

ARTICLE 2. LICENSING

32-1681 Licensure; issuance

32-1682 Applications for a dispensing optician license; original and renewal; examination

32-1683 Qualifications of applicants

32-1684 License issuance, renewal and reinstatement

32-1684.01 Optical establishment license; qualifications

32-1685 Fees

32-1686 Board of dispensing opticians fund

32-1687 Continuing education

§32-1681. Licensure; issuance

A. A person shall not practice as a dispensing optician in this state without a valid license issued pursuant to this chapter.

B. The board shall issue a license to any person who complies with the provisions of this chapter and board rules. All licenses expire at the end of each calendar year but do not expire while an application for renewal is pending before the board.

§32-1682. Applications for a dispensing optician license; original and renewal; examination

A. An applicant for licensure shall submit a verified application to the board on a form prescribed by the board. The application shall contain information the board determines is necessary to assist the board in determining the applicant's ability to meet the requirements of this chapter and board rules.

B. A person who wishes to renew a license shall submit a verified renewal application to the board each year on a form prescribed by the board. The renewal application shall contain information the board determines is necessary to assist the board in determining that the applicant is not in default of or in violation of this chapter or board rules and that the licensee continues to meet the requirements of this chapter.

C. The board may require from all applicants any additional information that in its judgment is necessary to assist the board in determining whether the applicant is entitled to initial or continued licensure.

D. To assist it in determining if an applicant has acquired the minimum basic skills required for optical dispensing, the board shall require a written and practical examination of all applicants for an initial license. This requirement does not apply to applicants who qualify pursuant to section 32-1683, paragraph 5, subdivision (a). The board may prescribe other reasonable rules relating to the examination of applicants as it determines necessary for the performance of its duties. The board may accept the results of a written or practical examination prepared by a nationally recognized body as determined by the board in lieu of those portions of an examination prepared by the board if they are at least substantially equivalent to those prepared by the board. The board may keep all procedures relating to the administration of the examination and the answer keys confidential.

§32-1683. Qualifications of applicants

An applicant for a license issued under this chapter shall:

1. Be of good moral character.
2. Not have been convicted of a crime involving moral turpitude.
3. Not be a former licensee under this chapter whose license was suspended or revoked and not subsequently reinstated.
4. Be a high school graduate or the equivalent as prescribed by rules of the board.
5. Establish that the applicant has the required technical skill and training necessary for licensing by any one of the following means:
 - (a) Submit evidence of having a valid and subsisting license in good standing from another state that licenses dispensing opticians or ophthalmic dispensers and whose requirements are substantially equivalent to the requirements of this chapter.
 - (b) Submit evidence of having served an apprenticeship in optical dispensing for three of the six years immediately preceding the date of application under the direct supervision of a dispensing optician, optometrist or an allopathic or osteopathic physician who holds an active license in good standing issued by any state. The apprenticeship must include all principal phases of optical dispensing in order to result in the applicant acquiring the minimum basic skills required for optical dispensing. The board may accept a maximum of one thousand hours of alternative optical laboratory experience toward satisfying the apprenticeship requirements if that experience meets the standards established by the board.
 - (c) Submit evidence of graduation from a school of optical dispensing that presently meets the standards required for approval by a nationally recognized body on opticianry accreditation as determined by the board. The applicant must also have served an apprenticeship in optical dispensing as prescribed in subdivision (b) for one of the six years immediately preceding the date of application.
 - (d) Submit evidence of having worked as a dispensing optician or having served as an apprentice to a dispensing optician, a physician or an optometrist in a nonlicensing state for three of the six years immediately preceding the date of application. This work or apprenticeship must include all principal phases of optical dispensing in order to result in the applicant acquiring the minimum basic skills required for optical dispensing.

§32-1684. License issuance, renewal and reinstatement

- A. Within a reasonable time after the receipt of an original application or renewal application, together with the fee required by section 32-1685, the board shall investigate the qualifications of the applicant. The board shall approve the application if the applicant meets the qualifications of this chapter and board rules and shall allow the applicant for initial licensure to sit for the practical examination. The board shall issue a license if the applicant successfully completes this examination. If the board disapproves an original or renewal application it shall notify the applicant pursuant to section 32-1694, subsection A.
- B. On or before December 31 of each year a licensee shall submit a renewal application on a form prescribed by the board. The licensee shall submit the renewal fee prescribed by section 32-1685 with the application.
- C. A licensee who submits a renewal application and renewal fee after December 31 but before the following January 31 shall pay a late fee prescribed by section 32-1685 in addition to the renewal fee. The board may allow a licensee additional time to submit a

renewal application if the licensee demonstrates to the board's satisfaction good cause to do so.

