

Sectional Description SB 175 Dispensing Opticians

Section 1 – changes the authority of the Division of Occupational Licensing from regulating the Board of Dispensing Opticians (hereafter “board”) to regulating dispensing opticians.

Section 2 – technical changes replacing “Board” with “department”, thereby implementing the transfer of authority from the board to the division.

Section 3 – drafting stylistic changes and technical amendments – “board” to “department.”

Section 4 – allows the department to rely on nationally-recognized tests to determine if an applicant has met the qualifications of the chapter.

Section 5 – clarifies the educational requirements for licensure by stating that an applicant must have a high school diploma or its equivalent; delineates the practical training or work experience for licensure; and additional technical amendments.

Section 6 – drafting stylistic changes and a technical amendment – “board” to “department.”

Section 7 – technical amendments – “board” to “department.”

Section 8 – technical amendment – “board” to “department.”

Section 9 – adds statutory authority for the division to adopt regulations to allow a person from another state to be licensed as an optician, if they have a professional designation conferred by a nationally recognized professional organization

Section 10 – (a) transfers administration of the optician apprenticeship program to the US Department of Labor. (b) increases from two to four, the number of apprentices that can work under a license.

Section 11 – technical amendments – “board” to “department” and “which” to “that.”

Section 12 – adds “knowingly” standard to violation of practice act provision.

Sec. 11.81.900. Definitions.

(a) For purposes of this title, unless the context requires otherwise,

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is

unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance

Section 13 – clarifies the requirements for the prescription, fitting, and sale of contact lenses.

Section 14 – repeals AS 08.01.010(16) which authorizes the department to regulate the “board”; AS 08.01.050(d)(3) which allows the board to request the department to contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances; AS 08.03.010 (c)(9) which establishes the sunset date of the board; AS 08.71.010 which creates the board; AS 08.71.020 which establishes the membership of the board; AS 08.71.040 which sets parameters for the election of officers of the board; AS 08.71.240(1) which defines “board” in chapter 08.71; AS 44.62.330(a)(22) which requires that meetings of the board be conducted in accordance with the Administrative Procedures Act.

Section 15 – transitional language that provides for continued regulation of the optician professions as the regulatory authority passes from the board to the department.

Section 16 – transitional language provides the opportunity for individuals to complete the state administered apprenticeship program in which they are currently registered. New apprentices will register in a program administered by the US Department of Labor.

Section 17 – the effective date provides a smooth transition between the Board of Dispensing Opticians sunseting on June 30, 2005 and the department assuming the regulation of dispensing opticians on July 1, 2005