

CHAPTER 68

[House Bill No. 307]

UNIVERSITY OF WASHINGTON
GROUNDS—LIQUOR SALES

AN ACT Relating to the University of Washington; amending section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190; and repealing section 2, chapter 75, Laws of 1895 and RCW 66.44.191.

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

Section 1. Section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190 are each amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.490.

NEW SECTION. Sec. 2. Section 2, chapter 75, Laws of 1895 and RCW 66-44.191 are each repealed.

Passed the House May 16, 1975.

Passed the Senate May 13, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 69

[Substitute House Bill No. 308]

OPTOMETRY

AN ACT Relating to optometry; amending section 1, chapter 144, Laws of 1919 and RCW 18.53.010; amending section 2, chapter 144, Laws of 1919 and RCW 18.53.020; amending section 15, chapter 144, Laws of 1919 as amended by section 3, chapter 155, Laws of 1937 and RCW 18.53.040; amending section 5, chapter 144, Laws of 1919 as amended by section 1, chapter 155, Laws of 1937 and RCW 18.53.060; amending section 9, chapter 144, Laws of 1919 and RCW 18.53.070; amending section 11, chapter 144, Laws of 1919 and RCW 18.53.100; amending section 7, chapter 144, Laws of 1919 as last amended by section 1, chapter 78, Laws of 1945 and RCW 18.53.140; amending section 6, chapter 48, Laws of 1973 and RCW 18.53.190; amending section 5, chapter 25, Laws of 1963 and RCW 18.54.050; amending section 7, chapter 25, Laws of 1963 and RCW 18.54.070; amending section 8, chapter 25, Laws of 1963 and RCW 18.54.080; amending section 14, chapter 25, Laws of 1963 and RCW 18.54.140; adding new sections to chapter 18.53 RCW; and repealing section 6, chapter 144, Laws of 1919 and RCW 18.53.090.

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

NEW SECTION. Section 1. There is added to chapter 18.53 RCW a new section to read as follows:

The legislature finds and declares that the practice of optometry is a learned profession and affects the health, welfare and safety of the people of this state, and should be regulated in the public interest and limited to qualified persons licensed under the provisions of this 1975 amendatory act.

Sec. 2. Section 1, chapter 144, Laws of 1919 and RCW 18.53.010 are each amended to read as follows:

~~((Any person shall be deemed to be practicing optometry within the meaning of this chapter, who shall in any manner, except as provided in RCW 18.53.040, first, 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; second, 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; third, who shall in any manner adapt lenses to the human eye for any purpose either directly or indirectly:))~~ The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(1) The employment of any objective or subjective means or method and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(2) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(3) The prescription and provision of visual therapy, therapeutic aids and other optical devices; and

(4) The ascertainment of the perceptive, neural, muscular or pathological condition of the visual system; and

(5) The adaptation of prosthetic eyes.

Sec. 3. Section 2, chapter 144, Laws of 1919 and RCW 18.53.020 are each amended to read as follows:

It shall be unlawful for any person to practice optometry as above defined in the state of Washington without first obtaining a ~~((certificate of registration or other permit))~~ license from the director of ~~((licenses, and filing the same for record with the clerk of each and every county in which he may desire to practice))~~ motor vehicles.

Sec. 4. Section 5, chapter 144, Laws of 1919 as amended by section 1, chapter 155, Laws of 1937 and RCW 18.53.060 are each amended to read as follows:

~~((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: PROVIDED, That))~~ From and after January 1, 1940, in order to be eligible for examination for registration, a person shall be a citizen of the

United States of America, who shall have a preliminary education of or equal to four years in a state accredited high school and 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, who is a person 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: PROVIDED, That from and after January 1, 1975, in order to be eligible for examination for a license, a person shall have the following qualifications:

(1) Be a graduate of a state accredited high school or its equivalent;

(2) Have a diploma or other certificate of completion from an accredited college of optometry or school of optometry, maintaining a standard which is deemed sufficient and satisfactory by the optometry board, conferring its degree of Doctor of Optometry or its equivalent, maintaining a course of four scholastic years in addition to pre-professional college level studies, and teaching substantially all of the following subjects: General anatomy, anatomy of the eyes, physiology, physics, chemistry, pharmacology, biology, bacteriology, general pathology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, general laws of optics and refraction and use of the ophthalmoscope, retinoscope and other clinical instruments necessary in the practice of optometry;

(3) Be of good moral character; and

(4) Have no contagious or infectious disease.

