

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 293

REPRESENTATIVES Salerno, G. Smith

A BILL

To amend sections 4725.40, 4725.41, 4725.42, 4725.44, 1
4725.45, 4725.47, 4725.49, 4725.50 to 4725.53, 2
4725.531, 4725.54 to 4725.57, and 4725.59; to enact 3
new section 4725.48; and to repeal sections 4725.48 4
and 4725.58 of the Revised Code to make changes to 5
the law governing optical dispensing and 6
ocularistry. 7

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

Section 1. That sections 4725.40, 4725.41, 4725.42, 4725.44, 8
4725.45, 4725.47, 4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 9
4725.531, 4725.54, 4725.55, 4725.56, 4725.57, and 4725.59 be 10
amended and new section 4725.48 of the Revised Code be enacted to 11
read as follows: 12

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the 13
Revised Code: 14

(A) "Optical aid" means ~~an~~ a fabricated ophthalmic instrument, 15
accessory, item, procedure, or device prescribed by designed based 16
on a prescription or written or verbal instructions of a physician 17
or optometrist licensed by any state to correct human vision, 18
including spectacles, eyeglasses, contact lenses, and accessories. 19
~~Contact lenses shall be dispensed only in accordance with a~~ 20

~~written prescription designated for contact lenses.~~ 21

(B) ~~"Optical dispensing" means interpreting but not altering~~ 22
~~a prescription of a licensed physician or optometrist and~~ 23
~~designing, adapting, fitting, duplicating, or replacing the~~ 24
~~prescribed optical aids, pursuant to such prescription adjusting~~ 25
~~any new or replacement optical aid, to or for the intended wearer;~~ 26
~~duplicating lenses, other than contact lenses, accurately as to~~ 27
~~power without a prescription; and duplicating nonprescription~~ 28
~~eyewear and parts of eyewear. "Optical dispensing" does not~~ 29
~~include selecting frames, transacting a sale, transferring an~~ 30
~~optical aid to the wearer after an optician has completed fitting~~ 31
~~it, or providing instruction in the general care and use of an~~ 32
~~optical aid, including placement, removal, hygiene, or cleaning~~ 33
~~user. Optical dispensing includes:~~ 34

(1) Interpreting, but not altering, the prescription of a 35
physician or optometrist and duplicating prescription lenses 36
accurately as to power without a prescription; 37

(2) Recommending and selecting the appropriate ophthalmic 38
frame; 39

(3) Determining, by means of accurate ophthalmic measurement, 40
the placement of the optical center, both horizontally and 41
vertically for the prescribed lenses; 42

(4) Recommending and selecting, by the means of interpreting 43
the prescription, the appropriate ophthalmic lens size, style, and 44
material, both for single vision and multifocal vision correction; 45
46

(5) Recommending and selecting all accessories and coatings 47
that could affect human vision when applied to prescribed 48
ophthalmic lenses; 49

(6) Recommending and selecting, through personal interaction 50
for or on behalf of the intended user, of the correct frame and 51

<u>lenses;</u>	52
<u>(7) Designing, fitting, adapting, duplicating, or adjusting non-prescription eyewear and parts of eyewear;</u>	53 54
<u>(8) Providing instruction in the general care and use of an optical aid, including placement, removal, and cleaning;</u>	55 56
<u>(9) Measuring corneal shape and appraising contact lens fit.</u>	57
<u>"Optical dispensing" does not include fabricating an optical aid or transferring a completed optical aid to, or on behalf of, the intended user, if none of the activities described in division (B)(1) to (9) of this section are involved.</u>	58 59 60 61
(C) "Licensed dispensing <u>Dispensing</u> optician" means a person holding a current, valid license issued under sections 4725.47 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.	62 63 64 65 66 67
(D) " Licensed spectacle <u>Spectacle</u> dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of optical aids other than contact lenses.	68 69 70
(E) " Licensed contact <u>Contact</u> lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	71 72 73
(F) " Licensed spectacle-contact <u>Spectacle-contact</u> lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.	74 75 76
(G) "Apprentice" means any person dispensing <u>registered with the Ohio optical dispensers board and engaging in optical aids dispensing or ocularistry</u> under the direct supervision of a licensed dispensing optician <u>or ocularist</u> .	77 78 79 80
(H) <u>"Optical intern" means a person enrolled in a program of</u>	81

study to obtain an associate degree in optical dispensing, 82
registered with the Ohio optical dispensers board, and engaging in 83
optical dispensing under the direct supervision of a dispensing 84
optician. 85

