

CONNECTICUT GENERAL STATUTES
CHAPTER 381
OPTICIANS

Section 20-139. Purpose and legislative policy. The provisions of this chapter are enacted in the exercise of the police powers of the state, and the purposes thereof generally are to protect public health, welfare and safety. It is declared that regulation is required of all optical appliances, eyeglasses, lenses, optical instruments intended to be used for the human eye, as well as any and all aids to human vision, sold, dispensed or supplied to the ultimate wearer or consumer in this state; and that persons filling prescriptions having to do with optical glasses from given formulas, and kindred products, and others engaged in the practice of optical dispensing, shall possess the education, special knowledge, skill, technique and ability to apply such knowledge in order to properly fill any such formulas correcting visual or ocular anomalies of the human eye and shall be licensed, and that all optical establishments, offices, departments or stores, as well as all optical shops and laboratories, shall be registered pursuant to the provisions of the statutes governing opticians. Without the control of standards and quality of optical goods, appliances, instruments or other aids to vision, the sale, dispensing and distribution to the public would be such as to constitute a menace to the public health, welfare and safety; and because of the foregoing, and in order further to safeguard and insure a high standard of sale, dispensing and distribution of such optical appliances, instruments and aids to human vision, it is necessary that there should be legislation pertaining to the quality, sale, dispensing and distribution of such optical appliances, instruments and aids to human vision, and also to persons engaged in the optical industry. The foregoing statements of facts, purposes, policy and application are declared to be matters of intended legislative determination and are declared to be applicable to the provisions of this chapter.

Section 20-139a. Board of Examiners for Opticians. (a) There shall be within the department of public health a Connecticut Board of Examiners for Opticians. Said board shall consist of three members appointed by the governor, subject to the provisions of section 4-9a, as follows: Two practicing licensed opticians in good professional standing who reside in this state and one public member. The governor shall appoint a chairman from among such members.

(b) Said board shall meet at least once during each calendar quarter and at such other times as the chairman deems necessary. Special meetings shall be held on the request of a majority of the board after notice in accordance with the provisions of section 1-21. A majority of the members of the board shall constitute a quorum. Members shall not be compensated for their services. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office. Minutes of all meetings shall be recorded by the board. No members shall participate in the affairs of the board during the pendency of any disciplinary proceedings by the board against such member. No professional member shall be an elected or appointed officer of a professional society of opticians or have been such an officer during the year immediately preceding his appointment.

(c) The commissioner of public health, with advice and assistance from the board, may make and enforce such regulations as the commissioner deems necessary to maintain proper professional and ethical standards for opticians. The board may revoke or suspend licenses for cause.

(d) The Board of Examiners for Opticians shall (1) hear and decide matters concerning suspension or revocation of licensure, (2) adjudicate complaints filed against practitioners licensed under this chapter and (3) impose sanctions where appropriate.

Section 20-140a. Receipts credited to general fund. All moneys received by the department of public health under the provisions of this chapter shall be paid into the state treasury to the credit of the general fund.

Section 20-141. Powers and duties of board and commissioner. (a) The commissioner of public health, with advice and assistance from the Board of Examiners for Opticians, shall make regulations not inconsistent with law, and in conformity with the declared policy of this chapter, as may be necessary to govern the conduct of the business of dispensing or grinding optical glasses and instruments for the optical business and the producing and reproducing of ophthalmic lenses and kindred products and the mounting of the same to supporting materials and the fitting of the same to the eyes. Said board may

revoke, suspend or refuse to issue licenses, certificates of registration or permits for cause. The commissioner may issue subpoenas, administer oaths and take testimony.

(b) Said board shall keep a record of its proceedings and a copy of any such record, certified by the commissioner, shall be admitted as evidence in any civil or criminal action in lieu of such record.

Section 20-143. Commissioner may employ inspectors. Duties of inspectors. The commissioner of public health may, from time to time, employ an inspector or inspectors, who shall inspect during usual business hours, licensees or optical permittees and places in which eyeglasses are sold or dispensed or ground in accordance with a given formula. Such inspectors shall report to said commissioner any violation of the provisions of this chapter.

Section 20-145. Definition of licensed optician. A licensed optician, for the purposes of this chapter, shall be defined as follows: One having a knowledge of optics and skilled in the technique of producing and reproducing ophthalmic lenses and kindred products and mounting the same to supporting materials and the fitting of the same to the eyes.

