

INTERPROFESSIONAL COLLABORATION IN EYE CARE

JURISDICTIONAL REVIEW FOR OPTICIANRY SECTION 2

4: RECORDS

5: REFRACTION

October, 2009

Note to Reader

The materials in these jurisdictional reviews were derived from online versions of statutes and regulations and are neither the official versions of the legislation nor an official statement of the law in the various jurisdictions.

Wherever possible, the text (which may contain spelling and grammatical errors), was reproduced in order to maintain fidelity to the online versions.

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CANADA				
ALBERTA	<p>A self-regulating profession given authority by the <i>Health Professions Act, and the Opticians Act</i>, Chapter 0 - 9. The College of Opticians of Alberta (currently operating under <i>Alberta Opticians Association</i> in a transitional phase) serves a dual purpose, as the regulatory and licensing body for the profession of opticianry in Alberta and as an advocacy organization. (http://www.albertaopticians.org/).</p>	<p>Standards of Practice Standard 5 - Each Registered Optician is responsible for ensuring that they comply with appropriate Privacy Legislation.</p> <p>All information collected in the course of fitting and dispensing ophthalmic appliances belongs to the patient. Each Registered Optician is a custodian of patient information and as such must comply with retention use and disclosure requirements laid out in law.</p> <p>An Optician must maintain all patient files for a minimum of seven years from date of last entry. Files must be stored in a secure location and not left open for others to view. All Opticians, as regulated health professionals, are responsible to ensure the customer/ patient's rights of privacy. File information being disposed of may be put in the garbage if it is non-identifiable. If personal information is contained this information should be shredded. Upon retirement or closing of a practice files still must be accessible to the patient for seven years. The College office should be notified as to where the files are being sent.</p>	<p>Health Professions Act, Schedule 16 – Profession of Opticians</p> <p>Practice 3 In their practice, opticians do one or more of the following:</p> <p>(a) based on an optical prescription, design, supply, prepare, adjust and dispense optical appliances and prostheses, including corrective lenses,</p> <p>(b) promote eye health and the correct use of optical appliances and prostheses through education of consumers and regulated members,</p> <p>(b.1) perform refractions and identify the need for corrective lenses,</p> <p>(c) conduct or collaborate in optical related research,</p> <p>(c.1) when providing professional services referred to in this section, conduct assessments and make referrals where appropriate, and</p> <p>(d) provide restricted activities authorized by</p>	<p>Health Professions Act http://www.qp.alberta.ca/574.cfm?page=h07.cfm&leg_type=Acts&isbncIn=9780779738083</p> <p>Standards of Practice (March 2009) http://www.albertaopticians.org/PDF/Standards%20of%20Practice%20Final%202009%20Approved%20May%203%202009.pdf</p> <p>Alberta Regulation 69/86 http://www.qp.alberta.ca/574.cfm?page=1986_069.cfm&leg_type=Regs&isbncIn=077</p>

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		<p>Each fitting must generate and record the following information legibly. Each file must contain:</p> <ul style="list-style-type: none"> • Patient’s name • Date each transaction performed, • Identifier for who performed the fitting and dispensing <i>of the ophthalmic appliance</i> <ul style="list-style-type: none"> Identifier for who is responsible for the fitting and dispensing <i>if a student has been involved</i> <ul style="list-style-type: none"> • Identifier for who performed follow up care for contact lenses • Release of information to the patient or another practitioner <ul style="list-style-type: none"> Date, reason, who released to, authorization if any. <p>Name of prescriber and date last seen, Patients optical prescription, Duplication information if applicable Record of payment including third party billings.</p> <p>For eyeglasses Each file must have the following patient information: Placement of optical centers vertically if not at datum line, Placement of the optical center horizontally Placement of bifocal/multifocal heights, Each file must have the following lens and frame information: Lens type including index of refraction and brand,</p>	<p>the regulations.</p> <p>Written prescription and specifications</p> <p>5(1) In this section, “optical prescription” means a written record of the refractive error of the eye, including, if appropriate, reading add, prisms and back vertex distance.</p> <p>(2) A regulated member who prescribes an ophthalmic appliance or other visual aid must offer the patient a written copy of the optical prescription.</p> <p>(3) After completing all the services required to dispense contact lenses, the regulated member must offer the patient a written copy of the specifications of the contact lenses.</p> <p>College of Opticians of Alberta Standards of Practice, March 2009</p> <p>Refracting</p> <p>1. If an optician intends to refract, he or she must apply to the College of Opticians of Alberta (COA) for refracting designation through a process established by the COA.</p>	<p><u>9705939</u></p> <p>Alberta Regulation 572/65</p> <p>http://www.qp.alberta.ca/574.cfm?page=1965_572.cfm&leg_type=Regs&isbncln=0773258825</p> <p>Opticians Act, R.S.A. 2000, c. O-9</p> <p>http://www.canlii.org/en/ab/laws/stat/rsa-2000-c-o-9/latest/rsa-2000-c-o-9.html</p>

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		<p>Coating or treatments provided for lenses, Safety features including special thickness given,</p> <p>For Contact Lenses Each file must have the following patient information:</p> <ol style="list-style-type: none"> 1. patient history; 2. visual acuity; 3. keratometer/ophthalmometer readings; 4. observations from a slit lamp/biomicroscope evaluation including pathological or physiological anomalies; 5. base curve, diameter and Rx of contact lenses lens type, including manufacturer and colour 6. patient's wearing expectations 7. solution instructions for lens disinfection 8. placement of bifocal/multifocal heights if applicable. <p>Each file should have the following lens information:</p> <ol style="list-style-type: none"> 1. HVID (horizontal visible iris diameter); 2. tear quality TBUT 3. pupil size, when necessary (in bright and dim light); 4. fissure size; 5. expected date of follow up <p>Follow up visits At each subsequent visit date and changes made</p>	<ol style="list-style-type: none"> 2. An optician must ensure that he or she has the appropriate equipment to perform refraction such as but not necessarily limited to, automated refraction equipment, phoropter, trial lenses, retinoscope and visual acuity charts. 3. An optician must use her or his knowledge, skills and judgment to refer any indication or complications in the patient's visual or general health that comes to the attention of the optician as a result of performing the refraction when and to whom is appropriate. 4. All prescriptions generated for use in preparing eyeglasses, contact lenses or subnormal vision devises must be signed by a lawful prescriber. 5. All prescriptions that are paid for with money or the purchase of product must be sent for signatures even if no actual dispensing takes place. 6. In addition to the patient's file, the refraction health record for every patient upon whom an optician has performed a refraction must contain: <ol style="list-style-type: none"> 1. Date of refraction 2. Name of optician performing the refraction and College registration number, 3. Patient consent form, 4. Results of the refraction 5. Name of Prescriber 	

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		<p>must be recorded. Initial follow up rechecks should be done within the recommended lifetime of a disposable lens or within one month for a non disposable lens. This recheck must be after sufficient trial period according to the lens specifications.</p> <p>Annual follow up is recommended after initial fitting is complete and subsequent visits are recommended at least every two years.</p>	<p>6. Signature of Prescriber</p> <p>College of Opticians of Alberta Standards of Practice, March 2009</p> <p>Prescriptions</p> <p>Prescriptions for eyeglasses, contact lenses or subnormal vision devices do not expire; however an Optician must inform their patient of the importance of regular eye health assessments and recommend that patients have their eyes tested regularly.</p> <p>For further information see guidelines laid out by the Ophthalmological Society of Canada regarding referrals for eye examinations.</p> <p>Regulations state 10(2) A regulated member who dispenses corrective lenses for the purpose of dispensing eyeglasses may do so only</p> <p>(a) in accordance with a prescription form a person who is authorized to prescribe corrective lenses, or</p> <p>(b) when the lenses are being duplicated with no change in refractive value.</p>	

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			<p>Visual Acutities</p> <p>It is recommended that any patient who is not able to reach visual acutities of 20/40 in best corrected eye, with their prescription device, be informed that they are borderline for driving in accordance with "the Canadian Council of Motor Transport Administrators Medical Standards for Drivers"</p> <p>Although 20/50 is the lower limit for class five licensure in Canada, it is recommended that Opticians refer under 20/40 to determine driving capabilities. When performing a refraction the patient must be informed that they require further assessment.</p> <p>Alberta Regulation 69/86 - Ophthalmic dispenser's standards of practice</p> <p>19(2) An ophthalmic dispenser shall not measure the ocular refractive error, determine its correction nor diagnose conditions of the eye.</p> <p>Contact lens dispenser's standards of practice</p> <p>20(1) A member of the Guild who dispenses contact lenses</p> <p>(2) A member of the Guild who dispenses contact</p>	

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			<p>lenses shall not</p> <p>(a) dispense contact lenses from a prescription that was developed from an existing pair of spectacles,</p> <p>(b) determine or attempt to determine in any way the refractive status of a patient, nor</p> <p>(c) dispense contact lenses for extended wear without the express knowledge and authority of an optometrist or an ophthalmologist.</p> <p><u>http://www.qp.alberta.ca/570.cfm?frm_isbn=9780779737796&search_by=link</u></p>	
<p>BRITISH COLUMBIA</p>	<p>A self-regulating profession given authority by the <i>Health Professions Act, 1996</i> and the Opticianry Regulation under the Act. The College of Opticians of British Columbia is the regulatory and licensing body for the profession of opticianry in British Columbia. The by-laws of the College establish operational standards for members of the College.</p> <p>Eyeglass dispensing and contact lens fitting require separate certification;</p> <p>a) Dispensing Opticians</p>	<p>BC Health Professions Act, 1996</p> <p>16 (2) A college has the following objects:</p> <p>...(h) to require registrants to provide to an individual access to the individual's health care records in appropriate circumstances;</p> <p>College Bylaws Access to health care records</p>	<p>Under Regulations, refraction is not authorized to registrants; however standards of practice developed by the College outline a procedure to perform refractometry (see below).</p> <p><i>NOTE: REGULATION 207/2008 replaced Reg 487/94, however Reg. 487/94 still appears on the college's website.</i></p> <p>Opticians Regulation B.C. Reg. 207/2008 6 (1) No registrant may conduct eye examinations or refractions.</p>	<p>In 2008, the government of BC significantly amended the Health Professions Act and repealed the existing regulations and re-enacted them effective Oct. 17, 2008. A full explanation of the legislative reform can be found at:</p>

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	<p>in relation to the services described in section 5 (1) of the Regulations, that a prescriber or optician supervises at reasonable intervals and provides regular inspection of the services performed by a non-registrant, and</p> <p>b) Contact Lens Fitters in relation to the services described in section 5 (3) of the Regulations, that</p> <p>(i) a prescriber or contact lens fitter is normally on the premises, although he or she may be absent from time to time, not including holidays,</p> <p>(ii) a prescriber supervises the fitting or dispensing of contact lenses by a person other than a prescriber or contact lens fitter, and</p> <p>(iii) a contact lens fitter supervises the refilling of a prescription if contact lenses are dispensed by a person other than a contact lens fitter.</p>	<p>55 (1) Registrants must not, except in appropriate circumstances, refuse an individual access to the health care records pertaining to that individual in the custody or under the control of the registrant</p> <p>(2) For the purposes of this section, (a) "appropriate circumstances" means circumstances in which release of the health care records could reasonably be expected to</p> <p>(i) result in immediate and grave harm to the safety, or mental or physical health of the applicant, (ii) threaten any individual's safety, or mental or physical health, (iii) interfere with public safety, or (iv) disclose personal information regarding another individual.</p> <p>(b) "access to" means the opportunity to examine and make copies of, and</p> <p>(c) "health care records" includes clinical records, medical files, information relating to the medical, psychiatric, or psychological history of an individual, documents, drawings, photographs, letters, papers, and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.</p> <p>(3) A registrant must respond to an applicants</p>	<p>(2) Subsection (1) does not apply to the examination required for the proper fitting of eyeglasses and contact lenses.</p> <p>(3) No registrant may alter a prescription without the express prior authorization of the prescriber.</p> <p>(4) Subsection (3) does not apply to the vertex alteration required to fill a prescription using conversion charts or similar formulae. (5) A registrant must offer to the client, without charge, a copy of a prescription.</p> <p>From the college's website:</p> <p>In March 2004, the provincial government announced its intention to amend the <i>Opticians Regulation</i> to enable Opticians to conduct automated refractions without the oversight of a medical doctor and to establish strict guidelines for eligibility that will enable Opticians to give the tests to healthy, consenting adults, between age 19 and 65 who have no risk factors of underlying eye health problems. The amendment would also allow Opticians for the first time, following a duly conducted automated refraction, to make modifications to the lens power, under specific criteria. Extensive consultations have been held over the draft amendment.</p>	<p>http://www.health.gov.bc.ca/leg/regulatoryreform.html</p> <p>An explanation of all regulatory reform affecting opticians is available at:</p> <p>http://www.health.gov.bc.ca/leg/notice/opticianry.html</p> <p>Health Professions Act, 1996 [RSBC 1996] CHAPTER 183</p> <p>http://www.bclaws.ca/Recon/document/free side/--%20H%20--/Health%20Professions%20Act%20%20R%20SBC%201996%20%20Oc.%20183/00_96183_01.xml</p> <p>British Columbia</p>

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		<p>request for access to his or her health care records within 30 days of the request by</p> <p>(a) providing access to the applicant, or</p> <p>(b) providing written reasons for the refusal of access.</p> <p>(4) Where a registrant provides access and the applicant requests a copy of the record, a copy must be provided, without charge or a search fee, if it can be reasonably reproduced.</p> <p>(5) During any review of a decision to refuse access to a health care record, the registrant must prove that the applicant has no right of access.</p> <p>(6) Registrants must provide access to the health care records of an infant under 19 years of age to the persons having guardianship or custody of that infant, except where</p> <p>(a) the infant has requested that the persons entitled to the guardianship or custody of the infant not be granted such access, and</p> <p>(b) the registrant is satisfied the infant has understood the nature and consequences and reasonably foreseeable benefits and risks of the health care that is the subject matter of the record.</p> <p>College Bylaws Professional Misconduct</p>	<p>http://www.cobc.ca/Automated_Refraction.aspx</p> <p>Proposed amendments to the Opticians Regulation to permit auto-refraction were submitted to the ministry in 1994 and have not yet been enacted. They are available at:</p> <p>http://www.health.gov.bc.ca/leg/pdfs/opticians_reg_amend_redline.pdf</p> <p>From Reg. 207/2008 s.1:</p> <p>"prescription" means the written record, prepared by a prescriber, of</p> <p>(a) the power of a lens to correct the refractive error of an eye, and</p> <p>(b) reading add, prisms, back vertex distance and contraindications;</p> <p>College Bylaws PART V: STANDARDS OF PRACTICE</p> <p>53. (6) A registrant who uses automated refraction equipment must notify the registrar in Form 4 no later than seven days after the registrant commences use of the equipment.</p> <p>(7) Despite subsection (6), a registrant who, on October 1, 2006, is using automated refraction</p>	<p>Reg. 487/94</p> <p>http://www.cobc.ca/my_folders/Legislation/Opticians%20Regulation%20Consolidated%208-2002.pdf</p> <p>B.C. Reg. 207/2008 Opticians Regulation effective Oct. 15, 2008</p> <p>http://www.bclaws.ca/Recon/document/free_side/--%20h%20--/health%20professions%20act%20%20rsbc%201996%20%20c.%20183/05_regulations/26_287_2008.xml</p> <p>College Bylaws</p> <p>http://www.cobc.ca/my_folders/Legislation/COBC_Bylaws_February_2008.pdf</p> <p>PROFESSIONAL STANDARDS OF</p>

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		<p>51. (1) The disciplinary committee must find that a registrant has committed an act of professional misconduct if the registrant has</p> <p>(j) falsified a record relating to the registrant's practice.</p> <p>PART V: STANDARDS OF PRACTICE</p> <p>53. (3) A registrant shall maintain a record of each client for whom he or she provides a service and the record for each client shall contain no less than what is required by the Board and circulated with the guidelines as required in Section 53 (2).</p> <p>(4) A registrant shall keep the records required under Section 53 (3) in a systematic manner and shall retain each record for a period of at least three years after the date of the last entry in a record.</p> <p>SCHEDULE "B" PROFESSIONAL STANDARDS OF PRACTICE</p> <p>f) Details To Include In Client Files When Dispensing Eyeglasses:</p> <p>i) The following information must be included in the file of a client who is being dispensed eyeglasses:</p> <ul style="list-style-type: none"> • client's name 	<p>equipment must notify the registrar in Form 4 no later than October 8, 2006.</p> <p>(8) After October 1, 2007, a registrant must not use automated refraction equipment unless the registrant has delivered to the registrar satisfactory evidence that the registrant has successfully completed</p> <p>(a) a certification program on the use of automated refraction equipment approved by the board, and</p> <p>(b) a certification examination approved by the board.</p> <p>(9) Before using automated refraction equipment, a registrant must</p> <p>(a) provide written notice to the client as prescribed in Form 3 in a language understood by the client, and</p> <p>(b) obtain the signature of the client on Form 3.</p> <p>(10) Each Form 3 signed by a client is part of the record described in subsection (3) for the client, and must be retained for the period specified in subsection (4).</p> <p>In its proposal to the Ministry of Health, the College prepared a document on refraction within Opticianry, in favour of authorizing independent refraction <i>for the purpose of prescribing</i>: http://www.cobc.ca/my_folders/Legislation/Seeing%20Clearly%20August%202004.pdf</p>	<p>PRACTICE</p> <p>http://www.cobc.ca/my_folders/Legislation/Current_Website_Standards_of_Practice.pdf</p> <p>Authorization for Release of Patient Information Form</p> <p>http://www.cobc.ca/my_folders/Forms/Authorization%20for%20Release%20of%20Patient%20Information%20Form.pdf</p>

