Chapter 683 — Optometrists; Opticians

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OPTOMETRISTS

(Generally)

683.010 Definitions for ORS 683.010 to 683.310. As used in ORS 683.010 to 683.310, unless the context requires otherwise:

(1) “Board” means the Oregon Board of Optometry.

(2) “Optometric nontopical formulary” means the list of nontopical pharmaceutical agents for the treatment of diseases of the human eye and the protocols for their usage adopted by the Council on Optometric Nontopical Formulary under ORS 683.240 (2).

(3) “Practice of optometry” means the employment of any means other than invasive or laser surgery, or the prescription of Schedule I and II drugs or pharmaceutical agents that are not on the optometric nontopical formulary, for diagnosis and treatment in the human eye, for the measurement or assistance of the powers or range of human vision or the determination of the accommodative and refractive states of the human eye or the scope of its functions in general or the adaptation of lenses or frames for the aid thereof, subject to the limitations of ORS 683.040.

(4) “Trial frames” or “test lenses” means any frame or lens used in testing the eye which is not sold and not for sale. [Amended by 1971 c.102 §1; 1975 c.175 §1; 1989 c.443 §1; 1991 c.904 §4; 1991 c.967 §1; 2001 c.632 §1]

683.020 License required to practice optometry. No person shall engage in the practice of optometry or purport

in any way to be an optometrist or an expert in the field of optometry without having first obtained a license from the Oregon Board of Optometry as provided for in ORS 683.010 to 683.335. In any prosecution for the violation of this section, the use of test cards, test lenses or of trial frames is prima facie evidence of the practice of optometry. [Amended by 1971 c.102 §2; 1987 c.443 §1]

683.030 Persons and practices not affected. ORS 683.010 to 683.335 shall not be construed:

(1) To prevent any person duly licensed to practice medicine and surgery from treating or fitting glasses to the human eye;

(2) To prohibit the sale of complete ready-to-wear eye glasses as merchandise from a permanent place of business in good faith and not in evasion of ORS 683.010 to 683.335 by any person not purporting to be competent to examine and prescribe for the human eye;

(3) To prohibit vision or eye care practices by persons working under the direct supervision of an optometrist authorized to practice in this state; or

(4) To prohibit vision screening by employees of a school or of the Department of Transportation. [Amended by 1999 c.490 §1]

683.035 Discrimination against optometrists prohibited. No official, board, commission or other agency of the state or of any of its political subdivisions or municipalities shall discriminate between duly licensed optometrists and any other person authorized by law to render professional services which a duly licensed optometrist may render, when such services are required. Such services shall be paid for in the same manner and under the same standards as similar professional services. [1963 c.121 §1]

(Licensing)

683.040 Qualifications of applicants. (1) Every person desiring to commence the practice of optometry in this state must show satisfactory evidence of graduation from a school of optometry that is approved by the Oregon Board of Optometry and that maintains a standard of four school years of at least nine months each.

(2) Every person desiring to commence the practice of optometry or employ the use of pharmaceutical agents shall in addition to the requirements of subsection (1) of this section:

(a) Have satisfactorily completed a course in pharmacology, as it applies to optometry, by an institution accredited by a regional or professional accreditation organization that is approved by the board with particular emphasis on the application of pharmaceutical agents for the purpose of diagnosis and treatment in the human eye, approved by the board; and

(b) Demonstrate to the satisfaction of the board clinical competency in the prescription of pharmaceutical agents listed on the optometric nontopical formulary. [Amended by 1971 c.102 §3; 1975 c.175 §2; 1985 c.103 §3; 1991 c.967 §2; 1993 c.27 §1; 2001 c.632 §2]

683.050 [Repealed by 1977 c.842 §39 and 1983 c.241 §1]

683.060 Examination of applicants; fee. (1) Any person who has signified to the Oregon Board of Optometry a desire to be examined by it and who has filed proof that the person is qualified under ORS 683.010 to 683.335 and the rules of the board to take the examination shall pay a fee to be determined by the board. The applicant shall be examined in the anatomy of the eye, in the use of pharmaceutical agents in optometry, in normal and abnormal refractive and accommodative and muscular conditions and coordination of the eye, in subjective and objective optometry, including the fitting of glasses, the principles of lens grinding and frame adjusting, and in such other subjects as pertain to the science and practice of optometry, such subjects to be enumerated in a publication by the board.

