

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1305

By: Monson

AS INTRODUCED

An Act relating to professions and occupations;  
amending 59 O.S. 1991, Section 944, which relates  
to optometrists; authorizing the leasing or  
subleasing space by certain persons, firms or  
corporations to certain optometrists for certain  
purpose; providing certain conditions and  
limitations relating to such leasing or subleasing;  
and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 944, is  
amended to read as follows:

Section 944. It shall be unlawful for any optometrist,  
physician or other person doing, or purporting or pretending to do  
eye examination or visual correction to receive or accept any  
rebate, kickback, reward or premium from any optical company or any  
other person, firm or corporation dealing in optical goods,  
appliances or materials, or knowingly allow or permit any person  
engaged in or interested in the sale of such optical goods,  
appliances, or materials, to solicit business for any person  
licensed under the provisions of Chapters 11 or 13 of Title 59,  
Oklahoma Statutes. It shall be unlawful for any optometrist,

physician, or other person to make an eye examination, or do visual correction in any manner, either directly or indirectly as an employee or associate of a person, firm, corporation, lay body, organization, group or lay person and it shall be likewise unlawful for any corporation, lay body, organization, group or lay person in any manner to make an eye examination or perform any visual correction through the means of engaging the services on a salary, commission or any other compensatory basis of a person licensed under the provisions of Chapters 11 or 13 of Title 59, Oklahoma Statutes 1951, provided that this sentence shall not apply to the University of Oklahoma School of Medicine and Hospitals, or to a bona fide resident physician of a licensed hospital. No person, firm, or corporation engaged in the business of retailing merchandise to the general public shall rent space, sublease departments, or otherwise permit any person purporting to do eye examination or visual care to occupy space in such retail store. Nothing in this section shall prohibit any person, firm or corporation engaged in the business of opticianry or optical retailing from leasing or subleasing space to a licenced optometrist purporting to do eye examinations or visual care. If an optometrist occupies space adjacent to or in close proximity to premises wherein a person, firm or corporation engages in the business of opticianry or optical retailing, such space occupied by the optometrist shall be separated from the space occupied by the optician or optical retailer by solid partitions or walls from floor to ceiling. The purpose of this section is to ensure that the practice of optometry is completely separated from the business of the optician or optical retailer, with no control or solicitation of one by the other. Nothing in this section shall prohibit a person licensed under Chapter 11 or Chapter 13 of Title 59, Oklahoma Statutes, from organizing or maintaining a professional association with other persons so licensed.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5660

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