

A Bill for an Act Relating to Dispensing Opticians.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 458-1, Hawaii Revised Statutes, is amended to read as follows:

"§458-1 Dispensing optician defined. An individual is deemed to be engaged in the occupation of dispensing optician who prepares and dispenses lenses, spectacles, eyeglasses, or appurtenances thereto to the intended wearer thereof on written prescription from physicians or optometrists duly licensed to practice their professions, and in accordance with the prescriptions interprets, measures, adapts, fits, and adjusts the lenses, spectacles, eyeglasses, or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes."

SECTION 2. Section 458-2, Hawaii Revised Statutes, is amended to read as follows:

"§458-2 Board of examiners; members, qualifications. The governor shall appoint in the manner prescribed in section 26-34 as the board of dispensing opticians (hereinafter in this chapter referred to as the "board") five members.

No member of the board shall be reappointed to succeed himself thereon. Upon the expiration of his term of office a member shall continue to serve until his successor has been appointed and has qualified. A member may be removed by the governor in the manner prescribed in section 26-34. Three members of the board shall be persons engaged in the occupation of dispensing opticians and two shall be public members. Each member of the board is entitled to necessary travel and other expenses incurred in the discharge of his duties."

SECTION 3. Section 458-4, Hawaii Revised Statutes, is amended to read as follows:

"§458-4 Application for certificate of dispensing optician. Before engaging or continuing in the occupation of dispensing optician individuals shall first apply for and be granted certificates of dispensing opticians by the board of dispensing opticians. Applications for such registration shall be on forms prescribed by the board, and shall bear the signature of the individual. The application shall contain the name under which the applicant proposes to do business, and the business address. Separate applications shall be made for each place of business, and each application shall be accompanied by a registration fee of \$50. Upon refusal or denial of a certificate upon such application, the board shall refund to the applicant \$25 of the fee."

SECTION 4. Section 458-5, Hawaii Revised Statutes, is amended to read as follows:

"§458-5 Same; contents of. Each application, to enable the board of dispensing opticians to consider if the applicant should be registered under this chapter, shall contain:

- (1) The experience of the applicant;

- (2) The name and experience of each person who will take facial measurements, fit, or adjust lenses or frames or duplicate lenses;
- (3) Such other information as the board requires."

SECTION 5. Section 458-6, Hawaii Revised Statutes, is amended to read as follows:

"§458-6 Issuance or denial of certificate of dispensing optician. If the board of dispensing opticians, after examination, approves the application and finds the applicant to be competent and qualified to accurately fill prescriptions for ophthalmic lenses and otherwise to engage in the business of dispensing optician, it shall register the applicant and issue to the applicant a certificate of dispensing optician. If the board does not so determine, it shall deny the application. A separate certificate is required for each address where the business is to be conducted. The certificate shall authorize the applicant to engage in the business of dispensing optician. The certificate shall be at all times displayed in a conspicuous place at the place of the business licensed. The certificate shall not be transferable."

SECTION 6. Section 458-7, Hawaii Revised Statutes, is amended to read as follows:

"§458-7 Reports to board; required experience of employees. Each holder of a certificate of dispensing optician shall file with the board of dispensing opticians a report containing the names and experience of each person employed by the certificate holder, who, in the course of his employment, takes facial measurements, fits or adjusts lenses or frames, or duplicates lenses, together with such other information as the board requires. No certificate holder shall cause any person to take facial measurements, fit or adjust lenses or duplicate frames unless such persons are acting under the direct personal supervision of a certificate holder."