(I) "Prescription" means the written or verbal directions or 86
instructions ~~as specified by~~ of a physician or optometrist 87
~~licensed by any state for preparing an optical aid for a patient~~ 88
to correct human vision. The date of the prescription is not part 89
of the prescription. 90

~~(I)(J)~~(J) "Supervision" means the provision of direction and 91
control of work at all times work is being done through personal 92
inspection and evaluation ~~of work.~~ 93

~~(J)(K)~~(K) "~~Licensed ocularist~~ Ocularist" means a person holding 94
a current, valid license issued under sections 4725.48 to 4725.51 95
of the Revised Code to engage in the practice of ocularistry; 96

(L) "Ocularistry" means the designing, fabricating, and 97
fitting artificial eyes or prostheses associated with the 98
appearance or function of the human eye pursuant to a prescription 99
from a physician or optometrist; 100

(M) "Physician" means a person authorized under Chapter 4731. 101
of the Revised Code to practice medicine and surgery or 102
osteopathic medicine and surgery; 103

(N) "Optometrist" means a person licensed under sections 104
4725.01 to 4725.34 of the Revised Code to practice optometry. 105

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ 106
~~person shall engage in optical dispensing or hold himself out as~~ 107
~~being engaged in optical dispensing, except as authorized under~~ 108
~~section 4725.47 of the Revised Code, unless he has fulfilled the~~ 109
~~requirements of sections 4725.48 to 4725.51 of the Revised Code~~ 110
~~and has been certified as a licensed dispensing optician by the~~ 111

~~Ohio optical dispensers board.~~ 112

~~No person shall engage in the designing, fabricating, and 113
fitting of an artificial eye or of prostheses associated with the 114
appearance or function of the human eye unless he is licensed as 115
an ocularist under to sections 4725.48 to 4725.51 of the Revised 116
Code optical dispensing unless the person is a dispensing optician 117
or an apprentice or optical intern of a dispensing optician. No 118
person shall engage in ocularistry unless the person is an 119
ocularist or an apprentice of an ocularist. 120~~

Sec. 4725.42. (A) There is hereby created the Ohio optical 121
dispensers board, consisting of nine members: 122

(1) Five dispensing opticians, at least one of whom shall be 123
a contact lens dispensing optician and at least one of whom shall 124
be a spectacle dispensing optician, ~~licensed under sections 125
4725.48 to 4725.51 of the Revised Code, except as otherwise 126
provided in this division;~~ 127

(2) One physician licensed by the state medical board who 128
engages in the practice of ophthalmology; 129

(3) One optometrist licensed by the state board of optometry; 130
131

(4) Two members of the public who have no direct financial 132
interest in or any other interest in the provision of optical 133
aids, eye prosthetics, or the performance of optical dispensing or 134
ocularistry services. At least one of these members of the public 135
shall be at least sixty years of age. 136

~~The initial dispensing optician members of the board shall 137
meet the criteria for licensure as licensed dispensing opticians 138
specified in section 4725.47 of the Revised Code.~~ 139

(B) The governor, with the advice and consent of the senate, 140
shall make appointments to the board. Terms of office shall be for 141

five years, each term commencing on the twenty-third day of March
and ending on the twenty-second day of March. Each member of the
board shall hold office from the date of ~~his~~ appointment until the
end of the term for which ~~he~~ the member was appointed, except that
if a successor member has not been appointed by the end of the
term, the member shall continue in office until such appointment.

142
143
144
145
146
147
148

No member shall serve more than two consecutive terms. Any
vacancy occurring prior to the expiration of a member's term shall
be filled in the same manner as the original appointment. A member
appointed to fill a vacancy shall hold office for the remainder of
the unexpired term of the predecessor member of the board.

149
150
151
152
153

Sec. 4725.44. (A) The Ohio optical dispensers board shall be
responsible for the administration of sections 4725.40 to 4725.59
of the Revised Code ~~and, in particular,~~ Those responsibilities
shall ~~process~~ include processing applications for licensure as
~~licensed~~ dispensing opticians and ocularists; processing
apprentice and optical intern registration forms; schedule
scheduling, administer administering, and supervise supervising
the qualifying examinations for licensure; ~~issue~~ issuing licenses
to qualified individuals; ~~revoke~~ registering apprentices and
optical interns; revoking and suspend suspending licenses and
registrations; and maintain maintaining adequate records with
respect to its operations and responsibilities. Pursuant to
investigations of violations of sections 4725.40 to 4725.59 of the
Revised Code, the board may issue subpoenas and subpoenas duces
tecum as well as conduct depositions.

