

CHAPTER 144.

[S. B. 38.]

THE OPTOMETRY LAW.

AN ACT defining the practice of Optometry, providing for the regulation of the same, creating a Board of Examiners and providing penalties for the violation thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any person shall be deemed to be practicing optometry within the meaning of this act, who shall in any manner, except as provided in section 15 of this act, 1st, display any sign, circular, advertisement or device purporting or offering to in any manner examine eyes, test eyes, fit glasses, adjust frames or setting himself or herself forth as an optometrist, optician, specialist, optical specialist, eyesight specialist or refractionist, with intent to induce people to patronize himself, herself, or any other person; 2d, who shall make in any manner a test or examination of the eye or eyes of another, to ascertain the refractive, muscular or pathological condition thereof; 3d, who shall in any manner adapt lenses to the human eye for any purpose either directly or indirectly.

SEC. 2. It shall be unlawful for any person to practice optometry in the State of Washington without first obtaining a certificate of registration or other permit from the Board of Examiners, and filing the same for record with the clerk of each and every county in which he may desire to practice.

SEC. 3. A board is hereby created to be known as the State Optometry Board. It shall be composed of three regularly registered optometrists, each of whom shall have been in actual continuous practice for a period of three years immediately

Practice of
optometry
defined.

Permit to
practice.

State
Optometry
Board.

prior to the appointment to said board. The members of the present optometry board shall hold office under this act until their respective terms expire or until their successors are appointed and qualified. Each member of the board shall, within thirty days after the appointment, file with the proper official, the usual oath of office. No person who is in any way connected with any school teaching optometry, nor who is an owner or employe of or stockholder in any regular wholesale optical firm, or other firm or corporation having a wholesale optical department, shall be eligible to appointment on said board. Each member of the board shall hold office for a term of three years and until his successor is appointed and qualified. On or before the first day of April in each year the governor shall appoint a member of said board, and may make such other appointments from time to time as may be necessary to fill any unexpired terms. The governor may remove from the board any members, for neglect of duty, or for any cause for which the board might revoke a certificate of registration. No member of the board shall be financially interested in any purchase or contract in which the board shall be financially interested in the sale of any optical wares or appliances to any prospective candidate before said board.

SEC. 4. The powers and duties of the optometry board shall be as follows:

1. To organize and elect from among their members a president and treasurer of said board, who shall hold office for one year or until their successors are elected, and to elect a secretary who may or may not, be a member of said board, and who may be removed from office at any time by a majority vote of the board. To adopt and use a common seal, which shall be in the custody of the sec-

Officers
of board.

Duties and
bond of
secretary.

retary. The secretary shall execute a bond in the sum of one thousand dollars (\$1,000.00), which shall meet the approval of the board. The secretary shall collect all moneys due the board and pay the same to the treasurer, shall keep all records and perform such other duties as may from time to time be prescribed by the board. All moneys received or collected by said board, or any member or officer thereof, during any month shall be turned over before the 10th of the succeeding month to the state treasurer, together with a verified statement showing source from which such money is derived.

Bond and
duties of
treasurer.

2. The treasurer shall furnish a good and sufficient bond in the sum of one thousand dollars (\$1,000.00), and shall safely deposit all moneys of the board in a suitable bank, which shall be approved by the board, and shall pay the same out only on orders signed by the secretary and president of the board, and no such orders shall be issued for any other purpose than may be necessary for the execution of the provisions of this act.

Employees
of board.

3. To employ agents, attorneys and inspectors to secure evidence of, report on, and to prosecute any violations of any of the provisions of this act, and to employ other necessary assistants for the execution of this act: *Provided*, that no state officer shall be eligible to employment by the board.

Meetings.

4. To hold meetings of the board in the month of August in each year, and as often in addition as may be necessary for the examination of candidates or the transaction of other necessary business. Such meetings may be held at such times and at such places as shall be deemed expedient by the board: *Providing* that one meeting each year shall be held in the city of Spokane.

Records.

5. To keep an accurate record of the proceedings of all meetings and actions of the board, and of all receipts and disbursements of the funds of

the board, together with all vouchers for same. Of all prosecutions for violations of this act, of all examinations for certificates, recording the names and addresses of all persons taking such examinations and the record of their standing in the examination. To keep an accurate inventory of all property of the board and to obtain a receipt therefor from their successors in office. All records of the board shall be public and shall be kept in the office of the board.

6. To visit and examine public schools wherein the science of optometry is taught in this state, and accredit the same if found to be furnishing a sufficient course of study for the preparation of optometrists.

Accrediting schools teaching optometry.

