



Ohio Legislative Service Commission

Bill Analysis

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H.B. 466

130th General Assembly
(As Introduced)

Reps. Gonzales and Sears, Becker, Blair, Blessing, Brown, Grossman, Hill, Hood

BILL SUMMARY

- Abolishes the Ohio Optical Dispensers Board and transfers its duties to the State Board of Optometry.
- Adds members to the Board of Optometry.
- Authorizes the Board of Optometry to establish certain fees in excess of the amount set by Board rule, provided the fees do not exceed the prior amount by more than 50%.

CONTENT AND OPERATION

Overview

The bill abolishes the Ohio Optical Dispensers Board, the entity responsible for licensing and regulating opticians and ocularists,¹ and transfers its duties to the existing State Board of Optometry, the entity responsible for licensing and regulating optometrists.²

¹ An ocularist is a person engaged in the design, fabrication, and fit of artificial eyes or prostheses associated with the appearance or function of the human eye. R.C. 4725.40.

² R.C. 4725.03.

Optical Dispensers Board

Winding up of affairs

The bill abolishes the Optical Dispensers Board and specifies that the winding up of Board affairs must be completed in accordance with current law.³ Existing law requires that, whenever a state agency is scheduled to terminate its operations, the agency notify the Director of Budget and Management within a specified timeline so that certain agency expenses may be paid.

Board rules to remain in effect

Under the bill, all rules, orders, and determinations made or undertaken pursuant to the authority of the Optical Dispensers Board continue in effect as rules, orders, and determinations of the Board of Optometry, until modified or rescinded by that Board.⁴

Licenses to remain valid

The bill provides that licenses issued by the Optical Dispensers Board in effect on the bill's effective date are valid for the regular life of the license. The Board of Optometry is then responsible for any license renewals.⁵

Repeal of obsolete licensing provisions

Existing law permitted the Optical Dispensers Board, before March 22, 1980, to issue licenses to certain individuals who were engaged in optical dispensing before that date without having to satisfy all of the requirements that apply to other applicants for licensure.⁶ The bill repeals this provision, but specifies that any license that was issued in this manner is to be renewed under the process governing all other licensed opticians.⁷

³ Section 3 and R.C. 126.29.

⁴ Section 4.

⁵ Section 5.

⁶ R.C. 4725.47.

⁷ R.C. 4725.47(D).



Board of Optometry

Composition

Under the bill, the Board of Optometry consists of nine Ohio residents appointed by the Governor, including all of the following: (1) six persons engaged in the practice of optometry for five years preceding appointment, (2) one member of the public who has no direct financial or other interest in the provision of optical aids or the performance of optical dispensing services, and (3) two dispensing opticians, one a contact lens dispensing optician and the other a spectacle dispensing optician. Currently, the Board consists of six nonmedical Ohio residents appointed by the Governor, including five optometrists and one public member who is at least 50 years old. Under law unchanged by the bill, each member is appointed for a five-year term and limited to two terms on the Board.⁸

Transitional appointments

The bill provides that, within 30 days of the bill's effective date, the Governor must appoint, as additional members of the Board of Optometry, all of the following individuals:

(1) One person who has been actively engaged as an optometrist for five years preceding appointment;

(2) One of the contact lens dispensing opticians and one of the spectacle dispensing opticians who served on the former Optical Dispensers Board that existed on the day prior to the bill's effective date.⁹

The bill requires that the Governor establish staggered initial terms of office for these new members of the Board of Optometry. After the initial terms expire, all terms of office are for five years.¹⁰

Examination and license renewal fees

Current law requires that a person seeking to engage in optical dispensing file a written application for an examination with the Optical Dispensers Board or with a testing service under contract with the Board. The application must be accompanied by

⁸ R.C. 4725.03.

⁹ Section 3.

¹⁰ Section 3.



an examination fee established by Board rule.¹¹ Because the bill abolishes the Optical Dispensers Board, the application and fee must be submitted to the Board of Optometry. Under the bill, the Board of Optometry, subject to Controlling Board approval, may establish examination fees in excess of the amount set by rule, provided that the fees do not exceed the prior amount by more than 50%.¹²

The bill also permits the Board of Optometry, subject to Controlling Board approval, to establish license renewal fees for both opticians and ocularists in excess of the amount set by rule, provided that the fees do not exceed the prior amount by more than 50%.¹³

HISTORY

ACTION	DATE
Introduced	03-04-14

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¹¹ R.C. 4725.48.

¹² R.C. 4725.43(E).

¹³ R.C. 4725.47(E).