154
155
156
157
158
159
160
161
162
163
164
165
166
167
168

(B) The board shall adopt, amend, or rescind rules, pursuant
to Chapter 119. of the Revised Code, for the licensure of
dispensing opticians and ocularists, the registration of
apprentices and optical interns, and such other rules as are
required by or necessary to carry out the responsibilities imposed

169
170
171
172
173

by sections 4725.40 to 4725.59 of the Revised Code. 174

(C) The board shall have no authority to adopt rules 175
governing ~~the employment of dispensing opticians~~, the location or 176
number of optical stores, advertising of optical products or 177
services, or the manner in which such products can be displayed. 178

Sec. 4725.45. (A) The Ohio optical dispensers board shall 179
employ an executive secretary-treasurer, who shall serve at the 180
pleasure of the board. Before entering upon the discharge of the 181
duties imposed upon the executive secretary-treasurer by sections 182
4725.40 to 4725.59 of the Revised Code or by the board, the 183
executive secretary-treasurer shall give a bond, with sufficient 184
sureties, in an amount to be determined by the board for the 185
faithful discharge of the duties of the office of executive 186
secretary-treasurer. The premium for such bond shall be paid as 187
are other expenditures of the board. Such bond, with the approval 188
of the board and oath of office endorsed thereon, shall be 189
deposited with the secretary of state and kept in the secretary of 190
state's office. 191

(B) The executive secretary-treasurer shall perform such 192
duties as are prescribed by the board. 193

(C) The board may employ such additional employees as may be 194
necessary for the administration and enforcement of sections 195
4725.40 to 4725.59 of the Revised Code. 196

(D) All receipts of the board shall be deposited in the state 197
treasury to the credit of the occupational licensing and 198
regulatory fund. All vouchers of the board shall be approved by 199
the president of the board and the executive secretary-treasurer. 200

(E) The board, subject to the approval of the controlling 201
board, may establish examination and license renewal fees in 202
excess of the amounts provided in sections ~~4725.48, 4725.49,~~ 203
4725.47 and 4725.51 of the Revised Code, provided that such fees 204

do not exceed those amounts by more than fifty per cent. 205

~~Sec. 4725.47. (A) Within one year from the effective date of 206
this section, Except as provided in section 4725.57 of the Revised 207
Code, any person who ~~has or is engaged~~ desires to engage in 208
optical dispensing and who ~~desires to continue or recommence the 209
practice of optical dispensing without having to satisfy the 210
requirements of sections 4725.48 to 4725.50 of the Revised Code,~~ 211
shall submit a properly completed written application on an 212
approved form, accompanied by a fee of fifty dollars, to the Ohio 213
optical dispensers board. The application shall contain 214
information sufficient to establish that the applicant: 215~~

~~(1) Is at least eighteen years of age; 216~~

~~(2) Is of good moral character, as defined by rules adopted 217
under division (B) of section 4725.44 of the Revised Code; 218~~

~~(3) Is free of contagious or infectious disease, as defined 219
by rules adopted under division (B) of section 4725.44 of the 220
Revised Code; 221~~

~~(4) Is a graduate of an accredited high school of any state, 222
or has received an education equivalent thereto; and 223~~

~~(5) Has successfully completed a course, as prescribed by 224
board rule, in a school for optical dispensing education approved 225
by the board, or has had at least one year of optical dispensing 226
experience, as prescribed by rule of the board, or has completed a 227
combination of such prescribed schooling and experience, as 228
prescribed by rule of the board. The applicant shall submit 229
sufficient proof, as determined by rule of the board, of the 230
completion of such schooling or experience. 231~~

~~(B) If an application submitted under division (A) of this 232
section establishes that the applicant meets the criteria set 233
forth therein, the board shall license the applicant as a licensed 234~~

~~dispensing optician of the state. Such licensee shall be
designated as a spectacle dispensing optician, contact lens
dispensing optician, or spectacle-contact lens dispensing
optician, in accordance with the requirements of sections 4725.40
to 4725.59 of the Revised Code.~~