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		<ul style="list-style-type: none"> • a copy of the prescription or note that the prescription is a duplication • pertinent anatomical measurements; e.g. PD's, segment heights, etc. • frame specifications • lens design and materials • the date of dispensing • a record that a client has been advised when a lens is dispensed that does not or cannot meet impact resistance standards • the identity of the optician(s) or supervising optician, involved in the dispensing of the eyeglasses • warranty information • financial details of the transaction (No.6(f) Details To Include In Client Files When Dispensing Eyeglasses Cont.) ii) It is desirable that the following information also be included: <ul style="list-style-type: none"> • client's address and phone number • client history pertinent to the service required • if the prescription is a duplication of an existing pair of glasses without a written prescription or is older than 2 years, it should be noted in the client's file, that the client was advised to return for a full eye examination 		
MANITOBA	<p>Note: New legislation in Manitoba, the <i>Regulated Health Professions Act</i>, modeled on Ontario's <i>RHPA</i> received Royal Assent on June 11, 2009. The Act includes reserved acts for the</p>	<p>The Standards of Practice- Reference by-law or Standard of Practice provide:</p> <p>3. RECORDS MANAGEMENT</p>	<p>The Association partially administers the following supplemental training course, providing a description on its website.</p>	<p>Opticians Act, C.C.S.M. c. O60</p> <p>http://www.opticianso</p>

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	<p>regulated health professions.</p> <p>A self-regulating profession given authority by the <i>Opticians Act</i>. The Opticians of Manitoba, a dual purpose body, is responsible for the regulation and licensing of the profession of opticianry in Manitoba, and also serves as an advocacy organization. Under Section 12(1) of the Act, the Association may pass by-laws to govern the conduct of members.</p>	<p>a) Client files Registrants must: i) establish and maintain a consistent system for recording and filing relevant client information; ii) use a consistent method of accepting, analyzing, verifying, and recording prescription information; iii) collect and record relevant client data as outlined in Appendices I A and II A; and iv) keep an ongoing record of transactions and/or visits in the client's file.</p> <p>In managing client records, Opticians are obliged to comply with the Regulations of the Personal Health Information Act, the Freedom of Information Act, and the Bylaws of the Opticians of Manitoba.</p> <p>b) Records Registrants must: i) retain original and updated client files for a minimum of seven years from the last date of entry for dispensing and for contact lens fitting; and ii) ensure the security of client records within the business premises by taking appropriate precautions against loss, theft, or destruction.</p> <p>APPENDIX I GUIDELINES FOR THE DISPENSING OF EYEGLASSES</p>	<p>From s. 1 of the Opticians Act: "optician" means a person who</p> <p>(a) prepares and dispenses lenses, including contact lenses, spectacles, eye-glasses, and appurtenances thereto, or any of those things, to the intended wearers thereof, on the written prescriptions of duly qualified medical practitioners or of the holders of certificates of registration under <i>The Optometry Act</i>; and</p> <p>(b) in accordance with such prescriptions interprets, measures, adapts, fits, and adjusts, such lenses, including contact lenses, spectacles, eye-glasses and appurtenances thereto, or any of those things, to the human face for the aid of vision or the correction of visual or ocular anomalies of human eyes; (« opticien »)</p> <p>From s. 17 of the Opticians Act:</p> <p>Authority for dispensing, etc.</p> <p><u>17</u> The service and appliances relating to opticianry shall be dispensed, furnished, or supplied, to the intended wearer or user thereof only upon prescription issued by a duly qualified</p>	<p>fmanitoba.ca/my_folders/About_Us/The%20Opticians%20Act%20Update%20021607.pdf</p> <p>Bylaw no. 84</p> <p>http://www.opticiansofmanitoba.ca/my_folders/About_Us/By-laws%20of%20the%20Ophthalmic%20Dispensers%20of%20Manitoba%201984.pdf</p>

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		<p>2. It is advisable that the following information also be included in a client file when dispensing eyeglasses:</p> <ul style="list-style-type: none"> a) the client’s history pertinent to the service required; b) the identity of the Optician(s) involved in the dispensing of eyewear; c) all financial details of the transaction; d) any warranty information. <p>APPENDIX II C GUIDELINES FOR FOLLOW UP CARE FOR CONTACT LENS CLIENTS</p> <p>All persons being fitted with contact lenses should receive regular follow-up evaluations to ensure that the individual is experiencing trouble free wearing. Complete records of these follow-up evaluations should be kept, and should include but is not limited to:</p> <ul style="list-style-type: none"> a) date of the follow-up evaluation b) keratometry findings c) slit lamp evaluation d) a record of any problems experienced by the client e) any changes in medication or medical history f) current visual acuity achieved and any over-refraction required to improve same. 	<p>medical practitioner or by the holder of a certificate of registration under <i>The Optometry Act</i>; but duplications, replacements, reproductions, or repetitions, may be dispensed, furnished or supplied, without prescription.</p> <p>Source: Opticians of Manitoba website, (accessed Aug 2, 2009) at http://www.opticiansofmanitoba.ca/Sight_Testing.aspx</p> <p>Sight Testing : Primary Education</p> <p>The Advanced Practice 2 – Sight Testing Program is produced by the <u>Northern Alberta Institute of Technology (NAIT)</u>, is endorsed by the <u>Opticians Association of Canada (OAC)</u> and is partially administered by the Opticians of Manitoba (OOM). It is a one-year online independent study program, where a student will explore refraction, including phorometry, strabismus, and muscle imbalances. Emphasis will be placed on the objective refraction, orthoptics and subjective refraction. The program consists of both an online theoretical portion and a practical portion. The theoretical portion of the course contains a course of study governed by prescribed textbooks and online course material. Students must complete</p>	

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		<p>g) changes in lens design ordered or dispensed h) current care system and any recommended changes</p>	<p>online chapter post tests, written seminar quizzes and written midterm and final examinations. The practical portion requires that the student complete the required practical hours under the direct supervision of a practising MD, OD, COMT or Refracting Optician or by attending scheduled lab workshops.</p> <p>From http://www.opticiansofmanitoba.ca/my_folders/Course_Information/Course%20Information%20Sight%20Testing%20WEB.pdf</p> <p>The NAIT/OAC Advanced Practice Year Two Sight Testing Course Description includes the following statement at page 1: “**<i>At the time of publication [June 2009], Refracting (Sight testing) is not currently within the scope of practice of Opticians in many provinces (including Manitoba), this course is for educational purposes only in those jurisdictions. This program has, however, been approved and meets the criteria as required by the Standards of Practice for British Columbia and Ontario.</i>**”</p>	
NEW BRUNSWICK	A self-regulating profession given authority by the <i>Opticians Act, 2002</i> and regulations under the Act. The Opticians Association of New Brunswick, as a dual-purpose body, is the regulatory and licensing body for the profession		<p>The Opticians Act, 2002 provides</p> <p>22(1) No optician shall supply or dispense an optical appliance except upon receipt of and in accordance with a prescription of a duly qualified</p>	<p>Opticians Act, 2002</p> <p>http://www.gnb.ca/legis/bill/editform-e.asp?ID=120&legi=5</p>

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	<p>of opticianry and also serves as an advocate for the profession.</p> <p>Eyeglass dispensing and contact lens fitting are authorized separately, the latter requiring an additional designation.</p> <p><i>Opticians Act, 2002:</i> 4 The objects of the Association are (a) to ensure to the public the proficiency and competence of opticians; (b) to maintain a high standard of professional ethics among opticians; (c) to promote the proficiency, knowledge and skill of opticians in all matters relating to their profession; (d) to advance and protect the interest of opticians; (e) to regulate the practice of optical dispensing and to govern its members in accordance with this Act and the regulations; (f) to administer this Act and perform such other duties and exercise such other powers as are imposed on the Association by or under any Act; and (g) such other objects as are in accordance with this Act, in order that the public interest may be served and protected.</p>		<p>medical practitioner or optometrist but an optician may supply and dispense duplications, replacements, reproductions or repetitions of any optical appliance except contact lenses.</p> <p>22(2) Nothing in subsection (1) prevents a registered contact lens fitter from supplying replacements, duplications, reproductions or repetitions of contact lenses.</p>	<p><u>4&num=4</u></p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
<p>NEWFOUNDLAND AND LABRADOR</p>	<p>A self-regulating profession given authority by the <i>Dispensing Opticians Act, 2005</i> (SNL2005 CHAPTER D-25.1) and regulations under the Act. The Dispensing Optician's Board is the regulatory and licensing body for the profession of opticianry in Newfoundland and Labrador. Under Section 8 (1) of the Act, the Board may make bylaws, including: (f) a code of ethics which may include (i) a definition of "professional misconduct" and "conduct unbecoming" for the purposes of sections 12 to 28, (ii) provisions respecting conflict of interest, and (iii) rules respecting methods of advertising;</p>		<p>The <i>Dispensing Opticians Act</i> provides:</p> <p>2. In this Act</p> <p>(g) "optical dispensing" means</p> <p>(i) the supplying, repairing and dispensing of optical appliances,</p> <p>(ii) the interpretation of prescriptions of optometrists and medical practitioners, or</p> <p>(iii) the fitting, adjusting and adapting of optical appliances to the human face and eyes in accordance with the prescriptions of optometrists and medical practitioners;</p> <p>Prescription necessary</p> <p>32. (1) An optical appliance shall only be supplied by a dispensing optician upon and in accordance with a prescription of a licensed medical practitioner or registered optometrist.</p> <p>(2) A duplication of an optical appliance may be dispensed by a dispensing optician without a further prescription by a medical practitioner or optometrist.</p>	<p>Dispensing Opticians Act, S.N.L. 2005, c. D-25.1</p> <p>http://www.canlii.org/en/nl/laws/stat/snl-2005-c-d-25.1/latest/snl-2005-c-d-25.1.html</p> <p>Dispensing Opticians Regulations, C.N.L.R. 1105/96</p> <p>http://www.canlii.org/nl/laws/regu/1996r.1105/20090324/whole.html</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
NORTHWEST TERRITORIES	Opticians are not regulated in this jurisdiction			
NOVA SCOTIA	<p>A self-regulating profession given authority by the Dispensing Opticians Act (<i>Chapter 39 of the Acts of 2005</i>) and regulations under the Act. The Nova Scotia College of Dispensing Opticians is the regulatory and licensing body for the profession of opticianry in Nova Scotia. The Board of the College has the authority under Section 7 of the Act to make by-laws for the College.</p> <p>Section 4 of the <i>Dispensing Opticians Act, 2005</i>, states that in order that the public interest may be served and protected, the objects of the College are to</p> <ul style="list-style-type: none"> (a) regulate the practice of optical dispensing through registration, licensing and the establishment of a professional conduct process in accordance with this Act and the regulations; (b) establish, maintain and develop standards of professional practice among its members; (c) establish, maintain and develop standards of professional ethics and a code of conduct for its members; and (d) administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under any Act. 		<p>The <i>Dispensing Opticians Act, Section 2</i>, provides the following interpretation:</p> <p>In this Act,</p> <p>(n) "optical dispensing" means the provision, fitting and adjustment of contact lenses, eyeglasses or subnormal vision devices for customers;</p> <p>(q) "prescription" means a formula given by a qualified medical practitioner or optometrist that indicates</p> <ul style="list-style-type: none"> (i) the power of the lens necessary to correct the refractive error in an eye, and (ii) the reading adds, prisms and back vertex distance; <p>The <i>Dispensing Opticians Act</i>, provides:</p> <p>16 (2) No dispensing optician shall supply or dispense an optical appliance except upon receipt of a prescription from a qualified medical practitioner or an optometrist.</p>	<p>Dispensing Opticians Act CHAPTER 39 OF THE ACTS OF 2005 http://www.gov.ns.ca/legislature/legc/bills/59th_1st/3rd_read/b235.htm</p> <p>Dispensing Opticians Regulations http://www.gov.ns.ca/just/regulations/regs/dodisopt.htm</p> <p>Dispensing Opticians Bylaws http://www.nscdo.ca/my_folders/PDF_Resource_Room/20090324_Nova_Scotia_Bylaws.pdf</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
NUNAVUT	Opticians are not regulated in this jurisdiction			
PRINCE EDWARD ISLAND	A self-regulating profession given authority by the <i>Dispensing Opticians Act, 1988</i> and the regulations under the Act. The Board of Dispensing Opticians is the regulatory and licensing body for the profession of opticianry in Prince Edward Island.		<p>The <i>Dispensing Opticians Act , 1988</i> provides that:</p> <p>11. (1) No dispensing optician shall supply or dispense an optical appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but a dispensing optician may supply and dispense duplications, replacements, reproductions or repetitions of any optical appliance.</p> <p>(2) No dispensing optician shall measure, fit or adjust contact lenses unless he holds a certificate of special qualification issued by the board and the measuring, fitting or adjusting of contact lenses shall be done only at the direction of a duly qualified medical practitioner or optometrist. R.S.P.E.I. 1974, Cap. D-12, s.13.</p> <hr/> <p>Section 1(d) of the <i>Dispensing Opticians Act</i> states:</p> <p>(d) "optical dispensing" means</p> <ul style="list-style-type: none"> (i) supplying, preparing and dispensing optical appliances, (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, 	<p><i>DISPENSING OPTICIANS ACT</i></p> <p>http://www.canlii.org/pe/laws/sta/d-12/20090324/whole.html</p> <p>General Regulations, P.E.I. Reg. EC1084/74</p> <p>http://www.canlii.org/pe/laws/regu/1974r.1084/20090324/whole.html</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
			<p>and</p> <p>(iii) the fitting, adjusting and adapting of optical appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;</p>	
<p>QUÉBEC</p>	<p>A self-regulating profession given authority by the <i>Dispensing Opticians Act</i>, regulations under the Act and the Professional Code. The Ordre des opticiens d'ordonnances du Québec is the regulatory and licensing body for the profession of opticianry in Quebec.</p>	<p>The Code of Ethics Regulation provides:</p> <p>3. § 7. Accessibility of records</p> <p>3.07.01. A dispensing optician must respect his client's right to consult the documents which concern him in any record kept in his regard and to obtain a copy of such documents.</p> <hr/> <p>The regulation respecting the keeping of records and offices of dispensing opticians states:</p> <p>2.07. Where a dispensing optician practises his profession through a corporation referred to in section 13 of the <i>Dispensing Opticians Act</i> (R.S.Q., c. O-6) or is employed by such corporation or by a retailer referred to in subparagraph a of the second paragraph of section 15 of that Act, the records kept by that corporation or employer concerning the persons for whom services are rendered by the dispensing optician are considered, for the purposes of this</p>	<p>The <i>Dispensing Opticians Act</i> provides:</p> <p>Acts constituting practice.</p> <p>8. Every act which has as its object the fitting, adjusting, replacement or sale of any ophthalmic lens constitutes the practice of the profession of dispensing optician.</p> <p>Prescription obligatory.</p> <p>9. A dispensing optician shall only perform the acts described in section 8 upon the prescription of a physician or optometrist, or when a broken ophthalmic lens is presented for replacement, or when an ophthalmic lens duly obtained on a prescription is presented by a client who wishes to obtain a duplicate lens.</p> <hr/> <p>Section 1 of the Code of Ethics states: 3.01.06. A dispensing optician should refrain from making omissions or performing acts contrary to current</p>	<p>Professional Code, R.S.Q. c. C-26 http://www.canlii.org/eliisa/highlight.do?text=professional+code&language=en&searchTitle=Quebec&path=/en/qc/laws/stat/rsq-c-c-26/latest/rsq-c-c-26.html</p> <p>Dispensing Opticians Act, R.S.Q. c. O-6 http://www.canlii.org/en/qc/laws/stat/rsq-c-o-6/latest/rsq-c-o-6.html</p> <p>Code of ethics of dispensing opticians, R.Q. c. O-6, r.3.1 http://www.canlii.org/</p>

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		<p>Regulation, the records of the dispensing optician if he may enter therein the items or information referred to in section 2.02; if he cannot do so, he must keep a record for each of those persons.</p>	<p>professional standards or to present scientific data.</p>	<p>en/qc/laws/regu/rq-c-o-6-r3.1/latest/rq-c-o-6-r3.1.html</p> <p>Regulation respecting the keeping of records and offices of dispensing opticians, R.Q. c. O-6, r.12.1 http://www.canlii.org/en/qc/laws/regu/rq-c-o-6-r12.1/latest/rq-c-o-6-r12.1.html</p>
<p>SASKATCHEWAN</p>	<p>A self-regulating profession given authority by the <i>Ophthalmic Dispensers Act, 1978</i>, and Regulations under the Act. The Saskatchewan Ophthalmic Dispensers Association (SODA) is a dual purpose body, responsible for the regulation and licensing of members of the profession of opticianry in Saskatchewan, and also serves as an advocacy organization. http://www.opticians.sk.ca/</p> <p>Under section 7 (2) of the Act, the governing board of the association may make by-laws, subject to approval by the Minister as follows:</p> <p>(c) subject to sections 23 and 23.1, establishing standards of professional conduct, competence</p>	<p>The Ophthalmic Dispensers Regulatory Bylaws provide that:</p> <p>Record keeping</p> <p>28 A member shall maintain a clinical record of each patient for whom he/she provides services and a record of each client shall contain not less than: client identification, client history, examinations procedure, clinical findings, specifications of any appliances provided, advice or counsel provided and statement of fees charged for professional services and for the appliance.</p> <p>Professional misconduct</p>	<p>The Ophthalmic Dispensers Regulatory Bylaws provide that:</p> <p>Prescription</p> <p>23 Ophthalmic applicances and contact lenses are to be dispensed only according to a prescription of an optometrist or duly qualified medical practitioner.</p> <p>Prohibition re: ophthalmic dispenser</p> <p>24 Except as may be otherwise provided in these bylaws, no ophthalmic dispenser shall measure ocular refractive error, determine its correction or diagnose conditions of the eye.</p>	<p>The Ophthalmic Dispensers Act, 1978 (last amendment in 2004)</p> <p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/O5.pdf</p> <p>The Ophthalmic Dispensers Regulatory By-law (published in the Saskatchewan</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>and proficiency to be maintained by ophthalmic dispensers and governing the manner and method of their practice;</p> <p>(d) subject to section 23.1, defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence on the part of a member or a holder of a provisional licence, or complaints or allegations that a member or a holder of a provisional licence has violated any of the provisions of this Act or the bylaws;</p> <p>(i) governing advertising by ophthalmic dispensers and the holders of licences to practise as contact lens technicians and regulating the manner by which places of business in which services are provided by ophthalmic dispensers may be advertised and governing advertising with respect to the provision of ophthalmic dispensing services and services respecting contact lenses, whether such places of business are operated, or such services are provided, by corporations or by members of the association;</p> <p>(j) defining the activities in which:</p> <p>(i) an ophthalmic dispenser; or</p> <p>(ii) a person operating a business or premises in which ophthalmic dispensing services are provided; shall be deemed to have a conflict of interest and prohibiting the engagement of an ophthalmic dispenser in any of those activities;</p>	<p>34 For the purposes of the Act, professional misconduct means any misconduct relating to the provision of services to the public by a member and includes:</p> <p>(h) the falsification of a record in respect of a prescription for eyeglasses or contact lenses;</p>	<p>Powers of ophthalmic dispensers and contact lens technicians</p> <p>26(1) Subject to subsection 27(2), an ophthalmic dispenser may supply and dispense duplications, replacements, reproductions, or repetitions of eyeglasses without a prescription.</p> <p>(2) Subject to section 27(3), a contact lens technician may supply and dispense duplications, replacements, reproductions or repetitions of contact lenses without a prescription.</p> <p>Dispensing limitations</p> <p>27(1) No ophthalmic dispenser shall dispense eyeglasses where he is unable to interpret a prescription unless he consults with the prescriber.</p> <p>(2) No ophthalmic dispenser shall dispense duplications of, replacements of, or reproductions of, or repetitions of eyeglasses where he is unable to interpret the prescription accurately from the lenses of the patient's existing eyeglasses unless he consults with the prescriber or counsels the patient to obtain another prescription.</p> <p>(3) No contact lens technician shall dispense duplications of, replacements of, reproductions of,</p>	<p>Gazette, part I, Dec. 2, 2005)</p> <p>http://www.qp.gov.sk.ca/documents/gazette/part1/2005/G1200548.pdf</p>