(2) The board may, in its discretion, require the certificate of successful examination of the National Board of Examiners in Optometry in one or more areas of the examination in lieu of its examination in such areas.

(3) If an applicant fails to pass a second examination, the board may permit additional examinations upon compliance by the applicant with the law and the rules of the board.

(4) Any person who petitions the board to prescribe and administer pharmaceutical agents who has not previously been examined by the board on such use shall pass an examination on the use and potential side effect of such agents as used in optometry and shall demonstrate to the satisfaction of the board clinical competency in the prescription of

pharmaceutical agents listed on the optometric nontopical formulary and pharmaceutical agents approved by the board for topical use. [Amended by 1955 c.120 §1; 1971 c.102 §4; 1975 c.175 §3; 1977 c.243 §1; 1991 c.967 §3; 1993 c.28 §1; 1997 c.643 §27; 2001 c.632 §3]

683.070 Issuance of certificates of licensure; fee. Each applicant, without discrimination, who meets the requirements for examination and licensure and who pays the fee shall be issued a certificate of licensure. The certificate of licensure shall continue in force for the period established by the Oregon Board of Optometry. [Amended by 1955 c.120 §2; 1971 c.102 §5; 1973 c.827 §71; 1985 c.103 §4; 1987 c.443 §2; 1997 c.630 §1; 1997 c.643 §28a]

683.080 Validity of certificates issued under former law. Any person holding an unrevoked certificate issued under chapter 139, Oregon Laws 1905, as amended, shall be entitled to continue the practice of optometry as though it were issued under ORS 683.010 to 683.335 and such certificate shall be subject to renewal, revocation and suspension the same as though it has been issued under ORS 683.010 to 683.335.

683.090 [Repealed by 1971 c.102 §11]

683.100 Notice to board of place of practice; responsibility for advertisements; notice given by board. (1) Before engaging in the practice of optometry each optometrist shall notify the Oregon Board of Optometry in writing of the address of the place or places where the optometrist is to engage or intends to engage in the practice of optometry and the optometrist also shall notify the board of any change in place of practice. Each optometrist is responsible for any advertisement regarding services rendered at such location.

(2) The board shall keep a record showing the registered address of each optometrist.

(3) Any notice required to be given by the board to any optometrist may be given by mailing it to the optometrist at the last registered address of the optometrist through the United States mail postpaid. [Amended by 1987 c.443 §3]

683.110 Optometrist to give receipt when practicing away from regular place of business. Any optometrist who temporarily practices optometry outside or away from the regular registered place of business shall deliver to each customer or person there fitted or supplied with glasses a receipt which shall contain the signature and show the permanent registered place of business and the number of the license of the optometrist, together with a specification of the lenses furnished and amount charged therefor. [Amended by 1987 c.443 §4]

683.120 License renewal; fee; effect of failure to renew license. (1) Each optometrist who practices in this state shall on the date established by the Oregon Board of Optometry pay a license fee, as determined by the board, for a renewal of the license of the optometrist and shall have such license conspicuously posted in the office of the optometrist or place of business at all times. Each optometrist who is retired, disabled or a nonresident of the State of Oregon and who is not practicing optometry within this state shall on the date established by the board pay a license fee, as determined by the board, for a renewal of the license of the optometrist.

