

Professional Licensure Committee

The House Professional Licensure Committee met on Tuesday, June 21, 1988 at 12:15 P.M. in Room 401 of the Main Capitol.

The meeting was called to order by the Vice Chairman, Rep. William Lloyd with 23 members present.

The only bill on the agenda was House Bill 1336. Rep. Lloyd offered amendment A-3592 which was adopted by unanimous vote on the motions of Reps. Preston and Donatucci.

Rep. Langtry offered amendment A-3776 which was adopted by unanimous vote on the motions of Reps. Preston and Langtry.

On the question of reporting the bill out as amended, Reps. Donatucci and Preston made the necessary motions and the bill was released from committee by a vote of 21-2. Reps. Veon and Micozzi voted in the negative.

There being no further business for the day, the meeting was adjourned at 12:30 p.m.

Honorable Michael Veon
Secretary

HOUSE OF REPRESENTATIVES
 COMMONWEALTH OF PENNSYLVANIA
 OFFICE OF THE CHIEF CLERK

Committee Attendance Record

Date June 21, 1988

Committee Professional Licensure

Date and Place June 21, 1988 Room 401

Time Called to Order 12:15 p.m.

Time Adjourned 12:30 p.m.

MAJORITY MEMBERS	PRES	ABS	ON LEAVE	MINORITY MEMBERS	PRES	ABS	ON LEAVE
William W. Rieger, Chrm.	x			Robert H. Veon, Chrm.			
William Lloyd, v-Chrm.	x			Karl W. Boyes, V-Chrm.	x		
Michael Veon, Secretary	x			Raymond Book	x		
Ralph Acosta	x			Nicholas Micozzi	x		
Joseph Markowsek	x			Marvin Miller	x		
Joseph Preston	x			Elaine Farmer	x		
Ruth Rudy	x			George Saurman	x		
Italo Cappabianca	x			Lynn B. Herman	x		
Robert Donatucci	x			Alice Langtry	x		
John Pressman		x		Frank A. Serafini	x		
Stan Jarolin	x			James Burd, Minority	x		
Edward Stabeck	x			Chairman			
Thomas Corrigan	x						
Karen Ritter	x						

Total Present 23

Total Absent 1

Total Absent with Leave _____

Hon. William W. Rieger
 Chairman

Hon. Michael Veon
 Secretary

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE CHIEF CLERK

Committee Roll Call

June 21, 1988

Date _____

Committee Professional Licensure

Date and Time June 21, 1988

Bill or Resolution No. H.B. 1336

Type of Motion Adopt Amendment A-3592

Sponsor of Motion Rep. Preston

(attach copy if amendment)

Seconded by Rep. Donatucci

Brief Description Rep. Lloyd's amendment

Yeas 23 Nays 0 Not Voting 1 Passed x Failed _____

MAJORITY MEMBERS	YEAS	NAYS	N-V	MINORITY MEMBERS	YEAS	NAYS	N-V
William W. Rieger, Chrm.	x			Peter R. Vroom, Chrm.			
William Lloyd, V-Chrm.	x			Karl W. Boyes, V-Chrm.	x		
Michael Veon	x			Raymond Book	x		
Ralph Acosta	x			Nicholas B. Micozzi	x		
Joseph Markosek	x			Marvin Miller	x		
Joseph Preston	x			Elaine Farmer	x		
Ruth Rudy	x			George Saurman	x		
Italo Cappabianca	x			Lynn B. Herman	x		
Robert Donatucci	x			Alice Langtry	x		
John Pressman			x	Frank A. Serafini	x		
Stanley Jarolin	x			James Burd, Minority	x		
Edward Stabeck	x			Chairman			
Thomas Corrigan	x						
Karen Ritter	x						

Hon. William W. Rieger

Chairman

Hon. Michael Veon

Secretary

AMENDMENTS TO HOUSE BILL NO. 1336

Mr. 