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	<p>Under s.6 of the <i>Ophthalmic Dispensers Act</i>, the governing board shall be responsible for conducting the affairs and business of the association and administering the provisions of this Act and it may generally do such things as are considered necessary or advisable to carry out its duties and powers under this Act until January 15, 1979.</p>		<p>or repetitions of contact lenses where he is unable to interpret the prescription accurately from the patient's existing contact lenses unless he consults with the prescriber or counsels the patient to obtain another prescription.</p> <p>Professional misconduct</p> <p>34 For the purposes of the Act, professional misconduct means any misconduct relating to the provision of services to the public by a member and includes:</p> <p>(b) the alteration of a prescription without the consent of the prescriber;</p> <p>(b)(i) subsection (b) does not apply to the vertex alteration required to fill a prescription using conversion charts or similar formula.</p> <p>Powers</p> <p>49(1) Subject to the other provisions of these bylaws, no ophthalmic dispenser or contact lens technician shall measure ocular refractive error or determine its correction.</p> <p>(2) No ophthalmic dispenser or contact lens technician shall diagnose conditions relating to the health of the eye.</p>	

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
			<p>Change of lens power</p> <p>50(1) No contact lens technician shall change the lens power as prescribed in a prescription without the written or verbal authorization of the prescriber.</p> <p>(1.1) Subsection (1) does not apply to the vertex alteration required to fill a prescription using conversion charts or similar formula.</p> <p>(2) Where a verbal authorization to change the lens power has been given by the prescriber, a contact lens technician shall request written confirmation from the prescriber.</p>	
YUKON	Opticians are not regulated in this jurisdiction			
UNITED STATES OF AMERICA				
ALASKA	A regulated profession whose members are licensed by the Alaska Board of Dispensing Opticians, an agency of the Division of Corporations, Business and Professional Licensing, which staffs the dispensing optician program. The Department of Commerce, Community, and Economic Development adopts	Alaska Central Licensing Statutes Sec. 08.01.010. “Applicability of chapter. This chapter applies to the... (16) regulation of dispensing opticians under AS 08.71;” at http://www.dced.state.ak.us/OCC/pub/Centralized_Licensing_Stats.pdf	Alaska Statutes, Ch. 71, Sec. 08.71.230. Exemptions from and limitations on the application of this chapter. This chapter may not be construed to (4) authorize or permit a licensee under this chapter to hold out as being able to, or to offer to,	<u>Dispensing Optician Statutes and Regulations Alaska Statutes 08.71 and 12 Alaska</u>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>regulations to carry out laws governing the practice of dispensing opticians in Alaska. It makes final licensing decisions and takes disciplinary actions against people who violate licensing laws.</p> <p>Source: http://www.dced.state.ak.us/OCC/pdop.htm, accessed on August 17, 2009</p> <p>Alaska Statutes, Ch. 71, Sec. 08.71.055. Powers and duties. The board shall have the following powers and duties: (1) to issue licenses to applicants; (2) to renew licenses; (3) to hold hearings and order disciplinary sanctions against a person who violates this chapter or the regulations of the board; (4) to supply forms for applications, licenses, and other needed documents; (5) to keep a record of all proceedings open to the public, including the name of each license applicant and each licensee; (6) to enforce the provisions of this chapter and adopt or amend regulations necessary to make these provisions effective.</p> <p>Source: Alaska Statutes CHAPTER 71. DISPENSING OPTICIANS, viewed at</p>	<p>Sec. 08.02.040. Access to certain mental health information and records by the state. (a) Notwithstanding AS 08.29.200, AS 08.63.200, AS 08.86.200, AS 08.95.900, another provision of this title, or a regulation adopted under this title, a licensee or an entity employing or contracting with a licensee may disclose confidential patient mental health information, communications, and records to the Department of Health and Social Services when disclosure is authorized under AS 47.30.540, 47.30.590, 47.30.845, or AS 47.31.032.</p> <p>Information, communications, and records received by the Department of Health and Social Services under this section are confidential medical records of patients and are not open to public inspection and copying under AS 40.25.110 – 40.25.120.</p> <p>(b) In this section, “licensee” has the meaning given in AS 08.01.110.</p>	<p>or to attempt by any means, to refract or exercise eyes, diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease or injury.</p>	<p>Administrative Code 30 (Regulation).</p> <p>http://www.dced.state.ak.us/OCC/pub/DOPStatutes.pdf</p> <p>Centralized Licensing Statutes Alaska Statutes 08.01-08.03. http://www.dced.state.ak.us/OCC/pub/Centralized_Licensing_Stats.pdf</p> <p>Centralized Licensing Regulations 12 Alaska Administrative Code 02. http://www.dced.state.ak.us/OCC/pub/Centralized_Licensing_Regs.pdf</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	http://www.dced.state.ak.us/OCC/pub/DOPStatutes.pdf on August 17, 2009.			
<p style="text-align: center;">ARIZONA</p>	<p>A regulated profession whose members are licensed by the Arizona State Board of Dispensing Opticians.</p> <p>Arizona Revised Statutes §32-1673. Powers and duties of the board</p> <p>A. The board shall adopt rules to administer and enforce this chapter. Rules adopted pursuant to this section shall include rules to specify the lawful scope of the practice of dispensing opticians and necessary evidence that may support a charge of substandard care rendered by a dispensing optician or an optical establishment.</p> <p>B. The board may:</p> <ol style="list-style-type: none"> 1. Hire or contract with investigators to assist in the investigation of violations of this chapter. 2. Hire employees and contract with other state agencies as necessary to carry out this chapter. 3. In connection with board hearings and investigations, issue subpoenas for the attendance of witnesses and the production of books, records, documents and other necessary evidence. <p>From Board of Dispensing Opticians Rules R4-20-119</p>	<p>From Board of Dispensing Opticians Rules R4-20-118. Unprofessional Conduct</p> <p>In addition to actions specified in A.R.S. §32-1696, unprofessional conduct in the practice of optical dispensing includes the following:</p> <ol style="list-style-type: none"> 2. Failing to maintain a copy of the customer’s prescription and failing to prepare and maintain a record of optical devices dispensed for at least three years. The record of optical devices dispensed shall include the brand, style, and size of the frame, if any, and the style, material, and all other information necessary to accurately reproduce each lens. The record shall be separate from optometrists’ or physicians’ records; 3. Failing or refusing to make a copy of a prescription or record described in subsection (2) promptly available to the customer, who is the subject of the prescription or record, the customer’s designated representative, the customer’s prescribing practitioner, or the Board or its investigator, when requested. Notwithstanding this provision, a dispensing optician need not make the record of contact lenses dispensed on a trial basis available to the customer; 	<p>Arizona Statutes, Ch. 15.1 Dispensing Opticians:</p> <p>Section 32-1671(3) 3. "Dispensing optician" means any person, except as provided in section 32-1691, who dispenses lenses, contact lenses, frames, appurtenances thereto or parts thereof to the intended wearer on written prescription from a duly licensed physician or optometrist, and in accordance with such prescription interprets, measures, adapts, fits or adjusts the same for the aid or correction of visual or ocular anomalies of the human eye or who duplicates, replaces, reproduces or repeats the same without prescription when there is no change in refractive value, provided that contact lenses shall never be dispensed without a written contact lens prescription being on file in any optical establishment, office of an optometrist or office of a physician or verbal confirmation of that written prescription. The dispensing optician shall advise the intended wearer at the time that contact lenses are delivered to return to the prescribing physician or optometrist for evaluation and</p>	<p>Arizona Statutes, Ch. 15.1 Dispensing Opticians</p> <p>http://www.do.az.gov/UserFiles/File/Statutes.pdf</p> <p>ARIZONA STATE BOARD OF DISPENSING OPTICIANS RULES</p> <p>http://www.do.az.gov/UserFiles/File/Microsoft%20Word%20-%20Rules%20November%202008%20.pdf</p>

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	<p>B. The following standards published by the American National Standards Institute, Inc., (ANSI), 1819 L Street, NW, Suite 600, Washington, DC 20036, are incorporated by reference, and no further editions or amendments and are on file with the Board:</p> <ol style="list-style-type: none"> 1. ANSI Z80.1 1999, "Prescription Ophthalmic Lenses- Recommendations." 2. ANSI Z80-20-1998, "Contact Lenses- Standard Terminology, Tolerances, Measurements And Physiochemical Properties." 3. ANSI Z80.5-2004, "Requirements for Ophthalmic Frames." 4. ANSI Z87.1-2003, "Occupational and Educational Personal Eye and Face Protection Devices." 5. ANSI Z80.9-1998 "Optical Devices for Low Vision." 		<p>follow-up care.</p> <p>Arizona Revised Statutes §32-1696. Unlawful acts; grounds for disciplinary action; classification A. It is unlawful to: 6. Use any means to measure the refractive value of the human eye, except non-refractive, non-diagnostic devices, such as a keratometer, ophthalmometer or other instrumentation that is required to fit a contact lens to an intended wearer.</p>	
<p>ARKANSAS</p>	<p>A regulated profession, whose members are licensed by the Arkansas Board of Dispensing Opticians, charged with administering, coordinating and enforcing the Ophthalmic Dispensing Act codified at Ark. Code Ann. 17-89-101 et seq.</p> <p>The Arkansas Code provides that:</p> <p>17-89-203. Powers and duties. (a) The Arkansas Board of Dispensing Opticians</p>		<p>Arkansas Code 17-89-104. Practice of optometry or medicine prohibited. (a) With the exception of those acts listed in § 17-89-102(4), it shall be unlawful for any person except a licensed optometrist or licensed physician skilled in disease of the eye to engage in the practice of optometry or to do any act or part thereof defined in this or any other state law as the practice of optometry. (b) It is likewise unlawful for any person except a</p>	<p>ARKANSAS BOARD OF DISPENSING OPTICIANS RULES</p> <p>http://www.abdo.arkansas.gov/pdf/rules.pdf</p> <p>Arkansas Code, Title 17 Professions,</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>shall:</p> <p>(1)(A) Administer, coordinate, and enforce the provisions of this chapter, evaluate qualifications and supervise the examination of applicants for licensure or registry under this chapter, and investigate complaints, allegations, and charges of practices violating the provisions of this chapter or rules adopted pursuant to this chapter.</p> <p>(B) In evaluating qualifications and supervising the examination of applicants for licensure or registry under this chapter, verify an applicant's qualifications, establish the format and content of examination procedures, administer both the practical and written examinations at least once each year, and issue a certificate of licensure or certificate of registry to each applicant successfully meeting the qualifications and passing the examination;</p> <p>(2) Establish annually a schedule of examination and license fees based on the Arkansas Board of Dispensing Opticians' financial requirements for the ensuing year;</p> <p>(3) Compile and maintain a book of licensure and a book of registry of all dispensing opticians who are licensed or registered to engage in the business of ophthalmic dispensing in the State of Arkansas, which shall be updated annually. The Arkansas Board of Dispensing Opticians shall annually furnish a copy of the books to the State Board of Optometry and the</p>		<p>licensed physician to engage in the practice of medicine or to do any act or part thereof defined in this or any other state law as the practice of medicine.</p> <p>(c) Nothing in this chapter shall be construed to authorize or permit any licensed or registered dispensing optician or any other person except a licensed optometrist or licensed physician skilled in disease of the eye to undertake or hold himself or herself out as being able:</p> <p>(1) To examine eyes by any objective or subjective method or exercise eyes;</p> <p>(2) To undertake by any method or means the measurement of the cornea of the human eye; or</p> <p>(3) To examine, prescribe, diagnose, treat, or correct for visual deficiency.</p> <p>(d) The prescribing, adapting, fitting, duplicating, dispensing, modifying, selling, or supplying of contact lenses for or to the human eye is specifically prohibited except when done by a licensed optometrist or licensed physician skilled in disease of the eye.</p> <p>Arkansas Code 17-89-402. Written prescription required. (a) It shall be unlawful for any dispensing optician or person engaged in the business of manufacturing, selling, or dispensing regular or safety ophthalmic materials to fill or duplicate an</p>	<p>Occupations, and Businesses, Chapter 89. Ophthalmic Dispensers</p> <p>http://www.abdo.arkansas.gov/pdf/law.pdf</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Ophthalmology Section of the Arkansas Medical Society;</p> <p>(4) Register on an annual basis apprentice dispensing opticians together with the licensed or registered dispensing optician by whom they are employed;</p> <p>(5) Prepare and present an annual report of administration, licensure, registry, and investigation to the State Board of Optometry and to the Ophthalmology Section of the Arkansas Medical Society;</p> <p>(6) Establish by rules those acts on the part of any person licensed or registered under this chapter which shall constitute improper conduct and grounds for revocation or suspension of a license or registry or refusal to renew the license or registry;</p> <p>(7) Investigate reported violations of this chapter and rules adopted pursuant to this chapter and take such steps as may be necessary to enforce this chapter and the rules;</p> <p>(8) Conduct hearings and keep such records and minutes as are necessary for the orderly dispatch of its functions. The Arkansas Board of Dispensing Opticians shall provide notice to appropriate persons in the manner it considers appropriate of the times and places of all hearings authorized under this chapter;</p> <p>(9) Adopt rules and regulations commensurate with the policies of this chapter and for the</p>		<p>ophthalmic prescription without having a written prescription signed by the licensed optometrist or licensed physician skilled in disease of the eye who conducted the examination from which the prescription was prepared.</p> <p>(b) It shall also be unlawful for him or her to fail to comply with the written instructions when the instructions are included on a written prescription signed by a licensed optometrist or licensed physician skilled in disease of the eye.</p> <p>(c) No change or alteration from the prescription of the prescribing optometrist or physician shall be made, except that changes may be made in tint or material of the lenses unless the changes are specifically prohibited on the written prescription.</p> <p>(d) It is the specific intent of the General Assembly that this section supplement, not repeal, existing laws of Arkansas.</p> <p>Arkansas Board of Dispensing Opticians Rules 18 PROHIBITED PRACTICE</p> <p>18.1 It shall be unlawful for any dispensing optician or person engaged in the business of manufacturing, selling, or dispensing regular and/or safety ophthalmic materials to fill or duplicate an ophthalmic prescription without having a written prescription signed by the licensed optometrist or licensed physician skilled in disease of the eye who conducted the examination from which the prescription was</p>	

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	<p>purpose of carrying this chapter into effect, including, but not limited to, rules which establish ethical standards of ophthalmic dispensing practices, application procedures, and procedures for investigating complaints. Following their adoption, the rules shall govern and control the business conduct of every person licensed or registered under this chapter in this state engaged in ophthalmic dispensing; and (10) Have the discretion to adopt an official seal. (b) The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall apply to all authority and procedures of the board.</p>		<p>prepared; or fail to comply with the written instructions when such instructions are included on a written prescription signed by a licensed optometrist or licensed physician skilled in disease of the eye. No change or alteration from the prescription of the prescribing optometrist or physician shall be made, except that changes may be made in tint or material of the lenses unless such changes are specifically prohibited on the written prescription.</p> <p>18.2 Nothing in these rules and regulations shall be construed to authorize or permit any licensed or registered dispensing optician or any other person, except a licensed optometrist or licensed physician skilled in disease of the eye, to undertake or hold himself out as being able (1) to examine eyes by any objective or subjective method or exercises eyes; (2) to undertake by any method or means the measurement of the cornea of the human eye; or (3) to examine, prescribe, diagnose, treat, or correct for visual deficiency. The prescribing, adapting, fitting, duplicating, dispensing, modifying, selling, or supplying of contact lenses for or to the human eye is specifically prohibited except when done by a licensed optometrist or licensed physician skilled in disease of the eye.</p>	
CALIFORNIA	<p>A regulated profession whose members are licensed by the Medical Board of California, an agency of the Department of Consumer Affairs.</p>	<p>The Business and Professions Code provides: 2541.1. (a) A spectacle lens prescription shall</p>	<p>The Business and Professions Code provides: 2540. No person other than a physician and</p>	<p>BUSINESS AND PROFESSIONS CODE, s.2540 –</p>