SECTION 7. Section 458-13, Hawaii Revised Statutes, is amended to read as follows:

"§458-13 Acts prohibited. It shall be unlawful to do any of the following:

- (1) To engage in the business of dispensing optician without first having been issued a certificate of dispensing optician under this chapter;
- (2) To advertise in any manner that would tend to mislead or deceive the public;
- (3) To furnish the services of an optometrist, physician, or surgeon or directly or indirectly employ or maintain on or near the premises used for optical dispensing any optometrist, physician, or surgeon, or the practitioner of any other profession for the purpose of any examination or treatment of the eyes;
- (4) To dispense, furnish, or supply the services and appliances relating to the business of dispensing optician to the intended wearer or user thereof, except upon a prescription issued by a licensed physician, surgeon, or optometrist; provided, that duplications, replacements, reproductions, and repetitions, without change in the refractive value may be done without prescription by individuals or firms holding a certificate of dispensing optician issued under this chapter;
- (5) To fit or duplicate, or offer, undertake, or attempt to fit or duplicate hard

and soft contact lenses or artificial eyes except under the written orders and personal supervision of an ophthalmologist or optometrist;

- (6) For a dispensing optician to grant, allow, credit, or pay, directly or indirectly, openly or secretly, any price differential, rebate, refund, discount, commission, credit, kickback, or other such allowance, whether in the form of money or otherwise, to any such oculist, optometrist, physician, surgeon, or practitioner of any other profession (A) for or on account of the referring or sending by any such oculist, optometrist, physician, surgeon, or practitioner to the dispensing optician of any person for the rendition of any of the services performed or articles or appliances furnished by a dispensing optician as described in section 458-1, or (B) for or on account of the rendition of any such services or the furnishing of any such articles or appliances to a person so referred or sent by any such oculist, optometrist, physician, surgeon, or practitioner. Every such scheme, agreement, undertaking, arrangement, or device shall also be deemed in violation of section 481-7. The certificate of every dispensing optician who violates this subsection shall be revoked."

SECTION 8. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 443 (Collection Agencies Board)
- (2) Chapter 467A (Rental Agencies)
- (b) The following chapters are hereby repealed effective December 31, 1980:
 - (1) Chapter 436 (Board of Examiners for Abstract Makers)
 - (2) Chapter 468J (Travel Agencies)
 - (3) Chapter 443 (Collection Agencies Board)
- (c) The following chapters are hereby repealed effective December 31, 1981:
 - (1) Chapter 441 (Cemetery Board)
 - (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
 - (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
 - [(4)] Chapter 458 (Board of Dispensing Opticians)
 - (5)] (4) Chapter 459 (Board of Examiners in Optometry)
 - [(6)] (5) Chapter 465 (Board of Certification for Practicing Psychologists)
 - [(7)] (6) Chapter 468E (Board of Speech Pathology and Audiology)
 - [(8)] (7) Chapter 452 (Board of Massage)
- (d) The following chapters are hereby repealed effective December 31, 1982:
 - (1) Chapter 436D (Board of Acupuncture)
 - (2) Chapter 437B (Motor Vehicle Repair Industry Board)
 - (3) Chapter 442 (Board of Chiropractic Examiners)
 - (4) Chapter 448E (Board of Electricians and Plumbers)
 - (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
 - (6) Chapter 466 (Board of Public Accountancy)
 - (7) Chapter 467 (Real Estate Commission)

(8) Chapter 448H (Elevator Mechanics Licensing Board)

(e) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 460J (Pest Control Board)
- (7) Chapter 461 (Board of Pharmacy)

(f) The following chapters are hereby repealed effective December 31, 1984:

- (1) Chapter 455 (Board of Examiners in Naturopathy)
- (2) Chapter 463E (Podiatry)
- (3) Chapter 438 (Barbering, Practice of)

[[](4)[]] Chapter 439 (Beauty Culture)

(5) Chapter 458 (Board of Dispensing Opticians)

(g) The following chapters are hereby repealed effective December 31, 1985:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)[.]
- (2) Chapter 440 (Boxing Commission)

(h) The following chapters are hereby repealed effective December 31, 1986:

(1) Chapter 447 (Dental Hygienists)

[[](2)[]] Chapter 463 (Board of Private Detectives and Guards)

[[](3)[]] Chapter 471 (Board of Veterinary Examiners)[.]”

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 10. This Act shall take effect upon its approval.

(Approved June 2, 1981.)

*Except as to Section 8, the text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.