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By Messrs. Rowan of Revere and Chadwick of Winchester, petition of Arthur S. Kelley that provision be made for the establishment of a board of registration of dispensing opticians. Public Health.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Four.

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### AN ACT ESTABLISHING A BOARD OF REGISTRATION OF DISPENSING OPTICIANS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 13 of the General Laws is  
2 hereby amended by inserting after section 47, as  
3 amended by section 1A of chapter 722 of the acts  
4 of 1941, the following three sections under the  
5 heading:—

#### 6 BOARD OF REGISTRATION OF DISPENSING OPTICIANS.

7 *Section 48.* There shall be a board of registration  
8 of dispensing opticians to be appointed by the gover-  
9 nor, with the advice and consent of the council. The  
10 board shall consist of five members, citizens of the  
11 commonwealth, four of whom shall have been princi-  
12 pally engaged as dispensing opticians for a period  
13 of not less than ten years as defined in section seventy-  
14 three C, of chapter one hundred and twelve, and  
15 none of whom shall be in any way connected with  
16 any ophthalmic school or college. One member  
17 shall annually in January be appointed by the gov-  
18 ernor, with the advice and consent of the council  
19 for a term of five years.

20 *Section 49.* The board shall annually meet in the  
21 month of October at such time and places, as it

22 shall determine, and shall organize by electing a  
23 chairman and secretary who shall be members of  
24 the board and who shall hold their respective offices  
25 for a period of one year. The board shall hold  
26 additional meetings at such time and places as it  
27 shall determine or upon call of the chairman. The  
28 secretary of the board shall give the state treasurer  
29 a bond with sufficient sureties, to be approved by the  
30 governor and council, for the faithful performance  
31 of his duties.

32 *Section 50.* There shall be paid annually by the  
33 commonwealth to the secretary of the board a salary  
34 of three hundred dollars and to each other member  
35 thereof an annual salary of one hundred dollars and  
36 to each member the necessary traveling expenses  
37 actually incurred in attending the meetings of the  
38 board and such other expenses as shall be incurred  
39 in the discharge of their duties.

1 SECTION 2. Chapter 112 of the General Laws is  
2 hereby amended by inserting after section 73B the  
3 following sections under the following heading:—

4 REGISTRATION AND LICENSING OF DISPENSING  
5 OPTICIANS.

6 *Section 73C.* A dispensing optician as referred  
7 to in sections seventy-three C and seventy-three I  
8 is defined to be a person who prepares and dispenses  
9 lenses, spectacles, eyeglasses and appliances thereto  
10 to the intended wearer thereof on written prescrip-  
11 tions from physicians or optometrists duly licensed  
12 to practice their professions and in accordance with  
13 such prescriptions interprets, measures, adapts, fits  
14 and adjusts such lenses, spectacles, eyeglasses or  
15 appliances thereto to the human face for the aid or  
16 correction of visual or ocular anomalies of the human  
17 eyes. The services and appliances shall be dis-  
18 pensed or furnished or supplied to the intended  
19 wearer or user thereof only upon prescription issued

20 by the physician or optometrist; but duplications,  
21 replacements, reproductions or repetitions may be  
22 done without prescription, in which event any such  
23 act shall be construed as that of a dispensing op-  
24 tician as if performed on the basis of the original  
25 written prescription.

26 *Section 73D.* No person shall directly or in-  
27 directly engage in practice as a dispensing optician,  
28 unless he has been granted a license by the board of  
29 registration of dispensing opticians hereinafter re-  
30 ferred to as the board.

31 *Section 73E.* Application for registration as a  
32 dispensing optician may be made by any citizen  
33 over the age of twenty-one years who pays a fee of  
34 twenty-five dollars and furnishes the board with  
35 proof that he has received at least three years train-  
36 ing and experience in such dispensing under the  
37 personal supervision of a licensed dispensing opti-  
38 cian, registered physician or optometrist, or that  
39 he has completed a regular day course of not less  
40 than twelve months or a regular night course of not  
41 less than eighteen months nor in any case less than  
42 six hundred hours in an approved school or college  
43 which maintains educational requirements satisfac-  
44 tory to the board. The board shall thereupon give  
45 such applicant a written or practical examination, or  
46 both, to determine whether he possesses the ability,  
47 knowledge and fitness properly to engage in practice  
48 as a dispensing optician, and upon the passing of  
49 such examination, the applicant shall be granted a  
50 license in testimony thereof signed by the chairman  
51 and secretary of the board.

