

The House Committee on Regulated Industries offers the following substitute to HB 241:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-29-7 of the Official Code of Georgia Annotated, relating to
2 license requirements for dispensing opticians, qualifications of applicants, subjects to be
3 tested on examination, and issuance and display of license, so as to specify certain
4 requirements for practical training and experience for an applicant to obtain licensure through
5 an apprenticeship program; to provide for credit for previous training and experience; to
6 provide for alternative means of obtaining the required education, training, and experience
7 for licensure; to prohibit the use of certain titles unless a person is licensed; to provide for
8 related matters; to provide an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 43-29-7 of the Official Code of Georgia Annotated, relating to license
13 requirements for dispensing opticians, qualifications of applicants, subjects to be tested on
14 examination, and issuance and display of license, is amended as follows:

15 "43-29-7.

16 (a) Any person wishing to obtain the right to practice the trade or occupation of dispensing
17 optician, as defined in this chapter, shall, before it shall be lawful for him to do so in this
18 state, make application to the board, upon such form and in such manner as shall be
19 adopted and prescribed by the board, and obtain a license from the board. Unless such
20 person shall have obtained a license as provided in this subsection, it shall be unlawful for
21 him to practice the trade or occupation of dispensing optician in this state; and he shall be
22 subject to the penalties prescribed in Code Section 43-29-21.

23 (b) The board shall admit to examination any candidate who pays the fee provided for in
24 this chapter and submits evidence satisfactory to the board, verified on oath, that:

25 (1) The applicant is over 18 years of age;

1 (2) The applicant has completed a high school education or its equivalent, as defined by
2 the State Board of Education;

3 (3) The applicant is of good moral character; and

4 (4) The applicant has satisfactorily completed one school year of not less than an 850
5 hour course of study in a recognized school of optical dispensing or has had practical
6 training and experience of a grade and character satisfactory to the board for not less than
7 two years under the supervision of a licensed dispensing optician, a licensed physician,
8 or a licensed optometrist, provided that any time spent in a recognized school shall be
9 considered as part of the apprenticeship period. The practical training and experience
10 required under this paragraph for an apprenticeship shall include, at a minimum, 3,000
11 hours of experience engaged in apprenticeship functions and shall include instruction in
12 ophthalmic optics, optical laboratory materials and techniques, eye anatomy and
13 physiology, related laws and regulations, ophthalmic dispensing theory and application,
14 and basic contact lens theory. Prior to beginning an apprenticeship, the applicant shall
15 submit to the board a written statement of intent to qualify through an apprenticeship
16 program pursuant to this paragraph. The board shall establish by rule a process to accept
17 and review, no less frequently than once per month, written statements of intent to qualify
18 through an apprenticeship program and to review and approve, no less frequently than
19 once per month, written plans of instruction submitted to the board by a supervising
20 licensed dispensing optician, licensed physician, or licensed optometrist to provide
21 instruction to an apprentice pursuant to this Code section. Prior to providing instruction
22 to an apprentice, the supervising licensed dispensing optician, licensed physician, or
23 licensed optometrist shall provide to the board for approval a written plan of instruction
24 including, but not limited to, the title of the subject, a description of the topics presented
25 and the instructional techniques that will be employed, a list of textbooks and
26 instructional materials, and a description of the methods of evaluation. Upon completion
27 by the applicant, such training and experience shall be certified by the supervising
28 licensed dispensing optician, licensed physician, or licensed optometrist to the board.

29 (b.1) Applicants who have received practical training and experience prior to July 1,
30 2007, may receive credit toward the practical training and experience requirements of
31 subsection (b) of this Code section if they make application to the board, in a form
32 prescribed by the board, to receive such credit and such application is received by the
33 board no later than August 31, 2007. The board shall review such application and
34 determine whether any such training and experience shall be credited toward the practical
35 training and experience requirements of subsection (b) of this Code section. The board
36 shall make such determination within 60 days of receipt of the application.

1 (b.2) Applicants may also meet the educational requirements of this Code section by
2 receiving a certificate from recognized schools of opticianry with the Georgia
3 Department of Technical and Adult Education or formal home study programs through
4 the Career Progression Program with the National Academy of Opticianry or other
5 programs approved by the board.

6 (c) Applicants for examination may be examined by the board upon matters pertaining to
7 mathematics and physics, ophthalmic materials and laboratory technique, ophthalmic
8 optics, ophthalmic dispensing, and practical subjects. When any applicant passes the
9 necessary examination and meets the qualifications set out, the board shall issue a license
10 to such person to practice the trade or occupation of dispensing optician.

11 (d) Such license shall be conspicuously displayed in the office or place of business of the
12 dispensing optician; and it shall not be necessary to remove the same so long as such
13 dispensing optician continues to practice his or her trade or occupation in ~~the~~ this state and
14 so long as the license is not revoked or suspended by the board. No person shall hold
15 themselves out as being an 'optician,' 'licensed dispensing optician,' or anything similar
16 without being licensed under the provisions of this chapter. No person in this state, other
17 than a licensed physician or licensed optometrist, shall dispense lenses, spectacles,
18 eyeglasses, contact lenses, or optical devices to the intended user thereof as specifically
19 directed or authorized on the written prescription of a physician skilled in diseases of the
20 eye or an optometrist duly licensed to practice his or her profession unless such person has
21 been duly licensed in accordance with the requirements of this chapter or is directly
22 supervised by a licensed physician, licensed optometrist, or licensed optician."

23 **SECTION 2.**

24 This Act shall become effective on July 1, 2007.

25 **SECTION 3.**

26 All laws and parts of laws in conflict with this Act are repealed.