(2) A person who is no more than 30 days delinquent in renewing the license may renew the license upon payment to the board of the required fee plus a delinquent fee. If a person is more than 30 days delinquent in renewing the license, the license is automatically suspended by the board upon 30-day notice given to the licensee. A certified letter addressed to the last-known address of the licensee failing to comply with the requirements is sufficient notice.

(3) A person who is more than 60 days delinquent in renewing the license may be required to take an examination and pay the examination fee as required in ORS 683.060 before a license is issued. The board may, upon application, waive the examination requirement. [Amended by 1953 c.235 §2; 1959 c.88 §1; 1963 c.79 §1; 1967 c.22 §5; 1971 c.102 §6; 1973 c.182 §4; 1981 c.642 §1; 1987 c.443 §5; 1991 c.703 §27; 1997 c.630 §2; 1997 c.643 §29]

683.130 Clinics and instructors connected with educational institutions. Any university or college of optometry in Oregon, which is recognized and approved by the Oregon Board of Optometry, may operate a clinic in conjunction therewith. Any optometrist licensed in another state, while a professor or instructor in such a college, may sign optometric prescriptions on behalf of the clinic, but not otherwise. Any optometrist licensed in Oregon may also sign optometric prescriptions on behalf of the clinic while a professor or instructor at such college.

683.140 Grounds for and nature of discipline; civil penalties. The Oregon Board of Optometry may suspend or revoke the license of any optometrist, impose probation, limit the practice of any optometrist, or impose a civil penalty

not to exceed $1,000 for each offense upon any optometrist or person, where appropriate, for the following causes:

(1) Conviction of a felony or misdemeanor where such an offense bears a demonstrable relationship to the duties of an optometrist. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(2) Securing a license by practicing fraud or deceit upon the board.

(3) Unprofessional conduct, or for gross ignorance or inefficiency in the profession.

(4) Obtaining any fee by fraud or misrepresentation.

(5) Employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335.

(6) Advertising optometric services or treatment or advice in which untruthful, improbable, misleading, deceiving or impossible statements are made.

(7) Habitual or excessive use of intoxicants, drugs or controlled substances.

(8) Permitting another to use the license.

(9) Using advertisements that do not indicate that a licensed optometrist is practicing at the advertised location or locations or advertise optometric services without having a licensed optometrist at the location or locations.

(10) Advertising professional methods or professional superiority.

(11) Failure to comply with the requirements for continuing education.

(12) Any violation of the provisions of ORS 683.010 to 683.335. [Amended by 1971 c.102 §7; 1973 c.69 §6; 1979 c.142 §3; 1985 c.103 §5; 1987 c.443 §6]

683.150 [Repealed by 1971 c.734 §21]

683.155 Hearing. (1) Where the Oregon Board of Optometry proposes to refuse to issue a license, or proposes, where written charges have been filed with the board which the board considers sufficient to warrant a hearing, to impose any disciplinary sanction or civil penalty under ORS 683.140, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §128; 1985 c.103 §6]

683.160 [Repealed by 1971 c.734 §21]

683.165 Confidential information; liability of person providing information. (1) Any information that the Oregon Board of Optometry obtains under ORS 683.140 is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof. [1989 c.438 §4; 1997 c.791 §34]

683.170 Sanction may be set aside by board. Any disciplinary sanction, other than civil penalty, imposed for any of the causes listed in ORS 683.140, except those specified in ORS 683.140 (1) and (2), may be set aside upon application of the affected person at any time within six months from the date of such sanction upon proof being made to the satisfaction of the Oregon Board of Optometry that the cause no longer exists and that the applicant has been sufficiently punished. However, before setting aside the revocation of any license the board may, in its discretion, require the applicant to pass the regular examination given for applicants. [Amended by 1985 c.103 §7; 1987 c.443 §7]

683.180 Prohibited acts and practices. No person shall:

(1) Sell or barter, or offer to sell or barter, any license issued by the board.

(2) Purchase or procure by barter any such license with intent to use it as evidence of the holder’s qualification to practice optometry.

