

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 545

By: Loveless

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5
6 AS INTRODUCED

7 An Act relating to the practice of optometry;
8 amending 59 O.S. 2011, Section 585, which relates to
9 revocation of licenses; removing certain grounds for
10 determination of unprofessional or unethical conduct;
11 providing certain conduct not to be deemed
12 unprofessional and unethical; making language gender-
13 neutral; amending 59 O.S. 2011, Section 593, which
14 relates to public policy; removing certain provisions
15 relating to commercialism; clarifying language;
16 repealing 59 O.S. 2011, Sections 594 and 596, which
17 relate to the retail sale of optometric goods; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2011, Section 585, is
21 amended to read as follows:

22 Section 585. A. The Board shall have the power to revoke or
23 suspend any certificate granted by it pursuant to the provisions of
24 this chapter, for fraud, conviction of crime, unprofessional and
unethical conduct, habitual drunkenness, exorbitant charges, false
representation of goods, gross incompetency, contagious disease, any
violation of any rule or regulation promulgated by the Board
pursuant to the provisions of this chapter or any violation of this

1 chapter. The following acts shall be deemed by the Board as
2 unprofessional and unethical conduct:

3 1. Employment by a licensed optometrist of any person to
4 solicit from house to house the sale of lenses, frames, spectacles,
5 or optometric services or examinations; and

6 2. Selling, advertising, or soliciting the sale of spectacles,
7 eyeglasses, lenses, frames, mountings, eye examinations, or
8 optometric services by house-to-house canvassing either in person or
9 through solicitors; and

10 3. Acceptance of employment, ~~either directly or indirectly,~~ by
11 a licensed optometrist from an unlicensed optometrist or person
12 engaged in any profession or business or owning or operating any
13 profession or business to assist it, him, her or them in practicing
14 optometry in this state; and

15 4. Publishing or displaying, or knowingly causing or permitting
16 to be published or displayed by newspaper, radio, television, window
17 display, poster, sign, billboard, or any other advertising media any
18 statement or advertisement of any price or fee offered or charged by
19 an optometrist for any optometric services or materials including
20 lenses, frames, eyeglasses, or spectacles or parts thereof,
21 including statements or advertisements of discount, premium, or
22 gifts, if said statements or advertisements are fraudulent,
23 deceitful, misleading or in any manner whatsoever tend to create a
24 misleading impression or are likely to mislead or deceive because in

1 context ~~said~~ the statements or advertisements make only a partial
2 disclosure of relevant facts; and

3 5. No person shall practice optometry under any name other than
4 the proper name of said person and it shall be the same name as used
5 in the license issued by the Board of Examiners to ~~said~~ the person.
6 Before any certificate is revoked or suspended, the holder thereof
7 shall be provided with notice and hearing as provided for in the
8 Administrative Procedures Act, Sections 301 through 326 of Title 75
9 of the Oklahoma Statutes. The Board, after the expiration of the
10 period of three (3) months after the date of ~~said~~ the revocation,
11 may entertain application for the reissuance of ~~said~~ the revoked
12 certificate and may reissue ~~said~~ the certificate upon payment of a
13 reinstatement fee not to exceed three times the annual renewal fee.
14 The Board shall have the right to promulgate such rules and
15 regulations as may be necessary to put into effect the provisions of
16 this chapter. ~~Said~~ The rules may prescribe which acts are
17 detrimental to the general public health or welfare and may
18 prescribe a minimum standard of sanitation, hygiene, and
19 professional surroundings, and which acts constitute unprofessional
20 or unethical conduct. ~~Said~~ The conduct shall be grounds for
21 revocation or suspension of the license or certificate issued
22 pursuant to the provisions of Section 584 of this title.

23 B. If an out-of-state license or certificate of an optometrist
24 who also holds an Oklahoma license or certificate is suspended or

1 revoked for any reason, his or her Oklahoma license may come under
2 review by the Board. Should the out-of-state suspension or
3 revocation be on grounds the same or similar to grounds for
4 suspension or revocation in Oklahoma, the Board, after notice and
5 hearing pursuant to the provisions of this section, may suspend or
6 revoke the certificate of said optometrist to practice in Oklahoma.

7 C. The following acts shall not be deemed by the Board as
8 unprofessional and unethical conduct:

9 1. An optometrist renting or leasing space from and practicing
10 optometry within or on the premises of a commercial establishment,
11 in which the majority of the establishment's income is not derived
12 from the sale of prescription optical goods and materials; and

13 2. An optometrist renting or leasing space from and practicing
14 optometry within or on the premises of a commercial establishment,
15 in which the majority of the establishment's income is derived from
16 the sale of prescription optical goods and materials.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 593, is
18 amended to read as follows:

19 Section 593. It is the public policy of the State of Oklahoma
20 that optometrists rendering visual care to its citizens shall
21 practice in an ethical, professional manner; ~~that their practices be~~
22 ~~free from any appearance of commercialism;~~ that the visual welfare
23 of the patient be the prime consideration at all times; and that
24 optometrists shall not ~~be associated with any nonprofessional person~~

1 ~~or persons~~ act in any manner which might degrade or reduce the
2 quality of visual care received by the citizens of this state.

3 SECTION 3. REPEALER 59 O.S. 2011, Sections 594 and 596,
4 are hereby repealed.

5 SECTION 4. This act shall become effective November 1, 2015.

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