

HOUSE No. 1478

By Mr. Vaughan of Belmont, petition of The Association of Massachusetts Retail Dispensing Opticians and others for the establishment of a board of registration of opticians for the registration of opticians and persons engaged in the optical business. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF OPTICIANS AND PROVIDING FOR THE REGISTRATION AND REGULATIONS OF OPTICIANS AND THE OPTICAL BUSINESS.

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 thirteen of the General Laws
2 is hereby amended by inserting after section forty-
3 four the following three new sections under the
4 following heading:

5 BOARD OF REGISTRATION OF OPTICIANS.

6 *Section 45.* There shall be a board of registration
7 of opticians to be appointed by the governor, with
8 the advice and consent of the council. The board
9 shall consist of three members, citizens of the com-
10 monwealth, all of whom shall have been engaged in
11 the occupation or business of an optician as defined

8 three I herein, is defined to be a person who engaged
9 in the filling, compounding or reproducing of prescrip-
10 tions of physicians or optometrists for ophthalmic
11 lenses, eyeglasses or other optical appliances intended
12 for the correction or treatment of defective vision
13 or ocular anomilies of the human eye, and the mount-
14 ing and fitting of the same to frames or supporting
15 materials, and the adapting of such lenses, eyeglasses
16 and appliances to the use of the wearer.

17 *Section 73D. Registration Required.* — No person
18 shall directly or indirectly engage in the business or
19 occupation of an optician as defined in the preceding
20 section unless he has been granted a certificate of
21 registration by the board of registration of opticians,
22 hereinafter referred to as the board.

23 *Section 73E. Applications for Registration, Ex-*
24 *amination and Certificate of Registration.* — Appli-
25 cations for registration as opticians may be made by
26 any citizen over the age of twenty-one years. Each
27 applicant shall furnish the board with proof that he
28 has received at least three years training and experi-
29 ence in optical dispensing under the personal super-
30 vision of a dispensing optician, registered physician
31 or optometrist in a place or places where ophthalmic
32 lenses and eyeglasses were dispensed from given
33 formulas, or that he completed a regular course of
34 not less than two years of optical dispensing in an
35 approved school or college which maintains educa-
36 tional requirements satisfactory to the board. The
37 board shall thereupon give such applicant a written
38 or oral examination, or both, to determine whether he
39 possesses the ability, knowledge and fitness properly
40 to engage in or conduct the business or occupation
41 of an optician as defined in section seventy-three C;

42 and upon the passing of such examination, the appli-
43 cant shall be registered as an optician and shall be
44 granted certificate of registration in testimony
45 thereof signed by the chairman and secretary of the
46 board.

47 Any person who shall have been a licensed or
48 registered optician in another state and shall present
49 to the board a copy of his certificate or registration
50 or license, certified or attested under seal, by the
51 board of registration of opticians or similar board
52 in any other state where the requirements for registra-
53 tion are in the opinion of the board equivalent to
54 those in this commonwealth, may be registered and
55 given a certificate of registration as provided
56 herein, without written examination, provided that
57 such state accords similar privilege to those holding
58 certificates of registration issued by this common-
59 wealth; and provided further that the applicant
60 shall not have previously failed to pass an examina-
61 tion required in this commonwealth within five
62 years, and that he intends to reside and practice
63 as an optician in this commonwealth. Every regis-
64 tered optician shall conspicuously display his cer-
65 tificate of registration in his place of business or
66 employment, and shall, whenever so required, exhibit
67 it to the board or its authorized representative.

68 *Section 73F. Records, Annual Reports and Reg-*
69 *ulations.* — The board of registration of opticians
70 shall keep a record of the names of all persons
71 examined and registered by it, and of all places
72 registered for the transaction of the retail optical
73 business under the provisions of section seventy-
74 three L, and of all moneys received and disbursed
75 by it, and a duplicate thereof shall be open to public

76 inspection in the office of the state secretary. The
77 board shall make an annual report of its doings
78 including a statement of its receipts and expenditures
79 during the preceding year. The board shall make
80 such rules and regulations as may be necessary for
81 the proper conduct of its business.

82 *Section 73G. Annual License Fee.* — Every regis-
83 tered optician shall, annually, before February
84 first, pay to the board a license fee of two dollars,
85 in default of which, the board may revoke or suspend
86 his certificate as registered optician, after a hearing
87 as provided by section seventy-three H; but the
88 payment of the said fee at or before the time of hear-
89 ing, with such additional sum, not exceeding five
90 dollars, as may be fixed by the board, shall remove
91 the default, revocation or suspension. A registered
92 optician, whose registration has not been revoked
93 but who shall have notified the board of such retire-
94 ment or removal, may register upon paying the lapsed
95 annual license fees and filing with the board his
96 affidavit as to the facts aforesaid.

97 *Section 73H. Suspension, Revocation or Refusal*
98 *of Registration, Hearing, Procedure.* — The board
99 may refuse to grant or may suspend for a definite
100 time, or may revoke any certificate of registration of
101 any person found guilty of fraud, deceit or misrepresen-
102 tation or in aiding or abetting of the same in
103 connection with any application or the taking of an
104 examination for registration, or who has rendered
105 himself unable properly to carry on his work as a
106 registered optician as a result of the voluntary use
107 of intoxicating liquors or drugs, or for conviction
108 in any court of the commonwealth of a crime involv-
109 ing moral turpitude, or for the violation of any

110 provisions in sections seventy-three A to seventy-
111 three P inclusive of this chapter, or of any rule or
112 regulation made under section seventy-three F,
113 provided, that the board shall first give such person
114 a written notice specifying any charges that may
115 have been made against him, and setting forth the
116 time and place for hearing said charges, at least
117 ten days before the date of the hearing. Such hearing
118 shall be conducted by the board, and two members
119 of the board shall constitute a quorum at any such
120 hearing. The person accused shall be given oppor-
121 tunity to produce testimony in his own behalf,
122 shall be confronted by witnesses against him, and
123 shall be allowed representation by counsel. The
124 board may compel the production of documents at
125 any hearing, also the attendance of witnesses who
126 shall testify under oath, administered by any member
127 of the board; the fee for witnesses shall be one
128 dollar and fifty cents per day for attendance and
129 five cents per mile for travel. If the board, after
130 hearing as provided by this section, refuses to grant,
131 or revokes or suspends the registration of any person,
132 it shall forthwith notify such person of its decision
133 in writing. The provisions of section sixty-four of
134 chapter one hundred and twelve shall apply to any
135 person whose certificate of registration, license or
136 authority has been refused, suspended or revoked.