235
236
237
238
239

~~(C) Any license issued under this section shall be renewed in
accordance with section 4725.51 of the Revised Code. or
ocularistry must apply to the Ohio optical dispensers board to be
licensed as a dispensing optician or ocularist pursuant to
sections 4725.40 to 4725.59 of the Revised Code. Application must
be made on the form provided by the board and must be accompanied
by an application fee the board shall establish by rule.~~

240
241
242
243
244
245
246

~~(B) The board shall issue a license to practice optical
dispensing or ocularistry, without the necessity of examination,
to any person who was employed by an optometrist or physician on
the effective date of this section and for the entire year
preceding that date and who practiced and desires to continue
practicing optical dispensing or ocularistry, if the person, no
later than one year after the effective date of this section, does
all of the following:~~

247
248
249
250
251
252
253
254

~~(1) Submits an application for licensure on a form provided
by the board;~~

255
256

~~(2) Provides or causes to be provided a certification from
the employing optometrist or physician that the person was
employed on the effective date of this section and the year prior
to that date and that the person practiced optical dispensing or
ocularistry;~~

257
258
259
260
261

~~(3) Pays the application fee described in this section.~~

262

~~**Sec. 4725.48.** (A) The Ohio optical dispensers board shall
issue a license to engage in optical dispensing or ocularistry to~~

263
264

any person who makes an application and pays the license application fee pursuant to section 4725.47 of the Revised Code and meets all of the following requirements: 265
266
267

(1) The person is at least eighteen years of age, of good moral character, as defined by rules adopted by the board, and a graduate of an accredited high school of any state, or has received an education equivalent thereto. 268
269
270
271

(2) The person meets one of the following requirements: 272

(a) With respect to a person who is not a dispensing optician and is seeking licensure as a spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician, one of the following applies: 273
274
275
276

(i) The person has two years of experience as an apprentice under a dispensing optician licensed to dispense the same optical aids for which the person seeks a license. 277
278
279

(ii) The person has completed a two-year college level program in optical dispensing that has been approved by the board and includes courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care. 280
281
282
283
284
285
286
287

(b) With respect to a person who is a contact lens dispensing optician and is seeking licensure as a spectacle-contact lens dispensing optician, the person has one year of experience as an apprentice or optical intern under a spectacle dispensing optician or a spectacle-contact dispensing optician. 288
289
290
291
292
293

(c) With respect to a person who is a spectacle dispensing optician and is seeking licensure as a spectacle-contact lens 294
295

dispensing optician, one of the following applies: 296

(i) The person has one year of experience as an apprentice 297
under a contact lens dispensing optician or a spectacle-contact 298
lens dispensing optician. 299

(ii) The person successfully completes all contact lens 300
courses required by a board approved program offering a two-year 301
associate degree in optical dispensing. 302

(d) With respect to a person seeking licensure as an 303
ocularist, one of the following applies: 304

(i) The person has three years of experience as an apprentice 305
under an ocularist. 306

(ii) The person meets the experience standards recognized by 307
the board as national standards for ocularists. 308

(3) The person has passed the competency examination 309
applicable for the type of dispensing optician license sought or 310
applicable for ocularists established by the board pursuant to 311
section 4725.49 of the Revised Code. 312

(B) A license to practice optical dispensing issued pursuant 313
to this section shall designate the licensee as a spectacle 314
dispensing optician, contact lens dispensing optician, or 315
spectacle-contact lens dispensing optician. 316

Sec. 4725.49. (A) ~~The Ohio optical dispensers board shall~~ 318
~~examine each applicant eligible for examination under section~~ 319
~~4725.48 of the Revised Code. The board may provide for the~~ 320
~~examination of applicants by designing, preparing, and~~ 321
~~administering the qualifying examinations~~ design, prepare, and 322
administer a competency examination or by contracting ~~may contract~~ 323
~~with a testing service that is nationally recognized as being~~ 324
~~capable of determining competence to practice ocularistry as an~~ 325
ocularist or to dispense optical aids as a licensed spectacle 326

dispensing optician, a ~~licensed~~ contact lens dispensing optician, 327
or a ~~licensed~~ spectacle-contact lens dispensing optician. Any 328
examination used shall be designed to measure specific performance 329
requirements, be professionally constructed and validated, and be 330
independently and objectively administered and scored ~~in order to~~ 331
~~determine the applicant's competence to dispense optical aids.~~ 332

(B) The board shall ensure that it, or the testing service it 333
contracts with, does all of the following: 334