Printer's No. 1540

Amend Title, page 1, line 1, by striking out "ophthalmic dispensing" and inserting

the practice of opticianry and contact lens fitting

Amend Preamble, page 1, line 4, by striking out "offering ophthalmic dispensing services to the public" and inserting

in the practice of opticianry and contact lens fitting

Amend Preamble, page 1, lines 6 and 7, by striking out "providers or ophthalmic dispensing services and products" and inserting

persons engaged in the practice of opticianry and contact lens fitting

Amend Preamble, page 1, line 8, by inserting a period after "competence"

Amend Preamble, page 1, lines 3 and 9, by striking out "; and to insure that competent providers of these" in line 3 and all of line 9

Amend Table of Contents, page 1, line 13, by inserting after "Opticians"

and Contacts Lens Technicians

Amend Table of Contents, page 2, line 4, by striking out all of said line

Amend Table of Contents, page 2, line 5, by striking out "12"

and inserting

11

Amend Table of Contents, page 2, line 6, by striking out "13"
and inserting

12

Amend Table of Contents, page 2, line 7, by striking out "14"
and inserting

13

Amend Table of Contents, page 2, line 8, by striking out "15"
and inserting

14

Amend Table of Contents, page 2, line 9, by striking out "16"
and inserting

15

Amend Table of Contents, page 2, lines 11 through 17, by
striking out all of said lines and inserting

- Section 16. Procedures in disciplinary actions.
- Section 17. Reporting of multiple licensure.
- Section 18. Display of license or certificate.
- Section 19. Surrender of license.
- Section 20. Unlawful acts.
- Section 21. Civil penalty.

Amend Table of Contents, page 2, line 13, by striking out
"23" and inserting

22

Amend Table of Contents, page 2, line 19, by striking out
"24" and inserting

23

Amend Table of Contents, page 2, line 20, by striking out
"25" and inserting

24

Amend Sec. 1, page 2, lines 24 and 25, by striking out

"Ophthalmic Dispensing" and inserting

Opticians and Contact Lens Technicians Licensing

Amend Sec. 2, page 3, line 2, by inserting after "Opticians"

and Contact Lens Technicians

Amend Sec. 2, page 3, line 5, by inserting after "person"

licensed in accordance with this act

Amend Sec. 2, page 3, line 13, by striking out "at intervals
not to exceed three months or"

Amend Sec. 2, page 3, line 14, by inserting after "needed"

, but at intervals not to exceed three months

Amend Sec. 2, page 3, lines 19 through 30; page 4, lines 1
through 6, by striking out all of said lines on said pages and
inserting

"Optician." A person licensed in accordance with this act to
practice opticianry.

Amend Sec. 2, page 4, line 7, by striking out "'Optician." A
person who fills" and inserting

"Practice of Opticianry." The practice of filling

Amend Sec. 2, page 4, line 8, by striking out "who in"

Amend Sec. 2, page 4, line 9, by striking out "takes" and
inserting

and taking

Amend Sec. 2, page 4, line 11, by striking out "who provides"
and inserting

providing

Amend Sec. 2, page 4, line 12, by striking out "who repairs
and reproduces" and inserting

repairing and reproducing

Amend Sec. 2, page 4, lines 13 and 14, by striking out "who
prepares and delivers" and inserting

preparing and delivering

Amend Sec. 2, page 4, line 15, by striking out "who verifies"
and inserting

verifying

Amend Sec. 2, page 4, line 16, by striking out "who adjusts
and dispenses" and inserting

adjusting and dispensing

Amend Sec. 2, page 4, line 18, by inserting after "wearer."

The practice of opticianry shall not include the
fitting of contact lenses.

Amend Sec. 2, page 4, line 24, by striking out "supervision
of"

Amend Sec. 2, page 4, line 24, by inserting after "control"

of work

Amend Sec. 3, page 4, line 27, by inserting after "Opticians"

and Contact Lens Technicians

Amend Sec. 3, page 4, line 29, by inserting after "Opticians"

and Contact Lens Technicians

Amend Sec. 3, page 5, lines 6 through 8, by striking out
"currently licensed in ophthalmic" in line 6, all of line 7 and
"of business" in line 8 and inserting

who is either an optician or a contact lens technician and who
owns a retail place of business in which either opticianry or
the fitting of contact lenses is practiced

