

By: Deuell

S.B. No. 1771

A BILL TO BE ENTITLED

AN ACT

relating to the voluntary regulation of persons providing certain ophthalmic goods and services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 352.002, Occupations Code, is amended by adding Subdivision (3-a) and amending Subdivisions (4) and (5) to read as follows:

(3-a) "Contact lens technician" means a person who provides or offers to provide contact lens dispensing services or products to the public.

(4) "Department" means the ~~[Texas]~~ Department of State Health Services.

(5) "Dispensing optician" ~~[or "ophthalmic dispenser"]~~ means a person who provides or offers to provide spectacle ~~[or contact lens]~~ dispensing services or products to the public.

SECTION 2. Section 352.101, Occupations Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (e) to read as follows:

(a) A person may not represent to the public that the person is a "Registered Dispensing Optician" ~~[or "Registered Spectacle Dispenser"]~~ unless the person is registered as a ~~[spectacle]~~ dispensing optician and complies with this chapter.

(b) A person may not represent to the public that the person is a ~~["Registered Contact Lens Dispenser" or]~~ "Registered Contact

1 Lens Technician" unless the person is registered as a contact lens
2 technician [~~dispenser~~] and complies with this chapter.

3 (d) A person properly registered under this chapter may
4 represent to the public that the person is a "Registered Dispensing
5 Optician," [~~"Registered Spectacle Dispenser,"~~] "Registered Contact
6 Lens Technician," or "Registered Optician [~~Contact—Lens
7 Dispenser~~]."

8 (e) A person may not represent to the public that the person
9 is a registered optician unless the person is registered as an
10 optician and complies with this chapter.

11 SECTION 3. Section 352.102, Occupations Code, is amended to
12 read as follows:

13 Sec. 352.102. ISSUANCE OF CERTIFICATE; QUALIFICATIONS.

14 (a) The department shall issue a certificate of registration as a
15 dispensing optician to an applicant who:

16 (1) applies and pays a registration fee;

17 (2) presents evidence satisfactory to the department
18 that the applicant has:

19 (A) been actively engaged in spectacle
20 dispensing, contact lens dispensing, or both for at least four
21 years;

22 (B) has completed a four-year apprenticeship in
23 spectacle dispensing, contact lens dispensing, or both; or

24 (C) has a degree relating to the field of
25 ophthalmic optics and has engaged in spectacle dispensing, contact
26 lens dispensing, or both for at least two years [~~successfully~~
27 ~~completed the number of classroom hours of training required by the~~

1 ~~board~~]; and

2 (3) passes the appropriate examination required under
3 Section 352.103.

4 (b) The department shall issue a certificate of
5 registration as a contact lens technician to an applicant who:

6 (1) applies and pays a registration fee;

7 (2) presents evidence satisfactory to the department
8 that the applicant:

9 (A) has been actively engaged in spectacle
10 dispensing, contact lens dispensing, or both for at least four
11 years;

12 (B) has completed a four-year apprenticeship in
13 spectacle dispensing, contact lens dispensing, or both; or

14 (C) has a degree relating to the field of
15 ophthalmic optics and has engaged in spectacle dispensing, contact
16 lens dispensing, or both for at least two years; and

17 (3) passes the appropriate examination required under
18 Section 352.103 [~~board may not require more than 30 classroom hours~~
19 of training as a prerequisite to registration].

20 (c) A person may qualify and be registered as:

21 (1) a dispensing optician;

22 (2) a contact lens technician;

23 (3) both a dispensing optician and a contact lens
24 technician; or

25 (4) an optician.

26 (d) The department shall issue a certificate of
27 registration as an optician to an applicant who:

- 1 (1) applies and pays a registration fee;
2 (2) presents evidence satisfactory to the department
3 that the applicant has been actively engaged in spectacle
4 dispensing, contact lens dispensing, or both for at least six
5 years;
6 (3) is actively registered under this chapter as a
7 dispensing optician, a contact lens technician, or both; and
8 (4) presents evidence satisfactory to the department
9 that the applicant has completed educational requirements
10 established by department rule that must:
11 (A) be provided by an entity approved by the
12 department;
13 (B) include at least 100 hours of classroom
14 instruction; and
15 (C) be determined by the department to include
16 advanced training in ophthalmic optics.
17 (e) A person registered under this chapter as an optician
18 must continue to be registered under this chapter as a dispensing
19 optician, a contact lens technician, or both a dispensing optician
20 and a contact lens technician [~~a spectacle dispenser, contact lens~~
21 ~~dispenser, or both~~].
22 SECTION 4. Subsection (b), Section 352.153, Occupations
23 Code, is amended to read as follows:
24 (b) The department [~~board~~] may not require more than:
25 (1) 10 [~~classroom~~] hours of dispensing optician
26 continuing education courses each year for registration under
27 Section 352.102(a) as a dispensing optician;

1 (2) 12 hours of contact lens technician continuing
2 education courses each year for registration under Section
3 352.102(b) as a contact lens technician; or

4 (3) 18 hours of continuing education courses each year
5 for registration under this chapter as both a dispensing optician
6 and a contact lens technician, provided that half of the hours are
7 approved for dispensing optician continuing education and half of
8 the hours are approved for contact lens technician continuing
9 education.

10 SECTION 5. The changes in law made by this Act apply only to
11 a certificate of registration issued or renewed under Chapter 352,
12 Occupations Code, on or after the effective date of this Act. An
13 issuance or renewal that occurs before the effective date of this
14 Act is governed by the law in effect immediately before that date,
15 and the former law is continued in effect for that purpose.

16 SECTION 6. This Act takes effect September 1, 2005.