(1) Provides public notice as to the date, time, and place 335
for each examination at least ninety days prior to the 336
examination; 337

(2) Offers each qualifying examination at least twice each 338
year in Columbus, except as provided in division (C) of this 339
section; 340

(3) Provides to each applicant all forms necessary to apply 341
for examination; 342

(4) Provides all materials and equipment necessary for the 343
applicant to take the examination. 344

(C) If the number of applicants for any qualifying competency 345
examination is less than ten, the examination may be postponed. 346
The board or testing service shall provide the applicant with 347
written notification of the postponement and of the next date the 348
examination is scheduled to be administered. 349

(D) No limitation shall be placed upon the number of times 350
that an applicant may repeat any qualifying examination, except 351
that, if the board receives notice that an applicant fails an has 352
failed a competency examination for a third time, the board may 353
require that the applicant, prior to retaking the examination, 354
undergo additional study in the areas of the examination in which 355
he experienced difficulty shall require the applicant, prior to 356
retaking the examination, to successfully complete a remedial 357

course approved by the board in the specific subject area 358
addressed in the competency examination that the applicant has 359
failed. Until successful completion of the remedial course, the 360
board shall not give further consideration to the application. 361

(E) An optical dispensing apprentice or an optical intern may 362
take the competency examination after one year as an optical 363
dispensing apprentice or optical intern. 364

(F) An ocularistry apprentice may take the competency 365
examination after three years as an ocularistry apprentice. 366

Sec. 4725.50. (A) ~~Except for a~~ Each person who qualifies for 367
licensure ~~as an ocularist, each person who qualifies for licensure~~ 368
under sections 4725.40 to 4725.59 of the Revised Code shall 369
receive from the Ohio optical dispensers board, under its seal, a 370
certificate of licensure entitling ~~him~~ the person to practice as a 371
~~licensed~~ spectacle dispensing optician, ~~licensed~~ contact lens 372
dispensing optician, ~~or a licensed~~ spectacle-contact lens 373
dispensing optician, or an ocularist. The appropriate certificate 374
of licensure shall be issued by the board no later than sixty days 375
after it has notified the applicant of ~~his~~ the applicant's 376
approval for licensure. 377

(B) The licensure fee shall be ~~fifty dollars for applications~~ 378
~~submitted in January through March; thirty-seven dollars and fifty~~ 379
~~cents, in April through June; twenty-five dollars, in July through~~ 380
~~September; and twelve dollars and fifty cents, in October through~~ 381
~~December~~ established by rule by the board. 382

(C) Each ~~licensed~~ dispensing optician and ocularist shall 384
display ~~his~~ the dispensing optician's or ocularist's certificate 385
of licensure in a conspicuous place in ~~his~~ the dispensing 386
optician's or ocularist's office or place of business. If a 387
~~licensed~~ dispensing optician or ocularist maintains more than one 388

office or place of business, ~~he~~ the dispensing optician or 389
ocularist shall display a duplicate copy of such certificate at 390
each location. The board shall issue duplicate copies of the 391
appropriate certificate of licensure for this purpose upon the 392
filing of an application form therefor and the payment of a 393
~~five-dollar~~ fee established by rule by the board for each 394
duplicate copy. 395

Sec. 4725.51. (A)~~(1)~~ Each license issued under sections 396
4725.40 to 4725.59 of the Revised Code shall expire on the first 397
day of January in the year after it was issued. Each person 398
holding a valid, current license may apply to the Ohio optical 399
dispensers board for the extension of the license under the 400
standard renewal procedures of Chapter 4745. of the Revised Code. 401
Each application for renewal shall be accompanied by a renewal fee 402
the board shall establish by rule and shall contain evidence that 403
the applicant has completed a continuing education program within 404
the immediately preceding one-year period as follows: 405

~~(1) Licensed spectacle~~ (a) Spectacle dispensing opticians 406
shall have pursued four hours of study in spectacle dispensing, 407
approved by the board. 408

~~(2) Licensed contact.~~ 409

(b) Contact lens dispensing opticians shall have pursued 410
eight hours of study in contact lens dispensing, approved by the 411
board. 412

~~(3) Licensed spectacle-contact~~ (c) Spectacle-contact lens 413
dispensing opticians shall have pursued courses of study under 414
divisions (A)(1) and (2) of this section. 415

