
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1088 Session of
2015

INTRODUCED BY MURT, COHEN, FARINA AND McNEILL, APRIL 28, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 28, 2015

AN ACT

1 Relating to the practice of opticianry and contact lens fitting;
2 requiring licensing of individuals; and providing for
3 unlawful acts.

4 It is the purpose of this act to provide for the regulation
5 of individuals in the practice of opticianry and contact lens
6 fitting in order to safeguard public health, safety and welfare
7 and to protect the public by assuring that individuals engaged
8 in the practice of opticianry and contact lens fitting meet
9 minimum standards of competence.

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13 Section 1. Short title.

14 This act shall be known and may be cited as the Opticians and
15 Contact Lens Technicians Licensing Act.

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Apprentice." An individual who holds a certificate of
21 apprenticeship issued in accordance with this act.

22 "Board." The State Board of Optometry.

23 "Commissioner." The Commissioner of Professional and
24 Occupational Affairs.

25 "Contact lens technician." An individual licensed in
26 accordance with this act who fits an appropriate contact lens
27 for a specific intended wearer and completely assists such
28 wearer in the use of the contact lens if the following
29 conditions are met:

30 (1) The fitting is based on prescription of a licensed

1 physician or optometrist.

2 (2) The wearer is informed, in accordance with section
3 13(b), to return to the prescribing physician or optometrist
4 for periodic evaluation during the fit whenever the contact
5 lens technician believes professional judgment is needed, but
6 at intervals not to exceed three months.

7 (3) No individual licensed under this act shall fill a
8 prescription or dispense contact lenses unless the
9 prescribing physician or optometrist specifies that the
10 prescriber intends it to be for contact lenses.

11 (4) No individual licensed in accordance with this act
12 shall fill a prescription beyond an expiration date specified
13 by the prescribing physician or optometrist.

14 "Fitting of contact lenses." A procedure in which a contact
15 lens is placed upon the eye of a wearer and the lens-cornea
16 relationship is evaluated with the use of a biomicroscope or
17 slit-lamp.

18 "Optician." An individual licensed in accordance with this
19 act to practice opticianry.

20 "Practice of opticianry." The practice of filling
21 prescriptions of licensed physicians or optometrists for
22 ophthalmic lenses; interpreting these prescriptions and taking
23 measurements to determine size and shape of lenses, frames or
24 lens forms best suited to the wearer's needs; providing
25 duplicate or replacement lenses without prescription; repairing
26 and reproducing previously prepared ophthalmic lenses and frames
27 without prescription; preparing and delivering work orders to
28 technicians engaged in grinding lenses and fabricating eyewear;
29 verifying the accuracy of ophthalmic lenses; and adjusting and
30 dispensing lenses, specially fabricated optical devices, frames

1 and appurtenances thereof to the intended wearer. The practice
2 of opticianry shall not include the fitting of contact lenses.

3 "Prescription." A written or oral direction from a licensed
4 physician or optometrist for lenses, consisting of the
5 refractive power and, when necessary, the vertex distance, the
6 cylinder axis and prism. A prescription for contact lenses shall
7 also specifically indicate approval for contact lens fitting.
8 The neutralization of a spectacle lens shall not constitute a
9 prescription for contact lenses. An oral or telephonically
10 transmitted prescription shall be documented in the files of the
11 optician or the contact lens technician.

12 "Supervision." The direction and control of work through
13 personal inspection and evaluation of work and the provision of
14 such consultation and instruction as may be needed.

15 Section 3. Powers and duties of board.

16 (a) Reviewing applications.--The board shall pass upon the
17 qualifications of applicants for licensure, insure the conduct
18 of examinations and issue and renew licenses to opticians or
19 contact lens technicians who qualify under this act.

20 (b) Disciplinary actions.--The board may refuse, revoke,
21 suspend, limit or otherwise restrict a license of an optician or
22 contact lens technician under this act, conduct investigations,
23 including the power to issue subpoenas and hold hearings upon
24 written charges indicating violation of this act or of
25 regulations promulgated pursuant thereto.

26 (c) Maintaining records.--The board shall maintain a record
27 listing the name of every living optician or contact lens
28 technician licensed to practice in this Commonwealth, the last
29 known place of business, the last known place of residence and
30 the date and number of the license of the licensee. The listing

1 shall be available to any citizen of this Commonwealth after
2 reimbursement for the actual cost of reproduction and mailing.