(3) Alter the license with fraudulent intent in any material regard.

(4) Use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license.

(5) Practice optometry under a false or assumed name.

(6) Willfully make any false statement in a material regard in an application for an examination before the board or for a license.

(7) Practice optometry in this state without having at the time of so doing a valid unrevoked license as an

optometrist.

(8) Advertise or represent, by displaying a sign or otherwise, to be an optometrist without having at the time of so doing a valid unrevoked license from the board. [Amended by 1965 c.537 §1; 1971 c.102 §8; 1979 c.142 §4; 1987 c.443 §8]

683.190 Acceptance of lens for duplication by unlicensed person prohibited; exception. (1) No person other than a licensed optometrist shall accept or offer to accept for purposes of duplication any ophthalmic lens ordinarily used before the human eye for corrective purposes or for assisting vision.

(2) Notwithstanding subsection (1) of this section, any manufacturing, surfacing or dispensing optician may grind any such lens in conformity with the signed prescription or instruction, followed by a written prescription, of any optometrist duly licensed to practice in this state and any dispensing optician may supply any such lens in conformity with the prescription.

(3) Immediately upon completion of the necessary visual examination or examinations performed by a licensed optometrist, the optometrist shall provide the patient with the appropriate written prescription for correcting refractive errors, if any, in the eyesight of the patient. [Amended by 1987 c.443 §9; 1989 c.530 §1; 1993 c.727 §1]

683.210 Continuing education requirement; fee; rules. (1) All optometrists licensed in the State of Oregon are and shall be required to satisfactorily complete courses of study and satisfactorily continue their education by other means as determined by the Oregon Board of Optometry in subjects relating to the practice of the profession of optometry. The study and continued education shall be for the purpose of maintaining and advancing the professional skills and abilities of such licensees and for the purpose of educating such licensees in the utilization and application of new techniques, scientific and clinical advances and the achievements of research so that expansive and comprehensive care to the public will be assured. The length, details and nature of such study and continued education shall be determined by the board.

(2) Attendance at any approved courses or other approved means of continuing education are to be certified to the board upon a form provided by the board and shall be submitted by each optometrist at the time designated by the board but in any case no less frequently than once every two years. In addition to other means of providing such courses and education facilities, the board is authorized to contract for the providing of educational programs to fulfill the requirements of this section and ORS 683.140. The board is further authorized to treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance may the board require a greater number of hours of study than it provides or approves in the State of Oregon and that are available on the same basis to all licensed optometrists. The board shall be allowed to waive the requirements of this section and ORS 683.140 in cases of illness, undue hardship or other similar appropriate reasons.

(3) The board may levy an additional fee for each license renewal to carry out the provisions of this section and ORS 683.140.

(4) After giving written notice to all licensees and holding a public hearing, the board shall promulgate rules and regulations necessary to carry out the provisions of this section and ORS 683.140. [1973 c.69 §§2,4,5; 1987 c.443 §10; 1997 c.506 §1; 1997 c.643 §30]

683.220 Licensing of applicant holding license in another state. The Oregon Board of Optometry may grant to an applicant a license by endorsement for the practice of optometry in the State of Oregon if the applicant:

(1) Holds a license for the practice of optometry obtained by examination in another state of the United States. Any discipline or sanction related to the practice of optometry imposed upon the applicant by any state licensing agency must be disclosed on the application for licensure;

(2) Continuously engaged in the practice of optometry for not less than two years immediately preceding the application to the board;

(3) Has educational qualifications the board considers equivalent to the educational requirements necessary for licensing by the board at the time the applicant commenced the practice of optometry. The educational requirements shall include passing the National Board of Examiners in Optometry examination or its equivalent, as determined by the board;

(4) Meets the requirements for Therapeutic Pharmaceutical Agent certification established by rule by the board;

(5) Passes a written examination approved by the board on Oregon optometric law and administrative rules;