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	<p>(http://www.medbd.ca.gov/allied/rdo_program.html). The Board administers four license categories in Opticianry:</p> <p>Registered Dispensing Optician Program The Registered Dispensing Optician (RDO) Program is comprised of four sections: Registered Dispensing Opticians (business location), Spectacle Lens Dispensers, Contact Lens Dispensers, and Nonresident Contact Lens Sellers.</p> <p><u>Registered Dispensing Optician:</u> This registration is required for individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or optometrists licensed by the Board of Optometry for prescription lenses.</p> <p><u>Registered Spectacle Lens Dispenser:</u> A registered spectacle lens dispenser is authorized to fit and adjust spectacle lenses at any place of business holding a Registered Dispensing Optician certificate provided that the certificate of the registered spectacle lens dispenser is displayed in a conspicuous place at the place of business where he or she is fitting and adjusting.</p> <p><u>Registered Contact Lens Dispenser:</u> A registered contact lens dispenser is authorized to fit and adjust contact lenses at any place of business holding a Registered Dispensing Optician</p>	<p>include all of the following:</p> <p>(1) The dioptric power of the lens. When the prescription needed by the patient has not changed since the previous examination, the prescriber may write on the prescription form "copy lenses currently worn" instead.</p> <p>(2) The expiration date of the prescription.</p> <p>(3) The date of the issuance of the prescription.</p> <p>(4) The name, address, telephone number, prescriber's license number, and signature of the prescribing optometrist or physician and surgeon.</p> <p>(5) The name of the person to whom the prescription is issued.</p> <p>(b) The expiration date of a spectacle lens prescription shall not be less than two to four years from the date of issuance unless the patient's history or current circumstances establish a reasonable probability of changes in the patient's vision of sufficient magnitude to necessitate reexamination earlier than two years, or presence or probability of visual abnormalities related to ocular or systemic disease indicates, the need for reexamination of the patient earlier than two years. In no circumstances shall the expiration date be shorter than the period of time recommended by the prescriber for reexamination of the patient. Establishing an expiration date that is not consistent with this section shall be regarded as unprofessional conduct by the board</p>	<p>surgeon or optometrist may measure the powers or range of human vision or determine the accommodative and refractive status of the human eye or the scope of its functions in general or prescribe ophthalmic devices.</p> <p>2542. A registered dispensing optician shall fit, adjust, or dispense contact lenses, including plano contact lenses, only on the valid prescription of a physician and surgeon or optometrist, and acting on the advice, direction, and responsibility of the physician and surgeon or optometrist. The optician shall also comply with the requirements of Section 2560. A registered dispensing optician shall not fit a contact lens or lenses, or a plano contact lens or lenses, unless the prescription specifically refers to and authorizes contact lenses. A registered dispensing optician shall not fit a generic type of contact lens or mode of wear for a contact lens contrary to the type or mode, if any, referred to in the prescription.</p> <p>2544. Fitting of lenses; Additional procedures by assistant</p> <p>An assistant in the office of a physician and surgeon or optometrist acting under the direct responsibility and supervision of the physician and surgeon or</p>	<p>2569</p> <p>http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=02001-03000&file=2540-2545</p> <p>http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=02001-03000&file=2546-2546.10</p> <p>and</p> <p>http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=02001-03000&file=2550-2559</p>

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	<p>certificate provided that the certificate of the registered contact lens dispenser is displayed in a conspicuous place at the place of business where he or she is fitting and adjusting.</p> <p><u>Registered Nonresident Contact Lens Seller:</u> This registration is required for individuals, partnerships, and corporations located outside California that ship, mail, or deliver in any manner, contact lenses at retail to a patient at a California address.</p>	<p>that issued the prescriber's certificate to practice.</p> <p>(c) The prescriber of a spectacle lens shall orally inform the patient of the expiration date of a spectacle lens prescription at the time the prescription is issued. The expiration date of a prescription may be extended by the prescriber and transmitted by telephone, electronic mail, or any other means of communication. An oral prescription for a spectacle lens shall be reduced to writing and a copy of that writing shall be sent to the prescriber prior to the delivery of the lenses to the person to whom the prescription is issued.</p> <p>(d) A prescriber of a spectacle lens shall abide by the rules pertaining to spectacle lens prescriptions and eye examinations adopted by the Federal Trade Commission found in Part 456 of Title 16 of the Code of Federal Regulations.</p> <p>(e) An expired prescription may be filled if all of the following conditions exist:</p> <p>(1) The patient's spectacles are lost, broken, or damaged to a degree that renders them unusable.</p> <p>(2) Upon dispensing a prescription pursuant to this subdivision, the person dispensing shall recommend that the patient return to the optometrist or physician and surgeon who issued the prescription for an eye examination and provide the prescriber with a written notification of the prescription that was filled.</p>	<p>optometrist may fit prescription lenses.</p> <p>Under the direct responsibility and supervision of the ophthalmologist or optometrist, an assistant in the office of an ophthalmologist or optometrist may also do the following:</p> <p>(a) Prepare patients for examination.</p> <p>(b) Collect preliminary patient data, including taking a patient history.</p> <p>(c) Perform simple noninvasive testing of visual acuity, pupils, and ocular motility.</p> <p>(d) Perform automated visual field testing.</p> <p>(e) Perform ophthalmic photography and digital imaging.</p> <p>(f) Perform tonometry.</p> <p>(g) Perform lensometry.</p> <p>(h) Perform nonsubjective auto refraction in connection with subjective refraction procedures performed by an ophthalmologist or optometrist.</p> <p>2556. It is unlawful to do any of the following: to advertise the furnishing of, or to furnish, the services of a refractionist, an optometrist, or a physician and surgeon; to directly or indirectly employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes; or to duplicate or change lenses without a</p>	

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		<p>2541.2. (a) (1) The expiration date of a contact lens prescription shall not be less than one to two years from the date of issuance, unless the patient's history or current circumstances establish a reasonable probability of changes in the patient's vision of sufficient magnitude to necessitate reexamination earlier than one year, or the presence or probability of visual abnormalities related to ocular or systemic disease indicate the need for reexamination of the patient earlier than one year. If the expiration date of a prescription is less than one year, the health-related reasons for the limitation shall be documented in the patient's medical record. In no circumstances shall the prescription expiration date be less than the period of time recommended by the prescriber for reexamination of the patient.</p> <p>2546.5. In order to obtain and maintain registration, a nonresident contact lens seller shall:</p> <p>(c) Maintain records of contact lenses shipped, mailed, or delivered to patients in California for a period of at least three years.</p> <p>2546.6. (a) Contact lenses may be sold only upon receipt of a written prescription or a copy of a written prescription and may be sold in quantities consistent with the prescription's established</p>	<p>prescription or order from a person duly licensed to issue the same.</p>	

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		<p>expiration date and the standard packaging of the manufacturer or vendor. If the written prescription or a copy of it is not available to the seller, the seller shall confirm the prescription by direct communication with the prescriber or his or her authorized agent prior to selling, shipping, mailing, or delivering any lens, and maintain a record of the communication.</p>		
<p>CONNECTICUT</p>	<p>A regulated profession whose members are licensed under the Commission of Public Health, an agency of the Department of Public Health, which seeks advice from the Board of Examiners of Opticians.</p> <p>Connecticut General Statutes, Chapter 381, Section 20-141. Powers and duties of board and commissioner.</p> <p>(a) The commissioner of public health, with advice and assistance from the Board of Examiners for Opticians, shall make regulations not inconsistent with law, and in conformity with the declared policy of this chapter, as may be necessary to govern the conduct of the business of dispensing or grinding optical glasses and instruments for the optical business and the producing and reproducing of ophthalmic lenses and kindred products and the mounting of the</p>	<p>REGULATIONS OF CONNECTICUT STATE AGENCIES – OPTICIANS</p> <p>Sec. 19a-14-51. Optician Record Retention. For each client fitted with prescription eyeglasses or prescribed contact lenses, a licensed optician shall keep a record. When prescription items are dispensed by a registered apprentice optician, the supervising licensed optician must verify the accuracy of all the data included in the client record and indicate this on the record. A client record shall contain the following:</p> <p>(a) Prescription Eyewear Records shall include:</p> <p>(1) Doctor's prescription and date, including name of prescribing doctor;</p> <p>(2) Date of delivering said prescription, to include any duplication of existing lenses;</p> <p>(3) Facial measurements, to include but not be limited to: interpupillary measures; frame size</p>	<p>C.G.S. Chapter 381 Section 20-145 provides :</p> <p>Definition of licensed optician.</p> <p>A licensed optician, for the purposes of this chapter, shall be defined as follows: One having a knowledge of optics and skilled in the technique of producing and reproducing ophthalmic lenses and kindred products and mounting the same to supporting materials and the fitting of the same to the eyes.</p> <p>Refractometry is not authorized to opticians in this state, even though it is not explicitly prohibited in statute or regulation. Optometric assistants are prohibited from performing unsupervised refractions.</p> <p>Source: G. Griffin, Investigations Supervisor Connecticut Dept. of Public Health, Office of</p>	<p>CONNECTICUT GENERAL STATUTES CHAPTER 381 http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/optician/opt_statute.pdf</p> <p>REGULATIONS OF CONNECTICUT STATE AGENCIES OPTICIANS</p> <p>http://www.oaa.org/files/StateRegulatoryInformation/Connecticut/optician_licensure.pdf</p>

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	<p>same to supporting materials and the fitting of the same to the eyes. Said board may revoke, suspend or refuse to issue licenses, certificates of registration or permits for cause. The commissioner may issue subpoenas, administer oaths and take testimony.</p> <p>(b) Said board shall keep a record of its proceedings and a copy of any such record, certified by the commissioner, shall be admitted as evidence in any civil or criminal action in lieu of such record.</p>	<p>determinations, including eye size, bridge size, temple length;</p> <p>(4) Name of frame provided; and</p> <p>(5) Lens description to include: lens materials; placement of optical centers; lens tint; and, when applicable, multifocal type and placement of multifocal.</p> <p>(b) Contact Lenses Prefit</p> <p>(1) Prefitting record shall include: date of client visit; doctor's written prescription; doctor's keratometric measures if such measures are provided, and such other measures or observations which are properly within the optician's scope of practice as defined by Connecticut General Statutes Section 20-139;</p> <p>(2) Any information which would contraindicate the fitting of contact lenses;</p> <p>(3) The date of the examining doctor's prescription;</p> <p>(4) A prefitting biomicroscopic record of the external eye made by the doctor, if such is provided; and</p> <p>(5) Any notice provided to the client regarding the length of time after which the prescription will not be refilled.</p> <p>(c) Contact Lens Dispensing</p> <p>Records on the dispensing of contact lenses shall include:</p> <p>(1) All particular lens parameters including manufacturer;</p>	<p>Practitioner Licensing & Investigations</p>	<p>f</p>

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		<p>(2) Date of client instruction in handling and hygiene;</p> <p>(3) Visual acuity recorded with dispensed contact lenses as obtained by use of a standardized snellen-type chart;</p> <p>(4) If performed, a summary of observations of the physical relationship between dispensed contact lens and cornea, including, but not limited to, biomicroscopic observations;</p> <p>(5) A recommended wearing schedule; and</p> <p>(6) A summary of recommended follow-up</p> <p>(d) Contact Lens Follow-up</p> <p>Records of visits subsequent to the actual dispensing of contact lenses shall include:</p> <p>(1) Date of each visit;</p> <p>(2) Client's current wearing schedule;</p> <p>(3) Visual acuity recorded with dispensed contact lenses, obtained by use of a standardized snellen-type chart;</p> <p>(4) Date of next recommended visit; and</p> <p>(5) A description of any perceived changes in visual acuity or obvious anomalies, and a record of any report made to the client or prescribing doctor.</p> <p>Statement of Purpose: These regulations define what types of information must be kept as a part of an Optician's routine records for each client seen, to ensure that minimum basic data are collected and retained when optical goods are</p>		

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		<p>fitted to patients.</p> <p>REGULATIONS OF CONNECTICUT STATE AGENCIES – OPTICIANS</p> <p>19a-14-40. Medical records, definition, purpose The purpose of a medical record is to provide a vehicle for: documenting actions taken in patient management; documenting patient progress; providing meaningful medical information to other practitioners should the patient transfer to a new provider or should the provider be unavailable for some reason. A medical record shall include, but not be limited to, information sufficient to justify any diagnosis and treatment rendered, dates of treatment, actions taken by non-licensed persons when ordered or authorized by the provider; doctors' orders, nurses notes and charts, birth certificate work-sheets, and any other diagnostic data or documents specified in the rules and regulations. All entries must be signed by the person responsible for them.</p>		
<p>FLORIDA</p>	<p>A regulated profession whose members are licensed by the Florida Board of Opticianry, an agency of the Department of Health.</p> <p>484.005 Authority to make rules.</p> <p>The board has authority to adopt rules pursuant</p>	<p>Florida Statutes Title 32 Chapter 456 provides:</p> <p>456.057 Ownership and control of patient records; report or copies of records to be furnished.--</p> <p>(1) As used in this section, the term "records</p>	<p>Florida Statutes, Title 32, Chapter 484 provides:</p> <p>484.002 Definitions.--As used in this part:</p> <p>9) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician</p>	<p>2009 Florida Statutes</p> <p>Florida Statutes Title 32 Chapter 456</p> <p>http://www.leg.state.f</p>

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	<p>to ss. 120.536(1) and 120.54 to implement the provisions of this part conferring duties upon it. Such rules shall include, but not be limited to, rules relating to:</p> <p>(1) A standard of practice for opticians licensed pursuant to this part.</p> <p>(2) Minimum equipment which shall be utilized to prepare, fit, measure, and dispense lenses, spectacles, eyeglasses, contact lenses, and other optical devices allowed under the practice of opticianry.</p> <p>(3) Procedures for transfer of prescription files upon the going out of business of an optician, corporation, or other person.</p> <p>(4) A standard of practice for filling prescriptions for contact lenses and fitting, adapting, and dispensing contact lenses.</p> <p>Florida Statutes, Title 32, Chapter 484 states: 484.001 Purpose; legislative findings; intent. (1) The Legislature finds that the practice of opticianry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about opticians and that the consequences of a wrong choice could seriously endanger their health and safety. The only way to protect the public from the incompetent</p>	<p>owner" means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner.</p> <p>(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated: ...</p> <p>(j) Opticians and optical establishments licensed or permitted under part I of chapter 484.</p> <p>The standard of practice 64B12-10.006 provides:</p>	<p>or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer, duplicating lenses, accurately as to power without a prescription, and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.</p> <p>484.012 Prescriptions; filing; duplication of prescriptions; duplication of lenses. (1) Any prescription written by a duly licensed allopathic or osteopathic physician or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices shall be kept on file for a period of 2 years with the optical establishment that fills such prescription. However, the licensed optician may maintain a copy of the prescription.</p> <p>(2) Upon request by the intended user of the prescribed lenses, spectacles, eyeglasses, contact lenses, or other optical devices, or by an agent of the intended user, the optician who fills the original prescription shall duplicate, on a form prescribed by rule of the board, the original</p>	<p>l.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=DisplayStatute&Search_String=medical+records&URL=CH0456/Sec057.HTM accessed Oct. 5, 2009: 456.057</p> <p>Florida Statutes, Title 32</p> <p>REGULATION OF PROFESSIONS AND OCCUPATIONS</p> <p>Chapter 484 DISPENSING OF OPTICAL DEVICES AND HEARING AIDS</p> <p>http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=DisplayStatute&URL=Ch0484/titl0484.htm</p>

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	<p>practice of opticianry is through the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the law.</p> <p>(2) The sole purpose of enacting this part is for the protection of the public health, safety, and welfare.</p> <p>For the past 50 years, the Professional Opticians of Florida have dedicated themselves to enhancing the competency of opticians, advancing the profession of opticianry, and working to protect the health and welfare of the public. http://www.pof.org/abo-ncle_req.htm</p>	<p>Prescription Files and Transfer. Prescription files which are 2 years old or less when the optician dies, terminates the practice, or relocates and is no longer available to the patients, shall be transferred to a location where they may be obtained by clients. The prescription files must be retained 2 years after the optician's death, termination of practice, or relocation. The optical establishment shall also provide notice, within 60 days, to its clients of the establishment's closing and advertise where the prescription files may be obtained, pursuant to Section 456.057(11), F.S. (2005).</p> <p><i>Specific Authority 456.058, 484.005(3) FS. Law Implemented 456.057(11), 456.058, 484.012(1) FS. History—New 12-6-79, Formerly 21P-10.06, Amended 3-5-87, 12-23-90, Formerly 21P-10.006, 61G13-10.006, 59U-10.006, Amended 8-6-97, 3-16-06.</i></p>	<p>prescription. However, for medical reasons only, the prescribing allopathic or osteopathic physician or optometrist may, upon the original prescription, prohibit its duplication. Any duplication shall be considered a valid prescription to be filled for a period of 5 years from the date of the original prescription, except that a contact lens prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.</p> <p>(3) Nothing in this part shall be construed to prohibit a licensed optician from accurately duplicating lenses as to power without a prescription.</p> <p>484.013 Violations and penalty</p> <p>1. It is unlawful for any person...(c) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished with a prescription as provided for in s. <u>484.012</u>.</p> <p>(3) It is unlawful for any optician to engage in the diagnosis of the human eyes, attempt to determine the refractive powers of the human eyes, or, in any manner, attempt to prescribe for or treat diseases or ailments of human beings.</p>	<p>Florida Administrative Code</p> <p>CHAPTER 64B12-10 STANDARD OF PRACTICE FOR LICENSED OPTICIANS</p> <p>https://www.flrules.org/geway/ChapterHome.asp?Chapter=64B12-10</p>

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<p>GEORGIA</p>	<p>A regulated profession whose members are licensed by the Georgia Board of Dispensing Opticians, within the Professional Licensing Boards Division of office of the Secretary of State.</p>		<p>The Georgia statutes, 420-6-.01 Dispensing Opticians. Amended, provide:</p> <p>(1) A "dispensing optician" is anyone who prepares, fits and dispenses prescription lenses, spectacles, eyeglasses, contact lenses, or any other type of vision-correcting optical device to the intended user.</p> <p>(2) A person will be considered as within this definition who does any one or a combination of the following practices:</p> <p>(a) Interprets optical prescriptions issued by an ophthalmologist, optometrist or physician for the lab optician who fabricates vision-correcting optical lenses;</p> <p>(b) Measures inter-ocular or pupillary distances to determine the proper position of vision-correcting lenses;</p> <p>(c) Determines the necessary type or shape of lenses or position of multi-focal segments and optical centers for the intended wearer of vision-correcting optical lenses;</p> <p>(d) Measures any part of a person's face or head for the purpose of adapting any vision-correcting optical device thereto;</p> <p>(e) Adapts or aligns frames with vision-correcting lenses to the face of the intended wearer.</p> <p>(3) Although the Act does not require licensing of those lab opticians or persons who perform merely mechanical work upon inert materials in</p>	<p>TITLE 43. PROFESSIONS AND BUSINESSES CHAPTER 29. DISPENSING OPTICIANS</p> <p>http://sos.georgia.gov/acrobat/PLB/laws/06/Dispensing_Opticians_43-29.pdf</p> <p>Rules of the Board</p> <p>http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=GEO RGIA_STATE_BOARD_OF_DISPENSING_OPTICIANS/index.html&d=1</p> <p>OFFICIAL CODE OF GEORGIA ANNOTATED: TITLE 31. HEALTH CHAPTER 12. CONTROL OF HAZARDOUS</p>

