

## CHAPTER 43.

[ H. B. 260. ]

## DISPENSING OPTICIANS—LICENSES.

AN ACT relating to dispensing opticians; providing for licensing, regulating and exemptions; providing penalties; and making an appropriation.

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

SECTION 1. Nothing in this act shall:

Construction.

(1) Be construed to limit or restrict a duly licensed physician or optometrist or employees working under the personal supervision of a duly licensed physician or optometrist from the practices enumerated in this act, and each such licensed physician and optometrist shall have all the rights and privileges which may accrue under this act to dispensing opticians licensed hereunder;

(2) Be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in an optical office, laboratory or shop;

(3) Be construed to prohibit an unlicensed person from engaging in the sale of spectacles, eyeglasses, magnifying glasses, goggles, sunglasses, telescopes, binoculars, or any such articles which are completely preassembled and sold only as merchandise;

(4) Be construed to authorize or permit a licensee hereunder to hold himself out as being able to, or to offer to, or to undertake to attempt, by any manner of means, to examine or exercise eyes, diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease or injury.

SEC. 2. The term "director" wherever used in this act shall mean the director of licenses of the state of Washington. The term "apprentice" wherever used in this act shall mean a person who shall

Definitions.  
"Director."

"Apprentice."

be designated an apprentice in the records of the director at the request of a physician, registered optometrist or licensee hereunder, and who shall thereafter receive from such physician, registered optometrist or licensee hereunder training and direct supervision in the work of a dispensing optician.

Apprentices.

Proviso.

SEC. 3. No licensee hereunder may have more than two apprentices in training at one time: *Provided*, That the licensee shall be responsible for the acts of his apprentices in the performance of their work in the apprenticeship program: *Provided further*, That apprentices shall complete their apprenticeship in six years and shall not work longer as an apprentice unless the director determines, after a hearing, that the apprentice was prevented by causes beyond his control from completing his apprenticeship and becoming a licensee hereunder in six years.

Administra-  
tion of act.

SEC. 4. This act shall be administered under and pursuant to the administrative code of the state of Washington contained in chapter 7, Laws of 1921 and chapter 43.24 RCW, as amended from time to time.

Examining  
committee.

SEC. 5. The examining committee shall consist of three persons primarily engaged in the business of dispensing opticians and who currently hold a valid license under this act.

Dispensing  
optician.

SEC. 6. A dispensing optician is a person who prepares duplications of, or prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists, and in accordance with such prescriptions, measures, adapts, adjusts and fabricates such lenses, spectacles, eyeglasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eye: *Provided, how-*

Proviso.

*ever*, That contact lenses may be fitted only upon a written prescription of a physician or optometrist.

SEC. 7. Any applicant for a license shall be examined if he pays an examination fee of fifty dollars and certifies under oath that:

License applicant, examination fee.

(1) He is 21 years or more of age; and  
 (2) He has graduated from an accredited high school; and

Eligibility requirements.

(3) He is a citizen of the United States or has declared his intention of becoming such citizen in accordance with law; and

(4) He is of good moral character; and

(5) He has either:

(a) Had at least three years of apprenticeship training; or

(b) Successfully completed a prescribed course in opticianry in a college or university approved by the director; or

(c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years.

SEC. 8. The examination shall determine whether the applicant has a thorough knowledge of the principles governing the practice of a dispensing optician which is hereby declared necessary for the protection of the public health. The director shall license successful examinees and the license shall be conspicuously displayed in the place of business of the licensee.

Examination—  
 Issuance and  
 display of  
 license.

SEC. 9. A license may be suspended or revoked when a licensee:

(1) Has been convicted of a felony involving moral turpitude; or

(2) Is addicted to the use of alcohol or any drugs;  
 or

(3) Has used advertising, whether printed, radio, display, or of any other nature, which is fraudulent,

Revocation  
 and suspension  
 of licenses—  
 Grounds.

Dispensing  
opticians.  
Revocation  
and suspension  
of licenses—  
Grounds.

misleading or inaccurate in any material particular, or misrepresents in any way any goods, services, or credit terms, values, policies, services or the nature or form of the business conducted; or

(4) Has practiced fraud or deception in his application for or in his examination for license; or

(5) Has used the word "licensed," "registered," or any of their synonyms publicly, except as provided in section 8 of this act; or

(6) Has displayed or published, directly or indirectly by any means, a price, terms of payment, or a discount or a policy or practice of generally underselling competitors, or any reference to the benefits available to the subscribers to any prepaid health plan; or

(7) Has participated in the division, assignment, rebate or refund of fees to a physician or optometrist in consideration of patient referrals; or

(8) Has bartered or given away as premiums in any manner either on his own account or as agent or representative for any other person, firm or corporation, any eyeglasses, spectacles, lenses or frames; or

(9) Has advertised the "free examinations of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising"; or

(10) Has employed either directly or indirectly, any person commonly known as "cappers" or "steerers" to obtain business; or

(11) Has solicited, or employed any person to solicit from house to house; or

(12) Has used advertising offering a service to the public for which he is not licensed hereunder:

*Provided, That nothing in this section shall prohibit*

**Proviso.**

the optician from advertising merchandise for which the license which is the subject of this act is not required; or

(13) Has engaged in a group contract for the duplication of eyeglasses or spectacles without a written prescription from an optometrist or physician; or

(14) Has advertised the services of any other segment of the healing arts; or

(15) Has violated subsections (10) to (17) inclusive of RCW 18.53.140.

SEC. 10. The director, after a hearing, may for good cause reissue or reinstate the license of a person whose license has been revoked or suspended.

Reissuance and reinstatement of licenses.

SEC. 11. The director shall issue a license without examination to any person who makes application therefor within six months after the effective date of this act, pays a fee of fifty dollars and certifies under oath that he is of good moral character and has been actually and principally engaged in the practice of a dispensing optician in the state of Washington for a period of not less than six months immediately preceding the effective date of this act.

License for existing practitioner—Fee.

SEC. 12. Each licensee hereunder shall pay an annual renewal registration fee of twenty-five dollars, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director and payment of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Annual renewal of license—Fee.

Reinstatement—Penalty.

SEC. 13. There is created the opticians' account of the general fund. All fees required to be paid under the provisions of this act shall be paid to the

Optician's account created—Disposition of fees.

state treasurer to be paid into the opticians' account of the general fund.

Practicing without license —Penalty.

SEC. 14. It shall be a gross misdemeanor for any person to practice as a dispensing optician without a license or while his license is suspended or revoked.

Unlawful practice may be enjoined.

SEC. 15. If any person engages in the practice of a dispensing optician without possessing a valid license to do so, or if he violates the provisions of section 9 of this act, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state of Washington to enjoin such person from engaging in practice as a dispensing optician. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license.

Severability.

SEC. 16. If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Appropriation.

SEC. 17. There is appropriated from the opticians' account of the general fund fifteen thousand dollars, or such lesser amount as is received by fees under this act, to carry out the provisions of this act.

Passed the House February 22, 1957.

Passed the Senate March 1, 1957.

Approved by the Governor March 7, 1957.