(6) Submits documentation satisfactory to the board of continuing optometric education hours equivalent to the

requirements established by ORS 683.210; and

(7) Pays the application fee set by the board. [1977 c.243 §3; 1985 c.103 §8; 1987 c.443 §11; 1991 c.67 §184; 2001 c.458 §1]

(Optometric Nontopical Formulary)

683.240 Council on Optometric Nontopical Formulary; membership; duties; formulary and protocols. (1)(a) The Council on Optometric Nontopical Formulary is established and shall consist of seven members appointed as follows:

(A) One member of the Oregon Board of Optometry appointed by the Oregon Board of Optometry;

(B) One member who is a pharmacist licensed by the State Board of Pharmacy or a person with an advanced degree in pharmacology or pharmacognosy appointed by the State Board of Pharmacy;

(C) One member of the Board of Medical Examiners for the State of Oregon appointed by the Board of Medical Examiners for the State of Oregon;

(D) One member of the faculty of the Oregon Health and Science University School of Medicine appointed by the Board of Medical Examiners for the State of Oregon;

(E) One member who is a physician licensed under ORS chapter 677 appointed by the Board of Medical Examiners for the State of Oregon after consideration of three qualified nominees provided by the Oregon Academy of Ophthalmology;

(F) One member who is a practicing optometrist appointed by the Oregon Board of Optometry after consideration of three qualified nominees from the Oregon Optometric Physicians Association; and

(G) One member with a degree in optometry or ophthalmology who is a member of the faculty at a college of optometry appointed by the Oregon Board of Optometry.

(b)(A) The chair of the council shall be elected by a majority of the members.

(B) The term of office of each member of the council shall be two years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the vacating member.

(C) Any member of the council who fails to attend two consecutive meetings of the council, whether regular or special, shall forfeit office unless the council member is prevented from attending by serious illness of the member or of a member of the council member's family.

(D) Meetings of the council shall be called at the request of the chair or at the request of two or more members of the council.

(E) Members of the council shall serve without compensation.

(2) After public hearings, the council shall determine the substances to be included in the optometric nontopical formulary that may be used by an optometrist under ORS 683.010 (3). The council shall review the formulary periodically. Immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the Oregon Board of Optometry. The board shall adopt the formulary or a portion of the formulary. If the council approves protocols for the use of a nontopical pharmaceutical agent and the board adopts the portion of the formulary listing that agent, the board must also adopt those protocols. The board may not expand or add to the formulary submitted for adoption in any manner. [2001 c.632 §7]

Note: 683.240 was added to and made a part of 683.010 to 683.310 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

(State Board)

683.250 Oregon Board of Optometry; qualification and terms of members; quorum. The Oregon Board of Optometry shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472, for the purpose of carrying out this chapter. The board shall consist of five members appointed by the Governor. Each member of the board shall qualify by taking and subscribing the oath of office required by the Constitution, which shall be filed in the office of the Secretary of State. Four of the members of this board shall be Doctors of Optometry licensed and in practice in Oregon and the fifth member shall be a public member representing health consumers. Each of the members shall hold office for a term of three years or until a successor is appointed and qualified and shall be so classified that at least one optometrist member of the board retires each year. A majority of the members constitute a

quorum for the transaction of business. [Amended by 1971 c.102 §9; 1971 c.650 §32; 1973 c.792 §38; 1981 c.203 §1; 1987 c.443 §12; 1997 c.643 §31; 1999 c.1084 §65]

683.260 Persons ineligible for membership on board. (1) No person is eligible to membership on the Oregon Board of Optometry who is a stockholder in, or owner of, or a member of the faculty of or of the board of trustees of any school of optometry. The person appointed to represent health consumers and any person in the immediate family of the person shall not have any direct or indirect relationships to health care professionals, to the health care industry or to the ophthalmic optical industry.