Amend Sec. 3, page 5, line 10, by inserting after "The"

professional and public

Amend Sec. 3, page 5, line 14, by striking out "the majority
of" and inserting

a majority of the members elected to

Amend Sec. 3, page 5, lines 14 through 23, by striking out
"In the event that a" in line 14, all of lines 15 through 23 and

inserting

(d) Terms of office.--The term of each professional and public member of the board shall be four years or until his successor has been appointed and qualified, but not longer than six months beyond the four-year period. In the event that any of said members shall die or resign or otherwise become disqualified during his term, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. Of the optician members of the board first

Amend Sec. 3, page 5, line 25, by striking out "one year;"

and inserting

four years. Of the contact lens technician members of the board first appointed,"

Amend Sec. 3, page 5, line 26, by striking out "three" and

inserting

four

Amend Sec. 3, page 5, line 27, by inserting a period after

"years"

Amend Sec. 3, page 5, lines 27 through 30, by striking out " and the owner appointed shall serve a" in line 27, all of lines 28 through 30 and inserting

The individual first appointed who is either an optician or a contact lens technician and who owns a retail place of business in which either opticianry or the fitting of contact lenses is practiced shall serve a term of four years. Of the public members of the board first appointed, one public member shall serve a term of two years and one public member shall serve a term of four years. The Governor shall nominate the initial professional and public members within 90 days of the effective date of this act.

Amend Sec. 3, page 6, lines 4 through 6, by striking out all of said lines and inserting

(f) Compensation.--Each member of the board, except the commissioner and the Director of the Bureau of Consumer Protection, shall receive \$60 per diem when actually attending to the work of the board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

Amend Sec. 3, page 6, lines 8 and 9, by striking out ",

subject to the approval of the commissioner,"

Amend Sec. 3, page 5, line 11, by striking out "A" and inserting

except for temporary and automatic suspensions under section 15, a

Amend Sec. 3, page 6, by inserting between lines 13 and 13

(i) Attendance at training seminars.--A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall forfeit his seat, unless the commissioner, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

Amend Sec. 4, page 6, line 24, by removing the comma after "examinations" and inserting

and

Amend Sec. 4, page 6, line 25, by inserting a period after "act"

Amend Sec. 4, page 6, lines 25 through 27, by striking out ", and, in" in line 25 and all of lines 26 and 27

Amend Sec. 4, page 6, line 28, by striking out "Revoking licenses" and inserting

Disciplinary actions

Amend Sec. 4, page 6, lines 28 and 29, by striking out "or suspend" and inserting

, suspend, limit or otherwise restrict

Amend Sec. 4, page 7, line 2, by inserting after "or"

of

Amend Sec. 4, page 7, by inserting after line 30

(g) Subpoenas.--The board shall have power to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the board. The board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses and to take such testimony or compel the

production of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing held or had by it.

(h) Court action.--The board shall have power to take appropriate actions to initiate injunctive and criminal prosecution proceedings in connection with the lawful or unauthorized practice of opticianry or contact lens fitting or other violations of this act. Injunctive and criminal proceedings shall be instituted in accordance with the act of October 15, 1930 (P.L. 350, No. 164), known as the Commonwealth Attorneys Act.

(i) Reports to the board.--An attorney responsible for representing the Commonwealth in disciplinary matters before the board shall notify the board immediately upon receiving notification of an alleged violation of this act. The board shall maintain current records of all reports of alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

Amend Sec. 5, page 3, lines 2 through 5, by striking out all of said lines and inserting

(a) Grace period.--It shall be unlawful, beginning one year from the appointment of the professional and public members of the board, for any person to engage in the practice of opticianry or the fitting of contact lenses or to offer or attempt to do so or to hold himself out to the public by any title or description of services incorporating the words "optician," "contact lens technician," "opticianry" or "the fitting of contact lenses," without first obtaining a license pursuant to this act.

Amend Sec. 5, page 3, lines 11 through 22, by striking out all of said lines

Amend Sec. 6, page 3, lines 24 and 25, by striking out "as preventing or restricting" in line 24, all of line 25 and inserting

to prevent or restrict:

Amend Sec. 6, page 9, line 3, by striking out "ophthalmic dispensing at" and inserting

opticianry or contact lens fitting in

Amend Sec. 6, page 9, line 8, by inserting after "or"

licensed

Amend Sec. 6, page 9, line 13, by striking out "who employs" and inserting

from employing

Amend Sec. 6, page 3, lines 14 and 15, by striking out "from engaging in ophthalmic" in line 14, all of line 15 and inserting to engage in the practice of opticianry or the fitting of contact lenses.

