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SENATE BILL 5632

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State of Washington

52nd Legislature

1991 Regular Session

By Senators West, Niemi and Johnson.

Read first time February 12, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to ocularists; amending RCW 18.55.020, 18.55.040,  
2 18.55.050, and 18.55.060; and adding new sections to chapter 18.55 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds it necessary to  
5 regulate the practice of ocularist to protect the public health,  
6 safety, and welfare. The legislature intends that only individuals who  
7 meet and maintain minimum standards of competence and conduct may  
8 provide service to the public.

9 **Sec. 2.** RCW 18.55.020 and 1980 c 101 s 2 are each amended to read  
10 as follows:

11 The terms defined in this section shall have the meaning ascribed  
12 to them wherever appearing in this chapter, unless a different meaning  
13 is specifically used to such term in such statute.

14 (1) "Department" means the department of licensing.

1        (2) "Director" means the director of licensing.

2        ~~((2))~~ (3) "Ocularist" means a person ~~((who designs, fabricates,~~  
3 ~~and fits ocular prosthetic appliances. An ocularist is authorized to~~  
4 ~~perform the necessary procedures to provide an ocular prosthetic~~  
5 ~~service for the patient in the ocularist's office or laboratory on~~  
6 ~~prescription of a physician. The ocularist is authorized to make~~  
7 ~~judgment on the needed care, replacement, and use of an ocular~~  
8 ~~prosthetic appliance. The ocularist is authorized to design,~~  
9 ~~fabricate, and fit human prosthetics in the following categories:~~

10        ~~(a) Stock and custom prosthetic eyes;~~

11        ~~(b) Stock and custom therapeutic scleral shells;~~

12        ~~(c) Stock and custom therapeutic painted iris shells;~~

13        ~~(d) External orbital and facial prosthetics; and~~

14        ~~(e) Ocular conformers: PROVIDED, That nothing herein shall be~~  
15 ~~construed to allow the fitting or fabricating of contact lenses.~~

16        ~~(3) "Apprentice" means a person designated an apprentice in the~~  
17 ~~records of the director at the request of a licensed ocularist, and who~~  
18 ~~shall thereafter receive from such licensee training and direct~~  
19 ~~supervision in the work of an ocularist)) licensed under this chapter.~~

20        (4) "Advisory committee" means the state ocularist advisory  
21 committee.

22        (5) "Apprentice" means a person designated an apprentice in the  
23 records of the director to receive from a licensed ocularist training  
24 and direct supervision in the work of an ocularist.

25        (6) "Stock-eye" means an ocular stock prosthesis which has not been  
26 originally manufactured or altered by the ocularist or service provider  
27 selling or fitting, or both, said prosthesis to a patient or customer.

28 "Altered" means either taking away or adding materials, or  
29 colorization, or otherwise changing the prosthesis' appearance,

1 function, or fit in the socket or on the implant of the patient or  
2 customer.

3 (7) "Modified stock-eye" means a stock-eye, as defined in  
4 subsection (6) of this section, which has been altered in some manner  
5 by the ocularist or service provider selling or fitting, or both, said  
6 prosthesis to a patient or customer. "Altered" is as defined in  
7 subsection (6) of this section. A modified stock-eye cannot be defined  
8 as either a "custom" or "impression-fitted" eye or prosthesis by adding  
9 material which incorporates an impression-surface of the patient or  
10 customer socket or implant surfaces.

11 (8) "Custom-eye" means an original, newly manufactured eye or  
12 prosthesis which has been specifically crafted by an ocularist or  
13 authorized service provider for the patient or customer to whom it is  
14 sold or provided. The "custom-eye" may be either an impression-fitted  
15 eye (an impression of the socket or implant surfaces) or an  
16 empirical/wax pattern-fitted method eye, or a combination of either, as  
17 delineated in the ocularist examination.

18 NEW SECTION. Sec. 3. An ocularist designs, fabricates, and  
19 fits ocular prosthetic appliances. An ocularist is authorized to  
20 perform the necessary procedures to provide an ocular prosthetic  
21 service for the patient in the ocularist's office or laboratory on  
22 referral of a physician. A referral is not required for the  
23 replacement of an ocular prosthetic appliance. The ocularist is  
24 authorized to make judgment on the needed care, replacement, and use of  
25 an ocular prosthetic appliance. The ocularist is authorized to design,  
26 fabricate, and fit human prosthetics in the following categories:

- 27 (1) Stock and custom prosthetic eyes;  
28 (2) Stock and custom therapeutic scleral shells;  
29 (3) Stock and custom therapeutic painted iris shells;

1 (4) External orbital and facial prosthetics; and  
2 (5) Ocular conformers: PROVIDED, That nothing herein shall be  
3 construed to allow the fitting or fabricating of contact lenses.

