provide the supervision referred to in (b) of this subsection.

(6) The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours. This record shall be verified by initial of both the primary supervisor and apprentice and shall be available upon request by the secretary or secretary's designee.

(7) The primary supervisor shall notify the secretary whenever the apprenticeship training is terminated and provide the total number of apprenticeship hours accumulated during the training period.

[Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-020, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-020, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-09-024]
obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and pay the fee. (Emergencies considered.)

(2) Applicants failing an examination section may retake the section(s) failed at the next scheduled examination. Failure to pass the entire examination after three consecutive regularly scheduled examinations (emergencies may be considered) shall require reexamination on all three sections.

WAC 246-824-065 Duties and responsibilities of the dispensing optician examining committee. The dispensing optician examining committee shall meet at such times as deemed necessary by the secretary to prepare and administer the state's licensing examinations and to provide technical expertise, advise, and make recommendations to the secretary on the administration of the dispensing optician statute.

WAC 246-824-070 Informal review of examination results. (1) Any candidate who does not pass the examination may request informal review of his or her examination results by the dispensing optician examining committee (committee).

(2) The candidate must request an informal review within thirty days after receiving the examination results from the department.

(3) To request an informal review the candidate must contact the department of health for an appointment to appear personally to review incorrect answers on the written portion of a failed examination, or score sheets on the failed practical portion of the examination.

(4) The candidate must complete a form provided by the department. The candidate must identify the challenged portion(s) of the examination and state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(5) The committee will review the challenged portions identified by the candidates.

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(a) If the committee accepts some or all of the challenged portions, the candidate's score will be revised to reflect the committee's decision.

(b) If the committee does not accept some or all of the challenged portions, or if the revised score does not result in a passing score, the applicant may retake the required examination(s) as described in WAC 246-824-060.

[Statutory Authority: RCW 18.130.040(4). WSR 15-01-134, § 246-824-070, filed 12/19/14, effective 1/19/15. Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-070, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.040 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-070, filed 12/25/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.060. WSR 87-22-019 (Order PM 688), § 308-26-025, filed 10/27/87.]

WAC 246-824-071 Licensure by endorsement. (1) A license to practice as a dispensing optician may be issued without examination to an individual who is currently licensed in another state that has licensing standards substantially equivalent to those currently applicable in Washington state.

(2) The department will issue a license by endorsement upon receipt of:

(a) A completed application and application fee;

(b) The applicant will provide documentation from the state in which the applicant is currently licensed sufficient to establish that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

(c) A completed open-book state law questionnaire;

(d) Documentation of completion of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(e) Verification from all states in which the applicant has ever held a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.

(3) If licensure by endorsement is not granted, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

(4) Endorsement application fees may be applied towards the examination fee if licensure by endorsement is not granted.

[Statutory Authority: RCW 18.34.070, 43.70.040. WSR 02-18-025, § 246-824-071, filed 8/23/02, effective 9/23/02. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-071, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-071, filed 6/24/93, effective 7/25/93.]

WAC 246-824-072 Temporary permits. Eligibility requirements for temporary permits are the same for licensure by endorsement (WAC 246-824-071), therefore, no temporary permits will be issued. Individuals inquiring about temporary permits will be given information and an application for licensure by endorsement.

[Statutory Authority: RCW 43.70.250. WSR 93-14-011, § 246-824-072, filed 6/24/93, effective 7/25/93.]

WAC 246-824-073 Retired active credential. A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

(3/6/15)
WAC 246-824-080 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of health, whose address is:

Department of Health
Professional Licensing Services
1300 S.E. Quince St.
Olympia, Washington 98504

(5) "Dispensing optician" means a person licensed pursuant to chapter 18.34 RCW.

(6) "Mentally or physically disabled dispensing optician" means a dispensing optician who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dispensing with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

WAC 246-824-090 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dispensing optician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

WAC 246-824-100 Health care institutions. The chief administrator or executive officer of any hospital or nursing home or their designee shall report to the department when any dispensing optician’s services are terminated or are restricted based on a determination that the dispensing optician has either committed an act or acts which may constitute unprofessional conduct or that the dispensing optician may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

WAC 246-824-110 Dispensing optician associations or societies. The president or chief executive officer of any dispensing optician association or society within this state shall report to the department when the association or society determines that a dispensing optician has committed unprofessional conduct or that a dispensing optician may not be able to practice dispensing of optical goods with reasonable skill and safety to clients as a result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

WAC 246-824-120 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dispensing optician has engaged in fraud in billing for services.