137 *Section 73I. Penalties.* — Whoever, not being duly
138 registered as an optician, sells, or offers for sale,
139 at retail, spectacles, eyeglasses, eyeglass frames,
140 lenses, or kindred products and instruments designed
141 for the purpose of correcting defective vision, or
142 compounds and dispenses, at retail, prescriptions of
143 physicians or optometrists for eyeglasses and lenses,

144 or holds himself out as a registered optician, or
145 violates any other provision of this chapter, or any
146 rule or regulation made under authority thereof,
147 shall be punished by a fine of not less than twenty-
148 five dollars or by imprisonment for not more than
149 three months, or both.

150 REGISTRATION AND LICENSING STORES FOR TRANS-
151 ACTING RETAIL OPTICAL BUSINESS.

152 *Section 73J. Optical Business Defined.* — “Optical
153 business” as used in the following sections, shall mean
154 the sale, or the keeping or exposing for sale of specta-
155 cles, eyeglasses, lenses, eyeglass frames and kindred
156 products and instruments for the purpose of correct-
157 ing defective vision, and the said term shall also
158 mean the compounding, reproducing and dispensing,
159 at retail, of prescriptions of physicians or optometrists
160 for eyeglasses and lenses.

161 *Section 73K. Permit Required.* — No store, office
162 or place of business shall conduct a retail optical
163 business, or be advertised or represented, by means
164 of any sign, or otherwise, as transacting such business,
165 unless it is registered with, and a permit therefor
166 has been issued by the board, as provided in the
167 following section. The permit shall be conspicuously
168 exposed in the place for which it is issued. Whoever
169 violates any provision of this section shall be punished
170 by a fine of not less than twenty-five dollars or
171 imprisonment for not more than three months, or
172 both.

173 *Section 73L. Application, Registration and Per-*
174 *mit.* — The board shall, upon application made by
175 the owner or duly authorized agent of a store, office
176 or place of business, in such manner and form as it

177 shall determine, register such store, office or place of
178 business for the transaction of the retail optical
179 business and issue to such owner or duly authorized
180 agent, who shall be a registered optician, a permit to
181 conduct an optical business thereat. The fee for
182 such registration and permit shall be
183 dollars.

184 *Section 73M. Suspension or Revocation of Permit.*
185 — The board may suspend for a definite time, or
186 revoke any registration granted or any permit issued
187 under the preceding section for any violation of the
188 provisions of this chapter or of any rule or regulation
189 of the board, and in such cases the procedure set
190 forth in section seventy-three H shall apply.

191 *Section 73N. Sale of Eyeglasses, etc., Regulated.*
192 — No person shall sell, offer for sale, or deliver to a
193 purchaser, any spectacles, eyeglasses, eyeglass frames,
194 lenses or kindred products or instruments intended
195 for the aid or correction of defective vision or ocular
196 anomalies of the human eye except at or from a
197 store, office or place of business duly registered as
198 approved herein for the conduct of the optical busi-
199 ness; provided, however, that this section shall not
200 prohibit the sale or delivery of such articles to a
201 registered optometrist, registered optician, or a
202 registered physician, or the fitting or adaptation
203 of the same by any of them for the use of the wearer
204 at his home or any hospital or other place.

205 *Section 73O. Physicians and Optometrists, Not*
206 *Applicable.* — The provisions of sections seventy-
207 three C to seventy-three N inclusive, shall not apply
208 to physicians or optometrists registered under the
209 provisions of this chapter.

210 *Section 73P. Apprentices, Application and Regis-*
211 *tration, Powers.* — Any person entering the employ
212 of a physician, optometrist, optician or an opti-
213 cal office, store or establishment as an apprentice
214 for the purpose of obtaining the experience and
215 training referred to in section seventy-three E, may
216 make written application for registration as an
217 apprentice with the board. Such application shall
218 be made upon a form prescribed by the board and
219 shall be accompanied by a certificate of the employer,
220 verifying the statements made by the applicant.
221 The applicant shall pay a filing fee of one dollar
222 with such application. The board shall, upon ap-
223 proval of such application, issue to the applicant an
224 apprentice's certificate of registration, and thereupon
225 the computation of any period of training and experi-
226 ence referred to in section seventy-three E shall
227 begin. Any person who may have served part of his
228 apprenticeship in any other state or country, not
229 requiring such registration, shall be obliged to give
230 proof of such service satisfactory to the board. Time
231 spent as an apprentice in the employ of a retail
232 optical establishment or a registered optometrist or
233 physician prior to January one, nineteen hundred
234 and forty-two, by a person then so employed, shall
235 be credited to the apprentice at the time of registra-
236 tion upon satisfactory proof of such service being
237 furnished the board. A registered apprentice may
238 perform any of the acts set forth in section seventy-
239 three C under the personal supervision of a registered
240 optician, optometrist or physician.

241 *Section 73Q. Reinstatement after Revocation or*
242 *Suspension.* — The board may, upon application