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			<p>an optical office or laboratory, it does anticipate that dispensing opticians will, in addition to the above skills, have a basic knowledge of these laboratory techniques. The responsibility to the public for correct grinding and lens preparation, etc., is placed in the hands of the dispensing optician or fitter, and this is the person the Act seeks to control by requiring that he be qualified and licensed.</p> <p>The Georgia Code provides that:</p> <p>§ 43-29-14. Duties when dispensing contact lenses; restrictions; qualified dispensing optician as engaging in lawful trade or occupation</p> <p>(a) Dispensing opticians who dispense contact lenses shall instruct the wearer at the time the lenses are delivered to return to the prescribing and responsible optometrist or physician skilled in diseases of the eye for evaluation, approval, and follow-up care.</p> <p>(b) A dispensing optician may duplicate lenses without prescription, provided that a dispensing optician shall not substitute contact lenses for spectacles, eyeglasses, or other optical devices except as otherwise authorized in this chapter or engage in the diagnosis of diseases of the human eye or attempt to determine the refractive powers</p>	<p>CONDITIONS, PREVENTABLE DISEASES, AND METABOLIC DISORDERS</p> <p>§ 31-12-12. Restrictions on sale or dispensing of contact lenses; responsibilities relating to prescriptions; criminal violation; enforcement</p> <p>http://sos.georgia.gov/plb/opticians/contact_lens_law%20(Rov%2003-07).pdf</p> <p>GEORGIA CODE TITLE 43. PROFESSIONS AND BUSINESSES CHAPTER 29. DISPENSING OPTICIANS</p>

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			<p>of the human eye or in any manner attempt to prescribe remedies for or treat diseases or ailments of human beings.</p> <p>(c) A dispensing optician who qualifies under this chapter shall be determined and recognized as engaging in a lawful trade or occupation in this state.</p>	<p>http://www.lexis-nexis.com/hottopics/gacode/default.asp</p>
<p>HAWAII</p>	<p>A regulated profession whose members are licensed by an advisory committee to the Department of Commerce and Consumer Affairs, which regulates the profession in this state.</p> <p>Hawaii Revised Statutes, Chapter §458-3 Powers and duties.</p> <p>In addition to any other powers and duties authorized by law, the director of commerce and consumer affairs, subject to chapter 91, may adopt, amend, and repeal rules for the administration of this chapter. The director shall appoint an advisory committee to serve as experts to the department in licensing matters.</p>		<p>Hawaii Revised Statutes, Chapter 458-13 Acts prohibited. It shall be unlawful to do any of the following:</p> <p>(3) To dispense, furnish, or supply the services and appliances to the intended wearer or user thereof, except upon a prescription issued by a licensed physician, or optometrist; provided that duplications, replacements, reproductions, and repetitions, without change in the refractive value may be done without prescription by individuals holding a license of dispensing optician issued under this chapter;</p> <p>(4) 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 or fail to provide notice as required by section 458-12.5;</p> <p>(5) 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</p>	<p>Hawaii Revised Statutes, CHAPTER 458 -OPTICIANS, DISPENSING</p> <p>http://www.oaa.org/files/StateRegulatoryInformation/Hawaii/ch458_dispensing_opticians.pdf</p> <p>HAWAII ADMINISTRATIVE RULES, TITLE 16 - CHAPTER 91</p> <p>http://www.oaa.org/files/StateRegulatoryInformation/Hawaii/ch91_dispensing_opticians.pdf</p>

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			<p>allowance, whether in the form of money or otherwise, to any oculist, optometrist, physician, or practitioner of any other profession (A) for or on account of the referring or sending by any oculist, optometrist, physician, 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 services or the furnishing of any articles or appliances to a person so referred or sent by any oculist, optometrist, physician, or practitioner. Every scheme, agreement, undertaking, arrangement, or device shall also be deemed in violation of section 481-7. The license of every dispensing optician who violates this paragraph shall be revoked; or</p>	
<p>ILLINOIS</p>	<p>Opticians are not regulated in the state of Illinois.</p>			<p>Confirmed by the association June 30 09 by Gene Mitchell [genefran1@comcast.net]</p>
<p>KENTUCKY</p>	<p>A self-regulated profession whose members are licensed and regulated by the Board of Ophthalmic Dispensers, a self-sustaining regulatory body.</p> <p>“The purpose of the Board of Ophthalmic Dispensers is to administer and enforce the</p>		<p>Kentucky Revised Statutes 326.060 <i>Dispenser not to examine or treat eyes -- Fitting of contact lenses provides that:</i> Nothing in this chapter shall be construed to authorize or permit any ophthalmic dispenser to hold himself out as being able to, or to either offer, undertake or attempt, by any means or</p>	<p>Kentucky Revised Statutes and Kentucky Administrative Regulations</p>

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	<p>statutory authority and to monitor the needs of the consuming public. The board examines and licenses all eligible candidates for entry into the profession of ophthalmic dispensing. It recommends appropriate changes in the law to assure fairness and equality. The board conducts formal hearings when necessary and prosecutes by due process any violators of <u>KRS 326</u>.</p> <p>The board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for licensing its professionals.”</p> <p>Source: Board website, http://bod.ky.gov/, accessed on August 19, 2009</p> <p>326.020 Kentucky Board of Ophthalmic Dispensers -- Membership -- Appointment -- Qualifications -- Terms – Powers provides that:</p> <p>(3) (a) The board may promulgate administrative regulations to carry out the purposes and provisions of this chapter, including the licensing of apprentice ophthalmic dispensers and the adoption of a program for continuing education for all licensees.</p> <p>(5) The board may:</p> <p>(a) Revoke, suspend, or refuse to issue or renew</p>		<p>method, to examine or exercise eyes, to fit contact lenses, or to diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease, injury, pain or physical condition except that an ophthalmic dispenser holding a license as such issued hereunder may fit contact lenses under the supervision of a physician, osteopath or optometrist.</p>	<p>http://bod.ky.gov/NR/rdonlyres/B442D526-32B4-4896-8A26-3A4428028F34/0/BODLawsandRegulations.pdf</p>

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	<p>licenses; impose probationary or supervisory conditions upon licensee; or issue written reprimands to licensees, in accordance with KRS 326.090;</p> <p>(b) Impose administrative fines in accordance with KRS 326.100; or</p> <p>(c) Take any other action or combination of actions regarding licenses, licensees, or apprenticeships authorized by this chapter.</p>			
<p>MASSACHUSETTS</p>	<p>A regulated profession whose members are registered and licensed under the Board of Registration of Dispensing Opticians within the Division of Professional Licensure, Office of Consumer Affairs & Business Regulation.</p> <p>“The Board of Registration of Dispensing Opticians protects the public through regulation of the practice by testing candidates and licensing those who are qualified, insuring compliance with state statutes and the Board's rules and regulations, and conducting hearings and facilitating resolutions to consumer complaints. The Board manages apprenticeship training programs, approves educational standards for school-based opticianry programs, and monitors the continuing education requirements of licensees. The Board also works with other states' opticianry boards and</p>	<p>235 CMR 5.00: Standards Of Professional Practice And Conduct; Disciplinary Proceedings, 5.03: Record-keeping Requirements provides that:</p> <p>1. A licensed dispensing optician shall establish and maintain a separate, adequate, legible and accurate written service record for each person for whom he or she prepares or dispenses ophthalmic lenses, spectacles, eyeglasses, contact lenses, or appliances related thereto. The record shall be kept in chronological order in the office where the licensed dispensing optician rendered such services, or in the office of the optical goods establishment from which such items were dispensed, if different. Record entries shall be made contemporaneously with the performance of the function or service being documented. Each such entry shall be signed by, or shall otherwise adequately identify, the</p>	<p>235 CMR 5.00: Standards Of Professional Practice And Conduct; Disciplinary Proceedings, 5.02: Standards for Dispensing of Lenses or Eyeglasses provides that:</p> <p>(1) No dispensing optician who holds a license issued by the Board pursuant to 235 CMR 2.00, nor any apprentice optician registered with the Board pursuant to 235 CMR 4.00, shall prepare or dispense any ophthalmic lenses, spectacles, eyeglasses, contact lenses or appliances related thereto except in accordance with the terms of an eyeglass prescription or contact lens prescription written or issued by a duly licensed physician or by an duly registered or licensed optometrist.</p> <p>(2) Before delivering or furnishing any ophthalmic lenses, spectacles, eyeglasses, or contact lenses to the intended wearer or user thereof, a licensed dispensing optician shall:</p> <p>a. Verify that the ophthalmic lenses, spectacles,</p>	<p>Code of Massachusetts Regulations</p> <p>235 CMR 2.00 Definitions, Board Procedures And Requirements For Full Licensure</p> <p>http://www.mass.gov/?pageID=ocaterminal&L=6&L0=Home&L1=Licensee&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Registration+of+Dispensing+Opticians&L4=Statu</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>professional organizations in furthering the qualifications of opticians.”¹</p>	<p>licensed dispensing optician who provided, or supervised the provision of, that function or service. Such records shall include, at a minimum, documentation of the following:</p> <ol style="list-style-type: none"> a. The name, address and telephone number of the person to whom the record pertains; b. The date on which each function or service documented in the record was performed, and the name and license number of the individual who provided or performed that function or service; c. All eyeglass prescriptions and contact lens prescriptions presented to the licensed dispensing optician at that location by or for the person to whom the record pertains; and d. All documentation required by 235 CMR 5.02(2). <p>2. Except as provided in 235 CMR 5.03(3) or (4), such service records and all information contained therein shall be kept confidential to the extent provided by state or federal law.</p> <p>3. Upon the written request of the person receiving the services, that person’s authorized legal representative, or, in the case of an unemancipated minor, the service recipient’s parent or legal guardian, a licensed dispensing optician shall furnish a complete copy of that</p>	<p>eyeglasses or contact lenses in question conform in all material respects to the terms and specifications contained in the prescription issued by the intended wearer’s physician or optometrist;</p> <ol style="list-style-type: none"> b. Verify that the ophthalmic lenses, spectacles, eyeglasses or contact lenses in question fit the intended wearer or user properly, and make any and all adjustments in the fit of such items as may be reasonably necessary to ensure that they fit the intended wearer or user properly; c. Verify that the materials used in such ophthalmic lenses, spectacles, eyeglasses or contact lenses meet all applicable requirements of Sections Z80.1 and Z80.2 of the Standards of the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; d. Provide the intended wearer or user with appropriate instruction in the handling, insertion, removal and care of such ophthalmic lenses, spectacles, eyeglasses or contact lenses; and e. Document his or her performance of the procedures required by 235 CMR 5.02 (a) through (d), in writing, in the written records pertaining to that intended wearer or user which are maintained by him or her, or by the optical goods 	<p>tes+and+Regulations&L5=Rules+and+Regulations+Governing+Dispensing+Opticians&sid=Eoca&b=terminalcontent&f=dpl_boards_do_cmr_235cmr_200&csid=Eoca</p> <p>235 CMR 5.00 Standards Of Professional Practice And Conduct; Disciplinary Proceedings</p> <p>http://www.mass.gov/?pageID=ocaterminal&L=6&L0=Home&L1=Licensee&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Registration+of+Dispensing+Opticians&L4=Statu</p>

¹ Board of Registration of Dispensing Opticians, “About the Board of Registration of Dispensing Opticians”, Boston, Massachusetts, available at http://www.mass.gov/?pageID=ocaterminal&L=4&L0=Home&L1=Licensee&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Registration+of+Dispensing+Opticians&sid=Eoca&b=terminalcontent&f=dpl_boards_do_about&csid=Eoca.

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		<p>person's service records, including all supporting documentation and reports, to the party authorized to receive it. A reasonable fee may be charged for this service.</p> <p>4. A licensed dispensing optician shall furnish to the Board or its duly authorized representative a complete copy of a service recipient's service record upon written request. No fee may be charged for this service.</p> <p>5. No person shall be required to sign any release from liability or waiver as a condition for the receipt of his or her service record pursuant to 235 CMR 5.03(3).</p> <p>6. Service records shall be maintained for a period of not less than five (5) years from the date of the last client encounter or professional consultation with the client.</p> <p>7. Violation of any provision of 235 CMR 5.03 shall be considered sufficient grounds for disciplinary action by the Board pursuant to M.G.L. c. 112, § 73H.</p>	<p>establishment from which those items are dispensed. Such documentation shall bear the signature or initials of the licensed dispensing optician who performed the procedures required by 235 CMR 5.02 (a) through (d) above.</p>	<p>tes+and+Regulations&L5=Rules+and+Regulations+Governing+Dispensing+Opticians&sid=Eoca&b=terminalcontent&f=dpl_boards_do_cmr_235cmr500&csid=Eoca</p>
<p>MICHIGAN</p>	<p>Opticians are not a regulated health profession in Michigan.</p> <p>The Opticians Association of Michigan Registered Dispensing Optician Program provides certification, based on a three-part program.</p>			<p>Status confirmed by the Michigan Dept of Community Health on June 30 09 (tel: 517-373-3740)</p>

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MINNESOTA	Opticians are not a regulated health profession in Minnesota.			Status confirmed by Opticians Association of America (http://www.oaa.org/index.php?id=24)
NEVADA	<p>A regulated profession whose members are licensed by the Board of Opticians, authorized under the Nevada Revised Statutes RS 637.070</p> <p>Rules and regulations; seal; members may be empowered to conduct proceedings, hearings and investigations; employees and assistants:</p> <ol style="list-style-type: none"> 1. The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter. 2. The Board shall have a common seal of which all courts of this State shall take judicial notice. 3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes. 4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter. 		<p>Nevada Revised Statutes 637.200 <i>Unlawful acts provides that:</i> The following acts constitute misdemeanors:</p> <ol style="list-style-type: none"> 4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription. 5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription. 	<p>Nevada Revised Statutes, ch. 637 http://leg.state.nv.us/NRS/NRS-637.html</p> <p>Nevada Administrative Code 637 http://leg.state.nv.us/NAC/NAC-637.html</p> <p>Adopted regulation of the Board, LCB File No.R201-07, effective April, 2008</p> <p>http://nvbdo.state.nv.us/Regulation/2009/R201-07_ADOPTED.pdf</p>

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<p>NEW HAMPSHIRE</p>	<p>A regulated profession whose members are registered with the State of New Hampshire Licensing and Regulations Services Dept. of Health and Human Services. An Advisory Council can be formed to handle complaints, but has not been engaged in several years, and is usually inactive.</p> <p>Source: Telephone Conversation with the</p>		<p>New Hampshire statute Title 30, Occupations and Professions, Chapter 37 – Ophthalmic Dispensing, provides:</p> <p>327-A: 1 Definitions. – In this chapter:</p> <p>III. ""Prescription for spectacle lenses" means a dated and signed, written or oral direction not more than 24 months old from an ophthalmologist</p>	<p>TITLE XXX OCCUPATIONS AND PROFESSIONS CHAPTER 327-A OPHTHALMIC DISPENSING</p> <p>http://www.gencourt.s</p>

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	Licensing and Regulations Services office, New Hampshire, July 29, 2009		or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and when necessary, the vertex distance, cylinder axis, and prism. The oral prescription must be recorded and kept on file for one year by the ophthalmic dispenser.	tate.nh.us/rsa/html/NHTOC/NHTOC-XXX-327-A.htm
NEW JERSEY	<p>A regulated profession whose members are licensed by the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians within the Division of consumer affairs, Department of Law and Public Safety.</p> <p>“This board regulates the manufacture and sale of eyeglasses in New Jersey. The board licenses ophthalmic dispensers; ophthalmic technicians; and ophthalmic dispenser and technician apprentices.”</p> <p>Source: State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians website, available at http://www.njconsumeraffairs.gov/opth/</p>		<p>The Ophthalmic Dispensers and Ophthalmic Technicians statute provides that:</p> <p>52:17B-41.1. Purpose of act; "ophthalmic appliances and lenses" defined; exemptions; prohibited acts</p> <p>This act is enacted in the exercise of the police powers of the State and its purposes generally are to protect the public health, welfare and safety by providing for the regulation of the sale, dispensing and supplying of all ophthalmic appliances, eyeglasses, or ophthalmic lenses to the ultimate wearer or consumer in this State.</p> <p>For the purposes of this act, ophthalmic appliances and lenses are defined as those employed for the aid or protection of human vision or for the correction of defects of human vision.</p> <p>Physicians and optometrists, duly licensed to practice medicine and optometry in this State, are</p>	<p>Ophthalmic Dispensers and Ophthalmic Technicians Laws and Regulations</p> <p>http://www.njconsumeraffairs.gov/opth/oph_rules.htm</p>

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			<p>specifically exempt from the provisions of this act.</p> <p>A person registered under the provisions of this act is specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, or fitting contact lenses; or the prescribing of subnormal vision aids or telescopic spectacles, in his own behalf or as an employee or student of another, whether under the personal supervision of his employer or preceptor or not.</p> <p>No person not licensed to practice medicine or optometry in this State shall directly or indirectly, for himself or others, do or engage in any act or practices specifically prohibited to duly registered ophthalmic dispensers and ophthalmic technicians by the provisions of this act.</p>	
<p>NEW YORK</p>	<p>A regulated profession whose members are licensed and registered by the Board of Ophthalmic Dispensing, reporting to the Board of Regents within the Office of Professions, a branch of the New York State Education Department</p> <p>[Currently, the Office of the Professions regulates forty-eight professions defined in Title VIII of the Education Law.]”</p>	<p>The Rules of the Board of Regents, Part 29, unprofessional conduct, provide:</p> <p>§ 29.2 General provisions for health professions.</p> <p>a. Unprofessional conduct shall also include...</p> <p>(3). failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise</p>	<p>Title 8 of the Education Law, § 29.9 provides: Special provisions for the profession of ophthalmic dispensing.</p> <p>Unprofessional conduct in the practice of ophthalmic dispensing shall include all conduct prohibited by Sections 29.1 and 29.2 of this Part, except as provided in this section, and shall also include the following:</p> <p>1. failing to fill the prescription in which the refractive error of the eye at a vertex distance is indicated and to dispense the proper effective</p>	<p>Education Law Title VIII - The Professions</p> <p>http://www.op.nysed.gov/title8.htm</p> <p>Rules of the Board of Regents Part 29, Unprofessional Conduct</p>