Section 20-146. Licensed opticians; examinations. Licensure without examination. (a) Except as provided in section 20-146a, no person shall produce or reproduce ophthalmic lenses and similar products or mount the same to supporting materials or fit the same by mechanical manipulation, molding techniques or other related functions, unless such person is licensed by the department of public health. Said department may issue license certificates as licensed optician to all persons who lawfully apply for the same, upon their submitting to the commission an acceptable written application, and after they have passed examinations as hereinafter provided: Any person shall be admitted to take the examinations for a license to practice as a licensed optician who has satisfied the department that he is a person of good professional character, has served as a registered apprentice for not less than four calendar years full-time employment under the supervision of a licensed optician in an optical establishment, office, department, store, shop or laboratory where prescriptions for optical glasses from given formulas have been filled, and has acquired experience in the producing and reproducing of ophthalmic lenses, mounting the same to supporting materials, of which one year, at least, shall have been acquired within the five years last preceding the date of such application and who has acquired experience in the fitting of ophthalmic lenses to the eyes by mechanical manipulation, molding technique or other related functions, of which one year, at least, shall have been acquired within the five years last preceding the date of such application, under the supervision of a licensed optician. Any person who is licensed to perform optical services in any other state or territory with licensure requirements similar to or higher than those required in this state shall be eligible for licensure without examination. Successful completion of a two-year educational program approved by the board with the consent of the commissioner of public health may be substituted for the four-year work experience requirement.

(b) All examinations shall be conducted in the English language and shall be written and oral as well as by practical demonstration. The examinations for licensed optician shall include inquiry into the theory and practice of the fundamentals of mechanical and technical knowledge, optics, mathematics, physics, chemistry and physiology as they pertain to the functional knowledge and application of producing and reproducing ophthalmic lenses and the mounting of the same to supporting materials and shall also include further examination into the theory and practice of fitting, adapting and designing of optical glasses from given formulas, or kindred products, to the ultimate wearer by mechanical manipulation, molding techniques or other related functions. Such examinations shall be conducted at least once each year by the department of public health, under the supervision of the board. The examination shall be prescribed by the department with the advice and consent of the board.

(c) Each licensed optician shall meet such continuing education requirements as the Commissioner of Public Health may establish. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, setting forth continuing education requirements for licensed opticians.

Section 20-146a. Registration of inmates as apprentices. Credit toward licensure. Any inmate employed in an optical shop established and maintained by the commissioner of correction, as provided in section 18-88, shall be entitled to register as an apprentice with the department of public health and shall receive credit for such period of employment towards fulfillment of the requirements for licensure under this chapter.

Section 20-147. Waiver of requirements in case of veterans. The department may, in its discretion, suspend any of the provisions of the statutes governing qualifications for examinations for opticians as to veterans of the Second World War and of the Korean hostilities, as defined by section 27-103, if said department deems such provisions to be unjust to such veterans, provided the public health and safety shall not be jeopardized by such suspension.

Sec. 20-147a. Students enrolled in opticianry programs. Notwithstanding any provisions of this chapter to the contrary, any student enrolled in an educational program in opticianry in a regionally accredited institution of higher education may (1) perform such work as is incidental to his course of study at such institution and (2) participate in the operation of any course of study within such institution for the practical training of students in the technique of producing and reproducing ophthalmic lenses and kindred products and mounting the same to supporting materials and the fitting of the same to the eyes under the direct supervision of an optician licensed pursuant to this chapter.

Section 20-149. License fees. Renewal. A license under the provisions of this chapter shall be given under the hand of the commissioner of public health or his designee. A fee shall be paid to the department, at the date of application for a license, as follows: For licensed optician, granting full responsibility, two hundred dollars. Such licenses shall be renewed annually in accordance with the provisions of section 19a-88 and a fee shall be paid to the department at the date of renewal application as follows: For a licensed optician, two hundred dollars.

Section 20-150. Where optical goods may be sold. (a) No optical glasses or kindred products or other instruments to aid vision that are produced or reproduced to personalized given formulas, or plano cosmetic contact lenses shall be sold at retail except under the supervision of a licensed optician and in a registered optical establishment, office or store. An optical establishment, office or store is defined as meaning one the owner of which has had issued to him an optical license selling permit.

(b) Nothing in subsection (a) of this section shall be construed to limit the ability of a physician, licensed under chapter 370, who is trained and specializes in diseases of the eye or an optometrist, licensed under chapter 380, to dispense contact lenses.