7. To keep a book to be known as the Official Optometry Register, in which shall be recorded the names and addresses of all optometrists registered in the state of Washington, together with the number and date of issue of the certificate of registration, and a complete record of the renewals or revocations thereof.

Register of practitioners.

8. To grant or refuse to grant certificates of registration as herein provided and to revoke the certificate of registration of any optometrist for any of the causes specified in section 11 of this act.

Issuance and revocation of certificates.

9. To administer oaths for any purpose connected with the work of the board, including the taking of testimony regarding the revoking of certificates.

Oaths.

10. To make rules for the procedure of the board and for the conduct and government of candidates for examination, which shall not be inconsistent with the provisions of this act.

Rules.

11. To report to the governor annually, between the first and fifth days of January the official acts of the board for the preceding year, giving an ac-

Annual reports.

count of all funds collected and disbursed during the year.

Qualifica-
tions and
examination
of applicants.

SEC. 5. Persons eligible for examination for registration, shall be any citizen of the United States of America, who shall have a preliminary education of or equal to, two years in a state high school, has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, or who has studied at least three years in the office of a regularly registered optometrist or who has successfully passed an examination before a board of optometry in some other state, who is of good moral character, who is not afflicted with any contagious or infectious disease, who has a visual acuity in at least one eye, of a standard known as 20/40 under correction. Such person shall file an application for examination and registration with said board at any time fifteen days prior to the time fixed for such examination, or at a later date if approved by the board, and such application must be on forms approved by the board, and properly attested, and if found to be in accordance with the provisions of this act shall entitle the applicant upon payment of the proper fee, to take the examination prescribed by the board. Such examination shall not be out of keeping with the established teachings and adopted text books of the recognized schools of optometry, and shall be confined to such subjects and practices as are recognized as essential to the practice of optometry. All candidates without discrimination, who shall successfully pass the prescribed examination, shall be registered by the board and shall, upon payment of the proper fee, be issued a certificate of registration.

SEC. 6. It is hereby made the duty of the county clerk of each organized county in this state to keep

a book known as the "Optometry Register" of such county, and set apart one full page for the registration of each optometrist, and to record in said optometry register, the name and record of each optometrist who presents a certificate from the board of examiners, issued under this act. The county clerk shall receive the sum of one dollar (\$1.00) from each optometrist so registered, which shall be his full compensation for all duties required under this act. When an optometrist shall die, or remove to another county, or have his certificate revoked, it shall be the duty of said clerk to make a note of the fact at the bottom of the page as closing the record. On January 1st in each year said clerk shall, upon request of the board, certify to the office of the State Optometry Board, a correct list of the optometrists then registered in the county, together with such other information as said board may require. Any county clerk upon conviction of knowingly violating any of the provisions of this act shall be fined not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00). A copy from the "Optometry Register", pertaining to any person, certified to by said county clerk, under the seal of his office, also a certificate issued by said official, certifying that any person named has or has not registered in said office, as required by this act, shall be admitted as evidence in all hearings for revocation of certificates.

Optometry register kept by county clerk.

Penalty for misfeasance of county clerk.

SEC. 7. It shall be unlawful for any person:

1. To sell or barter, or offer to sell or barter any certificate of registration issued by the optometry board; or

2. To purchase or procure by barter any certificate or registration with intent to use the same as evidence of the holder's qualification to practice optometry; or

Unlawful acts.

3. To alter with fraudulent intent in any material regard such certificate of registration; or

4. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered as a valid certificate of registration; or

5. To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the accused has no connection; or

6. To wilfully make any false statements in material regard in an application for an examination before the optometry board, or for a certificate of registration; or

7. To practice optometry in this state without having at the time of so doing a valid unrevoked certificate of registration, or other permit, issued by the optometry board of this state, and properly recorded as provided in this act; or

8. To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eye-glasses, spectacles, lenses or frames.

9. To use drugs in the examination of the eyes.

SEC. 8. The optometry board may at its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by said board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the optometry board, nor where a certificate has been revoked.

Temporary
permits to
practice.

Fees.

SEC. 9. The fee for application for examination shall be fifteen dollars (\$15.00) and the fee for issu-

ing a certificate of registration shall be ten dollars (\$10.00), which shall be paid to the board as they shall prescribe.

SEC. 10. The board shall have power to act upon any question that may require a decision, by mail, such action shall be by form of resolution and shall be signed by each member of the board, properly attested, and shall bear the seal of the board and become a part of the regular records of the proceedings of the board, and shall be admitted as evidence in any court, or hearing for revocation of certificate.

Board proceedings by mail.

SEC. 11. The board may, at its discretion, revoke the certificate of registration of any optometrist for any one of the following causes:

Causes for revocation of certificates.

