

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 26

# HOUSE BILL 2014

AN ACT

AMENDING SECTIONS 32-1682, 32-1683 AND 32-1691.01, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3002.12, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3012.01; RELATING TO THE STATE BOARD OF DISPENSING OPTICIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1682, Arizona Revised Statutes, is amended to  
3 read:

4 32-1682. Applications for a dispensing optician license;  
5 original and renewal; examination

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

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

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

21 D. To assist it in determining if an applicant has acquired the  
22 minimum basic skills required for optical dispensing, the board shall require  
23 a written and practical examination of all applicants for an initial license.  
24 This requirement does not apply to applicants who qualify pursuant to section  
25 32-1683, paragraph 5, subdivision (a). The board may prescribe other  
26 reasonable rules relating to the examination of applicants as it determines  
27 necessary for the performance of its duties. The board may accept the  
28 results of a written or practical examination prepared by a nationally  
29 recognized body as determined by the board in lieu of those portions of an  
30 examination prepared by the board if they are at least substantially  
31 equivalent to those prepared by the board. THE BOARD MAY KEEP ALL PROCEDURES  
32 RELATING TO THE ADMINISTRATION OF THE EXAMINATION AND THE ANSWER KEYS  
33 CONFIDENTIAL.

34 Sec. 2. Section 32-1683, Arizona Revised Statutes, is amended to read:  
35 32-1683. Qualifications of applicants

36 An applicant for a license issued under this chapter shall:

37 1. Be of good moral character.

38 2. Not have been convicted of a crime involving moral turpitude.

39 3. Not be a former licensee under this chapter whose license was  
40 suspended or revoked and not subsequently reinstated.

41 4. Be a high school graduate or the equivalent as prescribed by rules  
42 of the board.

43 5. Establish that the applicant has the required technical skill and  
44 training necessary for licensing by any one of the following means:

1 (a) Submit evidence of having a valid and subsisting license in good  
2 standing from another state that licenses dispensing opticians or ophthalmic  
3 dispensers and whose requirements are substantially equivalent to the  
4 requirements of this chapter.

5 (b) Submit evidence of having served an apprenticeship in optical  
6 dispensing for three of the six years immediately preceding the date of  
7 application under the direct supervision of a dispensing optician licensed  
8 ~~under this chapter or a physician or optometrist licensed under the laws of~~  
9 ~~this state, OPTOMETRIST OR AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN WHO HOLDS~~  
10 ~~AN ACTIVE LICENSE IN GOOD STANDING ISSUED BY ANY STATE.~~ The apprenticeship  
11 must include all principal phases of optical dispensing in order to result  
12 in the applicant acquiring the minimum basic skills required for optical  
13 dispensing. The board may accept a maximum of one thousand hours of  
14 alternative optical laboratory experience toward satisfying the  
15 apprenticeship requirements if that experience meets the standards  
16 established by the board.

17 (c) Submit evidence of graduation from a school of optical dispensing  
18 that presently meets the standards required for approval by a nationally  
19 recognized body on opticianry accreditation as determined by the board. The  
20 applicant must also have served an apprenticeship in optical dispensing as  
21 prescribed in subdivision (b) for one of the six years immediately preceding  
22 the date of application.

23 (d) Submit evidence of having worked as a dispensing optician or  
24 having served as an apprentice to a dispensing optician, a physician or an  
25 optometrist in a nonlicensing state for three of the six years immediately  
26 preceding the date of application. This work or apprenticeship must include  
27 all principal phases of optical dispensing in order to result in the  
28 applicant acquiring the minimum basic skills required for optical dispensing.

29 Sec. 3. Section 32-1691.01, Arizona Revised Statutes, is amended to  
30 read:

31 32-1691.01. Investigation and adjudication of complaints

32 A. The board on its motion may investigate any evidence that appears  
33 to show the existence of any of the grounds for disciplinary action pursuant  
34 to section 32-1696.

35 B. The board shall investigate the ~~verified~~ complaint of any person  
36 that appears to show the existence of any of the grounds for disciplinary  
37 action pursuant to section 32-1696. The board shall not disclose the name  
38 of the person who submitted the verified complaint unless that person's  
39 testimony is essential to the disciplinary proceedings conducted pursuant to  
40 this section.

41 C. After a motion approved by the board or on receipt of a verified  
42 complaint, as provided in subsections A and B of this section, the chairman  
43 of the board or the chairman's designee shall either initiate an  
44 investigation or refer the complaint or motion to investigate to an  
45 investigative committee appointed by the board. The committee shall consist

1 of both licensed dispensing opticians and lay persons who need not be members  
2 of the board.

3 D. If an investigation is initiated the chairman or the chairman's  
4 designee shall appoint a member of the board to act as the investigative  
5 officer. Within ninety days after appointment, the officer shall conclude  
6 the investigation and make a written recommendation to the board on whether  
7 disciplinary action is appropriate and, if it is appropriate, the type of  
8 disciplinary action the board should take.

9 E. If the matter is referred to an investigative committee, the  
10 committee shall investigate the charges and within ninety days after referral  
11 shall make a written recommendation to the board on whether disciplinary  
12 action is appropriate and, if it is appropriate, the type of disciplinary  
13 action it should take.

14 F. The board shall make copies of the investigative officer's or  
15 investigative committee's report available to the complainant and to the  
16 licensed party.

17 G. Within sixty days after receipt of the written report of the  
18 investigative officer or the investigative committee, the board shall issue  
19 preliminary findings based on the written report. If the board finds that  
20 the evidence would, if proved true, warrant suspension or revocation of a  
21 license issued under this chapter, formal proceedings for the revocation or  
22 suspension of the license shall be immediately initiated as provided in title  
23 41, chapter 6, article 10. If the board finds that the evidence does not  
24 warrant suspension or revocation of a license, the board shall either dismiss  
25 the complaint or impose other lesser disciplinary action pursuant to section  
26 32-1693.

27 H. The board shall provide a copy of the preliminary order to the  
28 complainant and to the licensed party. Within fifteen days after receiving  
29 the copy either party may file a motion for a rehearing or review pursuant  
30 to title 41, chapter 6, article 10.

31 I. Any person who in good faith makes a report as provided in this  
32 section to the board or to any person or committee acting on behalf of the  
33 board is not subject to liability for civil damages as a result of the  
34 report.

35 J. The board may proceed against all licenses held by a person or  
36 optical establishment in common, even if held for different physical  
37 locations, if in the opinion of the board the seriousness of the complaint  
38 or other evidence received by the board so warrants.

39 Sec. 4. Repeal

40 Section 41-3002.12, Arizona Revised Statutes, is repealed.

41 Sec. 5. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
42 amended by adding section 41-3012.01, to read:

43 41-3012.01. State board of dispensing opticians; termination  
44 July 1, 2012

45 A. THE STATE BOARD OF DISPENSING OPTICIANS TERMINATES ON JULY 1, 2012.

1 B. TITLE 32, CHAPTER 15.1 IS REPEALED ON JANUARY 1, 2013.

2 Sec. 6. Purpose

3 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
4 the legislature continues the state board of dispensing opticians to promote  
5 the safe and professional practice of that profession in this state.

6 Sec. 7. Retroactivity

7 Sections 4 and 5 of this act are effective retroactively to July 1,  
8 2002.

APPROVED BY THE GOVERNOR APRIL 16, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2002.



Passed the House February 12, 2002,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate April 10, 2002

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 2002

at 2:50 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 16 day of

April, 2002,

at 10:16 o'clock A M.

[Signature]  
Governor of Arizona

H.B. 2014

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2002,

at 4:20 o'clock P M.

[Signature]  
Secretary of State