Such person shall file an application for an examination and ((registration)) license with said board at any time ((fifteen)) thirty 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 textbooks 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)) license. The optometry board, at its discretion, may waive all or a portion of the written examination for any applicant who has satisfactorily passed the examination given by the National Board of Examiners in Optometry. Any license to practice optometry in this state issued by the director, and which shall be in full force and effect at the time of passage of this 1975 amendatory act, shall be continued.

Sec. 5. Section 9, chapter 144, Laws of 1919 and RCW 18.53.070 are each amended to read as follows:

The fee for application for examination shall be fifteen dollars and the fee for issuing a ((certificate of registration)) license shall be ((ten dollars)) the same as the annual renewal fee set forth in RCW 18.53.050 as the same now exists or is hereafter amended, which shall be paid to the director as he shall prescribe.

Sec. 6. Section 11, chapter 144, Laws of 1919 and RCW 18.53.100 are each amended to read as follows:

The ~~((director))~~ optometry board may under the provisions of the Administrative Procedure Act, chapter 34.04 RCW, upon presentation of evidence and information by the director, ~~((at his discretion;))~~ revoke the ~~((certificate of registration))~~ license of any optometrist for any of the following causes:

(1) Conviction ~~((of the accused))~~ of any crime ~~((of the grade of felony, or one which involved))~~ involving moral turpitude; or

(2) Any form of fraud or deceit used in securing a ~~((certificate of registration))~~ license; 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 "cappers" 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))~~ unlicensed person to perform the work covered by this chapter; or

(8) ~~((To advertise))~~ Advertisement 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 manner 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 director or board of optometry might refuse to admit a candidate to his examination; or

(13) ~~((For the violation of any of the provisions of this chapter; or~~

~~(14) Gross ignorance regarding the work of an optometrist, which shall be deemed to mean, "inability to demonstrate in manner satisfactory to the director, their practical ability to correctly measure eyes, fit glasses, adjust frames and neutralize lenses correctly"))~~ Inability to demonstrate, in a manner satisfactory to the director or the Board of Optometry, their practical ability to perform any function set forth in section 2 of this 1975 amendatory act which they utilize in their practice; or

(14) For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board.

Sec. 7. Section 7, chapter 144, Laws of 1919 as last amended by section 1, chapter 78, Laws of 1945 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any ~~((certificate of registration))~~ license issued by the director; or

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

(3) To alter with fraudulent intent in any material regard such ~~((certificate of registration))~~ license; or

(4) To use or attempt to use any such ~~((certificate of registration))~~ license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid ~~((certificate of registration))~~ license; 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))~~ licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

(6) To wilfully make any false statements in material regard in an application for an examination before the director, or for a ~~((certificate of registration))~~ license; or

(7) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid ((unrevoked certificate of registration, or other permit,)) license issued by the director of ((licenses of this state, and properly recorded as provided in this chapter)) motor vehicles; 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 eyeglasses, spectacles, lenses or frames; or

(9) To use drugs in the examination of eyes; or

(10) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

(11) To advertise the "free examination 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

(12) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with

licenses included, at a price either alone or in conjunction with professional services; or

(13) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

(14) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(15) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time; or

(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder.

Sec. 8. Section 6, chapter 48, Laws of 1973 and RCW 18.53.190 are each amended to read as follows:

RCW 18.53.165 through 18.53.185 shall apply to all agreements, renewals, or contracts issued on or after June 7, 1973.

Health care service contracts having a participant agreement with a majority of the licensed optometrists within its service area may provide benefits to persons or groups of persons through contracts which allow a subscriber to utilize on an equal participation basis the services of any participant provided in the contract, and such contracts shall not be discriminatory.