1. Conviction of the accused of any crime of the grade of felony, or one which involved moral turpitude; or

2. Any form of fraud or deceit used in securing a certificate of registration; or

3. Any grossly unprofessional conduct, of a nature likely to deceive or defraud the public; or

4. The obtaining of any fee by fraud or misrepresentation; or

5. The employing either directly or indirectly of any person or persons commonly known as "capers" or "steerers" to obtain business; or

6. To employ any person to solicit from house to house, or to personally solicit from house to house; or

7. The employment of any unregistered person to perform the work covered by this act; or

8. To advertise in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or

9. The use of the term "Eye Specialist" in connection with the name of such optometrist; or

10. For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a man-

ner likely to destroy the accuracy of the work of an optometrist; or

11. Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or

12. For any cause for which the optometry board might refuse to admit a candidate to their examination; or

13 For the violation of any of the provisions of this act; or

14. Gross ignorance regarding the work of an optometrist, which shall be deemed to mean, "inability to demonstrate in manner satisfactory to the optometry board, their practical ability to correctly measure eyes, fit glasses, adjust frames and neutralize lenses correctly".

SEC. 12. Before any certificate shall be revoked, the optometry board shall mail to the holder of such certificate, at the last known post office address, a notice of the charges against him, and the holder of said certificate shall have ten days from the date of such notice, in which to file his answer with the optometry board and shall, if requested, be given a public hearing and opportunity to produce testimony in his favor and to confront the witness against him, and the revocation of any certificate of registration revoked for any of the above causes except those specified in one and two of section 11 may be set aside upon application of the holder of said certificate, at any time within six months from the date of such revocation, upon proof being made to the satisfaction of the optometry board, that the cause of such revocation no longer exists and that the applicant has been sufficiently punished. Before setting aside the revocation of any certificate, the board may, at its discretion, require the applicant to pass the regular examination given for applicants for certificates of registration.

Notice of charges.

Hearings.

SEC. 13. During the month of January of each year, every registered optometrist shall pay to the optometry board the sum of two dollars (\$2.00), as a renewal fee, and failure to pay such fee within the prescribed time shall *ipso facto*, cause the suspension of such optometrist. The secretary shall mail a notice of said suspension to the last known post office address of the one so suspended, between the first and fifth days of February, March and April, next following, and if the fee is not paid by the first of May, the board may declare the certificate revoked in the regular manner, and shall immediately notify the county clerk of the county in which the revoked certificate is recorded.

Annual
renewal fee.

SEC. 14. Each member of the optometry board shall receive as a compensation for services, the sum of ten dollars (\$10.00) per day for each day actually spent in carrying out the provisions of this act, together with all actual traveling and hotel expenses actually incurred while attending the regular or special meetings or work of the board, and the secretary shall receive such further compensation as may from time to time be decided upon by the board, *provided* that such compensation shall not exceed the sum of three hundred dollars (\$300.00) per year. All of such compensation shall be paid only out of the funds of the state appropriated to the optometry board upon warrants drawn by the state auditor upon the presentation of proper vouchers to be approved by a majority of said board as in case of state officers.

Compensation and expenses of optometry board.

SEC. 15. Nothing in this act shall be construed to pertain in any manner to the practice of any regularly qualified oculist or physician, who is regularly licensed to practice medicine in the state of Washington, nor to any person who in the regular course of trade, sells or offers for sale, spectacles or eyeglasses as regular merchandise without pretense of

Inapplicable to oculists and merchants.

adapting them to the eyes of the purchaser, and not in evasion of this act.

Transfer of state moneys credited to board.

SEC. 16. All funds which are in the state treasury to the credit of the state board of optometry, and which may not be in excess of two hundred dollars (\$200.00), shall upon passage of this act, be turned over to the optometry board for its use in compliance with the provisions of this act.

Prior certificates to remain in force.

SEC. 17. Any certificate which may have been issued by any optometry board of this state, and which shall be in full force and effect at the time of the passage of this act, shall be continued under the provisions of this act.

Partial invalidity.

SEC. 18. Any question of unconstitutionality arising concerning any of the sections or provisions of this act shall in no wise affect any other section or provision of the act.

Repealing clause.

SEC. 19. All acts and parts of acts inconsistent with this act are hereby repealed.

Designation of act.

SEC. 20. This act shall be known, and may be referred to as, "The Optometry Law".

When act effective.

SEC. 21. This act shall be in full force and effect after its passage.

Penalty for violations.

SEC. 22. Any person violating any provision of this act shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or imprisoned not less than thirty days nor more than six months, or both.

Passed the Senate February 18, 1919.

Passed the House March 13, 1919.

Approved by the Governor March 17, 1919.