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HOUSE BILL NO. 1224

Offered January 26, 1998

A BILL to amend and reenact §§ 54.1-1700, 54.1-1703, 54.1-1704, and 54.1-1705 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 54.1-1702.1 and 54.1-1704.1, relating to the practice of opticianry.

Patrons—Deeds, Barlow, Hall and Robinson; Senator: Hanger

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1700, 54.1-1703, 54.1-1704, and 54.1-1705 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-1702.1 and 54.1-1704.1 as follows:

§ 54.1-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Opticians.

"Contact lens certified optician" means any person, not exempted by § 54.1-1701, who is an optician licensed to practice in Virginia, who has received a contact lens endorsement from the Board, and who prepares, fits or dispenses contact lenses on prescription from licensed physicians or licensed optometrists for the intended wearer or refills a contact lens prescription from a valid previously prepared prescription from a licensed physician or licensed optometrist.

"Direct supervision" means that the supervising licensed optician shall be physically present in the facility and in a position to take control of the procedure at all times, when any trainee, apprentice, or any other person is engaged in the practice of opticianry as defined in this section.

"Fit and dispense" means to measure, adapt, fit and adjust eyeglasses, spectacles, lenses, or related appurtenances, and to verify the prescription to be correct in the prescription eyeglasses and other prescription optical devices.

"Licensed physician" means any person licensed by the Board of Medicine to practice medicine and surgery.

"Optician" means any person, not exempted by § 54.1-1701, who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the human face is trained in the practice of and practices opticianry.

"Licensed optician" means any person who is the holder of a license issued by the Board for Opticians.

"Licensed optometrist" means any person authorized by Virginia law to practice optometry.

"Practice of opticianry" means the preparation, repair or dispensing of eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or, after verification of the correctness of the prescription eyeglasses and prescription optical devices and in accordance with such prescriptions, duplications or reproductions, measuring, adapting, fitting, and adjusting eyeglasses, spectacles, lenses, or related appurtenances.

§ 54.1-1702.1. Continuing education.

The Board shall establish continuing education requirements for issuance of licenses or to ensure continued competency of licensees.

§ 54.1-1703. Nominations for Board appointments.

Appointments to the Board may be made from a list of at least three names for each vacancy submitted to the Governor by the Virginia Society of Prescription Opticians Association of Virginia for each appointee who is an optician, and by the Medical Society of Virginia for each appointee who is a physician. Nominations for appointments to regular terms shall be submitted to the Governor on or before June 1 of each year. The Governor may notify the above societies of any vacancy other than by expiration and like nominations may be made for the filling of the vacancy. In no case shall the Governor be bound to make any appointment from among the nominees.

§ 54.1-1704. Practice of opticians restricted.

A. No person shall practice or offer to practice as an optician in this Commonwealth unless he holds

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60 a license issued under this chapter.

61 *B. No person shall prepare, fit or dispense contact lenses on a prescription from a licensed*
62 *physician or licensed optometrist for the intended wearer unless he is a contact lens certified optician.*

63 *§ 54.1-1704.1. Fitting and dispensing.*

64 *A. No person shall provide prescription eyeglasses, spectacles, lenses or related appurtenances*
65 *without first fitting and dispensing the optical device to the intended wearer.*

66 *B. No person other than a licensed optician or a contact lens certified optician shall fit and dispense*
67 *eyeglasses, spectacles, lenses or related appurtenances except under the direct supervision of a licensed*
68 *optician or a contact lens certified optician.*

69 *C. This section shall not apply to the sale of completely preassembled eyeglasses, spectacles, lenses*
70 *or related appurtenances sold as merchandise without fitting and dispensing by the seller of said*
71 *merchandise.*

72 *§ 54.1-1705. Optical prescriptions, ocular refraction, etc.*

73 *Nothing in this chapter shall authorize an optician, licensed optician, contact lens certified optician*
74 *or anyone else not otherwise authorized by law, to make, issue, or alter optical prescriptions, or to*
75 *practice ocular refraction, orthoptics, or visual training, or to fit contact lenses except on the prescription*
76 *of an ophthalmologist or optometrist and under his direction, or to advertise or offer to do so in any*
77 *manner.*