~~(4) Licensed ocularists~~ (d) Ocularists shall have pursued 416
courses of study as prescribed by rule of the board. 417

(2) A dispensing optician who does not have an associate 418

degree in optical dispensing may comply with the continuing
education requirements imposed by this section by doing one of the
following that has been previously approved by the board:

(a) If the person is a spectacle dispensing optician or a
contact dispensing optician, by completing a course on spectacles
and lenses or on contacts, as appropriate to the person's
authorized area of practice, that is part of the degree
requirement offered by a board-approved associate degree program
in optical dispensing;

(b) If the person is a spectacle-contact lens dispensing
optician, by completing a course on spectacles and lenses and a
course on contact lenses that are part of the degree requirement
offered by a board-approved associate degree program in optical
dispensing.

~~(B) No person who fails to renew his license under division
(A) of this section shall be required to take a qualifying
examination under section 4725.48 of the Revised Code as a
condition of renewal, provided that the application for renewal
and proof of the requisite continuing education hours are
submitted within ninety days from the date the license expired and
the applicant pays the annual renewal fee and a penalty of
seventy five dollars. The board may provide, by rule, for an
extension of the grace period for licensed dispensing opticians
who are serving in the armed forces of the United States and for
waiver of the continuing education requirements or the penalty in
cases of hardship or illness. The board shall renew the license of
any person who complies with division (A) of this section before
the expiration date of the person's license. The board shall renew
the license of a person who fails, before the expiration date of
the license, to comply with division (A) of this section if, no
later than the first day of April of the year the license expired,
the person files an application for renewal that contains proof of~~

419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450

the requisite continuing education hours and is accompanied by the 451
annual renewal fee and a late fee of seventy-five dollars. 452

453

(C) A person who has good cause for not renewing the person's 454
license may apply for an extension of the renewal deadline or 455
waiver of the renewal requirement. The application must include an 456
explanation of the cause and be accompanied by supporting 457
documentation, as the board considers necessary. The board may 458
grant an extension or waiver for good cause. 459

(D) A person whose license has expired shall not practice 460
optical dispensing or ocularistry after the first day of April of 461
the year in which the license expired until the person passes the 462
competency examination and obtains a new license pursuant to 463
sections 4725.47 to 4725.49 of the Revised Code. 464

~~(C)~~(E) The board shall approve continuing education programs 465
and shall adopt rules as necessary for approving the programs. 466
Approved programs shall be scheduled, sponsored, and conducted in 467
accordance with the board's rules. 468

~~Sec. 4725.52. Any licensed dispensing optician may supervise~~ 469
~~a maximum of three apprentices who shall be permitted to engage in~~ 470
~~optical dispensing only under the supervision of the licensed~~ 471
~~dispensing optician.~~ 472

(A) A person serving as an apprentice shall register annually 473
on or before the first day of July of each year with the Ohio 474
optical dispensers board either on a form provided by the board or 475
in the form of a statement giving the name and address of the 476
supervising licensed dispensing optician, the location at which 477
the apprentice will be employed, and any other information 478
required by the board. The form shall provide spaces for the name 479
and license number of the dispensing optician or ocularist 480
responsible for directly supervising the apprentice, the location 481

at which the apprentice is or will be employed, and any other 482
information the board requires. Each registrant shall pay a an 483
annual registration fee of ten dollars established by rule by the 484
board. 485

~~A person who is gaining experience under the supervision of a~~ 486
~~licensed optometrist or ophthalmologist that would qualify him~~ 487
~~under division (B)(1) of section 4725.48 of the Revised Code to~~ 488
~~take the examination for optical dispensing is not required to~~ 489
~~register with the board.~~ 490

(B) A person serving as an optical intern shall register with 491
the board in accordance with the requirements applicable to an 492
apprentice, except that the person must provide or cause to be 493
provided to the board, at the time the person registers, a 494
certification by the appropriate official of a school or other 495
institution offering an associate degree program of study in 496
optical dispensing approved by the board that the person is 497
enrolled in that program. When acting as an optical intern, the 498
intern shall wear an identifying badge that states the intern's 499
full name and title. 500

(C) A dispensing optician may supervise at any time a maximum 501
of three persons. The three persons may be apprentices, optical 502
interns, or a combination of apprentices and interns. An ocularist 503
may supervise a maximum number of three apprentices at any time. 504
The dispensing optician or ocularist responsible for supervising 505
an apprentice or optical intern shall be listed at the time of 506
registration as the supervisor of record. The supervisor of record 507
shall be the only person responsible for scheduling the working 508
hours of the apprentice or intern. The supervisor of record shall 509
provide the board notice if the supervisor ceases to supervise the 510
apprentice or intern. 511