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	<p>“The Board of Regents and the New York State Education Department have overseen the preparation, licensure, and practice of the professions. Currently, <u>the Office of the Professions</u> regulates <u>forty-eight professions</u> defined in <u>Title VIII</u> of the Education Law.”</p> <p>Source: Office of Professions website, New York, available at http://www.op.nysed.gov/aboutop.htm]</p>	<p>provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;</p>	<p>power of the prescription as adapted and fitted to the patient. Such prescription may not be modified without the approval of the prescriber and unless this approval is noted on the prescription;</p> <p>Regulations of the Commissioner from Part 52, Registration of Curricula § 52.28 Ophthalmic Dispensing</p> <p>Definitions. As used in this section:</p> <p>Professional ophthalmic dispensing content area shall mean coursework, which includes but is not limited to, each of the following curricular areas: ocular anatomy, physiology, and pathology; ophthalmic lens design and types; ophthalmic medical technology; theory of optics and refraction; patients' subjective signs and symptoms; prescription interpretation and analysis, including application of required instruments and equipment; ocular pharmacology; lens applications; lens fitting and adjusting techniques; clinical experience in ophthalmic dispensing; which may occur in an internship or externship; contact lens application, patient education and follow-up care; optics and contact lenses;</p>	<p>http://www.op.nysed.gov/part29.htm</p> <p>See § 29.9 for special provisions for the profession of ophthalmic dispensing.</p> <p>Regulations of the commissioner</p> <p>http://www.op.nysed.gov/sect52-28.htm</p> <p>and</p> <p>http://www.op.nysed.gov/part67.htm</p>

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			<p>contact lens fitting and adjusting techniques; ocular prostheses and devices; ethics of ophthalmic dispensing; safety, protective, and environmental requirements; and clinical experience in contact lens fitting, which may occur in an internship or externship.</p>	
<p>NORTH CAROLINA</p>	<p>A regulated profession whose members are licensed by the North Carolina State Board of Opticians. The Board was established in 1951, and reports directly to the state Governor.</p> <p>Source: Telephone conversation with Sue Kornegay, Executive Director, North Carolina State Board of Opticians, July 29, 2009.</p>	<p>The North Carolina administrative code provides:</p> <p>21 NCAC 40 .0206</p> <p>(a) The optician shall keep the visual welfare of the client uppermost at all times, promote the best care of the visual needs of mankind and strive continuously to develop educational and technical proficiency and inform himself as to new developments within his profession. In keeping with this pronouncement, a licensed optician shall:</p> <ol style="list-style-type: none"> (1) maintain adequate equipment and instruments in his office at all times to assure proper and complete service to the public; (2) assist his client in whatever manner possible in obtaining further care when, in his opinion, additional care is needed; (3) maintain adequate and available records; (4) treat all information concerning his clients as "privileged" and not to be 	<p>The North Carolina administrative code provides:</p> <p>21 NCAC 40 .0210 PRESCRIPTION AND INTERPRETATION</p> <p>A prescription is a written direction from an ophthalmologist or optometrist for eyeglasses, contact lenses, or other ophthalmic appliances. The prescriber retains discretion in determining the number and type of measurements which will be placed upon the prescription and determines whether the patient is medically or physiologically suited for, or has need for eyeglasses, and/or contact lenses. The optician takes the measurements necessary to fill the prescription and determines the makeup of the lenses, supplementing but not contradicting the prescription. In the event of a question regarding interpretation of the prescription, the question will be discussed with the prescriber and his response shall be promptly recorded in writing by the</p>	<p>North Carolina General Statutes Chapter 90 - Medicine and Allied Occupations.</p> <p>Art. 17 – Dispensing Opticians</p> <p>http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_17.html</p> <p>NC Administrative Code Title 21 - Occupational Licensing Boards and Commissions > Chapter 40-</p>

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		communicated to others except when so authorized by the client;	optician.	Opticianry http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2021%20-%20Occupational%20Licensing%20Boards%20and%20Commissions\Chapter%2040%20-%20Opticians
OHIO	<p>A regulated profession whose members are licensed by the Ohio Optical Dispensers Board.</p> <p>Mission Statement of the Ohio Optical Dispensers Board:</p> <p>To protect and serve the public of Ohio by effectively and efficiently regulating the practice of Opticianry and Ocularistry in the State of Ohio; through the licensing of qualified practitioners, the establishment of standards for Opticians and Ocularist educational programs, and the enforcement of the laws and rules governing their practice.</p>		<p>The Ohio Revised Code, Title (47) XLVII provides: 4725.40 Dispensing optician, ocularist definitions. (B) “Optical dispensing” means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. “Optical dispensing” does not include selecting frames, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.</p>	<p><u>Ohio Revised Code</u> » <u>TITLE [47] XLVII OCCUPATIONS -- PROFESSIONS</u> » <u>CHAPTER 4725: OPTOMETRISTS; DISPENSING OPTICIANS</u> http://codes.ohio.gov/orc/4725.40 Chapter 4726 Ohio : Optical Dispensers Board</p>

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				http://66.161.141.164/oac/4726
OREGON	Opticians are not a regulated profession in Oregon.			Status confirmed by Opticians Association of America (http://www.oaa.org/index.php?id=24)
PENNSYLVANIA	Opticians are not a regulated in profession in Pennsylvania.			Status confirmed by Opticians Association of America (http://www.oaa.org/index.php?id=24)
PUERTO RICO	<p>A regulated profession whose members are licensed by the Board of Examiners of Opticians attached to the Office of Regulations and Certifications of Health Professionals of the Department of Health of Puerto Rico. The Opticians Association of Puerto Rico is also mandated to pass regulations and protect the public interest. It is mandatory for all licensed opticians to be a member of the Association and the Board of Examiners.</p> <p>TITLE 20, CHAPTER 89, SECTION 2753 OF LAWS OF PUERTO RICO provides that</p>			<p>Laws of Puerto Rico TITLE 20 EXAMINING BOARDS AND PROFESSIONAL COLLEGES, CHAPTER 89: BOARD OF EXAMINERS OF OPTICIANS CHAPTER 20: OPTICIANS ASSOCIATION OF PUERTO RICO</p> <p>http://www.michie.co</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>(a) The Board of Examiners of Opticians shall authorize the practice of the optical profession in Puerto Rico, it being empowered to issue the corresponding license to any person who shall meet the qualifications specified in this chapter.</p> <p>(b) The Board shall keep a minute book of all its proceedings and shall organize its files so that all applications made be registered and shall enter in adequate books its decisions and actions.</p> <p>(c) The Board shall keep an updated registry of all the licenses it issues in which shall be stated the full name and personal data of the optician to whom the license is being issued, the date of issue, the license number and its term of effectiveness and a marginal note regarding their professional recertifications, and the suspended, revoked or cancelled licenses. Said registry shall be reviewed by the Board annually.</p> <p>(d) It shall prescribe rules and regulations for the internal administration of the Board, the holding of examinations for admission to the practice of the optical profession, and the establishing of the administrative procedure for the hearings to suspend or annul opticians' licenses. Such rules and regulations shall be adopted after holding public hearings and shall</p>			<p>m/puertorico/lpext.dll?f=templates&fn=main-h.htm&cp=</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>take effect after being published in two (2) newspapers of general circulation and filed in the Department of State.</p> <p>(e) They shall develop an information system which allows the establishment of a statistical relationship between the results of the revalidation examination and the characteristics of the candidates such as age, sex, school attended, number of times the revalidation examination has been taken and the academic index. In the aforesaid the applicants shall appear listed under the academic institution in which they studied.</p> <p>(f) The Board shall establish through regulations the requirements and procedures for the recertification of opticians every three (3) years, based on continuing education pursuant to the requirements of §§ 3001 et seq. of Title 24. It shall also evaluate the evidence accrediting continuing education submitted by the opticians for their recertification.</p> <p>(g) It shall adopt an official seal to be affixed on all licenses issued by it, and on other official Board documents.</p> <p>(h) The Board shall have the power to refuse, suspend and revoke licenses for the practice of</p>			

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>the profession of optician in Puerto Rico, pursuant to what is established in § 2757 of this title.</p> <p>(i) It may hold administrative hearings, resolve controversies on matters under its jurisdiction, issue orders in keeping with its resolutions and agreements, issue subpoenas for the appearance of witnesses or interested parties; require the presentation of documentary evidence, take statements or oaths and receive the evidence that is submitted to it in every matter under its jurisdiction.</p> <p>(j) It shall hold revalidation examinations in the Capital City of the Commonwealth of Puerto Rico at least two (2) times a year, on the date determined by the Board.</p> <p>All the regulatory, investigative and adjudicatory procedures that come before the Board, as well as the judicial review of the final decisions issued by it, shall be governed pursuant to what is established by §§ 2101 et seq. of Title 3, known as Uniform Administrative Procedures Act of Puerto Rico.</p> <p>CHAPTER 28, SECTION 546b OF LAWS OF PUERTO RICO provides that</p>			

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Powers of the Opticians Association of Puerto Rico are:</p> <p>(e) To draft and adopt regulations that shall be compulsory for all the members, as adopted and implemented by the Assembly that shall be constituted for their approval, or otherwise instead of said Assembly, as drafted and implemented by the Board of Directors to be set forth herein further on; as well as to amend said regulations in the manner and under the requirements instituted within same.</p> <p>(h) To protect the public interest and the members receiving or investigating of its own accord any grievances or matters on problems pertaining to the profession, such as allegations of improper conduct or breaches of ethical principles, on disagreements that may arise between opticians and patients, or between opticians, or between opticians and others regarding the optician, the materials, [i]n Puerto Rico. The Association shall refer the grievances that are submitted to it along with its recommendations to the Board of Examiners for the latter to dispose upon as set forth by law.</p>			
RHODE ISLAND	A regulated profession whose members are licensed by the Advisory Committee of Opticianry which acts in an advisory capacity to		State of Rhode Island General Laws, TITLE 5, Businesses and Professions, CHAPTER 5-35.2	RULES AND REGULATIONS PERTAINING TO

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>the Director of Health in the Office of Health Professional Regulation of the Department of Health.</p> <p>“The Committee acts in an advisory capacity to the Department and to the Director of Health in all matters pertaining to the practice of the profession. The Committee is responsible for the review and approval of applications for initial licensure, the formulation and promulgation of Rules and Regulations pertaining to the practice of the profession and for the over all exercise of disciplinary authority over all persons regulated under the statute. The categories of professional licensure and certification which fall within the authority of the Committee are Opticians and Apprentice Opticians.</p> <p>Individuals regulated under the authority of this Statute provide services which directly effect the physical and mental health of the citizens of Rhode Island. The Committee, and the Department of Health, strives to assure that only the highest quality care and services are delivered to the consumer. It is the mission of the Committee to ensure that only qualified individuals enter the regulated profession, that the care and services which these individuals provide are within the standard of practice of the profession and that they maintain their</p>		<p>provides that:</p> <p>2.-1 Definitions. – As used in this chapter:</p> <p>(4) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions of this chapter.</p> <p>(5) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription from licensed physicians or optometrists, or duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, including spectacles add powers for task specific use or occupational applications, or appurtenances, to the human face. Provided, however, a person licensed under the provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic spectacles, fitting, selling, replacing, or dispensing contact lenses.</p>	<p>OPTICIANS (R5-35-OPTI)</p> <p>http://www2.sec.state.ri.us/dar_filing/regdocs/released/pdf/DOH/4876.pdf</p> <p>State of Rhode Island General Laws, TITLE 5, Businesses and Professions, CHAPTER 5-35.2 Opticians</p> <p>http://www.rilin.state.ri.us/Statutes/TITLE5/5-35.2/INDEX.HTM</p> <p>Commercial Law – General Regulatory Provisions CHAPTER 6-13.1 Deceptive Trade Practices</p> <p>http://www.rilin.state.ri.us/Statutes/TITLE6/6-13.1/6-13.1-</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>professional competence through continuing education activities if required by statute.”</p> <p>Source: http://www.health.ri.gov/hsr/professions/optic.php, accessed on August 18, 2009.</p> <p>State of Rhode Island General Laws, TITLE 5, Businesses and Professions, CHAPTER 5-35.2-8 provides that: Advisory committee for opticianry. – There is created an advisory committee for opticianry, appointed by the director, to consist of five (5) members, who shall be residents of the state, four (4) of whom shall be licensed as opticians under the provisions of this chapter, and shall have practiced as opticians for a period of at least five (5) years, and one lay person who shall be from the public. The members of the advisory committee shall be appointed for terms of three (3) years; each member may serve a maximum of two (2) full terms. The duties of the advisory committee for opticianry shall include but not be limited to advising the director on all matters pertaining to the licensure and regulation of opticianry in this state.</p>			<p><u>1.HTM</u></p>
<p>SOUTH CAROLINA</p>	<p>A regulated profession whose members are licensed under the South Carolina Board of Examiners in Opticianry, an agency of the</p>	<p>South Carolina Code of Regulations, section</p>	<p>South Carolina Code of Laws, SECTION 40-38-280 provides that:</p>	<p>South Carolina Code of Laws, Title 40 - Professions and</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	Department of Labour, Licensing and Regulation.	<p>96-110 provides that:</p> <p>Standards of Practice.</p> <p>(A) Patient Records. A licensee shall maintain patient records for at least three (3) years from the most recent date of service, including but not limited to, the patient's name and date of service; copy of prescription and service rendered; patient financial record and name of licensed optician providing service.</p>	<p>Ophthalmic dispensing of services and appliances; prescription required; exceptions.</p> <p>The services and appliances related to ophthalmic dispensing must be dispensed, furnished, or supplied to the intended wearer or user only upon prescription issued by a physician or an optometrist; however, duplications, replacements, reproductions, or repetitions may be provided without prescription and are deemed to be ophthalmic dispensing, as if performed on the basis of a written prescription. Oral prescriptions are permitted if the optician maintains a written record. Contact lenses may be dispensed only in accordance with Section 40-38-270.</p>	<p>Occupations, CHAPTER 38.</p> <p>http://www.scstateho use.gov/code/t40c038 .htm</p> <p>South Carolina Code of Regulations http://www.scstateho use.gov/coderegs/c09 6.htm</p> <p>South Carolina Board of Examiners in Opticianry Position Statement</p> <p>Definition of “Dispensing”</p> <p>http://www.llr.state.sc .us/POL/Opticians/Fo rms/DispenseDef.pdf</p>
TENNESSEE	A regulated profession whose members are licensed under the TENNESSEE BOARD OF DISPENSING OPTICIANS, an agency of the	The Rules of the Tennessee Board of Dispensing Opticians provide that:	Tennessee Code, Title 63 Professions Of The Healing Arts, Chapter 14 Dispensing Opticians, s.63-14-102. “Practice of dispensing	Tennessee Code Title 63 Professions Of The Healing Arts

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Department of Health.</p> <p>Tennessee Code, Title 63 Professions Of The Healing Arts, Chapter 14 Dispensing Opticians, s. 63-14-101. Board — Creation — Composition — Appointments — Organization — Duties provides that:</p> <p>(c) The board shall convene and organize by selecting from among its members, a chair and a secretary-treasurer, and shall adopt rules and regulations governing the examination of applicants, the enforcement of the provisions of this chapter, and shall establish a code of ethics and standards of practice for dispensing opticians in this state, and such other rules and regulations as may be necessary for the proper carrying out of this chapter. The chair and secretary-treasurer thus elected shall serve for a period of two (2) years or until their successors are appointed and qualified.</p> <p>(e) The board shall determine the nature and character of the examination to be given applicants for license to practice as dispensing opticians and is empowered to issue licenses with respect to all persons who shall satisfactorily pass the examination as determined in accordance with the rules and regulations of the board. Each license shall be signed by the</p>	<p>s.0480-01-.18</p> <p>MANDATORY RELEASE OF CLIENT RECORDS.</p> <p>(1) Upon request from a client or the client’s authorized representative, licensees shall provide a complete copy of the client’s records or summary of such records which were maintained by the licensee.</p> <p>(2) It shall be the licensee’s option as to whether copies of the records or a summary will be given to the client.</p> <p>(3) Requests for records shall be honored by the licensee in a timely manner.</p> <p>(4) The individual requesting the records shall be responsible for payment of a reasonable fee in advance to the licensee for copying and mailing of the records.</p>	<p><i>opticians” defined — Prohibited practices provides that:</i></p> <p>“Practice of dispensing opticians” means the preparation, adaptation and dispensing of lenses, spectacles, eye glasses and optical devices to the intended user thereof on the written prescription of a physician or optometrist, duly licensed to practice the physician's or the optometrist's profession, and the dispensing of frames as a unit or individually to the intended user thereof.</p> <p>(1) A person registered under the provisions of this chapter is specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, prescribing contact lenses or the prescribing of subnormal vision aids or telescopic spectacles.</p> <p>The Rules of the Tennessee Board of Dispensing Opticians provide that:</p> <p>s.0480-01-.13 CODE OF ETHICS.</p> <p>(1) The following code of ethics shall govern the conduct of licensed dispensing opticians in the practice of opticianry.</p> <p>(2) Immoral, unprofessional, or dishonorable conduct shall include, but shall not be limited to, the following:</p>	<p>Chapter 14 Dispensing Opticians</p> <p>http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode</p> <p>RULES OF THE TENNESSEE BOARD OF DISPENSING OPTICIANS CHAPTER 0480-01 GENERAL RULES GOVERNING DISPENSING OPTICIANS</p> <p>http://www.state.tn.us/sos/rules/0480/0480-01.20090610.pdf</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>chair of the board and attested by the secretary-treasurer under its adopted seal. Each license issued by the board to any such applicant shall be signed by the members of the board, and such license exclusively shall be evidence of the right and authority of the person to whom it is issued to practice as dispensing optician within this state,</p>		<p>(f) Engaging in the diagnosis of the human eyes or attempting to determine the refractive powers of the human eyes or attempting to prescribe for or treat diseases or ailments of the human eyes. (g) Displaying any refracting equipment that may tend to mislead the public into believing that eye examinations are being made on the premises in connection with optical dispensing.</p> <p>The Rules of the Tennessee Board of Dispensing Opticians provide that:</p> <p>s.0480-01-.04 QUALIFICATIONS FOR LICENSURE. An applicant and licensee must: (3) Education requirements - An applicant must: (c) Have had practical experience and training (apprenticeship) of a grade and character satisfactory to the board for not less than three years under the supervision of a licensed dispensing optician, a licensed optometrist, or a licensed ophthalmologist. Practical training prior to age 15 (see T.C.A. § 63-14-103 (a)) will not be considered in determining the time spent in apprenticeship. Attendance in an accredited school or an approved college level program that shall specifically include study in the following will be considered as time toward fulfilling the three years requirement. Time will be computed hour for hour exactly as hours spent in On-the-Job</p>	