(2) No member of the board shall be financially interested in any purchase or contract in which the board is interested. No member of the board shall be financially interested in the sale of any property or optical supplies to any prospective candidate for examination before the board. [Amended by 1981 c.203 §2; 1983 c.243 §1]

683.270 Powers and duties of board; rules. (1) The powers and duties of the Oregon Board of Optometry are as follows:

(a) To organize and elect from its membership a president and vice president of the board, each of whom shall hold office for one year, or until the election and qualification of a successor.

(b) To adopt and use a common seal.

(c) To employ agents and inspectors to secure evidence of and report on all violations of this chapter and to employ other necessary assistance in the carrying out of the provisions of this chapter, and to pay the same from the funds provided in ORS 683.010 to 683.335.

(d) To hold regular meetings at least once a year at which an examination of applicants for licenses shall be held at such places as the board shall from time to time designate, and special meetings upon request of a majority of the members of the board or upon the call of the president.

(e) To keep an accurate record of all proceedings of the board and of all of its meetings, of all prosecutions for violations of ORS 683.010 to 683.335, and of all examinations held for applicants for licenses, with the names and addresses of all persons taking examinations and their success or failure to pass such examinations. All the records of the board shall be public and shall be kept in the office of the board.

(f) To keep an accurate inventory of all property of the board and of the state in the possession of the board and to obtain a receipt therefor from its successor.

(g) To keep a register of optometrists which shall contain the names and addresses of all persons to whom licenses have been issued in the State of Oregon, together with the date of the issuance of the license and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof.

(h) To grant or refuse to grant licenses as provided in ORS 683.010 to 683.335 and to impose any of the sanctions for any of the causes specified in ORS 683.140.

(i) To administer oaths and take testimony upon granting and revoking or suspending any certificate of registration or any other certificate established by the board for the protection of the public.

(j) To designate pharmaceutical agents for topical use in the practice of optometry with the advice and guidance of the Board of Medical Examiners for the State of Oregon.

(k) To adopt rules not inconsistent with the laws of this state as are necessary or proper to carry out the lawful powers and duties of the board, as may be necessary or proper to establish license fees and license terms or duration, to determine the qualifications of applicants for a license and of licensees to practice optometry in this state, and to establish educational and professional standards for such applicants, subject to the laws of this state. If an applicant fails to pass a second examination the board may adopt rules which may provide the required courses of study before further examination.

(2) Optometrists utilizing pharmaceutical agents shall be held to the same standards of liability as persons licensed as physicians to practice medicine and surgery by the Board of Medical Examiners for the State of Oregon under ORS chapter 677.

(3) Prior to instituting treatment with antiglaucoma medication, optometrists shall consult with an ophthalmologist or other doctor of medicine or doctor of osteopathy licensed under ORS chapter 677.

(4) Notwithstanding ORS 683.010 (3), an optometrist may remove superficial foreign bodies from the eye and its appendages. [Amended by 1953 c.599 §2; 1955 c.120 §3; 1963 c.78 §1; 1967 c.22 §2; 1973 c.829 §65; 1975 c.175 §4; 1983 c.389 §4; 1985 c.103 §9; 1987 c.443 §13; 1989 c.443 §2; 1991 c.904 §5; 1991 c.967 §4; 1993 c.816 §1; 1997 c.630 §3; 2001 c.632 §4]

683.275 [1967 c.22 §4; 1969 c.314 §84; 1985 c.103 §10; repealed by 1997 c.643 §34]

683.278 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license. The lapse, suspension or revocation of a license by operation of law, by order of the Oregon Board of Optometry or by decision of a court of law, or the voluntary surrender of a license by a licensee, shall not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee, or to revise or render null and void an order suspending or revoking the license. [2001 c.456 §2]

Note: 683.278 was added to and made a part of ORS chapter 683 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

683.280 [Amended by 1973 c.829 §66; 1985 c.103 §11; repealed by 1997 c.643 §34]

683.290 Disposition of receipts. (1) All moneys received by the Oregon Board of Optometry under ORS 683.010 to 683.335 shall be deposited into an account established by the board as provided under ORS 182.470. Moneys deposited into the account hereby are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 683.010 to 683.335.

