

SUBSTITUTE HOUSE BILL 2079

State of Washington 57th Legislature 2001 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Campbell)

Read first time . Referred to Committee on .

1 AN ACT Relating to authorizing dispensing opticians to perform eye
2 refraction and modify existing prescriptions to reflect changes in
3 vision; amending RCW 18.34.020, 18.34.060, 18.34.050, 18.34.080,
4 18.34.120, 18.34.136, and 18.34.010; adding new sections to chapter
5 18.34 RCW; recodifying RCW 18.34.010 and 18.34.060; repealing RCW
6 18.34.110; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 18.34.020 and 1995 c 178 s 1 are each amended to read
9 as follows:

10 The term "secretary" wherever used in this chapter (~~shall~~) means
11 the secretary of health of the state of Washington. The term
12 "apprentice" wherever used in this chapter (~~shall~~) means a person who
13 (~~shall be~~) is designated an apprentice in the records of the
14 secretary at the request of a physician, registered optometrist, or
15 licensee hereunder, who shall thereafter be the primary supervisor of
16 the apprentice. The apprentice may thereafter receive from a
17 physician, registered optometrist, or licensee hereunder training and
18 direct supervision in the work of a dispensing optician. The term
19 "refracting" whenever used in this chapter means the measurement of the

1 powers or range of a person's vision by the use of a series of lenses
2 and their rotation to determine the degree of correction needed to
3 compensate for hyperopia, myopia, presbyopia, astigmatism, prism, or
4 any combination of these. "Prescription modification" whenever used in
5 this chapter, means the ability of a licensed refracting optician to
6 alter a prescription within a cumulative plus or minus 2.00 diopter of
7 change provided that there is no more than plus or minus 1.00 diopter
8 of change at any one time during a six-month period. A licensed
9 refracting optician must provide a patient with a copy of the changes
10 to take with him or her to a provider of choice. The original
11 prescriber will be notified in writing within fourteen days of any
12 modifications made to the original prescription and will also be
13 provided with a copy of the patient's questionnaire and the signed
14 informed consent document.

15 **Sec. 2.** RCW 18.34.060 and 1957 c 43 s 6 are each amended to read
16 as follows:

17 A dispensing optician is a person who prepares duplications of, or
18 prepares and dispenses lenses, spectacles, eyeglasses and/or
19 appurtenances thereto to the intended wearers thereof on written
20 prescriptions from physicians or optometrists, and in accordance with
21 ~~((such))~~ the prescriptions, measures, adapts, adjusts and fabricates
22 ~~((such))~~ the lenses, spectacles, eyeglasses and/or appurtenances
23 thereto to the human face for the aid or correction of visual or ocular
24 anomalies of the human eye(~~(:— PROVIDED, HOWEVER, That)~~). However,
25 contact lenses may be fitted only upon a written prescription of a
26 physician or optometrist. A refracting optician is a licensed
27 dispensing optician who has received an endorsement from the secretary
28 to practice refractometry and to modify prescriptions.

29 **Sec. 3.** RCW 18.34.050 and 1984 c 287 s 32 are each amended to read
30 as follows:

31 The dispensing optician examining committee shall meet at such
32 times as deemed necessary by the secretary to prepare and administer
33 the state's licensing examinations and to provide technical expertise,
34 advice, and make recommendations to the secretary on the administration
35 of the dispensing optician statute and disciplinary matters of
36 licensees. The examining committee ~~((shall))~~ consists of ~~((three))~~
37 five persons. Four persons must be primarily engaged in the business

1 of dispensing opticians and (~~who currently~~) hold a (~~valid~~) current
2 license under this chapter. One of the licensed dispensing optician
3 members shall be a licensed refracting optician. One member must be a
4 member of the general public. Members of the committee shall be
5 compensated in accordance with RCW 43.03.240 and shall be reimbursed
6 for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

7 NEW SECTION. Sec. 4. A new section is added to chapter 18.34 RCW
8 to read as follows:

9 An applicant for endorsement as a refracting optician must first be
10 licensed as a dispensing optician under this chapter and meet the
11 following additional requirements:

12 (1) Completion of eighty hours of coursework from an accredited or
13 approved institution or association including, but not limited to, the
14 following topics: Theory of refraction, anatomy, pathology, and
15 knowledge of equipment operation;

16 (2) Completion of two hundred refractive examinations. The two
17 hundred refractive examinations are under the direct supervision of a
18 licensed optometrist or a licensed ophthalmologist who shall certify
19 the completion of the examinations and send notification directly to
20 the department;

21 (3) Continuing education or competency requirements as determined
22 by the secretary.