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
			Training (Apprenticeship): 1. Anatomy and Physiology of the Eye 2. Optical Theory 3. Applied Ophthalmic and Geometric Optics 4. Ophthalmic Lens Design 5. Lens Measurement and Inspection 6. Lens Surfacing and Fabrication 7. Fitting Techniques 8. Keratometry 9. The Use of the Slit Lamp, Radius Scope, Lensometer, Thickness and Diameter Gauges, and other instruments that do not determine refractive power or diseases and ailments of the eye 10. Methods of Fitting Contact Lenses 11. Post-fitting Contact Lens Care	
<p style="text-align: center;">TEXAS</p>	<p>Voluntary regulation under the Department of State Health Services (DHS)</p> <p>From the Department website http://www.dshs.state.tx.us/optician/opt_laws.shtml:</p> <p>What are the laws that regulate opticians?</p> <p>In Texas, there are three different laws that may regulate the activities of opticians. Opticians who choose to become registered dispensing opticians are subject to the Opticians' Registry</p>		<p>The Opticians' Registry Act, Chapter. 352 provides the following interpretation:</p> <p>Sec. 352.003. EFFECT OF CHAPTER. (a) This chapter does not:</p> <p style="padding-left: 40px;">(1) authorize a dispensing optician to perform an act on the optician's own authority that the optician is not otherwise authorized to perform, including an act that constitutes the practice of medicine, therapeutic optometry, or optometry;</p>	<p>OCCUPATIONS CODE, TITLE 3. HEALTH PROFESSIONS</p> <p>SUBTITLE F. PROFESSIONS RELATED TO EYES AND VISION</p> <p>CHAPTER 352. OPTICIANS</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Act. Registered dispensing opticians must also comply with the rules of the Texas Board of Health that relate to opticianry.</p> <p>Opticians who are not registered dispensing opticians are subject to certain requirements of the Texas Optometry Act.</p> <p>All opticians and optical businesses that sell, deliver, or dispense contact lenses in Texas are subject to the permit requirements of the Texas Contact Lens Prescription Act, even if they are registered dispensing opticians.</p> <p>Are opticians required to hold a license in Texas?</p> <p>No. An optician who meets certain standards may choose to become a registered dispensing optician through the Opticians' Registry Program of the Texas Department of State Health Services (DSHS). Only registered opticians may use the title registered dispensing optician.</p> <p>Any optician (registered or unregistered) who sells, delivers, or dispenses contact lenses in Texas must hold a contact lens dispensing permit issued by DSHS, unless exempt by law.</p> <p>Since registration is voluntary, why would an optician choose to be registered?</p> <p>Opticians choose to be registered dispensing opticians so the public can identify them as health care providers who meet standards in the dispensing of eyeglasses and contact lenses. The</p>			<p>http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.352.htm</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>standards include passing a national certification examination and completing classroom training. Since registered dispensing opticians are required to complete continuing education classes annually, the public will know that registered opticians are maintaining and upgrading their skills and knowledge in order to provide quality services and products. Most opticians choose to be voluntarily regulated by the state of Texas in order to increase consumer confidence in their practice. When an optician is registered, consumers may report violations of the Opticians' Registry Act or rules to DSHS through the complaint and investigation process. Registered dispensing opticians regularly receive current information from DSHS concerning law and rule changes that may affect their practice.</p>			
<p>VERMONT</p>	<p>A regulated profession whose members are licensed by the Office of Professional Regulation, an agency of the Office of the Secretary of State.</p> <p>"Opticians in the State of Vermont are governed by the "Advisor" model of regulation, created by the Legislature. Two licensed members of the profession are appointed by the Secretary of State to advise the Director of the Office of</p>		<p>The Vermont statutes, Title 26, Chapter 47 Opticians provide:</p> <p>§ 2677. Revocation; suspension and refusing of renewal of license The director may, in his or her discretion, refuse to issue, suspend, revoke, or refuse to renew a license when the applicant or licensee engages in any of the following conduct or the conduct set forth in section 129a of Title 3:</p>	<p>OFFICE OF PROFESSIONAL REGULATION - ADMINISTRATIVE RULES FOR OPTICIANS</p> <p>http://vtprofessionals.org/opr1/opticians/rules/OPT_Rules_Effect</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Professional Regulation on matters relating to the profession. Their mission is public protection. The Director and the advisors carry out this mission by: ensuring that applicants are qualified for licensure; setting standards for the profession by proposing statutes and adopting administrative rules; and, with the assistance of OPR staff, investigating complaints of unprofessional conduct, taking disciplinary action against a licensee when necessary to protect the public.”²</p> <p>“The Office of Professional Regulation is responsible for licensure, certification, registration and disciplinary matters for 44 professions and occupations. The mission of OPR is public protection. Search our database of licensees, download complaint forms and learn about what is required of each licensed professional before obtaining a license.”³</p> <p>“The Office of Professional Regulation is responsible for licensure, certification, registration and disciplinary matters for 44 professions and occupations. The mission of OPR is public protection. Search our database of licensees, download complaint forms and learn</p>		<p>(7) Originates, issues, alters or changes in any way any optical prescription, or practices ocular refraction, orthoptics, or visual training, or offers to do so.</p>	<p>ive_10-22-08.pdf</p> <p>The Vermont Statutes Online Title 26: Professions and Occupations Chapter 47: Opticians http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=26&Chapter=047</p> <p>The Vermont Statutes Online Title 3: Executive Chapter 5: Secretary of State 129a. Unprofessional Conduct http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=03&Chapter=005&Section=0129a</p>

² Opticians section of the Office of Professional Regulation website, available at <http://www.vtprofessionals.org/opr1/opticians/>

³ Office of Professional Regulation website, available at <http://vtprofessionals.org/>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>about what is required of each licensed professional before obtaining a license.”⁴</p> <p>http://vtprofessionals.org/opr1/opticians/ Vermont’s OPR uses statutes (Vermont Statutes Annotated, Chapter 47 Title 26 Opticians), rules (State of Vermont Office of Professional Regulation Administrative Rules for Opticians) and policies to govern opticians.</p> <p>State of Vermont Office of Professional Regulation Administrative Rules for Opticians s. 1.39(a) provides: The Director of the OPR is also subject to other relevant laws including the Law of Professional Regulation (3 V.S.A. ss. 121-131). In particular, Vermont Statutes Annotated, Chapter 5, Title 3, Section 129a defines unprofessional conduct. [http://vtprofessionals.org/opr1/opticians/rules/OPR_PT_Rules_Effective_10-22-08.pdf]</p>			
<p>VIRGINIA</p>	<p>A regulated profession whose members are licensed by the Board of Opticians, an agency of the Department of Professional and Occupational Regulation.</p>		<p>The Virginia Code Title 54.1 provides:</p> <p>§ 54.1-1705. Optical prescriptions, ocular refraction, etc.</p>	<p>Code of Virginia, Title 54.1 - PROFESSIONS AND OCCUPATIONS,</p>

⁴ Office of Professional Regulation website, available at <http://vtprofessionals.org/>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>The Virginia Administrative Code provides: 18VAC100-11-20. Definitions "Agency" means the Board for Opticians, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.</p>		<p>Nothing in this chapter shall authorize an optician, or anyone else not otherwise authorized by law, to make, issue, or alter optical prescriptions, or to practice ocular refraction, orthoptics, or visual training, or to fit contact lenses except on the prescription of an ophthalmologist or optometrist and under his direction, or to advertise or offer to do so in any manner.</p>	<p>Chapter 17 – Opticians http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC540100000170000000000000 Virginia Administrative Code http://leg1.state.va.us/000/reg/TOC18100.HTM</p>
<p>WASHINGTON</p>	<p>A regulated profession whose members are licensed by the Dispensing Opticians Program, operating within the state's Department of Health.</p>	<p>The Washington Administrative Code provides: 246-824-220 Retention of contact lens records. Dispensing opticians shall maintain contact lens records for a minimum of five years. Such records shall include: (1) The written prescription; (2) Base curve (posterior radius of curvature); (3) Thickness when applicable; (4) Secondary/peripheral curve, when applicable; (5) Power of lens dispensed; (6) Lens material, brand name and/or</p>	<p>The Revised Code of Washington, 18.34.060 provides: Dispensing optician. A dispensing optician is a person who prepares duplications of, or prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists, and in accordance with such prescriptions, measures, adapts, adjusts and fabricates such lenses, spectacles, eyeglasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eye:</p>	<p>Dispensing Optician Program http://www.doh.wa.gov/hsqa/Professions/Dispensing_Optician/default.htm Revised Code of Washington Chapter 18.34 Dispensing opticians http://apps.leg.wa.gov/RCW/default.aspx?ci</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
		manufacturer; (7) Diameter, when applicable; (8) Suggested wearing schedule and care regimen; (10) Color, when applicable;	PROVIDED, HOWEVER, That contact lenses may be fitted only upon a written prescription of a physician or optometrist.	<p>te=18.34&full=true</p> <p>Washington Administrative Code Chapter 246-824</p> <p>http://apps.leg.wa.gov/wac/default.aspx?cite=246-824</p> <p>Revised Code of Washington 18.130.180 Unprofessional conduct</p> <p>http://apps.leg.wa.gov/rcw/default.aspx?cite=18.130.180</p>
INTERNATIONAL				

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
<p>NEW ZEALAND</p>	<p>The Health Practitioners Competence Assurance Act, 2003, Part 6, Section 118 (a-m) provides that:</p> <p>Dispensing opticians are licensed by the Optometrists and Dispensing Opticians Board</p> <p>The occupation of optical dispensing is governed by the Health Practitioners Competence Assurance Act 2003</p> <p>The Board's main source of revenue is from fees for annual practising certificates, paid by optometrists and dispensing opticians (practitioners). This revenue allows the Board to carry out its functions</p>	<p>New Zealand Optometrists and Dispensing Opticians Board Standards of Practice on Maintaining Records</p> <p>Elements:</p> <ul style="list-style-type: none"> • Ensures that clinical data is documented in a legible, secure, accessible, permanent and unambiguous manner • Maintains confidentiality of patient records in accordance with the Privacy Act <p>Performance Indicators:</p> <ul style="list-style-type: none"> • All relevant data including prescription, pupillary distances, lens form type, treatments and any frame details must be accurately recorded • Any specific advice or recommendation given to a client should be recorded • All recorded information must be dated and complete • Records must be kept in a readily retrievable and secure format in accordance with the Privacy Act 	<p>Source: http://www.dispensingopticiansboard.org.nz/Site/publications/scopes_of_practice.aspx</p> <p>Scope of Practice for Optical Dispensing (Dispensing Optician)</p> <p>CURRENT SCOPES OF PRACTICE EFFECTIVE FROM 12 DECEMBER 2008 As notified in the <i>New Zealand Gazette</i> No. 63, 20 March 2008, p. 1831, and in the <i>New Zealand Gazette</i> No. 175, 13 November 2008, p. 4537</p> <p>Optical dispensing describes the practice of the interpreting and dispensing of optical prescriptions by a person with a recognized qualification. This includes the giving of advice and instruction in the dispensing of spectacle lenses, spectacle frames (including their fitting), contact lenses, and any other optical device intended for correction of a defect of sight.</p>	<p>New Zealand Optometrists and Dispensing Opticians Board http://www.dispensingopticiansboard.org.nz/default.aspx</p> <p>Health Practitioners Competence Assurance Act, 2003 http://www.dispensingopticiansboard.org.nz/Site/publications/HealthPractitionersCompetenceAssuranceAct200.aspx</p> <p>New Zealand Optometrists and Dispensing Opticians Board Standards of Clinical Competence http://www.dispensingopticiansboard.org.nz/Site/practitioners/competencies.aspx</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
AUSTRALIA				
QUEENSLAND	Opticians are not a regulated profession in this jurisdiction			
SOUTH AUSTRALIA	Opticians are not a regulated profession in this jurisdiction		Orthoptists are regulated but registration not mandatory to practice. Orthoptists may refract and prescribe lenses but not contact lenses. See also Australia-Victoria.	http://www.ranzco.edu/orthoptists-and-prescribing-in-nsw?searchterm=NSW%2Bgovernment
WESTERN AUSTRALIA	Opticians are not a regulated profession in this jurisdiction			
NORTHERN TERRITORY	Opticians are not a regulated profession in this jurisdiction			
NEW SOUTH WALES	<p>The New South Wales Optical Dispensers Licensing Board website states that:</p> <p>The NSW Government has made public its intention to repeal the Optical Dispensers Act 1963 on 1 July 2010. Once the Act is repealed, persons undertaking optical dispensing in NSW will no longer need to be licensed</p> <p>Proposed Changes to the Requirement for Licensing From July 1, 2010</p>	<p>New South Wales Optical Dispensers Licensing Board Code of Professional Conduct, Rule #4 states that:</p> <p>In accordance with the requirements of the Privacy Act 1988, an optical dispenser's ordinary place of practice must provide sufficient privacy for his or her clients and confidentiality for his or her clients' records. In accordance with the requirements of the Privacy Act 1988, information contained within their optical dispensing records</p>	<p>Australasian Dispensing Association states that:</p> <p>The occupation is clearly separated from optometry, its members do not carry out refraction or investigate the eye, nor do they prescribe or fit contact lenses</p> <p>http://www.nhwt.gov.au/documents/National%20Registration%20and%20Accreditation/Partially%20Regulated%20Professions/Australasian%20Dispensing%20Opticians%20Association.pdf</p>	<p>New South Wales Optical Dispensers Licensing Board</p> <p>http://www.opticalreg.health.nsw.gov.au/</p> <p>Proposed Changes to the Requirement for Licensing From July 1, 2010</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>http://www.opticalreg.health.nsw.gov.au/optical_web/pdf/deregulationjuly2009.pdf</p> <p>New South Wales Government, Better Regulation Office</p> <p>http://www.betterregulation.nsw.gov.au/targeted_reviews/licensing_of_selected_occupations</p> <p>The New South Wales Optical Dispensers Act, 1963, Section 4 provides that:</p> <p>Dispensing opticians are licensed by the New South Wales Optical Dispensers Licensing Board</p> <p>http://www.austlii.edu.au/au/legis/nsw/consol_act/oda1963208/</p>	<p>should be made available to clients if requested</p>	<p>Orthoptists are regulated but registration is not mandatory to practice. Orthoptists may refract and prescribe lenses but not contact lenses. See Australia-Victoria.</p> <p>See also http://www.ranzco.edu/orthoptists-and-prescribing-in-nsw?searchterm=NSW%2Bgovernment</p>	<p>http://www.opticalreg.health.nsw.gov.au/optical_web/pdf/deregulationjuly2009.pdf</p> <p>New South Wales Government, Better Regulation Office – Licensing of Selected Occupations</p> <p>http://www.betterregulation.nsw.gov.au/targeted_reviews/licensing_of_selected_occupations</p> <p>The New South Wales Optical Dispensers Act, 1963</p> <p>http://www.austlii.edu.au/au/legis/nsw/con</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
				ol_act/oda1963208/
VICTORIA	<p>Opticians are not regulated in this jurisdiction</p> <p>Orthoptists are part of the medical care team and prescribe lenses only under referral of an optometrist or physician. From www. accessed Oct. 7, 2009. http://www.fhs.usyd.edu.au/orthoptics/about/orthoptics.shtml</p>		<p>Orthoptists and Prescribing in NSW, VIC and SA - Legislation</p> <p>Three state governments have passed legislation that allows orthoptists REGISTERED with the Australian Orthoptic Board to refract and prescribe lenses (not contact lenses). Legislation is different in each state and should be checked for the state in which you work. As not all orthoptists are registered with the Australian Orthoptic Board, it is important that ophthalmologists only refer patients to orthoptists who are legally allowed to prescribe. <i>Source: RANZCO</i> found at http://www.australianorthopticboard.org.au/Downloads/AOB_Regulations.pdf Oct 7, 2009. See also http://www.ranzco.edu/orthoptists-and-prescribing-in-nsw?searchterm=NSW%2Bgovernment</p>	
CAPITAL TERRITORY	<p>Opticians are not a regulated profession in this jurisdiction</p>			
TASMANIA	<p>Opticians are not a regulated profession in this jurisdiction</p>			

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
<p>UNITED KINGDOM</p>	<p>A self-regulating profession under a General Optical Council. GENERAL OPTICAL COUNCIL</p> <p>The <i>General Optical Council's</i> purpose is “to protect the public by promoting high standards of education, conduct and performance amongst opticians. We currently register around 23,500 optometrists, dispensing opticians, student opticians and optical businesses.”</p> <p>Source: http://www.optical.org/, accessed on September 1, 2009.</p> <p>The General Optical Council (GOC) is one of <u>13 organisations</u> in the UK known as health and social care regulators. These organisations oversee the health and social care professions by regulating individual professionals. We are the regulator for the optical professions in the UK. The Council currently registers around 23,500 optometrists, dispensing opticians, student opticians and optical businesses.</p> <p>The GOC has four core functions:</p> <ul style="list-style-type: none"> • Setting standards for optical education and training, performance and conduct. • Approving qualifications leading to registration. • Maintaining a register of individuals 	<p>The CODE OF CONDUCT FOR INDIVIDUAL REGISTRANTS provides that:</p> <p>A registered optometrist or dispensing optician must:</p> <p>6. maintain adequate patients' records; 12. respect and protect confidential information;</p> <p>The Code of Conduct for Business Registrants provides: Business registrants play an integral part in the provision of optical services and products to the public. Patients, consumers and professionals must be able to trust business registrants to maintain and support a good standard of clinical practice and care. To justify that trust, a business registrant will take reasonable and proportionate steps to... 5. provide a system for the proper maintenance of patient records.</p>	<p>The Opticians Act, PART 4 provides that: RESTRICTIONS ON TESTING OF SIGHT, FITTING OF CONTACT LENSES, SALE AND SUPPLY OF OPTICAL APPLIANCES AND USE OF TITLES AND DESCRIPTIONS</p> <p>Testing of sight</p> <p>24. (1) Subject to the following provisions of this section, a person who is not a registered medical practitioner or registered optometrist shall not test the sight of another person.</p> <p>(2) Subsection (1) above shall not apply to the testing of sight by a person recognised by a medical authority as a medical student, if carried out as part of a course of instruction approved by that authority for medical students or as part of an examination so approved.</p> <p>(3) The Council may by rules exempt from subsection (1) above the testing of sight by persons training as optometrists, or any prescribed class of such persons, in such cases and subject to compliance with such conditions as may be prescribed by the rules.</p> <p>(4) Any person who contravenes subsection (1) above shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.</p>	<p>The <i>Opticians Act, 1989</i> is the enabling statutes to govern both UK optometrists and opticians.</p> <p>http://www.optical.org/goc/filemanager/root/site_assets/legislation/act_part1.pdf</p> <p>Rules made under the Opticians Act 1989: The Testing of Sight by Persons Training as Optometrists Rules 1993. http://www.optical.org/goc/filemanager/root/site_assets/legislation/rules_and_regulations/testing_of_sight1993.pdf</p> <p>CODE OF CONDUCT FOR INDIVIDUAL REGISTRANTS INTRODUCTION</p>

