

ACT 202

H.B. NO. 1785-84

A Bill for an Act Relating to Dispensing Opticians.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 458-1, Hawaii Revised Statutes, is amended to read as follows:

“§458-1 Dispensing optician defined. An individual or firm is deemed to be engaged in the occupation or business of dispensing optician [who] when the individual or firm prepares and dispenses lenses, spectacles, eyeglasses, or appurtenances thereto to the intended wearer thereof on written prescription

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from physicians or optometrists duly licensed to practice their professions, and in accordance with the prescriptions interprets, measures, adapts, fits, and adjusts the lenses, spectacles, eyeglasses, or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes.”

SECTION 2. Section 458-4, Hawaii Revised Statutes, is amended to read as follows:

“§458-4 Application for certificate of dispensing optician. Before engaging or continuing in the occupation of dispensing optician individuals shall first apply for and be granted certificates of dispensing opticians by the board of dispensing opticians. Applications for such registration shall be on forms prescribed by the board, and shall bear the signature of the individual. The application shall contain the name under which the applicant proposes to do business, and the business address. Before engaging or continuing in the business of dispensing optician, firms shall first apply for certificates of dispensing optician, on forms prescribed by the board, and the application shall be accompanied by the application and registration fees. The application shall bear the signature of the partner if the applicant is a partnership, or president or secretary if the applicant is a corporation; shall contain the name under which the applicant proposes to do business and the business address, and the name of the licensed dispensing optician who shall be employed at that business address. Separate applications shall be made for each place of business, and each application shall be accompanied by a registration fee of \$50. Upon refusal or denial of a certificate upon such application, the board shall refund to the applicant \$25 of the fee.”

SECTION 3. Section 458-6, Hawaii Revised Statutes, is amended to read as follows:

“§458-6 Issuance or denial of certificate of dispensing optician. If the board of dispensing opticians, after examination, approves the application and finds the applicant to be competent and qualified to accurately fill prescriptions for ophthalmic lenses and otherwise to engage in the business of dispensing optician, it shall register the applicant and issue to the applicant a certificate of dispensing optician. If the board does not so determine, it shall deny the application. Upon approval the board shall issue certificates of dispensing optician to firms within sixty days. A separate certificate is required for each address where the business is to be conducted. No application for certificate of dispensing optician shall be approved unless a licensed dispensing optician is employed at each place of business. The certificate shall authorize the applicant to engage in the business of dispensing optician. The certificate shall be at all times displayed in a conspicuous place at the place of business licensed. The certificate shall not be transferrable.”

SECTION 4. Section 458-13, Hawaii Revised Statutes, is amended to read as follows:

“§458-13 Acts prohibited. It shall be unlawful to do any of the following:

- (1) To engage in the business of dispensing optician without first having been issued a certificate of dispensing optician under this chapter[;], or to engage in the business of dispensing optician without employing a certificate holder at each place of business;
- (2) To advertise in any manner that would tend to mislead or deceive the public;
- (3) To furnish the services of an optometrist, physician, or surgeon or directly or indirectly employ or maintain on or near the premises used for optical dispensing any optometrist, physician, or surgeon, or the practitioner of any other profession for the purpose of any examination or treatment of the eyes;
- (4) To dispense, furnish, or supply the services and appliances relating to the business of dispensing optician to the intended wearer or user thereof, except upon a prescription issued by a licensed physician, surgeon, or optometrist; provided, that duplications, replacements, reproductions, and repetitions, without change in the refractive value may be done without prescription by individuals or firms holding a certificate of dispensing optician issued under this chapter;
- (5) 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;
- (6) 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 [such] allowance, whether in the form of money or otherwise, to any [such] oculist, optometrist, physician, surgeon, or practitioner of any other profession (A) for or on account of the referring or sending by any [such] oculist, optometrist, physician, surgeon, 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 [such] services or the furnishing of any [such] articles or appliances to a person so referred or sent by any [such] oculist, optometrist, physician, surgeon, or practitioner. Every [such] scheme, agreement, undertaking, arrangement, or device shall also be deemed in violation of section 481-7. The

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certificate of every dispensing optician who violates this subsection shall be revoked.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 30, 1984.)