WAC 246-824-130 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dispensing opticians shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dispensing optician's incompetency or negligence in the practice of opticianry. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dispensing optician's alleged incompetence or negligence.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-085, filed 6/30/89.]

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WAC 246-824-140 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dispensing opticians, other than minor traffic violations.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), reclassified as § 246-824-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-115, filed 6/30/89.]

WAC 246-824-150 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dispensing optician is employed to provide client care services, to report to the department whenever such a dispensing optician has been judged to have demonstrated his/her incompetency or negligence in the practice of opticianry, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dispensing optician. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-125, filed 6/30/89.]

WAC 246-824-160 Cooperation with investigation. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the secretary of the department of health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the secretary or the secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the secretary or the secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the secretary's designee. Settlements are not considered final until the secretary signs the settlement agreement.

[Statutory Authority: RCW 43.70.040, 18.130.050, 18.130.070 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-160, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), reclassified as § 246-824-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.130.070. WSR 89-14-092 (Order PM 842), § 308-26-135, filed 6/30/89.]

WAC 246-824-170 AIDS prevention and information education requirements. Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

[Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-170, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.040, 70.24.270 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-170, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), reclassified as § 246-824-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.270. WSR 88-22-077 (Order PM 786), § 308-26-200, filed 11/2/88.]

WAC 246-824-220 Retention of eyeglass and contact lens records. Dispensing opticians shall maintain eyeglass and contact lens records for a minimum of five years.

(1) Eyeglass records must at a minimum include:
   (a) A copy of the original prescription.
   (b) A copy of the refractive powers obtained when neutralizing an eyeglass lens for the purpose of duplicating the lens and the date the lens was neutralized.

(2) Contact lens records must at a minimum include:
   (a) The written prescription;
   (b) Base curve (posterior radius of curvature);
   (c) Thickness when applicable;
   (d) Secondary/peripheral curve, when applicable;
   (e) Power of lens dispensed;
   (f) Lens material, brand name or manufacturer;
   (g) Diameter, when applicable;
   (h) Suggested wearing schedule and care regimen;
   (i) Color, when applicable.

[Statutory Authority: RCW 18.130.050(14) and 18.34.060. WSR 14-20-067, § 246-824-220, filed 9/26/14, effective 10/27/14. Statutory Authority: RCW 18.130.070, 43.17.060 and 43.70.040. WSR 94-06-047, § 246-824-220, filed 3/1/94, effective 4/1/94.]

WAC 246-824-230 Minimum fitting equipment. Dispensing opticians shall have direct access to the following equipment while fitting contact lenses: Slitlamp or biomicroscope (for evaluation of the fit only), radioscope, diameter gauge, thickness gauge, lensometer, and keratometer.

[Statutory Authority: RCW 18.130.070, 43.17.060 and 43.70.040. WSR 94-06-047, § 246-824-230, filed 3/1/94, effective 4/1/94.]

WAC 246-824-990 Dispensing optician fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee                          Fee
Optician:
   Full examination (or reexamination)         $200.00
   Reexamination—Practical only              50.00
   Reexamination—Written (basic) only        25.00
   Reexamination—Written (contact lens) only  25.00
   Renewal                                 125.00
   Renewal retired active                  50.00
   Late renewal penalty                    75.00
   Late renewal retired active             25.00

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[Statutory Authority: RCW 18.130.250, 43.70.110, and 43.70.250. WSR 13-24-097, § 246-824-990, filed 12/3/13, effective 2/1/14. Statutory Authority: RCW 43.70.250, 43.70.280 and 43.70.110. WSR 05-12-012, § 246-824-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. WSR 94-08-078, § 246-824-990, filed 4/5/94, effective 5/6/94; WSR 93-14-011, § 246-824-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040, 43.70.250 and chapter 18.34 RCW. WSR 92-02-018 (Order 224), § 246-824-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-824-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. WSR 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.]