52 Any applicant who fails to pass the examination  
53 required by the board under this chapter for a li-  
54 cense as a dispensing optician shall be entitled to  
55 take additional examinations and for each subse-  
56 quent examination a fee of five dollars to be paid by  
57 the applicant.

58 Any person who shall have been a licensed or



59 registered optician in another state and shall present  
60 to the board a copy of his certificate of registration  
61 or license, certified or attested under the seal, by  
62 the board of registration of opticians or similar board  
63 in any other state where the requirements for regis-  
64 tration are in the opinion of the board equivalent to  
65 those in this commonwealth, may be licensed and  
66 given a license as provided herein, without written  
67 examination; provided, that such state accords  
68 similar privilege to those holding licenses issued by  
69 this commonwealth; and provided, further, that the  
70 applicant shall not have previously failed to pass  
71 an examination required in this commonwealth  
72 within five years, and that he intends to reside and  
73 practice as a dispensing optician in this common-  
74 wealth. Every dispensing optician shall conspicu-  
75 ously display his license in his place of business or  
76 employment, and shall, whenever so required, ex-  
77 hibit it to the board or its authorized representatives.

78 *Section 73F.* The board of registration of dis-  
79 pensing opticians shall keep a record of the names  
80 of all persons examined and licensed by it, under the  
81 provisions of this act, and all moneys received and  
82 disbursed by it, and a duplicate thereof shall be  
83 open to public inspection in the office of the state  
84 secretary. The board shall make an annual report  
85 of its doings including a statement of its receipts  
86 and expenditures during the preceding year. The  
87 board shall make such rules and regulations as may  
88 be consistent with this law.

89 *Section 73G.* Every licensed dispensing optician  
90 shall, annually, before February first, pay to the  
91 board a license fee of five dollars, in default of  
92 which the board may revoke or suspend his certificate  
93 as licensed dispensing optician, after a hearing as  
94 provided by section seventy-three H; but the pay-  
95 ment of the said fee at or before the time of hearing,  
96 with such additional sum, not exceeding five dol-  
97 lars, as may be fixed by the board shall remove the

98 default, revocation or suspension. A licensed dis-  
99 pensing optician whose license has not been revoked  
100 but who shall have notified the board of such retire-  
101 ment or removal, may register upon paying the lapsed  
102 annual license fees and filing with the board his  
103 affidavit as to the facts aforesaid.

104 *Section 73H.* The board may refuse to grant or  
105 may suspend for a definite time or may revoke any  
106 license of any person found guilty of fraud, deceit  
107 or misrepresentation or in aiding or abetting the  
108 same in connection with any application or taking  
109 of an examination for license, or who has rendered  
110 himself unable to properly carry on his work as a  
111 licensed dispensing optician as a result of the volun-  
112 tary use of intoxicating liquors or drugs, or for con-  
113 viction in any court of the commonwealth of a crime  
114 involving moral turpitude or for the violation of any  
115 provisions of sections seventy-three A to seventy-  
116 three L, inclusive, or of any rule or regulation made  
117 under section seventy-three F; provided, that the  
118 board shall first give such person a written notice  
119 specifying any charges that may have been made  
120 against him, and setting forth the time and place for  
121 hearing said charges, at least ten days before the  
122 date of the hearing. Such hearing shall be conducted  
123 by the board and three members of the board shall  
124 constitute a quorum at any such hearing. The per-  
125 son accused shall be given opportunity to produce  
126 testimony in his own behalf, shall be confronted by  
127 witnesses against him, and shall be allowed repre-  
128 sentation by counsel. The board may compel the  
129 production of documents at any hearing, also the  
130 attendance of witnesses who shall testify under oath,  
131 administered by any member of the board; the fee  
132 for witnesses shall be one dollar and fifty cents per  
133 day for attendance and five cents per mile for travel.  
134 If the board after hearing as provided by this section  
135 refuses to grant, or revokes or suspends the license  
136 of any person, it shall forthwith notify such person



137 of its decision in writing. The provisions of section  
138 sixty-four shall apply to any person whose license  
139 or authority has been refused, suspended or re-  
140 voked.

141 *Section 73I.* Whoever, not being duly licensed  
142 as a dispensing optician, compounds and dispenses,  
143 at retail, prescriptions of physicians or optometrists  
144 for eyeglasses and lenses or makes duplicates thereof,  
145 or holds himself out as a dispensing optician, or  
146 violates any other provision of this chapter, or any  
147 rule or regulation made under authority thereof,  
148 shall be punished by a fine of not less than twenty-  
149 five dollars, or by imprisonment for not more than  
150 three months, or both.