D. A license expires if it is not renewed before January 31 following the December 31 expiration date. A person who does not submit a renewal application, a renewal fee and a late fee before that date may submit an application for reinstatement on a form prescribed by the board within one year after the license expiration date. The applicant shall submit the renewal fee and a late fee prescribed by section 32-1685 with the application. The applicant shall take the state board practical examination. The applicant shall also take the national examinations if the applicant did not successfully complete those examinations before the applicant obtained the original license.

E. A person who does not submit a reinstatement application and applicable fees within one year after the license expiration date shall apply for licensure as an original applicant.

§32-1684.01. Optical establishment license; qualifications

A. Any person, corporation, company, partnership, firm, association or society that wishes to operate an optical establishment shall submit a verified application to the board on a form prescribed by the board. The application shall include the application fee and the following information:

1. The location of the proposed optical establishment.
2. The proposed business hours of the optical establishment.
3. The names and license numbers of the licensed dispensing opticians who work at the optical establishment.

B. An applicant for a license under this section shall provide evidence to the board's satisfaction that at least one licensed dispensing optician works at the optical establishment on a full-time basis.

C. Within thirty days after the receipt of an original application or renewal application and the application fee, the board shall investigate the qualifications of the applicant. If the applicant meets the qualifications of this chapter and board rules, the board shall approve the application and issue a license. If the application is disapproved, the board shall notify the applicant as provided in section 32-1694, subsection A.

D. To renew a license a licensee shall submit a renewal application to the board on or before June 30 of each year on a form prescribed by the board. The application shall include the applicable renewal fee and information the board deems necessary for it to determine that the licensee continues to meet the requirements of this chapter and board rules.

E. A licensee that submits a renewal application and applicable fee after June 30 but before July 31 shall pay a late fee pursuant to section 32-1685 in addition to the renewal fee.

F. A license expires if a licensee does not submit a renewal application and renewal fee on or before July 31 pursuant to subsection E of this section. After that date the applicant shall apply for licensure as an original applicant.

§32-1685. Fees

A. The board shall establish nonrefundable fees that do not exceed the following:

1. Filing an application for a dispensing optician license, two hundred dollars.
2. Issuing an original dispensing optician license, two hundred dollars.

3. Renewing a dispensing optician license, two hundred dollars.
 4. Late renewal of a dispensing optician license, two hundred dollars.
 5. Name change and issuance of a duplicate dispensing optician license, one hundred dollars.
 6. Reinstatement of a dispensing optician license, two hundred dollars.
 7. Filing an application for an optical establishment license, two hundred dollars.
 8. Issuing an original optical establishment license, one hundred dollars.
 9. Renewing an optical establishment license, one hundred dollars.
 10. Late renewal of an optical establishment license, two hundred dollars.
 11. Name or location change and issuance of a duplicate optical establishment license, one hundred dollars.
- The board may charge additional fees for services that the board deems are necessary to carry out this chapter and board rules. These fees shall not exceed the costs of rendering the services.

§32-1686. Board of dispensing opticians fund

- A. Before the end of each month, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies received by the board in the state general fund and deposit the remaining ninety per cent in the board of dispensing opticians fund.
- B. Monies deposited in the board of dispensing opticians fund are subject to section 35-143.01.

§32-1687. Continuing education

- A. All dispensing opticians licensed under this chapter shall satisfy a continuing education requirement in accordance with board rules.
- B. The board shall prescribe by rule the form and content of continuing education for dispensing opticians licensed under this chapter that is designed to educate the licensee in current developments, skills and procedures. Opticians may satisfy this continuing education requirement by home study courses or attending seminars and are not required to join a professional association of dispensing opticians in this state in order to fulfill the requirement. The rules shall establish the number of hours of continuing education required within a three-year period in an amount not to exceed twelve hours.