Sec. 4725.53. (A) The Ohio optical dispensers board, ~~by a~~ 512

~~majority vote of its members,~~ may refuse to grant a license or 513
accept an apprentice or optical intern registration and, in 514
accordance with Chapter 119. of the Revised Code, may suspend or 515
revoke the license of a ~~licensed~~ dispensing optician or ocularist, 516
suspend or revoke the registration of an apprentice or optical 517
intern, or impose a fine or order restitution pursuant to division 518
(B) of this section on any of the following grounds: 519

(1) Conviction of a felony or a crime involving moral 520
turpitude; 521

(2) Obtaining or attempting to obtain a license by fraud or 522
deception or using fraud or deception when registering as an 523
apprentice or optical intern; 524

(3) Obtaining any fee or making any sale of an optical aid or 525
artificial eyes or prosthesis by means of fraud or 526
misrepresentation; 527

(4) Habitual indulgence in the use of controlled substances 528
or other habit-forming drugs, or in the use of alcoholic liquors 529
to an extent that affects professional competency; 530

(5) Finding by a court of competent jurisdiction that the 531
applicant ~~or,~~ licensee, apprentice, or optical intern is 532
incompetent by reason of mental illness and no subsequent finding 533
by the court of competency; 534

(6) Finding by a court of law that the licensee is guilty of 535
incompetence or negligence in the dispensing of optical aids or 536
artificial eyes or prosthesis; 537

(7) Knowingly permitting or employing a person whose license 538
or apprentice or optical intern registration has been suspended or 539
revoked or an unlicensed person to engage in optical dispensing or 540
ocularistry if the person is not an apprentice or optical intern; 541

(8) Permitting another person to use ~~his~~ the licensee's 542
license or the apprentice's or optical intern's registration; 543

(9) Engaging in optical dispensing or ocularistry not 544
pursuant to the prescription of a ~~licensed~~ physician or ~~licensed~~ 545
optometrist, but nothing in this section shall prohibit the 546
duplication or replacement of previously prepared optical aids,
~~except contact lenses shall not be duplicated or replaced without~~ 547
~~a written prescription;~~ 549

(10) Violation of sections 4725.40 to 4725.59 of the Revised 550
Code; 551

~~(11) Waiving the payment of all or any part of a deductible 552
or copayment that a patient, pursuant to a health insurance or 553
health care policy, contract, or plan that covers optical 554
dispensing services, would otherwise be required to pay if the 555
waiver is used as an enticement to a patient or group of patients 556
to receive health care services from that provider. 557~~

~~(12) Advertising that he will waive the payment of all or any 558
part of a deductible or copayment that a patient, pursuant to a 559
health insurance or health care policy, contract, or plan that 560
covers optical dispensing services, would otherwise be required to 561
pay Violation of any order of the board. 562~~

(B) The board may impose a fine of not more than five hundred 563
dollars for a first occurrence of an action that is grounds for 564
discipline under this section and of not less than five hundred 565
nor more than one thousand dollars for a subsequent occurrence, or 566
may order the licensee, apprentice, or optical intern to make 567
restitution to a person who has suffered a financial loss as a 568
result of the licensee's, apprentice's, or optical intern's 569
failure to comply with sections 4725.40 to 4725.59 of the Revised 570
Code. 571

~~(C) Notwithstanding divisions (A)(11) and (12) of this 572
section, sanctions shall not be imposed against any licensee who 573
waives deductibles and copayments. 574~~

~~(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third party administrator. Such consent shall be made available to the board upon request.~~

~~(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.~~

Sec. 4725.531. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the Ohio optical dispensers board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued or registration accepted by the board pursuant to this chapter.

Sec. 4725.54. (A) Any person having knowledge of a violation of sections 4725.40 to 4725.59 of the Revised Code by a ~~licensed~~ dispensing optician ~~or an, ocularist,~~ apprentice, or optical intern, or of any other ground specified in section 4725.53 of the Revised Code for denying, suspending, or revoking a license or registration, may submit a written complaint, specifying the precise violations or grounds, to the Ohio optical dispensers board. If the board determines, in accordance with the procedures of Chapter 119. of the Revised Code, that the charges are sustained by the evidence presented, it may suspend or revoke the license or registration of the person against whom the charges were preferred.

