

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1123

Introduced by

Human Services Committee

(At the request of the State Board of Optometry)

1 A BILL for an Act to amend and reenact subsections 2 and 3 of section 43-13-02, sections
2 43-13-05, 43-13-06, and 43-13-11, subsection 3 of section 43-13-13.2, subsection 7 of section
3 43-13-22, and section 43-13-28 of the North Dakota Century Code, relating to regulation and
4 licensing of optometrists.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsections 2 and 3 of section 43-13-02 of the North
7 Dakota Century Code are amended and reenacted as follows:

- 8 2. Student interns who are currently enrolled in an optometry school or college
9 accredited by the accreditation council on optometric education of the American
10 optometric association, or its successor agency, or who have graduated no more
11 than three months prior, and are under the immediate and direct supervision of a
12 licensed optometrist.
- 13 3. Physicians and surgeons authorized to practice medicine in this state, ~~except that~~
14 ~~the provisions of section 43-13-28 remain applicable.~~

15 **SECTION 2. AMENDMENT.** Section 43-13-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-13-05. Secretary of board - Duties - Record - Custodian of fees - Report.** The
18 secretary of the board, or the secretary's designee, has the following duties:

- 19 1. Keep a full record of the proceedings of the board.
- 20 2. Be custodian of all fees coming into the possession of the board.
- 21 3. At such times as may be required by the board, furnish a complete statement of
22 receipts and disbursements under oath, together with vouchers, receipts, and such
23 other evidence of the receipts and disbursements as may be required by the board.

1 **SECTION 3. AMENDMENT.** Section 43-13-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-13-06. Secretary of board - Bond.** The secretary of the board, or the secretary's
4 designee in the event the duties have been delegated to another, must be bonded for the
5 faithful discharge of duties in such amount as may be prescribed by the board.

6 **SECTION 4. AMENDMENT.** Section 43-13-11 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-13-11. Records of board.** The record of the proceedings of the board kept by the
9 secretary, or the secretary's designee, at all reasonable times must be open to public
10 inspection. ~~Such~~ The record also must contain, ~~under permanent binding~~, a registry list of all
11 persons licensed by the board, together with renewals and revocations of licenses. The record
12 constitutes the official registry of all persons licensed to practice optometry in this state.

13 **SECTION 5. AMENDMENT.** Subsection 3 of section 43-13-13.2 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 3. The board shall ~~notify~~ provide the board of pharmacy ~~in writing, and on an annual~~
16 ~~basis or when other optometrists are certified, of the specific optometrists certified~~
17 ~~by the board~~ upon request a list of licensed optometrists certified in the use of
18 pharmaceutical agents.

19 **SECTION 6. AMENDMENT.** Subsection 7 of section 43-13-22 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 7. Is engaged in the practice of optometry by being directly or indirectly employed by
22 any person other than ~~one who holds a valid unrevoked license as an optometrist~~
23 ~~in this state and who has an actual legal residence within this state~~ a licensed
24 optometrist, a physician licensed under chapter 43-17, a hospital, or a clinic
25 operated by licensed optometrists.

26 **SECTION 7. AMENDMENT.** Section 43-13-28 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-13-28. Prohibitions.** It is unlawful for any ~~corporation, limited liability company,~~
29 ~~organization, association, group, or individual~~ person who is not the holder of a license to
30 practice optometry, to engage in the practice of optometry, directly or indirectly, by employing or
31 hiring upon a salary, commission, or ~~other basis or by associating upon a lease or any other~~

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- 1 profit-sharing arrangement ~~with a licensed optometrist or licensed physician~~ except as
- 2 permitted by the rules and regulations of the board. The provisions of this section do not apply
- 3 ~~to cooperative or to nonprofit associations or nonprofit corporations~~ a physician licensed under
- 4 chapter 43-17, a hospital, or a clinic operated by licensed optometrists.