3 (d) Promulgating rules and regulations.--The board may
4 promulgate rules and regulations not inconsistent with law which
5 it deems necessary for the performance of its duties and the
6 proper administration of this act.

7 Section 4. License required.

8 (a) Grace period.--It shall be unlawful, beginning two years
9 from the effective date of this act, for any individual to
10 engage in the practice of opticianry or the fitting of contact
11 lenses or to offer or attempt to do so or to hold himself out to
12 the public by any title or description of services incorporating
13 the words "optician," "contact lens technician," "opticianry" or
14 "the fitting of contact lenses," without first obtaining a
15 license under this act.

16 (b) Limitation on grant of license.--The licensure of
17 opticians or contact lens technicians shall extend only to
18 individuals. A license shall not be issued to a partnership,
19 unincorporated association, corporation or similar business
20 organization.

21 (c) Contact lens technicians.--Those individuals listed by
22 the State Board of Optometry under section 6(h)(5) of the act of
23 June 6, 1980 (P.L.197, No.57), known as the Optometric Practice
24 and Licensure Act, shall be subject to licensure as contact lens
25 technicians under this act.

26 Section 5. Individuals and practices not affected.

27 This act shall not be construed to prevent or restrict:

28 (1) An individual licensed in this Commonwealth in
29 accordance with the provisions of another law of this
30 Commonwealth from engaging in the profession or occupation

1 for which licensed. Licensed individuals may employ
2 unlicensed individuals to provide contact lens services,
3 except those services which require licensure under this act,
4 under the direct, personal supervision and control of such
5 licensee within the standards of the licensee's profession.

6 (2) The sale or manufacture of ready-to-wear eyeglasses,
7 which sale or manufacturing is hereby specifically excluded
8 from this act.

9 (3) An individual pursuing a course of study leading to
10 a degree or certificate in opticianry or contact lens fitting
11 in an accredited and approved educational program, provided
12 that the activities and services are part of a supervised
13 course of study and the individual is designated by a title
14 which clearly indicates the status of student or trainee and
15 not licensed optician or licensed contact lens technician.

16 (4) An individual fulfilling the apprenticeship
17 requirements of this act, provided that the activities and
18 services constitute a part of the apprenticeship necessary to
19 meet the requirements of the program.

20 (5) Any individual, firm or corporation from employing
21 individuals licensed under this act to engage in the practice
22 of opticianry or the fitting of contact lenses.

23 Section 6. Requirements for licensure.

24 (a) General rule.--Upon filing timely application with the
25 board upon forms approved by the board and payment of an
26 examination fee determined by the board, any individual desiring
27 to qualify for licensing as an optician or as a contact lens
28 technician shall be permitted to take an examination for
29 licensing, provided that the individual submits with the
30 application evidence satisfactory to the board that:

1 (1) The individual is a citizen of the United States or
2 has applied for citizenship.

3 (2) The individual is 18 years of age or older.

4 (3) The individual is of good moral character.

5 (4) The individual is a graduate of an accredited high
6 school or has completed the full equivalent of a grammar
7 school and a four-year high school course.

8 (5) In the case of an applicant for licensing as an
9 optician, the individual has had at least two years of
10 practical training and experience in opticianry immediately
11 prior to the end of one year from the effective date of this
12 act, has completed an apprenticeship in accordance with
13 section 11 or has successfully completed the prescribed
14 course in opticianry for opticians in a college, university
15 or other institution of learning, which course shall have
16 been accredited by an accrediting agency recognized and
17 approved by the United States Department of Education or the
18 Council of Post-Secondary Education and officially approved
19 by the board.

20 (6) In the case of an applicant for licensing as a
21 contact lens technician, the individual has successfully
22 completed the prescribed course of study for an associates
23 degree in ophthalmic sciences in a college, university or
24 other institution of learning, which course shall have been
25 accredited by an accrediting agency recognized and approved
26 by the United States Department of Education or the Council
27 of Post-Secondary Education and officially approved by the
28 board. The course shall include clinical training covering
29 the competencies required in fitting, adapting and dispensing
30 of contact lenses and shall include at least nine credit

1 hours in contact lens courses. The board may require a more
2 extensive course of study.

3 (b) Exception.--The board shall grant a Contact Lens
4 Technician license to those individuals listed by the State
5 Board of Optometry under section 6(h)(5) of the act of June 6,
6 1980 (P.L.197, No.57), known as the Optometric Practice and
7 Licensure Act, upon completion of the application form and
8 payment of the applicable fee.

