

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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, section 43-13-20,  
3 subsection 7 of section 43-13-22, and section 43-13-28 of the North Dakota Century Code,  
4 relating to regulation and 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~~ licensed under chapter 43-17.

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  
24 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.** Section 43-13-20 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21           **43-13-20. Term of license - Renewal - Annual license fee - Continuing educational**  
22 **requirements.** A license to practice optometry in the state may be issued for one year only,  
23 but may be renewed by paying to the secretary of the board, during the month of ~~January~~  
24 December of each year, the license fee for ~~that the following year, and as of January 1, 1974,~~  
25 by submitting satisfactory proof to the board that within the preceding three-year period the  
26 applicant has attended optometric educational programs as required by the board. The board  
27 shall grant an applicant an additional year in which to attend ~~such~~ the education programs if an  
28 applicant furnishes the board with sufficient proof that the applicant has been unable to attend  
29 ~~such~~ the education programs during a year, which proof ~~shall~~ must include a physician's  
30 certificate stating that the applicant was ill and that it would have been hazardous to the  
31 applicant's health to attend ~~such~~ the educational programs. The license fee for each year must

1 be determined annually by the North Dakota state board of optometry and be a reasonable sum  
2 fixed by the board. The board shall adopt reasonable rules ~~which~~ that must state the type of  
3 optometric educational programs which are approved. The board also shall ~~also~~ designate the  
4 number of classroom hours which must be attended, which ~~will~~ must be a reasonable amount  
5 for each three-year period. Any person who does not meet these requirements by ~~February~~  
6 January first of the year in which the license fee becomes due and payable is in default and  
7 may be reinstated by the board upon the payment of an additional sum reasonably fixed by the  
8 board, and upon the acceptance by the board of satisfactory evidence that the person has  
9 sufficiently attended approved optometric educational programs, and upon the compliance with  
10 other reasonable conditions the board may impose. ~~Nothing contained herein requires this~~  
11 section does not require an applicant to become a member of the North Dakota optometric  
12 association or any other association of optometrists.

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

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

20 **SECTION 8. AMENDMENT.** Section 43-13-28 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **43-13-28. Prohibitions.** It is unlawful for any ~~corporation, limited liability company,~~  
23 ~~organization, association, group, or individual~~ person who is not the holder of a license to  
24 practice optometry, to engage in the practice of optometry, directly or indirectly, by employing  
25 or hiring upon a salary, commission, or ~~other basis or by associating upon a lease or any other~~  
26 profit-sharing arrangement ~~with a licensed optometrist or licensed physician~~ except as  
27 permitted by the rules and regulations of the board. The provisions of this section do not apply  
28 to ~~cooperative or to nonprofit associations or nonprofit corporations~~ a physician licensed under  
29 chapter 43-17, a hospital, or a clinic operated by licensed optometrists or by licensed  
30 physicians.