23 The secretary shall adopt by rule the examination requirements to
24 endorse refracting opticians. An applicant for endorsement as a
25 refracting optician may take the examination if he or she pays an
26 examination fee, determined by the secretary, as provided in RCW
27 43.70.250.

28 A refracting optician who has successfully completed the
29 requirements of this section will have the endorsement of "CRO" placed
30 on his or her dispensing optician license by the secretary.

31 **Sec. 5.** RCW 18.34.080 and 1995 c 198 s 3 are each amended to read
32 as follows:

33 (1) The examination to license a dispensing optician shall
34 determine whether the applicant has a thorough knowledge of the
35 principles governing the practice of a dispensing optician which is
36 hereby declared necessary for the protection of the public health. The
37 examining committee may (~~approve an examination prepared or~~

1 administered by a private testing agency or association of licensing
2 authorities)) prepare and administer, or approve the preparation and
3 administration of, examinations for applicants for licensure. The
4 secretary shall license successful examinees and the license shall be
5 conspicuously displayed in the place of business of the licensee.

6 (2) The written and practical examination to certify a refracting
7 optician shall determine whether the applicant has a thorough knowledge
8 of the principles governing the practice of refraction. After the
9 initial exam, the examining committee may prepare and administer, or
10 approve the preparation and administration of, examinations for
11 applicants for licensure. The secretary shall issue an endorsement to
12 successful examinees and the endorsement shall be conspicuously
13 displayed in the place of business of the licensee.

14 **Sec. 6.** RCW 18.34.120 and 1996 c 191 s 18 are each amended to read
15 as follows:

16 Each licensee ((hereunder)) or holder of an endorsement under this
17 chapter shall pay a renewal registration fee determined by the
18 secretary as provided in RCW 43.70.250 and 43.70.280. The secretary
19 may adopt rules establishing mandatory continuing education
20 requirements to be met by persons applying for license or endorsement
21 renewal.

22 **Sec. 7.** RCW 18.34.136 and 1987 c 150 s 19 are each amended to read
23 as follows:

24 The uniform disciplinary act, chapter 18.130 RCW, governs
25 unlicensed practice, the issuance and denial of licenses, and the
26 discipline of licensees under this chapter. No person may practice or
27 represent himself or herself as a refracting optician without first
28 having obtained an endorsement from the secretary.

29 **Sec. 8.** RCW 18.34.010 and 1957 c 43 s 1 are each amended to read
30 as follows:

31 Nothing in this chapter shall:

32 (1) Be construed to limit or restrict a duly licensed physician or
33 optometrist or employees working under the personal supervision of a
34 duly licensed physician or optometrist from the practices enumerated in
35 this chapter, and each such licensed physician and optometrist shall

1 have all the rights and privileges which may accrue under this chapter
2 to dispensing opticians licensed hereunder;

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

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

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

16 If a licensed refracting optician is unable to select lenses that
17 provide at a minimum 20/40 vision in either eye to the consumer, he or
18 she shall refer the consumer to a licensed optometrist or
19 ophthalmologist. If a licensed refracting optician is observing change
20 of more than plus or minus 1.00 diopter of power in either eye, he or
21 she shall refer the consumer to a licensed optometrist or
22 ophthalmologist. A licensed refracting optician shall not modify an
23 original prescription beyond plus or minus 2 diopters of change
24 provided that there is no more than plus or minus 1.00 diopter of
25 change at any one time during a six-month period. A licensed
26 refracting optician may only modify a prescription for a consumer that
27 has had an eye health exam within two years for contact lenses and
28 within two years for glasses. A licensed refracting optician will not
29 modify a prescription of a child ten years old or younger or an adult
30 sixty-four years or older. A licensed refracting optician will notify
31 in writing the original prescriber within fourteen days of any
32 modifications made to the original prescription, and will also provide
33 a copy of the patient's questionnaire and the signed informed consent
34 document.

35 NEW SECTION. Sec. 9. RCW 18.34.110 (Existing practitioner--Fee)
36 and 1991 c 3 s 78 & 1957 c 43 s 11 are each repealed.

1 NEW SECTION. **Sec. 10.** RCW 18.34.010, to be codified between RCW
2 18.34.141 and 18.34.900, and RCW 18.34.060, to be codified between RCW
3 18.34.020 and 18.34.030, are each recodified.

4 NEW SECTION. **Sec. 11.** Sections 2, 4 through 6, and 8 of this act
5 take effect July 1, 2002.

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