(B) If the board discovers or is informed that any person is or has been engaged in optical dispensing or ocularistry without having received a license under sections 4725.40 to 4725.59 of the Revised Code, it shall inform the prosecuting attorney for the

county in which the alleged unlicensed activity took place. The 605
prosecuting attorney shall take all legal action necessary to 606
terminate such illegal practice of optical dispensing or 607
ocularistry and to prosecute the offender under section 4725.41 of 608
the Revised Code. 609

(C) In addition to other remedies provided in this chapter, 610
the board may request the attorney general or the prosecuting 611
attorney of a county in which a violation of sections 4725.40 to 612
4725.59 of the Revised Code occurs to apply to the court of common 613
pleas of the county for an injunction to restrain the activity 614
that constitutes a violation. 615

Sec. 4725.55. No person shall do any of the following: 616

(A) Sell or barter, or offer to sell or barter, a certificate 617
of licensure as a dispensing optician or ocularist issued under 618
sections 4725.40 to 4725.59 of the Revised Code; 619

(B) Use, or attempt to use, a license which is illegally 620
purchased or acquired under division (A) of this section, obtained 621
by fraud or deception, counterfeited, materially altered or 622
otherwise modified without prior approval of the Ohio optical 623
dispensers board, or suspended or revoked under section 4725.53 or 624
4725.54 of the Revised Code; 625

(C) Materially alter or otherwise modify a license in any 626
manner, unless authorized by the Ohio optical dispensers board; 627

(D) Willfully and knowingly make any false statement in an 628
application required under sections 4725.40 to 4725.59 of the 629
Revised Code. 630

Sec. 4725.56. No ~~licensed~~ dispensing optician or ocularist, 631
or employee or agent of a ~~licensed~~ dispensing optician or 632
ocularist shall pay or offer to pay a rebate or commission of any 633
nature, or offer any other thing of value, to a ~~licensed~~ physician 634

or licensed optometrist for referring patients to the licensed 635
dispensing optician or ocularist. 636

Sec. 4725.57. An applicant for licensure as a licensed 637
dispensing optician or ocularist who is licensed or registered in 638
another state shall be accorded the full privileges of practice 639
within this state, ~~upon the payment of a seventy-five dollar fee~~ 640
~~and the submission of a certified copy of the license or~~ 641
~~certificate issued by such other state, without the necessity of~~ 642
~~examination, if the~~ without the necessity of examination, if both 643
of the following apply: 644

(A) The applicant submits a completed application to practice 645
in this state on a form distributed by the Ohio optical dispensers 646
board; a copy of the other state's statute governing optical 647
dispensing or ocularistry, as appropriate; a certified copy of the 648
license or certificate issued by the other state; and a fee 649
established by rule by the board; 650

(B) The board determines that the applicant meets the 651
criteria of division (A) (1) and (2) of section 4725.48 of the 652
Revised Code ~~and further determines that the educational~~ 653
~~background or experience of the applicant satisfies the~~ 654
~~requirements of division (B) of section 4725.48 of the Revised~~ 655
~~Code.~~ 656

Sec. 4725.59. (A) Sections 4725.40 to 4725.59 of the Revised 657
Code do not apply to÷ 658

~~(1) A~~ a physician authorized under Chapter 4731. of the 659
Revised Code to practice medicine and surgery or osteopathic 660
medicine and surgery, or to persons while in the employment and 661
under the supervision of physician at the physician's office; 662

~~(2) An~~ or optometrist licensed under sections 4725.01 to 663
4725.34 of the Revised Code, or to persons while in the employment 664

~~and under the supervision of an optometrist at the optometrist's~~ 665
~~office.~~ 666

(B) Nothing in sections 4725.40 to 4725.59 of the Revised 667
Code shall prevent or restrict any individual, firm, or 668
corporation from employing or from engaging in optical dispensing 669
through persons licensed or registered under such sections. 670

Section 2. That existing sections 4725.40, 4725.41, 4725.42, 671
4725.44, 4725.45, 4725.47, 4725.49, 4725.50, 4725.51, 4725.52, 672
4725.53, 4725.531, 4725.54, 4725.55, 4725.56, 4725.57, and 4725.59 673
and sections 4725.48 and 4725.58 of the Revised Code are hereby 674
repealed. 675