4 **Sec. 4.** RCW 18.55.040 and 1985 c 7 s 53 are each amended to read  
5 as follows:

6 ~~((1))~~ No applicant ~~((for a license))~~ shall be ~~((registered))~~  
7 licensed under this chapter until the applicant pays an examination fee  
8 ~~((as shall be))~~ determined by the director, as provided in RCW  
9 43.24.086, and certifies under oath after furnishing satisfactory  
10 documentation, that the applicant:

11 ~~((a))~~ (1) Is eighteen years or more of age;

12 ~~((b))~~ (2) Has graduated from high school or has received a  
13 general equivalency degree;

14 ~~((c))~~ (3) Is of good moral character; and

15 ~~((d) Has either:~~

16 ~~(i))~~ (4)(a) Had at least ~~((five years))~~ ten thousand hours of  
17 apprenticeship training under the direct supervision of a licensed  
18 ocularist ~~((in the state of Washington));~~ or

19 ~~((ii))~~ (b) Successfully completed a prescribed course in  
20 ocularist training programs ~~((in a college, teaching facility, or~~  
21 ~~university approved by the director; or~~

22 ~~(iii) Been principally engaged in practicing as an ocularist~~  
23 ~~outside the state of Washington for eight years and shall have been~~  
24 ~~employed by a licensed ocularist or physician for one year in the state~~  
25 ~~of Washington)) approved by the director; or~~

26 (c) Has had at least ten thousand hours of apprenticeship training  
27 under the direct supervision of a practicing ocularist, or has the  
28 equivalent experience as a practicing ocularist, or any combination of  
29 training and supervision, not in the state of Washington; and

1       (~~(iv)~~) (5) Successfully passes (~~(with a grade of at least~~  
2 ~~seventy five percent,~~) an examination(~~(7)~~) conducted or approved by  
3 the director(~~(, which shall determine whether the applicant has a~~  
4 ~~thorough knowledge of the principles governing the practice of an~~  
5 ~~ocularist)~~).

6       (~~(2) The director shall issue a license without examination to any~~  
7 ~~person who makes application therefor within six months after June 12,~~  
8 ~~1980, pays a fee as determined by the director, and certifies under~~  
9 ~~oath that the applicant has been actually and principally engaged in~~  
10 ~~the practice of an ocularist in the state of Washington for a period of~~  
11 ~~not less than five years immediately preceding June 12, 1980.~~

12       ~~(3) Any person who on June 12, 1980 (a) is employed as apprentice~~  
13 ~~by a person who is principally engaged in the practice of an ocularist,~~  
14 ~~(b) registers with the director prior to one hundred twenty days after~~  
15 ~~June 12, 1980, and (c) furnishes the director a statement, under oath,~~  
16 ~~and certified as correct by the employer, as to the length of time of~~  
17 ~~such employment shall be given credit for such period towards~~  
18 ~~compliance with the requirement for five years' apprenticeship.)~~

19       NEW SECTION.   **Sec. 5.**       The director may approve an examination  
20 prepared or administered by a private testing agency or association of  
21 licensing authorities.   The examination shall determine if the  
22 applicant has a thorough knowledge of the principles governing the  
23 practice of an ocularist.

24       **Sec. 6.**   RCW 18.55.050 and 1985 c 7 s 54 are each amended to read  
25 as follows:

26       Every (~~(licensee)~~) individual licensed or registered under this  
27 chapter shall pay an annual (~~(renewal)~~) license or registration renewal  
28 fee determined by the director, as provided by RCW 43.24.086, on or

1 before the (~~1st day of July of each year, and thereupon the license of~~  
2 ~~such person shall be renewed for a period of one year~~) expiration date  
3 established by the director. An application for renewal shall be on  
4 the form provided by the director and shall be filed with the  
5 department of licensing not less than ten days prior to its expiration.  
6 Each application for renewal shall be accompanied by a (~~license~~)  
7 renewal fee (~~as shall~~) in an amount to be determined by the director.  
8 Any license or registration not renewed as provided in this section  
9 shall (~~render the license~~) be invalid (~~but such licensee shall be~~  
10 ~~reinstated upon written application therefore to the director and~~  
11 ~~payment of a renewal fee to the director as provided in RCW 43.24.086,~~  
12 ~~together with all delinquent annual renewal license fees~~).