Amend Sec. 7, page 10, line 3, by striking out "the work of an optician" and inserting opticianry

Amend Sec. 7, page 10, lines 5 and 6, by striking out "or, in lieu of the practical training experience," and inserting prior to the end of one year from the effective date of this act; or he has had one year as an apprentice in accordance with section 12; or

Amend Sec. 7, page 10, lines 12 through 16, by striking out "he has had at least two years of" in line 12 and all of lines 13 through 16

Amend Sec. 8, page 10, lines 26 through 30, by striking out all of said lines and inserting

by a qualified and approved professional testing organization in accordance with section 312.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Amend Sec. 8, page 11, line 5, by striking out "or" and inserting

of

Amend Sec. 8, page 11, lines 16 and 17, by striking out "be in written form" and inserting

include both written and practical portions

Amend Sec. 9, page 11, lines 28 through 30, by striking out all of said lines

Amend Sec. 9, page 12, line 1, by striking out "ophthalmic dispensing" and inserting

the practice of opticianry

Amend Sec. 9, page 12, line 4, by striking out "written"

Amend Sec. 9, page 12, line 7, by striking out "dispense" and inserting

fit

Amend Sec. 9, page 12, line 3, by inserting after "state"

it that state's qualifications are equivalent to those qualifications required in this Commonwealth

Amend Sec. 9, page 12, line 10, by striking out "at" and inserting

prior to

Amend Sec. 9, page 12, lines 12 through 18, by striking out all of said lines

Amend Sec. 10, page 12, line 21, by inserting after "technician"

or who is exempt from either such examination in accordance with section 9

Amend Bill, page 12, lines 26 through 30; page 13, lines 1 through 3, by striking out "A certified copy" in line 26, all of lines 27 through 30, page 12 and all of lines 1 through 3, page 13

Amend Sec. 12, page 13, line 4, by striking out "12" and inserting

11

Amend Sec. 12, page 13, line 12, by striking out "spectacle dispensing" and inserting

opticianry

Amend Sec. 12, page 13, line 14, by striking out "dispensing" and inserting

fitting

Amend Sec. 12, page 13, line 16, by striking out "For those individuals" and inserting

Individuals

Amend Sec. 12, page 13, line 17, by striking out ", they"

Amend Sec. 12, page 13, line 19, by striking out "dispensing"

and inserting

fitting

Amend Sec. 12, page 13, line 20, by striking out "spectacle dispensing" and inserting

opticianry

Amend Sec. 13, page 13, line 21, by striking out "13" and inserting

12

Amend Sec. 13, page 13, line 23, by striking out "ophthalmic dispensing" and inserting

opticianry

Amend Sec. 13, page 13, line 26, by striking out "or contact lens technician"

Amend Sec. 13, page 13, line 28, by striking out "submission of an application for licensure to" and inserting

the issuance of a certificate of apprenticeship by

Amend Sec. 13, page 13, line 29, by inserting a period after "optician" where it appears the second time

Amend Sec. 13, page 13, line 30; page 14, lines 1 through 4, by striking out all of said lines on said pages and inserting

(b) Certificate of apprenticeship.--Applications for a certificate of apprenticeship shall be made to the board in writing upon forms provided by the board which shall contain such information as the board requires. A certificate shall be issued for a maximum of two years. No more than two certificates may be issued to any apprentice, except in circumstances deemed exceptional by the board, provided that the apprentice has not failed the license examination. An apprentice shall be eligible to take the license examination after serving a minimum of one year as an apprentice. An apprentice who passes the license examination after serving less than the full two years of apprenticeship shall, upon the publication of the examination scores, return the certificate in such manner as the board

directs.