9 Section 7. Examinations.

10 (a) Administration.--The examination for licensing shall be
11 conducted at least twice a year, and at other times the board
12 may determine as necessary, at the times and places the board
13 determines. The examination shall be prepared and administered
14 by a qualified and approved professional testing organization in
15 accordance with section 812.1 of the act of April 9, 1929
16 (P.L.177, No.175), known as The Administrative Code of 1929.

17 (b) Substance of optician examination.--The license
18 examination for an optician shall be confined to the knowledge
19 that is essential to practice as an optician and, at a minimum,
20 shall show proficiency in the following subjects: prescription
21 interpretation and analysis; fitting, design and dispensing of
22 eyeglass lenses, frames and accessories; the use of standard
23 ophthalmic equipment; the taking of pupillary and facial
24 measurements; administrative recordkeeping; and professional and
25 ethical conduct. The examination shall be in written form.

26 (c) Substance of contact lens technician examination.--The
27 license examination for a contact lens technician shall be
28 confined to the knowledge that is essential to practice as a
29 contact lens technician and, at a minimum, shall show
30 proficiency in the following subjects: prefit evaluation,

1 prescription interpretation and analysis, use of instrumentation
2 consistent with contact lens fitting, determination of lens type
3 and design of contact lens specifications, instructions on
4 application and care of lenses, follow-up procedures, practice
5 management and professional and ethical conduct. This
6 examination shall include both written and practical portions.
7 Section 8. Waiver of examination requirements.

8 (a) Requirements to waive optician examination.--The board
9 shall waive the optician examination requirement and grant an
10 optician license to any applicant who meets any one of the
11 following:

12 (1) Is currently licensed to practice opticianry in
13 another state if the state's qualifications are equivalent to
14 those qualifications required in this Commonwealth and if
15 that state offers similar privileges to licensees of the
16 board.

17 (2) Holds a currently valid certificate as a certified
18 optician from the American Board of Opticianry on the
19 effective date of this act.

20 (3) Has been engaged in the practice of opticianry for a
21 period of three years immediately prior to the effective date
22 of this act.

23 (b) Requirements to waive contact lens technician
24 examination.--The board shall waive the contact lens examination
25 requirement and grant a contact lens technician license to any
26 applicant who, within three months of the effective date of this
27 act, meets one of the following criteria:

28 (1) Is currently licensed to fit contact lenses in
29 another state if that state's qualifications are equivalent
30 to those qualifications required in this Commonwealth and if

1 that state offers similar privileges to licensees of the
2 board.

3 (2) Is currently certified by the National Contact Lens
4 Examiners on the effective date of this act.

5 Section 9. Licenses.

6 Each applicant who successfully completes the examination for
7 licensing as an optician or a contact lens technician or who is
8 exempt from either such examination in accordance with section 8
9 shall, upon payment of the required fee established by the
10 board, receive a license as an optician or as a contact lens
11 technician, as the case may be, from the board.

12 Section 10. Renewal of license and continuing education.

13 (a) Application.--Licenses under this act shall be subject
14 to renewal every two years and shall expire unless the licensee
15 submits an application for renewal in the manner prescribed by
16 the board.

17 (b) Continuing education.--The application shall be
18 accompanied by a renewal fee and evidence that the applicant
19 has, during the preceding two-year period, completed continuing
20 education as follows:

21 (1) An optician must complete eight hours of continuing
22 education in opticianry approved by the board.

23 (2) A contact lens technician must complete 12 hours of
24 continuing education in contact lens fitting approved by the
25 board.

26 (3) An individual who is licensed as an optician and
27 also as a contact lens technician must complete 12 hours of
28 continuing education in contact lens fitting approved by the
29 board and four hours of continuing education in opticianry
30 approved by the board.

1 (4) No credit shall be given for courses in office
2 management or sales.

3 Section 11. Apprentices and other ancillary personnel.

4 (a) Employment of apprentices.--Individuals licensed under
5 this act may utilize apprentices to engage in opticianry when
6 the apprentices are under their direct supervision and at the
7 same location where the licensed individual dispenses, but no
8 licensed optician may supervise more than two apprentices.
9 Apprentices may be employed upon the issuance of a certificate
10 of apprenticeship by the board.