151 *Section 73J.* The provisions of sections seventy-  
152 three C to seventy-three L, inclusive, shall not  
153 apply to physicians or optometrists registered under  
154 the provisions of this chapter.

155 *Section 73K.* Any person entering the employ of  
156 a physician, optometrist, licensed dispensing op-  
157 tician as an apprentice for the purpose of obtaining  
158 the experience and training referred to in section  
159 seventy-three E, may make written application for  
160 certification as an apprentice with the board. Such  
161 application shall be made upon a form prescribed  
162 by the board and shall be accompanied by a certifi-  
163 cate of the employer, verifying the statements made  
164 by the applicant. The applicant shall pay a filing  
165 fee of one dollar with such application. The board  
166 shall, upon approval of such application, issue to  
167 the applicant an apprentice's certificate, and there-  
168 upon the computation of any period of training and  
169 experience referred to in section seventy-three E  
170 shall begin. Any person who may have served part  
171 of this apprenticeship in any other state or country,  
172 not requiring such certification shall be obliged to  
173 give proof of such service satisfactory to the board.  
174 Time spent as an apprentice in the employ of a li-  
175 censed dispensing optician or physician or a regis-

176 tered optometrist prior to January first, nineteen  
177 hundred and fifty-three, by a person then so em-  
178 ployed, shall be credited to the apprentice at such  
179 time of certification upon satisfactory proof of such  
180 service being furnished by the board. A certified  
181 apprentice may perform any of the acts set forth in  
182 section seventy-three C under the personal super-  
183 vision of a licensed dispensing optician, optometrist  
184 or physician.

185 *Section 73L.* The board may, upon application  
186 and after hearing, revoke an order of suspension or  
187 grant a new license to any person whose license has  
188 been revoked or suspended under the provisions of  
189 section seventy-three H, if the board is satisfied that  
190 this can be done consistently with the public interest.

1 SECTION 3. The board shall issue a certificate of  
2 registration without examination to any person who  
3 makes application therefor prior to July first, nine-  
4 teen hundred and fifty-three, who pays a fee of  
5 twenty-five dollars and submits evidence under oath  
6 that he is more than twenty-one years of age and of  
7 good moral character, and he has actually prepared  
8 and dispensed lenses, spectacles, eyeglasses and  
9 appliances thereto to the intended wearer thereof  
10 on written prescriptions from physicians or optom-  
11 etrists duly licensed to practice their professions,  
12 and in accordance with such prescriptions has  
13 interpreted, measured, adapted, fitted and adjusted  
14 such lenses, spectacles, eyeglasses or appliances  
15 thereto to the human face for the aid or correction  
16 of visual or ocular anomalies of the human eyes; or  
17 is a person engaged in the filling, compounding or  
18 reproducing of prescriptions of physicians or optom-  
19 etrists for ophthalmic lenses, eyeglasses or other  
20 optical appliances intended for the correction or  
21 treatment of defective vision or ocular anomalies  
22 of the human eye, and the mounting and fitting of  
23 the same to frames or supporting materials, and the

24 adapting of such lenses, eyeglasses and appliances  
25 for the use of the wearer prior to the time of the  
26 enactment of this act. In case any person should  
27 desire to secure a certificate without examination  
28 and shall be in the armed forces of the United States  
29 on July first, nineteen hundred and fifty-three, his  
30 time to make application shall be extended until  
31 six months after the date of his discharge from service  
32 and the board shall issue such certificate without  
33 examination to any such person who makes appli-  
34 cation therefor within six months after date of his  
35 discharge from service and pays a fee of twenty-five  
36 dollars, and submits evidence verified by oath and  
37 satisfactory to the board as to his character and that  
38 he was actually engaged in practice as a dispensing  
39 optician, as so defined, at the time of his entry into  
40 the armed service.

1 SECTION 4. Within sixty days of the passage of  
2 this act, the governor shall, with the advice and  
3 consent of the council, appoint five persons qualified  
4 as herein provided, as members of the board of regis-  
5 tration of dispensing opticians hereinbefore estab-  
6 lished, of whom one shall serve for one year, one for  
7 two years, one for three years, one for four years and  
8 one for five years, as the governor may designate,  
9 from the first day of January next following. Upon  
10 the expiration of the term of a member, his successor  
11 shall be appointed as hereinbefore provided.

1 SECTION 5. Section four of this act shall take  
2 effect on December first of the current year and the  
3 remainder shall take effect on January first, nineteen  
4 hundred and fifty-five, or upon such later date as  
5 the members of the board, established by this act,  
6 shall be qualified.