Amend Sec. 13, page 14, line 3, by striking out "lab" and inserting

laboratory

Amend Sec. 14, page 14, line 10, by striking out "14" and inserting

13

Amend Sec. 14, page 14, line 12, by inserting after "who" are licensed in another jurisdiction and

Amend Sec. 14, page 14, line 14, by inserting after "license" in this Commonwealth

Amend Sec. 14, page 14, lines 19 through 22, by striking out all of said lines and inserting

if the applicant registers for the examination, and thereafter only until the results of that examination are published. A temporary license shall expire if the applicant fails the examination.

Amend Sec. 15, page 14, line 23, by striking out "15" and inserting

14

Amend Sec. 15, page 14, line 24, by inserting after "be"

fitted and

Amend Sec. 15, page 14, line 25, by striking out "for contact lenses"

Amend Sec. 16, page 14, line 28, by striking out "16" and inserting

15

Amend Sec. 16, page 14, line 30; page 15, line 1, by striking out all of said lines on said pages and inserting

(a) General rule.--The board may deny, suspend, revoke, limit or otherwise restrict a license for

Amend Sec. 16, page 15, lines 13 and 19, by striking out all

of said lines and inserting

(6) Being convicted of a felony or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the courts of this Commonwealth, a Federal court or a court of any state, territory, possession or country.

(7) Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, or an application for a license or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government.

(8) Being unable to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol, having been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory, possession or country, or if he is or shall become mentally incompetent. An applicant's statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction unless the board has some evidence to the contrary. In enforcing this paragraph, the board shall, upon probable cause, have authority to compel a practitioner to submit to a mental or physical examination by a physician or a psychologist approved by the board. Failure of a practitioner to submit to such examination when directed by the board, unless such failure is due to circumstances beyond his control, shall constitute an admission of the allegations against him consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A practitioner affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume a competent practice of his profession with reasonable skill and safety to patients.

(9) Violating a lawful regulation promulgated by the board or violating a lawful order of the board previously entered by the board in a disciplinary proceeding.

(10) Being guilty of malpractice, immoral or unprofessional conduct. [Unprofessional conduct shall include departure from or failing to conform to the standards of acceptable and prevailing practice of opticianry or contact lens fitting.] In proceedings based on this paragraph, actual injury to a patient need not be established.

(11) Acting in such manner as to present an immediate and clear danger to public health or safety.

(12) Acting outside the scope of a license.

(13) Making a false or deceptive biennial registration with the board.

Amend Sec. 16, page 15, line 20, by striking out "(7)" and inserting

(14)

Amend Sec. 15, page 15, by inserting between lines 29 and 30

(b) Five-year revocation period.--Unless ordered to do so by a court, the board shall not reinstate the license of a person to practice as an optician or contact lens technician which has been revoked, and such person shall be required to apply for licensure after a five-year period in accordance with the provisions of this act, including the examination requirement, if he desires to practice at any time after such revocation.

Amend Bill, page 15, line 30; pages 16 through 18, lines 1 through 30; page 19, line 1, by striking out all of said lines on said pages and inserting

Section 16. Procedures in disciplinary actions.

(a) Procedure.--All disciplinary actions of the board shall be taken subject to the right of notice, hearing, and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(b) Temporary suspension.--A license issued under this act may be temporarily suspended under circumstances as determined by the board to be an immediate and clear danger to the public health and safety. The board shall issue an order to that effect without a hearing, but upon due notice, to the licensee concerned at his last known address, which shall include a written statement of all allegations against the licensee. The provisions of subsection (a) shall not apply to temporary suspension. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within 30 days following the issuance of an order temporarily suspending a license, the board shall conduct or cause to be conducted a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing, may be represented by counsel and may cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony, and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than 180 days.

(c) Automatic suspension.--A license issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony.

Section 17. Reporting of multiple licensure.

Any licensed optician or licensed contact lens technician of this Commonwealth who is also licensed to practice opticianry or contact lens fitting in any other state, territory, possession

or country shall report this information to the board on the biennial registration application. Any disciplinary action taken in such other jurisdiction shall be reported to the board on the biennial registration application or within 90 days of final disposition, whichever is sooner. Multiple licensure shall be noted by the board on the optician's or contact lens technician's record and such state, territory, possession or country shall be notified by the board of any disciplinary actions taken against the optician or contact lens technician in this Commonwealth.