11 (b) Certificate of apprenticeship.--Applications for a
12 certificate of apprenticeship shall be made to the board in
13 writing upon forms provided by the board and shall contain such
14 information as the board requires. A certificate shall be issued
15 for a maximum of two years. Upon completion of the two-year
16 apprenticeship, which shall include a minimum of 2,000 hours of
17 employment during the apprenticeship, the apprentice shall take
18 the first scheduled licensing examination except for reasons of
19 health or hardship. If the examination is failed, the apprentice
20 shall take it again on the next scheduled date. If the
21 apprentice is unsuccessful in passing three consecutive
22 examinations, the apprentice shall return his or her
23 certificate. While the apprentice is waiting to take a licensing
24 examination, his or her certificate of apprenticeship shall
25 remain in effect. An individual shall only be permitted to
26 obtain another apprenticeship certificate under exceptional
27 circumstances approved by the board.

28 (c) Rules and regulations.--The board shall promulgate rules
29 and regulations to ensure that the apprentice is tested
30 periodically as to his or her progress.

1 (d) Employment of others.--Individuals licensed under this
2 act may employ other ancillary personnel to assist in fashion
3 consulting, to perform clerical and office duties, to assist in
4 making minor repairs and to perform laboratory work. Those
5 personnel need not be registered as apprentices.

6 Section 12. Special provisions.

7 (a) Duplicated lenses.--Subsequent to the completion of
8 contact lens fitting and evaluation of the fit by a licensed
9 physician or optometrist, contact lenses may be duplicated and
10 dispensed by a licensed contact lens technician. The
11 specifications of such duplicated contact lenses shall be
12 obtained from the original fitter, physician or optometrist and
13 may not be determined by measurement of the contact lens or from
14 parameters listed on contact lens packaging.

15 (b) Duty to inform.--The contact lens technician shall
16 inform each individual for whom the technician fits any form or
17 kind of contact lens that the wearer should return to the
18 prescribing physician or optometrist for a final evaluation of
19 the fit of the contact lens. Each wearer shall be provided with
20 a form in accordance with this subsection and shall also be
21 informed orally that the wearer should return to the prescribing
22 practitioner. The form shall be signed and dated by the contact
23 lens wearer, who shall receive a copy of the form. The form
24 shall include the following statement:

25 I have been advised that I should return to my physician
26 or optometrist for a final evaluation of the fit of my
27 contact lenses within three months of their delivery to
28 me.

29 (Signature)

(Date)

30 The contact lens technician shall retain a copy of the form for

1 two years.

2 (c) Prescriptions.--

3 (1) A physician or optometrist shall provide to the
4 patient, at no charge, a copy of the patient's prescription
5 immediately after a refraction.

6 (2) A physician or optometrist shall provide an
7 individual upon whom the physician or optometrist previously
8 performed a refraction with a copy of the prescription, at no
9 charge, upon the patient's request.

10 Section 13. Causes for denial, suspension or revocation of
11 license.

12 (a) General rule.--The board may deny, suspend, revoke,
13 limit or otherwise restrict a license for any of the following
14 causes:

15 (1) Obtaining a license by fraud or deceit.

16 (2) Use of the term "doctor," "physician" or "clinic,"
17 or any derivation thereof, as part of the firm name under
18 which the licensee fits and sells ophthalmic devices unless
19 authorized by law.

20 (3) Holding oneself out by or using the title "Doctor."

21 (4) Fraud or misrepresentation in the repair, fitting or
22 selling of ophthalmic devices, including advertising, by
23 publication, transmission or otherwise, which has the
24 tendency to mislead or is deceptive or fraudulent on its
25 face, by inference, or by effect.

26 (5) The employment, to perform any act covered by this
27 act, of an individual whose license is known by the employer
28 to be suspended or who does not possess a valid license
29 issued under this act.

30 (6) Violating or permitting, with notice or knowledge of

1 its commission, the violation by any licensed employee of any
2 provision of this act or any rules or regulations promulgated
3 under this act.

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

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

15 (9) Being unable to practice the profession with
16 reasonable skill and safety to patients by reason of illness,
17 addiction to drugs or alcohol, having been convicted of a
18 felonious act prohibited by the act of April 14, 1972
19 (P.L.233, No.64), known as The Controlled Substance, Drug,
20 Device and Cosmetic Act, or convicted of a felony relating to
21 a controlled substance in a court of law of the United States
22 or any other state, territory, possession or country, or if
23 the individual is or shall become mentally incompetent. An
24 applicant's statement on the application declaring the
25 absence of a conviction shall be deemed satisfactory evidence
26 of the absence of a conviction unless the board has some
27 evidence to the contrary. In enforcing this paragraph, the
28 board shall, upon probable cause, have authority to compel a
29 practitioner to submit to a mental or physical examination by
30 a physician or a psychologist approved by the board. Failure

1 of a practitioner to submit to such examination when directed
2 by the board, unless such failure is due to circumstances
3 beyond the practitioner's control, shall constitute an
4 admission of the allegations against the practitioner
5 consequent upon which a default and final order may be
6 entered without the taking of testimony or presentation of
7 evidence. A practitioner affected under this paragraph shall
8 at reasonable intervals be afforded an opportunity to
9 demonstrate that the practitioner can resume a competent
10 practice of his or her profession with reasonable skill and
11 safety to patients.