(2) Notwithstanding subsection (1) of this section and ORS 182.470, all civil penalties collected or received for violations of or in prosecutions under ORS 683.010 to 683.335 shall be paid to the account described under subsection (1) of this section.

(3) All fines collected or received for violations of or in prosecutions under ORS 683.010 to 683.335 shall be paid to the Criminal Fine and Assessment Account.

(4) In addition to making expenditures for the administration and enforcement of ORS 683.010 to 683.335, the Oregon Board of Optometry may make expenditures for educational purposes out of funds available. [Amended by 1959 c.88 §2; 1963 c.77 §1; 1971 c.102 §10; 1973 c.427 §24; 1991 c.460 §8; 1997 c.630 §4; 1997 c.643 §33; 1999 c.1084 §66]

683.300 [Repealed by 1971 c.743 §432]

683.310 Professional corporation regulation not required. ORS 58.345 does not apply to professional corporations engaged in the practice of optometry. [1985 c.103 §16]

(Enforcement)

683.325 Investigation of complaints and alleged violations; subpoenas. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Oregon Board of Optometry may investigate any alleged violation of ORS 683.010 to 683.335.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon.

(4) Upon receipt of a complaint under ORS 683.010 to 683.335, the board shall conduct an investigation as described under ORS 676.165. [1989 c.843 §6; 1997 c.791 §35]

683.335 Report of suspected violation; confidentiality of complaints; liability of complainant. (1) Any health care facility required to be licensed under ORS 441.015 and any licensed optometrist shall and any other person may report suspected violations of ORS 683.010 to 683.155 and 683.170 to 683.290 by optometrists.

(2) Any information provided to the board pursuant to this section is confidential and shall not be subject to public

disclosure.

(3) Any health facility or optometrist who reports to the board as required by subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.103 §13; 1987 c.443 §14]

OPTICIANS

683.510 Definitions for ORS 683.520 to 683.530. As used in ORS 683.520 to 683.530, “dispensing optician” means a person who prepares and dispenses lenses, eyeglasses and appurtenances thereto to the intended wearers thereof on written prescriptions from a physician licensed under ORS chapter 677 or an optometrist and, in accordance with such prescriptions, measures, adapts, adjusts and fabricates such lenses, eyeglasses and appurtenances for the aid or correction of visual or ocular anomalies of the human eye. [1991 c.904 §3; 1995 c.79 §344]

683.520 Scope of practice of optician. Any dispensing optician may fabricate any ophthalmic lens in conformity with the signed prescription, or oral instruction followed by a written prescription, of any optometrist or person duly licensed to practice medicine in this state. Any dispensing optician may supply any ophthalmic lens in conformity with the prescription and the specified expiration date thereof. [1991 c.904 §1]

683.525 Acceptance of lens for duplication. Notwithstanding ORS 683.190, a dispensing optician may accept or offer to accept for purposes of duplication any ophthalmic lens, excluding any contact lens, when the optician is presented with a whole lens by the person requesting the duplicate lens. [1993 c.516 §2]

683.530 Discrimination against opticians prohibited. No official, board, commission or other agency of this state or any political subdivision or municipality in the state shall discriminate between dispensing opticians and any other persons authorized by law to render professional services that a dispensing optician may render, when such services are required. Such services shall be paid for in the same manner and under the same standards as are similar professional services. [1991 c.904 §2]

PENALTIES

683.990 Penalties. Violation of any of the provisions of ORS 683.010 to 683.335 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than one month nor more than three months for the first offense, and for the second offense by a fine of not less than $500 nor more than $1,000, or by imprisonment in the county jail for not less than six months nor more than one year. [Amended by 1971 c.743 §408]