Section 13. Display of license or certificate.

Every holder of a license or certificate granted by the board under this act shall display the license or certificate in a conspicuous place in the office where such person practices opticianry or the fitting of contact lenses or is serving as an apprentice.

Section 19. Surrender of license.

The board shall require a person whose license has been suspended or revoked to return the license in such manner as the board directs. A person who fails to do so commits a misdemeanor of the third degree.

Section 20. Unlawful acts.

A person commits a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine of not more than \$2,500, or to imprisonment for not more than six months, or both, if he commits any act declared unlawful by any other provision of this act, or if he:

(1) Makes misleading, deceptive, untrue or fraudulent representations in the practice of opticianry or contact lens fitting.

(2) Practices fraud or deceit in obtaining a license as an optician or contact lens technician.

(3) Displays gross incompetence, negligence or misconduct in carrying on the practice of opticianry or contact lens fitting.

(4) Makes a false or deceptive biennial registration with the board.

(5) Violates a lawful regulation promulgated by the board or a lawful order of the board previously entered in a disciplinary proceeding.

(6) Knowingly aids, assists, procures or advises any unlicensed person to practice opticianry or contact lens fitting contrary to this act or regulations of the board.

(7) Commits immoral or unprofessional conduct.

Unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing practice of opticianry or contact lens fitting.

(8) Engages in the practice of opticianry or the fitting of contact lenses in this Commonwealth without having at the time of so doing a valid, unrevoked and unexpired license or temporary license.

Section 21. Civil penalty.

In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current licensee who violates any provision of this act

or on any person who practices opticianry or fits contact lenses without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

Amend Sec. 23, page 19, line 2, by striking out "23" and inserting

22

Amend Sec. 23, page 19, line 13, by striking out "(c)" and inserting

(a)

Amend Sec. 23, page 19, lines 19 through 25, by striking out all of said lines

Amend Sec. 24, page 19, line 26, by striking out "24" and inserting

23

Amend Sec. 24, page 20, line 2, by striking out all of said line and inserting

Opticians and Contact Lens Technicians. The appropriation granted shall be repaid by the board within three years of the beginning of issuance of licenses by the board.

Amend Sec. 25, page 20, line 3, by striking out "25" and inserting

24

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE CHIEF CLERK

Committee Roll Call

June 21, 1988

Date _____

Committee Professional Licensure

Date and Time June 21, 1988

Bill or Resolution No. H.B.1336

Type of Motion Adopt A-3776

Sponsor of Motion Rep. Preston

(attach copy if amendment)
 Seconded by Rep. Langtry

Brief Description Rep. Langtry's amendment

Yeas 23 Nays 0 Not Voting 1 Passed x Failed _____

MAJORITY MEMBERS	YEAS	NAYS	N-V	MINORITY MEMBERS	YEAS	NAYS	N-V
William W. Rieger, Chrm.	x			Peter R. Vroom, Chrm.			
William Lloyd, V-Chrm.	x			Karl W. Boyes, V-Chrm.	x		
Michael Veon	x			Raymond Book	x		
Ralph Acosta	x			Nicholas B. Micozzi	x		
Joseph Markosek	x			Marvin Miller	x		
Joseph Preston	x			Elaine Farmer	x		
Ruth Rudy	x			George Saurman	x		
Italo Cappabianca	x			Lynn B. Herman	x		
Robert Donatucci	x			Alice Langtry	x		
John Pressman			x	Frank A. Serafini	x		
Stanley Jarolin	x			James Burd, Minority	x		
Edward Stabeck	x			Chairman			
Thomas Corrigan	x						
Karen Ritter	x						

Hon. William W. Rieger

Chairman

Hon. Michael Veon

Secretary

AMENDMENTS TO HOUSE BILL NO. 1336

Mr.



