

DECLARATORY ORDER

On October 29, 2007, a hearing was held by the Tennessee Licensing Board for Dispensing Opticians. The purpose of the hearing was to address and answer a petition for a Declaratory Order asking the Licensing Board to answer the following questions:

(1) Can a person who is not licensed or an apprentice optician in Tennessee sell or take orders for prescription contact lenses, or perform any of the duties related to dispensing opticians, which include but are not limited to frame and lens selection for glasses, prescription interpretation and entry, pupillary distance and segment measurements, RX neutralization, fitting and adjusting prescription eyewear, and dispensing prescription eyewear, including plano contact lenses?

(2) Can an apprentice optician perform optician duties described in Question 1 above without the direct supervision of the sponsoring optician?

(3) Must store managers, district managers, regional managers, territorial managers, and other supervisors, officers, and managers of optical chains and dispensaries within Tennessee be licensed opticians?

(4) Can optical employees go into the public sector and solicit business for optometrists by means of verbal communication, business cards, and/or vision screenings?

The petitioner, a Tennessee Licensed Opticians, is asking the Licensing Board to conclude that the answers to questions 1, 2, and 4 are “NO” and that the answer to 3 “YES”.

The TDOA Board and Officers along with other supporting members of your Association attended in support of the Declaratory Order. The Licensing Board for Dispensing Opticians answered the four questions as follows.

1. NO
2. NO
3. Yes, with a modification
4. No

When the results of this Declaratory Order are formally released by the Department of Health, we will make it available to you as soon as possible.

There has been some confusion over the issuing of this Declaratory Order. The Declaratory Order did not create any new laws or alter existing laws. **The Licensing Board simply exercised their authority by declaring a legal right or interpretation, so there would be no misinterpretation of the law. This action by the Licensing Board does not enforce the law. Enforcement will only occur if complaints are filed**

with the Licensing Board. To file a complaint go to the following web site:
<http://health.state.tn.us/Boards/complaints.htm> or call 800-852-2187.