

1 *House* BILL NO. 495  
 2 INTRODUCED BY *William C. Swahn, Chairman*  
 3 *McKittrick* *J. O.*

4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE CERTIFICATION  
 5 OF DISPENSING OPTICIANS UNDER THE AUTHORITY AND CONTROL OF  
 6 THE MONTANA MEDICAL EXAMINING BOARD; AND PROVIDING AN  
 7 EFFECTIVE DATE."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definitions. As used in this act:

11 (1) "Board" means the board of medical examiners of the  
 12 state of Montana.

13 (2) "Physician" means a person licensed to practice  
 14 medicine under the laws of the state of Montana.

15 (3) "Optometrist" means a person licensed to practice  
 16 optometry under the laws of the state of Montana.

17 (4) "Employer" means either a physician, optometrist,  
 18 or certified dispensing optician.

19 (5) "Examining committee" means the committee of  
 20 opticians appointed by the Montana board of medical  
 21 examiners.

22 (6) "Certified dispensing optician" means a person  
 23 currently certified by the board as a certified dispensing  
 24 optician. A certified dispensing optician is a person who  
 25 on written prescription or order of a physician or

1 optometrist takes facial measurements for the purpose of  
 2 interpreting, measuring, fitting, adapting, adjusting,  
 3 preparing, or dispensing spectacles, eyeglasses, artificial  
 4 eyes, or appurtenances thereto, or any other optical device,  
 5 except contact lenses, to the intended user; except no such  
 6 prescription or order is required where a certified  
 7 dispensing optician reproduces a previously prepared  
 8 ophthalmic lens other than a contact lens. No contact lens  
 9 may be dispensed by any certified dispensing optician unless  
 10 he is designated in writing by the board as a dispenser of  
 11 contact lenses. The board may designate after board  
 12 examination a certified dispensing optician as a dispenser  
 13 of contact lenses. A certified dispensing optician of  
 14 contact lens is a person who on written prescription or  
 15 order of a physician or optometrist with the aid of a  
 16 keratometer, ophthalmometer, or other similar device,  
 17 measures the curvature of the front surface of the cornea of  
 18 the eye for the purpose of interpreting the prescription or  
 19 order and fitting and adapting a contact lens to the  
 20 intended user, and who instructs the intended user in the  
 21 proper use and handling of contact lenses; a prescription or  
 22 order is required where a certified dispensing optician  
 23 reproduces a previously prepared contact lens.

24 (7) "Trainee" means a person holding a current trainee  
 25 certificate issued by the board.

INTRODUCED BILL

-2- HB 495

1 Section 2. Prohibition. No person may designate  
2 himself as a certified dispensing optician or use any  
3 initials, letters, wording, abbreviations, or insignia  
4 indicating that he is a certified dispensing optician,  
5 unless he holds a current certification as a dispensing  
6 optician.

7 Section 3. Exclusions. Nothing in this act shall  
8 prohibit: (1) Any person licensed in this state under any  
9 other statute from engaging in the practice for which he is  
10 licensed.

11 (2) The general sale by any person of toy glasses,  
12 sunglasses consisting of plano white, plano colored, or  
13 plano tinted glasses or nonprescription glasses or lenses or  
14 nonprescription occupational protective eye devices.

15 (3) The employment of any certified dispensing  
16 optician by any person, firm, partnership, corporation or  
17 association.

18 (4) The employment of any person, whether a certified  
19 dispensing optician or not, by a physician or an  
20 optometrist, who directs or supervises the employment.

21 (5) The employment of persons who only perform  
22 mechanical work upon inert matter in an optical office,  
23 laboratory, or shop.

24 Section 4. Examining committee. The board may appoint  
25 an examining committee of opticians to advise the board in

1 carrying out this act. The committee shall consist of three  
2 (3) certified dispensing opticians, each with at least five  
3 (5) years experience in optical dispensing in this state  
4 immediately preceding his appointment. Appointments shall  
5 be made for terms of three (3) years. Of the appointments  
6 first made under this section, one (1) shall be for a term  
7 of one (1), two (2), and three (3) years. Upon the  
8 expiration of each term, the board shall appoint a successor  
9 for a term of three (3) years.

10 Section 5. Applicant duties. An applicant for  
11 certification as a dispensing optician shall file written  
12 application on forms provided by the board. The board may  
13 charge a reasonable fee for each examination. The applicant  
14 shall present satisfactory evidence that he is at least  
15 twenty (20) year of age, is of good moral character, has  
16 obtained a high school education or its equivalent, and has  
17 had at least a one-year course of study in a school of  
18 ophthalmic dispensing approved by the board or has had  
19 practical training and experience, of a grade and character  
20 satisfactory to the board, under the supervision of a  
21 physician, optometrist, or registered dispensing optician.