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

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

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

23 (13) Acting outside the scope of a license.

24 (14) Making a false or deceptive biennial registration
25 with the board.

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

29 (16) Being enjoined from violating any provision of the
30 act of December 17, 1968 (P.L.1224, No.387), known as the

1 Unfair Trade Practices and Consumer Protection Law, or being
2 subject to a final order of the Federal Trade Commission, the
3 Pennsylvania Department of Health or the Food and Drug
4 Administration of the United States Department of Health and
5 Human Services concerning the sale or offering for sale of
6 unsafe, unhealthful or worthless ophthalmic devices or for
7 engaging in conduct which has the tendency to mislead or
8 deceive.

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

17 Section 14. Procedures in disciplinary actions.

18 (a) Procedure.--All disciplinary actions of the board shall
19 be taken subject to the right of notice, hearing and
20 adjudication and the right of appeal therefrom in accordance
21 with 2 Pa.C.S. (relating to administrative law and procedure).

22 (b) Temporary suspension.--A license issued under this act
23 may be temporarily suspended under circumstances as determined
24 by the board to be an immediate and clear danger to the public
25 health and safety. The board shall issue an order to that effect
26 without a hearing, but upon due notice, to the licensee
27 concerned at his last known address, which shall include a
28 written statement of all allegations against the licensee. The
29 provisions of subsection (a) shall not apply to temporary
30 suspension. The board shall thereupon commence formal action to

1 suspend, revoke or restrict the license of the individual
2 concerned as otherwise provided for in this act. All actions
3 shall be taken promptly and without delay. Within 30 days
4 following the issuance of an order temporarily suspending a
5 license, the board shall conduct or cause to be conducted a
6 preliminary hearing to determine that there is a prima facie
7 case supporting the suspension. The licensee whose license has
8 been temporarily suspended may be present at the preliminary
9 hearing, may be represented by counsel and may cross-examine
10 witnesses, inspect physical evidence, call witnesses, offer
11 evidence and testimony and make a record of the proceedings. If
12 it is determined that there is not a prima facie case, the
13 suspended license shall be immediately restored. The temporary
14 suspension shall remain in effect until vacated by the board,
15 but in no event longer than 180 days.

16 (c) Automatic suspension.--A license issued under this act
17 shall automatically be suspended upon the legal commitment to an
18 institution of a licensee because of mental incompetency from
19 any cause upon filing with the board a certified copy of such
20 commitment, conviction of a felony under the act of April 14,
21 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
22 Device and Cosmetic Act, or conviction of an offense under the
23 laws of another jurisdiction, which, if committed in this
24 Commonwealth, would be a felony.

25 Section 15. Reporting of multiple licensure.

26 Any licensed optician or licensed contact lens technician of
27 this Commonwealth who is also licensed to practice opticianry or
28 contact lens fitting in any other state, territory, possession
29 or country shall report this information to the board on the
30 biennial registration application. Any disciplinary action taken

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

9 Section 16. Display of license or certificate.

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

15 Section 17. Surrender of license.

16 The board shall require an individual whose license has been
17 suspended or revoked to return the license in such manner as the
18 board directs. An individual who fails to do so commits a
19 misdemeanor of the third degree.

20 Section 18. Unlawful acts.

21 An individual commits a misdemeanor of the third degree and
22 shall, upon conviction, be sentenced to pay a fine of not more
23 than \$2,000 or to imprisonment for not more than six months, or
24 both, if the individual commits any act declared unlawful by any
25 other provision of this act, or if the individual:

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

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

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

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

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

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

12 (7) Commits immoral or unprofessional conduct.
13 Unprofessional conduct shall include any departure from, or
14 failure to conform to, the standards of acceptable and
15 prevailing practice of opticianry or contact lens fitting.

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

20 Section 19. Repeals.

21 All acts and parts of acts are repealed insofar as they are
22 inconsistent with this act.

23 Section 20. Effective date.

24 This act shall take effect in 60 days.