Sec. 9. Section 5, chapter 25, Laws of 1963 and RCW 18.54.050 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chairman or the director of ~~((licenses))~~ motor vehicles at such times and places as the chairman or the director of ~~((licenses))~~ motor vehicles may designate by giving three days' notice or as otherwise required by the administrative procedure act, chapter 34.04 RCW as now or hereafter amended.

Sec. 10. Section 7, chapter 25, Laws of 1963 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of ~~((licenses))~~ motor vehicles all lists, signed by all members conducting the examination, ~~((showing the names and addresses))~~ of all applicants for licenses who have successfully passed the examination and a separate list ~~((of the names and addresses))~~ of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The ~~((board))~~ director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.

(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct; and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of ~~((licenses))~~ motor vehicles.

(4) The board may employ stenographic and clerical help, ~~((investigating officers, attorneys;))~~ and such other assistance as may be necessary to enforce the provisions of this act.

(5) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

Sec. 11. Section 8, chapter 25, Laws of 1963 and RCW 18.54.080 are each amended to read as follows:

The term "unprofessional conduct" as used in this act means and includes the following acts and omissions, or any one or any combination thereof, as follows:

(1) Any one or more of the acts enumerated as grounds for revocation of a ~~((certificate of registration))~~ license, under the provisions of RCW 18.53.100; or

(2) Any one or more of the acts enumerated as unlawful under the provisions of RCW 18.53.140.

Sec. 12. Section 14, chapter 25, Laws of 1963 and RCW 18.54.140 are each amended to read as follows:

Notwithstanding any other provisions of law, rule or regulation, the board may draw from the optometry account created and held pursuant to RCW 18.53-.050, on vouchers approved by the director of ~~((licenses))~~ motor vehicles, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 18.53 RCW a new section to read as follows:

If any person engages in the practice of optometry without possessing a valid license to do so, or if he violates the provisions of RCW 18.53.100 or 18.53.140, 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 an optometrist. 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.

NEW SECTION. Sec. 14. There is added to chapter 18.53 RCW a new section to read as follows:

The information and records of a licensed optometrist pertaining to a patient shall be privileged communications, the same as now or hereafter may exist in the relationship of physician and patient and shall not be released or subjected to disclosure without the consent of the patient or as otherwise required by law.

Sec. 15. Section 15, chapter 144, Laws of 1919 as amended by section 3, chapter 155, Laws of 1937 and RCW 18.53.040 are each amended to read as follows:

Nothing in this chapter 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, or to any person who is regularly licensed to practice as a dispensing optician 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 adapting them to the eyes of the purchaser, and not in evasion of this chapter: PROVIDED, That any such regularly qualified oculist or physician or other person shall be subject to the provisions of subdivisions (10) through (15) of RCW 18.53.140, in connection with the performance of any function coming within the definition of the practice of optometry as defined in this chapter: PROVIDED FURTHER, HOWEVER, That in no way shall this section be construed to permit a dispensing optician to practice optometry as defined in this 1975 amendatory act.

NEW SECTION. Sec. 16. Section 6, chapter 144, Laws of 1919 and RCW 18-.53.090 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 1975 amendatory 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.

Passed the House May 16, 1975.

Passed the Senate May 9, 1975.

Approved by the Governor May 23, 1975.

Filed in Office of Secretary of State May 23, 1975.

CHAPTER 70

[House Bill No. 338]

ELECTRICIANS—CERTIFICATE OF COMPETENCY

AN ACT Relating to apprentice electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.020; amending section 4, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.040; and repealing section 12, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.110.

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

Section 1. Section 1, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37-.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of electricians;
- (2) (~~"Apprentice electrician" means any person engaged in learning the trade of electrical and who, under the supervision of a journeyman electrician, performs the actual work necessary to assemble, construct, install, repair, or modify electrical installations;~~)
- (3) "Department" means the department of labor and industries;
- (~~(4)~~)(3) "Director" means director of department of labor and industries;