(c) A violation of the provisions of subsection (a) of this section constitutes an unfair trade practice under subsection (a) of section 42-110b.

Section 20-151. Optical selling permits. Any licensed optician and any optical department in any establishment, office or store may apply to said department for a registration certificate to sell at retail optical glasses and instruments from given formulas and to make and dispense reproductions of the same, in a shop, store, optical establishment or office owned and managed by a licensed optician as defined in section 20-145 or where the optical department thereof is under the supervision of such a licensed optician, and said registration shall be designated as an optical selling permit. Said department shall grant such permits for a period not exceeding one year, upon the payment of a fee of three hundred fifteen dollars, and upon satisfactory evidence to said department that such optical establishment, office or store is being conducted in accordance with the regulations adopted under this chapter. Such permit shall be conspicuously posted within such optical establishment, office or store. All permits issued under the provisions of this chapter shall expire on September first in each year.

Section 20-153. Optical permit. Product; standards of quality. The department may grant annually, upon the filing of an application as required by it, an optical permit to any optical establishment, office, department or store conducted under the personal and direct supervision of a licensed optician, for permission to sell, dispense or supply to the ultimate wearer optical aids to vision, instruments, appliances, eyeglasses, spectacles and other kindred products. Holders of such an optical permit shall be permitted to use the term "optician" or any of its synonyms. No optical permit shall be issued to any person, firm or corporation owning, managing or conducting any optical establishment, department, store, office or place of business and employing any person lawfully licensed to prescribe optical glasses from given prescription formulas, unless such person is also licensed as a licensed optician, except as provided in section 20-162. The quality of optical lenses, spectacles, eyeglasses, optical appliances or instruments and other aids to vision and kindred products of optical glasses shall meet whichever of the following standards may be

applicable: (1) American National Standards Institute Z.80, as amended, "Requirements for First Quality Prescription Ophthalmic Lenses" which standard shall reflect current standards for first-quality prescription ophthalmic lenses in edged or assembled form, white, colorless or tinted, single vision or multifocal, plastic or laminated, impact-resistance-treated or untreated glass lenses, or any other ophthalmic lenses, prescription or otherwise, as may be designed and covered under such adopted standards; or (2) American National Standards Institute Z.87, as amended, "Practice for Occupational and Educational Eye and Face Protection"; or, (3) such other standard as may be established in regulations adopted pursuant to section 20-141. The commissioner of public health, with advice and assistance from the board shall make reasonable regulations so that the public may not be misled in the purchase or acquisition of the same.

Section 20-153a. Lens and frame requirements. (a) No person shall sell, distribute or deliver any eyeglasses or sunglasses unless they are fitted with impact resistant lenses that fully meet the definitions, specifications, test procedures and tolerances for impact resistance and any exceptions provided for in the statement of policy of the federal Food and Drug Administration and whichever of the following standards may be applicable: (1) American National Standards Institute Z.80.1, as amended, "requirements for first quality prescription ophthalmic lenses", or such other standard as may be established in regulations adopted pursuant to section 20-141, which standard shall apply to first-quality prescription ophthalmic lenses in edged or assembled form, white, colorless or tinted, single-vision or multifocal, plastic, laminated, impact-resistance-treated or untreated glass lenses, or (2) American National Standards Institute Z.87.1, as amended, "practice for occupational and educational eye and face protection", or such other standard as may be established in regulations adopted pursuant to section 20-141, which standard shall apply to all occupational and educational operations and processes, excluding those relating to x-rays, gamma rays, high-energy particulate radiations, lasers, or masers; except in those cases where in his professional judgment the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient and directs in writing the use of other lenses.

(b) No person shall fabricate, sell, offer to sell or have in his possession with intent to sell or offer to sell eyeglasses or sunglasses having frames manufactured from cellulose nitrate or materials having flammable characteristics approximately those of cellulose nitrate as found and established in the American National Standards Institute standards, as amended, or such other standard as may be established in regulations adopted pursuant to section 20-141.

(c) Any person who violates this section shall be fined not more than one hundred dollars.

Section 20-154. Regulations concerning licenses and permits. Disciplinary action; grounds.