22 Section 6. Examination of applicant. The examination  
23 for registration shall be conducted by the board at the  
24 times and places the board determines. The board may devise  
25 its own examination or adopt national examinations but the

1 board shall evaluate fairly the applicant's qualifications  
2 to engage in the practice of optical dispensing.

3 Section 7. Certification. If the board finds the  
4 applicant qualified it shall grant the applicant a  
5 certificate as a certified dispensing optician.  
6 Certification expires on December 31st of each year and may  
7 be renewed only upon application to the board. Each  
8 registrant shall pay a fee to be fixed by the board for each  
9 given year.

10 If an applicant fails to renew his certification or  
11 practice his profession for a period of five (5) years or  
12 more, the board may require the applicant to be re-examined  
13 as provided in section 6 of this act or present evidence of  
14 current competence before recertifying him.

15 If the board qualifies an applicant as a certified  
16 dispensing optician, the applicant is entitled to use the  
17 words "certified dispensing optician" after his name, or to  
18 signify the same by the use of the letters "C.D.O." after  
19 his name.

20 Section 8. Certification -- current practitioners. The  
21 board may issue certification in optical dispensing, without  
22 examination, to any person who furnishes the board with  
23 sufficient and satisfactory evidence that he was practicing  
24 optical dispensing in this state for a period of two (2)  
25 years prior to the effective date of this act, is of good

1 moral character, has a high school education or its  
2 equivalent, and whose application is accompanied by an  
3 affidavit from a physician, optometrist, or certified  
4 dispensing optician, that the applicant has been engaged in  
5 practice as an optician for a period of two (2) years.

6 Section 9. Reciprocity. The board may issue  
7 certification in optical dispensing, without examination,  
8 upon the payment of the fees prescribed by the board to an  
9 applicant who: (1) Furnishes the board with sufficient and  
10 satisfactory evidence of having been certified as a  
11 dispensing optician in another state with standards  
12 determined by the board to be as high as those of this  
13 state, if the other state, through reciprocity, accredits a  
14 holder of a certification issued by the board of this state.

15 (2) Has been in the practice of optical dispensing for  
16 two (2) years or more in a state which does not qualify  
17 under subsection (1) of this section, if the board  
18 determines he is of good moral character and has had  
19 training and experience of a kind and quality to assure his  
20 technical competence in the practice of optical dispensing.

21 Section 10. Trainees. Any person entering into the  
22 employ of another for the purpose of obtaining practical  
23 experience and skill as a dispensing optician shall first be  
24 certified with the board as a trainee. Application for  
25 certification shall be by affidavit on a form provided by

1 the board. A trainee shall practice under the supervision  
 2 of a physician, optometrist, or certified dispensing  
 3 optician. No supervisor may have more than one trainee  
 4 unless approval for the additional trainee is secured from  
 5 the board.

6 Section 11. Revocation of certification. The board  
 7 may revoke, suspend, or refuse to renew any certification  
 8 upon proof that the applicant or holder: (1) Is guilty of  
 9 fraud in obtaining or receiving the certification.

10 (2) Has willfully or repeatedly violated any of the  
 11 provisions of this act or the laws of the state of Montana.

12 (3) Indulges in habitual intoxication or is addicted  
 13 to the use of habit-forming drugs causing mental  
 14 incompetency or moral delinquency.

15 (4) Is guilty of fraud or deceit in his practice as a  
 16 dispensing optician.

17 (5) Violates or induces others to violate or  
 18 cooperates with others in violating any of the provisions of  
 19 this act.

20 (6) Knowingly employs or continues to employ as a  
 21 dispensing optician any person whose certification has  
 22 expired or has been suspended or revoked, or any person who  
 23 violates any of the provisions of this section.

24 (7) Originates, makes, or issues any optical  
 25 prescription or practices ocular refraction or offers to do

1 so.

2 Section 12. Prohibition of steering and capping. The  
 3 practice of steering and capping is prohibited.

4 Section 13. Effective date. This act is effective  
 5 January 1, 1976.

-End-

Objection Raised to  
Adverse Committee Report

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2 INTRODUCED BY *William C. Sullivan, Jr. Assistant Legislative*  
3 *McKittrick* *John*

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