Printer's No. 1540

Amend Table of Contents, page 2, line 5, by inserting after
"license"

; continuing education

Amend Sec. 2, page 3, line 11, by striking out "in writing"
and inserting

in accordance with section 14(b) of this act

Amend Sec. 2, page 3, line 14, by striking out "feels" and
inserting

believes

Amend Sec. 2, page 3, line 16, by striking out "patient" and
inserting

wearer

Amend Sec. 2, page 4, line 19, by striking out "verbal" and
inserting

oral

Amend Sec. 2, page 4, by inserting between lines 23 and 24

An oral or telephonically transmitted prescription
shall be documented in the files of the optician or
the contact lens technician.

Amend Sec. 12, page 13, line 4, by inserting after "license"
; continuing education

Amend Sec. 12, page 13, line 5, by inserting before
"Licenses"

(a) Application.--

Amend Sec. 12, page 13, line 8, by inserting before "The"

(b) Continuing education.--

Amend Sec. 12, page 13, line 9, by inserting after "the"
where it appears the second time

preceding

Amend Sec. 12, page 13, by inserting between lines 20 and 21

No credit shall be given for courses in office
management or sales.

Amend Sec. 15, page 14, line 24, by inserting before
"Contact"

(a) Dispensing.--

Amend Sec. 15, page 14, by inserting between lines 27 and 28

(b) Technician.--The contact lens technician shall inform each individual for whom he fits any form or kind of contact lens that the wearer should return to the prescribing physician or optometrist for periodic evaluation. Each wearer shall be provided with a form in accordance with this subsection, and shall also be informed orally that he should return to the prescribing practitioner. The form shall be signed and dated by the contact lens wearer who shall receive a copy of the form. The form shall include the following statement:

I have been advised that I should return to my
ophthalmologist or optometrist for periodic evaluation,
not to exceed three months, for an evaluation of the
condition of my eyes. I have read this statement and
received an oral explanation.

Signature _____ Date

The contact lens technician shall retain a copy of the form for two years.

Amend Sec. 16, page 15, by inserting between lines 7 and 8

(3) Holding oneself out by or using the title
"Doctor," unless the licensee is authorized by law to
do so.

Amend Sec. 16, page 15, line 8, by striking out "(3)" and
inserting

(4)

Amend Sec. 16, page 15, line 9, by inserting after "devices"
, including advertising, by publication, transmission or

otherwise, which has the tendency to mislead or is deceptive or fraudulent on its face, by inference, or by effect

Amend Sec. 16, page 15, line 10, by striking out "(4)" and inserting

(5)

Amend Sec. 16, page 15, line 14, by striking out "(5)" and inserting

(6)

Amend Sec. 16, page 15, line 18, by striking out "(6)" and inserting

(7)

Amend Sec. 16, page 15, line 20, by striking out "(7)" and inserting

(8)

Amend Sec. 16, page 15, by inserting between lines 29 and 30

(9) Intentionally submitting to any third-party payor a claim for a service which was not actually provided to a wearer.

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE CHIEF CLERK

Committee Roll Call

Date June 21, 1988

Committee Professional Licensure

Date and Time June 21, 1988

Bill or Resolution No. H.B. 1336

Type of Motion Report as amended

Sponsor of Motion Rep. Donatucci

Seconded by Rep. Preston
(attach copy if amendment)

Brief Description _____

Yea 21 Nays 2 Not Voting 1 Passed x Failed _____

MAJORITY MEMBERS	YEAS	NAYS	N-V	MINORITY MEMBERS	YEAS	NAYS	N-V
William W. Rieger, Chrm.	x			Peter R. Vroom, Chrm.			
William Lloyd, V-Chrm.	x			Karl W. Boyes, V-Chrm.	x		
Michael Veon		x		Raymond Book	x		
Ralph Acosta	x			Nicholas B. Micozzi		x	
Joseph Markosek	x			Marvin Miller	x		
Joseph Preston	x			Elaine Farmer	x		
Ruth Rudy	x			George Saurman	x		
Italo Cappabianca	x			Lynn B. Herman	x		
Robert Donatucci	x			Alice Langtry	x		
John Pressman			x	Frank A. Serafini	x		
Stanley Jarolin	x			James Burd, Minority	x		
Edward Stabeck	x			Chairman			
Thomas Corrigan	x						
Karen Ritter	x						

Hon. William W. Rieger
Chairman

Hon. Michael Veon
Secretary