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	<p>who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians.</p> <ul style="list-style-type: none"> Investigating and acting where registrants' fitness to practise, train or carry on business is impaired. <p>Source: http://www.optical.org/en/about_us/intro_to_goc/index.cfm, accessed on September 1, 2009.</p> <p>Functions of the GOC</p> <p>The 12 members of Council will normally meet in public four times a year. Members also attend strategic seminars in the intervening months, to discuss key areas of our work.</p> <p>The Council has seven main committees, two of which are populated by Council members:</p> <ul style="list-style-type: none"> <u>Audit</u> <u>Remuneration</u> <p>Following the reconstitution of the Council in April 2009, Council members will no longer sit on the remaining five committees:</p> <ul style="list-style-type: none"> <u>Companies</u> <u>Education</u> <u>Investigation</u> <u>Registration</u> <u>Standards</u> <p>The Council's Fitness to Practise and</p>		<p>Duties to be performed on sight testing</p> <p>26. (1) The Secretary of State may by regulations provide that, subject to any exceptions specified in the regulations, when a registered medical practitioner or registered optometrist tests the sight of another person, it shall be his duty -</p> <p>(a) to perform such examinations of the eye for the purpose of detecting injury, disease or abnormality in the eye or elsewhere as the regulations may require, and</p> <p>(b) immediately following the test to give the person whose sight he has tested a written statement -</p> <p>(i) that he has carried out the examinations that the regulations require, and</p> <p>(ii) that he is or (as the case may be) is not referring him to a registered medical practitioner and if he is referring him, the reason for the referral.</p> <p>(2) Except where regulations under subsection (3)(b) below specify otherwise, it shall also be his duty to give the person whose sight he has tested, immediately following the test, either a signed, written prescription for an optical appliance or a signed, written statement that he does not need to wear or use an optical appliance.</p>	<p>http://www.optical.org/goc/filemanager/root/site_assets/codes_of_conduct/code_registers.pdf</p> <p>The Revised Core Competencies for Registration as DISPENSING OPTICIAN</p> <p>http://www.optical.org/en/our_work/Standards/Standards_in_competence.cfm</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>Registration Appeals Committee are populated by <u>independent hearings panel members</u>.</p> <p>Council assign work relating to a specific area or project to a working group. There are currently seven working groups:</p> <ul style="list-style-type: none"> • CET Advisory Group • CET Policy & Development Group • Education Advisory Group • Entry Standards for Dispensing Opticians • Overseas Qualification Panel • <u>Revalidation Workstream</u> • Scheme for Registration/IP Final Assessment Panel <p>Source: http://www.optical.org/en/about_us/how_we_work/index.cfm, accessed on September 2, 2009. c</p> <p>Further information on the GOC and its role in the broader national health service refer to the following white paper on professional regulation in the UK, available at http://www.optical.org/goc/filemanager/root/site_assets/reform/TrustAssuranceandSafetyTheRegulationofHealthProfessionalsinthe21stCentury.pdf, accessed August 31, 2009.</p> <p>The <i>Opticians Act, 1989</i>, PART 1, THE GENERAL OPTICAL COUNCIL provides that:</p>		<p>(3) The Secretary of State may by regulations specify -</p> <p>(a) particulars to be included in a prescription or statement provided in fulfilment of the duty imposed by subsection (2) above; and</p> <p>(b) the circumstances in which that duty does not arise.</p> <p>(4) A person shall not be required as a condition of having his sight tested -</p> <p>(a) to undertake to purchase from a specified person any optical appliance the testing of his sight may show he requires to wear or use; or</p> <p>(b) to pay a fee before the testing is carried out.</p> <p>(5) A fee shall be payable in a case where a duty arises under this section only if that duty has been fulfilled.</p> <p>(6) Any term of an agreement for a testing of sight which is inconsistent with this section shall be unenforceable, and any sum paid in respect of a fee otherwise than in pursuance of this section shall be recoverable.</p> <p>(7) In this section “fee” means any payment in connection -</p> <p>(a) with testing sight in accordance with regulations under this section;</p> <p>(b) with fulfilling any duty imposed by this</p>	

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>1. (1) There shall continue to be a body corporate known as the General Optical Council (in this Act referred to as “the Council”).</p> <p>(2) The Council shall have the general function of promoting high standards of professional education, conduct and performance among registrants and the additional functions assigned to the Council by or under this Act.</p> <p>(2A) The main objective of the Council in exercising such of the Council’s functions as affect the health and safety of members of the public is to protect, promote and maintain their health and safety.¹</p> <p>(3) There shall continue to be a registrar of the Council.</p> <p>(4) The Council shall be constituted as provided for by order of the Privy Council, subject to Schedule 1 (which relates to the constitution etc of the Council), and the provisions of that Schedule shall have effect.</p> <p>The General Optical Council provides core competency requirements for optometrists, dispensing opticians, contact lens fitters (additional designation for opticians) and prescription therapeutics (additional designation for optometrists). These core competencies are available at http://www.optical.org/en/our_work/Standards/S</p>		<p>section; or</p> <p>(c) with the supply of optical appliances.</p> <p>(8) Any power to make regulations conferred by this section includes power to make different provision for different classes of case.</p> <p>(9) In the application of this section to Northern Ireland for any reference to the Secretary of State there shall be substituted a reference to the Department of Health, Social Services and Public Safety in Northern Ireland.</p> <p>The General Optical Council, via The Testing of Sight by Persons Training as Optometrists Rules 1993 has exempted persons training as optometrists and is under the continuous personal supervision of a registered optometrists or medical practitioner from the prohibition against sight testing in s. 24(1) of the legislation [Rules s. 3].</p> <p>The General Optical Council sets out the rules referred to in s. 26(1) of the legislation in The Sight Testing (Examination and Prescription)(No.2) Regulations 1989.</p> <p>http://www.optical.org/goc/filemanager/root/site_assets/legislation/rules_and_regulations/testingexamreg21989.pdf</p>	

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	<p>standards_in_competence.cfm, accessed on September 3, 2009.</p> <p>OPTICAL CONSUMER COMPLAINTS SERVICE</p> <p>Complaints against Optometrists, Opticians or retail optical establishments may be handled by the Optical Consumer Complaints Service:</p> <p>The OCCS is an independent body set up to try to settle complaints from members of the public who are not satisfied with the optical services received in an optical practice. Of course, it is always preferable for a complaint to be settled by agreement between the parties personally, but when this does not seem possible the complainant can refer the matter to the OCCS and we will try to resolve the issues.</p> <p>Source: http://www.opticalcomplaints.co.uk/index.html, accessed September 2, 2009.</p>			
<p>EUROPEAN UNION</p>	<p>Countries included:</p> <ol style="list-style-type: none"> 1. Austria 2. Belgium 3. Bulgaria 4. Cyprus 			<p>European Council of Optometry and Optics Blue Book 2008</p>

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>5. Czech Republic 6. Denmark 7. Finland 8. France 9. Germany 10. Greece 11. Hungary 12. Ireland 13. Italy 14. Netherlands 15. Norway 16. Poland 17. Portugal 18. Slovakia 19. Slovenia 20. Spain 21. Sweden 22. Switzerland 23. Turkey 24. UK</p> <p>General description of the professions: With the rising cost of medical care and the decline of the number of ophthalmologists in some countries of Europe, primary eye health care is transferred increasingly to optometrists and opticians. But the ability of optometrists and opticians to develop beyond their traditional handicraft activities and to offer primary health care is not</p>			<p>http://www.ecoo.info/mm/ECOO_BlueBook2008.pdf</p>

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	<p>uniform; it varies according to the circumstances of their country.</p> <p>Optometry and optics are linked professions and are in some countries of Europe considered to be one profession (e.g. Spain). In other countries they reflect separate areas of professional activity and are considered as separate professions. Optometry is concerned with the clinical assessment of the human eye and the prescribing and after care of optical appliances (spectacles or contact lenses) to correct defects of sight. Optics (or opticianry) focuses on assembling and dispensing such appliances.</p> <p>In some countries professionals combine the two functions. In other countries they restrict their assessment to refracting the patient and then dispensing the corrective appliances. In Europe dispensing opticians and refracting opticians are mentioned as professional groups. Optometrists are said to be trained to detect pathology. In a minority of countries such optometrists also use diagnostic drugs and even a limited range of therapeutic drugs.</p> <p>The varied scope of practice of optometrists and opticians in Europe is the result of the extent of available training, the law, the organisation of the profession, and the relative size, political</p>			

JURISDICTION	REGULATORY FRAMEWORK	RECORDS	REFRACTION	Legislative and Resource References
	<p>weight and attitude of ophthalmology towards optometry. Optometry remains unregulated in some countries.</p> <p>Education and training are recognised as the key to the advancement of the profession. A general trend is emerging, whereby opticians continue to be trained from the age of 16 onwards through a mixture of study and practical work experience; while optometrists are increasingly trained at university, having an element of supervised training in clinical practice.</p> <p>The profession of optometry and optics has evolved at varying speeds within Europe and remains at different stages of development. Thus it is difficult to paint a uniform picture of the profession, easily perceptible at a glance.</p> <p>Generally, optometry has emerged from optics, as the education of opticians has expanded to include clinical subjects and as their scope of practice has been enlarged as a consequence. Some opticians have become optometrists.</p> <p>Opticians continue to make and fit corrective spectacles, according to the prescription of an ophthalmologist (a medical practitioner) or an optometrist, depending on whether optometry is practised in that country. Such opticians are</p>			

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	<p>sometimes called dispensing opticians.</p> <p>Optometrists perform full eye examinations on patients, resulting in the prescription of corrective optical appliances if necessary and, in a minority of cases, the detection of signs of possible disease, injury or abnormality of the eye. In such cases the optometrist refers the patient to a medical doctor for further investigation and possible treatment.</p> <p>Some opticians have evolved to the stage of performing partial eye examinations, consisting mainly of refracting and prescribing corrective optical appliances, but not searching for or detecting pathology of the eye. Such opticians may be called refracting opticians.</p> <p>In some countries optometrists and dispensing opticians are regarded as distinct professions, either in law or de-facto. In other countries the profession is considered as a single profession, the optician-optometrist, irrespective of the professional's scope of practice and day-to-day activities.</p> <p>Number of practitioners: Denmark, Finland, Ireland and the United Kingdom have a proportionally greater number of optometrists compared to opticians.</p>			

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	<p>In Norway, Poland and Sweden, there appear to be equal numbers of optometrists and opticians. In the remaining countries, opticians outnumber optometrists.</p> <p>The number of ophthalmologists per 10,000 people is remarkably similar in most countries, with the exceptions of Greece (where there are more ophthalmologists) and the Netherlands and UK (where there are fewer ophthalmologists).</p> <p>Number of retail outlets: The numbers of <i>optical retail outlets</i> per 10,000 of the population is also remarkably similar in most countries, between 1 and 2 outlets per 10,000. The proportions are slightly lower in the Czech Republic and Turkey; and slightly higher in Belgium, Greece and Cyprus.</p> <p>Primary sight testing: There is a very large variation in the proportions of primary sight tests performed by ophthalmologists compared to optometrists or refracting opticians.</p> <p>Generally speaking, two factors account for this variation: the relative size and political weight of the ophthalmological profession; and the state of optometry. Thus, for example, where there are</p>			

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	<p>large numbers of ophthalmologists or where optometry is prohibited, or both - as for example in Greece, Turkey and Bulgaria - most primary sight tests are performed by ophthalmologists. Very few are performed by ophthalmologists in Denmark, Ireland, the Netherlands, Norway, Sweden and the UK.</p> <p>Status of the profession: As a profession in evolution, optometry and optics are viewed less and less as a handicraft and more and more as a health care profession. In many countries they are viewed as being both. (When the term “the profession” is used, it refers to both optometry and opticianry.)</p> <p>With the exception of Portugal, the profession is regulated under national laws to a greater or lesser extent, either directly by the government or indirectly by an agency of the government. An interesting case is the Netherlands with 3 optical professions. Opticians and contact lens-opticians are not regulated, whereas full scope optometry is regulated.</p> <p>However, the exact nature of regulation varies considerably between countries. Periodic re-licensing (or re-registration) of the profession in order to practise legally is only required in a minority of countries (Cyprus, Czech Republic,</p>			

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	<p>Ireland, Spain and the UK).</p> <p>While the profession is not legally protected at all in Portugal and only weakly in Belgium and Poland, the profession is protected in most countries (either wholly or partly) in relation to entry to the profession, the use of professional title and the profession's scope of practice.</p> <p>The majority of the EU countries regulate optical retail outlets (via premises laws).</p> <p>In nearly all countries entry to the profession is only permissible after completion of a specified level of state education. In addition, in most countries, it is also necessary to complete some type of professional exam.</p> <p>In summary, taking requirements together, we can say Portugal is totally unregulated, while the profession is partly regulated in the Netherlands, and heavily regulated in Austria, Cyprus, the Czech Republic, Germany, Greece, Poland, Slovakia, Spain, Switzerland and the UK.</p> <p>Scope of practice:</p> <p>While the dispensing and selling of corrective spectacles is either permitted in all countries or is wholly or partly unregulated, in a small</p>			

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	<p>number of countries refraction and the prescribing of corrective spectacles are still wholly prohibited to the profession (e.g. Bulgaria, Greece and Turkey) or partly prohibited (e.g. France).</p> <p>The procedures normally included in a primary eye examination (such as ophthalmoscopy, tonometry and perimetry) are allowed in most countries and are undertaken quasi-legally in a handful of other countries. (These procedures are prohibited in those countries where the profession is not allowed to test sight and to prescribe.)</p> <p>The use of diagnostic drugs is only allowed to the profession in a small number of countries (Ireland, the Netherlands, Norway and the UK). (In the case of Ireland, where the profession is divided legally into optometrists and opticians, only optometrists may use diagnostic drugs.) The use of therapeutic drugs is permitted to optometrists only in the UK, although it is practised informally in Cyprus.</p> <p>In most countries optometrists and opticians refer patients if necessary to a medical doctor; but in some of those countries they are restricted in how they may refer (for example to a hospital) and in what they may indicate about the patient's</p>			

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	<p>clinical condition as part of the referral.</p> <p>While the fitting and supplying corrective spectacles to children are allowed in all countries, there are still various restrictions on the testing of children’s sight and the prescribing of spectacles, either in relation to the child’s age or the complementary role of an ophthalmologist in testing the child’s sight.</p> <p>In some countries the regulatory regime governing the prescribing and sale of corrective contact lenses is not the same as that for corrective spectacles. Thus, while the sale of corrective contact lenses is regulated in a majority of countries, it is unregulated in Belgium (in certain outlets only), Finland, Hungary, the Netherlands, Norway, Poland, Portugal, Slovenia and Switzerland. Moreover, the type of outlet where contact lenses may be sold is greater (e.g. pharmacies and supermarkets).</p> <p>Secondly, in some countries (Austria, Denmark, Slovakia, Sweden and the UK), the profession must have additional qualifications in order to be allowed to fit and sell contact lenses.</p> <p>National system coverage for sight testing: In recent years the national health or social</p>			

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	<p>system in many countries has withdrawn from meeting the cost of testing sight and providing corrective appliances to the population, either wholly or partly (for example in the UK and Germany).</p> <p>In some countries (for example, France) part of these costs are met by medical insurance companies for those persons insured by those companies.</p> <p>Nevertheless, a majority of national systems still pay for the sight tests of children, either wholly or partly. The exceptions are Cyprus and Denmark. The majority of national systems also make a contribution towards meeting the cost of appliances for children. The same is true to a lesser extent with regard to the elderly.</p> <p>Education and training of profession: The pattern of education and training of the profession in Europe is complicated. There are at least four main pathways to becoming an optometrist or optician or both.</p> <p>The training pathway to becoming an optician consists of two years' education at school after the age of 14, followed by 4 years of mixed study and practical work experience (usually as a type of apprentice or trainee). This pathway is</p>			

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	<p>followed in all countries, except Spain, Italy, Switzerland and Scandinavia.</p> <p>In Belgium the period of mixed study and practical work can vary between 3 and 5 years. In the Czech Republic the four years are spent gaining practical work experience only. In Bulgaria the student leaves secondary school aged 18 and undertakes one year of vocational training.</p> <p>The first possible training pathway to becoming an optometrist, following qualification as an optician, normally consists of a year of preliminary study and then 3 years' study at a university or other institution of higher (tertiary) education. This 'combined' pathway is currently available in Belgium, Denmark, Finland, France, Germany, Italy and Poland and will become available in the UK.</p> <p>In the Czech Republic the student goes straight from secondary school to university, where the course includes practical work experience. The most common training pathway to becoming an optometrist begins after the student has completed secondary education at the age of 18. The student then gains practical work experience for a year before completing 3 years of study at a university or other institution of higher</p>			

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	<p>education. This is the pathway followed in Austria, Germany, Ireland, Italy, Hungary, the Netherlands, Norway, Poland, Spain, Sweden and Switzerland.</p> <p>In Portugal the period of practical work experience is 6 months and is integrated into 5 years of study at university. In Belgium the student can start at 16 to study for 4 years and then spend 3 years of mixed study and practical work experience in order to qualify.</p> <p>The third pathway to becoming an optometrist, which is followed only in the UK, is similar to the common pathway, except that the year of practical work experience under supervision is spent after completing 3 years of study at university. At the end of this fourth year the student takes a professional qualifying exam.</p>			