13 The director may provide by rule the procedures which may allow for  
14 the reinstatement of a license or registration upon payment of the  
15 renewal fee and a late renewal penalty fee.

16 **Sec. 7.** RCW 18.55.060 and 1980 c 101 s 5 are each amended to read  
17 as follows:

18 (1) (~~No licensee under this chapter may have more than two~~  
19 ~~apprentices in training at one time.~~

20 (2) ~~The licensee shall be responsible for the acts of the~~  
21 ~~apprentices in the performance of their work in the apprenticeship~~  
22 ~~program.~~

23 (3)) A person wishing to work as an apprentice ocularist shall  
24 submit to the director the registration fee and completed application  
25 form signed by the applicant and the licensed ocularist who shall be  
26 responsible for the acts of the apprentice in the performance of his or  
27 her work in the apprenticeship program.

28 (2) Apprentices shall complete their ten thousand hours of  
29 apprenticeship (~~in~~) within eight years and shall not work longer as

1 an apprentice unless the director determines, after a hearing, that the  
2 apprentice was prevented by causes beyond his or her control from  
3 completing the apprenticeship and becoming a licensee hereunder in  
4 eight years.

5 (3) No licensee under this chapter may have more than two  
6 apprentices in training at one time.

7 NEW SECTION. Sec. 8. In addition to any other authority  
8 provided by law, the director may:

9 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to  
10 implement this chapter;

11 (2) Establish forms necessary to administer this chapter;

12 (3) Issue a license to any applicant who has met the education,  
13 training, and examination requirements for licensure and deny a license  
14 to applicants who do not meet the minimum qualifications for licensure.  
15 Proceedings concerning the denial of licenses based on unprofessional  
16 conduct or impaired practice shall be governed by the uniform  
17 disciplinary act, chapter 18.130 RCW;

18 (4) Employ clerical, administrative, and investigative staff as  
19 needed to implement and administer this chapter and hire individuals,  
20 including those licensed under this chapter, to serve as examiners or  
21 consultants as necessary to implement and administer this chapter;

22 (5) Maintain the official departmental record of all applicants and  
23 licensees;

24 (6) Determine the minimum education and experience requirements for  
25 licensure, including but not limited to approval of educational  
26 programs;

27 (7) Prepare and administer or approve the preparation and  
28 administration of examinations for licensure; and

1 (8) Establish and implement by rule a continuing competency  
2 program.

3 NEW SECTION. **Sec. 9.** An ocularist or authorized service  
4 provider shall explain to patients or customers exactly which type of  
5 prosthesis or service they are receiving or purchasing. Failure to do  
6 so, or misrepresentation of said services, may result in revocation of  
7 the license or other disciplinary action affecting the license to  
8 operate, as determined by the director.

9 NEW SECTION. **Sec. 10.** There is created a state advisory  
10 committee appointed by the director who shall advise the director  
11 concerning the administration of this chapter. One member of the  
12 committee shall be a medical doctor, one member shall be a currently  
13 licensed ocularist, and one member shall be an employee of the  
14 department of licensing. The term of office is three years. Members  
15 of the committee shall be compensated in accordance with RCW 43.03.240  
16 and shall be reimbursed for travel expenses in accordance with RCW  
17 43.03.050 and 43.03.060.

18 NEW SECTION. **Sec. 11.** The director, members of the committee,  
19 and individuals acting on their behalf are immune from suit in any  
20 action, civil or criminal, based on any acts performed in the course of  
21 their duties.

22 NEW SECTION. **Sec. 12.** An applicant holding a credential in  
23 another state may be credentialed to practice in this state without  
24 examination if the director determines that the other state's  
25 credentialing standards are substantially equivalent to the standards  
26 in this state.

1        NEW SECTION.    **Sec. 13.**        Sections 1, 3, 5, and 8 through 12 of  
2 this act are added to chapter 18.55 RCW.