The commissioner of public health, with advice and assistance from said board, may make regulations concerning the licensing of any optician, the granting of any permit to any optical department or the certification of any licensed optician, and the suspension or revocation of any such license or permit, or with reference to the conduct of any such licensee or permittee and the manner in which any such licensed optical department is conducted. Any license to practice as a licensed optician or to conduct any optical department may be suspended or revoked or reissued by said board. The certificate of registration, permit or license of any optician or of any optical permittee may be revoked, suspended or annulled or any action taken under section 19a-17 upon decision after notice and hearing by the board for any of the following reasons: Fraudulent, dishonest, illegal or incompetent or negligent conduct of his business as such licensee or permittee; aiding or abetting any unlicensed person whose license has been suspended or revoked, or any optical permittee whose permit has been suspended or revoked in the conduct of an optician's establishment, office or store; violation of any provision of this chapter or any regulation adopted hereunder; presentation to the department of any diploma, license or certificate, irregularly or fraudulently obtained or from any unrecognized or irregular college or state commission, or obtained by the practice of any fraud or deception; physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process; abuse or excessive use of drugs, including alcohol, narcotics or chemicals. The commissioner of public health may order a license holder to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17. The violation of any of the provisions of this chapter by any unlicensed employee in the employ of any of its licensees or permittees, with the knowledge of his employer, shall be deemed to be a violation thereof by

his employer; and continued violation thereof by such an unlicensed employee shall be deemed to be, prima facie, with the knowledge of such employer.

Section 20-156. Appeal. Any licensee or permittee aggrieved by the action of the board under section 19a-17 may appeal therefrom as provided in section 4-183, except such appeal shall be made returnable to the judicial district of Hartford at Hartford.

Section 20-157. License and permit to be conspicuously displayed. Each person practicing as a licensed optician and each holder of an optical permit shall, at all times, conspicuously display his license or permit in the place in which he practices under such license or permit.

Section 20-158. Restricted use of license or permit. Each licensee or permittee licensed under the provisions of this chapter who rents, loans or allows the use of his permit or license to an unlicensed person for unlawful use shall be fined one hundred dollars and shall forfeit his license as such licensee or permittee.

Section 20-159. Apprentices to register; certification by employer. Each person entering into employment in an optical office, store or establishment for the purpose of obtaining practical experience and skill required under the provisions of this chapter shall register as an apprentice with the department and the computation of any period of apprenticeship shall commence at the date of such registration. Such application for registration shall be certified to, under oath, by the employer and by such applicant, and the department may issue to such applicant an apprentice's certificate. A renewal of each certification of such apprenticeship shall be filed with the department annually. A fee of fifty dollars shall accompany the original application and any renewals of same. Any person who served part of his apprenticeship in any other state or country not requiring such registration shall be obliged to give proof of such service satisfactory to the department.

Section 20-160. Deceptive ownership or management of optical establishments. Misuse of designations. Any person, firm or corporation, owning, managing or conducting any store, shop or place of business, not holding an optical permit or an optician's license, or not having in his or its employ a licensed optician for the supervision of such store, office, place of business or optical establishment, or including in any advertisement, whether in a newspaper, book, magazine or other printed matter, or by radio, the term "optician", "licensed optician", "optical establishment", "optical office", "opticians" or any combination of such terms, within or without such store, in such manner as to mislead the public to the belief that the same is a legally established optical place of business, licensed as such, or owned, managed or conducted by a person holding an optician's license, or that such person, firm or corporation is the holder of an optical permit, when, in fact, it is not, shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

Section 20-161. Penalty. Any person who violates any provision of this chapter, for the violation of which no other penalty has been provided, shall be fined not more than five hundred dollars or imprisoned not more than five years or both. For purposes of this section each instance of patient contact or consultation which is in violation of any provision of this section shall constitute a separate offense. Failure to renew a license in a timely manner shall not constitute a violation for the purposes of this section.

Section 20-162. Exceptions for certified optometrists and physicians and surgeons. The provisions of this chapter shall not be construed to apply to certified optometrists licensed to practice under the provisions of chapter 380 nor to deny to physicians or surgeons particularly trained and specializing in diseases of the eye and licensed under the provisions of chapter 370 from the same right to fit, apply and dispense contact lenses or other ophthalmic materials to their patients in the course of their practice as is accorded licensed optometrists. The provisions of this section shall not be construed to permit such physicians or surgeons to engage in the business of either grinding lenses or filling prescriptions for optical glasses, lenses or ophthalmic materials unless they are licensed or certified under the provisions of this chapter or chapter 380.