

1-1 By: Deuell S.B. No. 1771
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 20, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the voluntary regulation of persons providing certain
1-9 ophthalmic goods and services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 352.002, Occupations Code, is amended by
1-12 adding Subdivision (3-a) and amending Subdivisions (4) and (5) to
1-13 read as follows:

1-14 (3-a) "Contact lens technician" means a person who
1-15 provides or offers to provide contact lens dispensing services or
1-16 products to the public.

1-17 (4) "Department" means the [~~Texas~~] Department of State
1-18 Health Services.

1-19 (5) "Dispensing optician" [~~or "ophthalmic dispenser"~~]
1-20 means a person who provides or offers to provide spectacle [~~or~~
1-21 ~~contact lens~~] dispensing services or products to the public.

1-22 SECTION 2. Section 352.101, Occupations Code, is amended by
1-23 amending Subsections (a), (b), and (d) and adding Subsection (e) to
1-24 read as follows:

1-25 (a) A person may not represent to the public that the person
1-26 is a "Registered Dispensing Optician" [~~or "Registered Spectacle~~
1-27 ~~Dispenser"~~] unless the person is registered as a [~~spectacle~~]
1-28 dispensing optician and complies with this chapter.

1-29 (b) A person may not represent to the public that the person
1-30 is a [~~"Registered Contact Lens Dispenser" or~~] "Registered Contact
1-31 Lens Technician" unless the person is registered as a contact lens
1-32 technician [~~dispenser~~] and complies with this chapter.

1-33 (d) A person properly registered under this chapter may
1-34 represent to the public that the person is a "Registered Dispensing
1-35 Optician," [~~"Registered Spectacle Dispenser,"~~] "Registered Contact
1-36 Lens Technician," or "Registered Optician [~~Contact Lens~~
1-37 ~~Dispenser~~]."

1-38 (e) A person may not represent to the public that the person
1-39 is a registered optician unless the person is registered as an
1-40 optician and complies with this chapter.

1-41 SECTION 3. Section 352.102, Occupations Code, is amended to
1-42 read as follows:

1-43 Sec. 352.102. ISSUANCE OF CERTIFICATE; QUALIFICATIONS.

1-44 (a) The department shall issue a certificate of registration as a
1-45 dispensing optician to an applicant who:

1-46 (1) applies and pays a registration fee;

1-47 (2) presents evidence satisfactory to the department
1-48 that the applicant has:

1-49 (A) been actively engaged in spectacle
1-50 dispensing, contact lens dispensing, or both for at least four
1-51 years;

1-52 (B) has completed a four-year apprenticeship in
1-53 spectacle dispensing, contact lens dispensing, or both; or

1-54 (C) has a degree relating to the field of
1-55 ophthalmic optics and has engaged in spectacle dispensing, contact
1-56 lens dispensing, or both for at least two years [~~successfully~~
1-57 ~~completed the number of classroom hours of training required by the~~
1-58 ~~board~~]; and

1-59 (3) passes the appropriate examination required under
1-60 Section 352.103.

1-61 (b) The department shall issue a certificate of
1-62 registration as a contact lens technician to an applicant who:

1-63 (1) applies and pays a registration fee;

1-64 (2) presents evidence satisfactory to the department

2-1 that the applicant:
 2-2 (A) has been actively engaged in spectacle
 2-3 dispensing, contact lens dispensing, or both for at least four
 2-4 years;
 2-5 (B) has completed a four-year apprenticeship in
 2-6 spectacle dispensing, contact lens dispensing, or both; or
 2-7 (C) has a degree relating to the field of
 2-8 ophthalmic optics and has engaged in spectacle dispensing, contact
 2-9 lens dispensing, or both for at least two years; and
 2-10 (3) passes the appropriate examination required under
 2-11 Section 352.103 [~~board may not require more than 30 classroom hours~~
 2-12 ~~of training as a prerequisite to registration].~~

2-13 (c) A person may qualify and be registered as:
 2-14 (1) a dispensing optician;
 2-15 (2) a contact lens technician;
 2-16 (3) both a dispensing optician and a contact lens
 2-17 technician; or
 2-18 (4) an optician.

2-19 (d) The department shall issue a certificate of
 2-20 registration as an optician to an applicant who:

2-21 (1) applies and pays a registration fee;
 2-22 (2) presents evidence satisfactory to the department
 2-23 that the applicant has been actively engaged in spectacle
 2-24 dispensing, contact lens dispensing, or both for at least six
 2-25 years;
 2-26 (3) is actively registered under this chapter as a
 2-27 dispensing optician, a contact lens technician, or both; and
 2-28 (4) presents evidence satisfactory to the department
 2-29 that the applicant has completed educational requirements
 2-30 established by department rule that must:

2-31 (A) be provided by an entity approved by the
 2-32 department;
 2-33 (B) include at least 100 hours of classroom
 2-34 instruction; and
 2-35 (C) be determined by the department to include
 2-36 advanced training in ophthalmic optics.

2-37 (e) A person registered under this chapter as an optician
 2-38 must continue to be registered under this chapter as a dispensing
 2-39 optician, a contact lens technician, or both a dispensing optician
 2-40 and a contact lens technician [~~a spectacle dispenser, contact lens~~
 2-41 ~~dispenser, or both].~~

2-42 SECTION 4. Subsection (b), Section 352.153, Occupations
 2-43 Code, is amended to read as follows:

2-44 (b) The department [~~board~~] may not require more than:
 2-45 (1) 10 classroom hours of dispensing optician
 2-46 continuing education courses each year for registration under
 2-47 Section 352.102(a) as a dispensing optician;
 2-48 (2) 12 classroom hours of contact lens technician
 2-49 continuing education courses each year for registration under
 2-50 Section 352.102(b) as a contact lens technician; or
 2-51 (3) 18 classroom hours of continuing education courses
 2-52 each year for registration under this chapter as both a dispensing
 2-53 optician and a contact lens technician, provided that half of the
 2-54 hours are approved for dispensing optician continuing education and
 2-55 half of the hours are approved for contact lens technician
 2-56 continuing education.

2-57 SECTION 5. The changes in law made by this Act apply only to
 2-58 a certificate of registration issued or renewed under Chapter 352,
 2-59 Occupations Code, on or after the effective date of this Act. An
 2-60 issuance or renewal that occurs before the effective date of this
 2-61 Act is governed by the law in effect immediately before that date,
 2-62 and the former law is continued in effect for that purpose.

2-63 SECTION 6. This Act takes effect September 1, 2005.

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