

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Dispensing Opticians

Summary

We evaluated the regulation of dispensing opticians under Chapter 458, *Hawaii Revised Statutes*, and conclude that the public interest is best served by repeal of the statute.

Regulation of dispensing opticians is not needed to protect the public health and safety. Consumer complaints are not significant, federal regulations already ensure product safety, and the narrow scope of the dispensing optician's practice limits risk to the consumer.

Although our two previous evaluations reached similar conclusions, the Legislature chose to reenact the statute and continue regulation. The concern appeared to be that dispensing opticians should be minimally competent. We believe, however, that an acceptable level of competence can be ensured by requiring applicants for a license to pass national examinations in opticianry and contact lenses. Other requirements, such as the practical exam, separate operating certificates for each business site, and restrictions on the term "specialist," serve no useful purpose.

Although its duties are minimal, the board has been unable to carry out what the Legislature last charged it to do--develop a three-year training program and a valid practical exam. The members of the board say that a board provides an unbiased public forum for the occupation and that separate statutory authority gives opticians independence from optometrists and ophthalmologists. Regulatory boards, however, should benefit the consumer; their existence is not justified by professional benefits alone.

Recommendations and Response

We recommend that Chapter 458 be sunsetted. However, if the Legislature chooses to reenact the statute, it should consider eliminating the board and removing unnecessary and restrictive requirements, such as the practical exam, three years' working experience, and separate certificates for each business site.

The board does not agree that the chapter be sunsetted, and it takes strong exception to our recommendation to eliminate the board if

regulation continues. Contrary to our position, the board believes the practice poses potential harm to consumers, although it cited only one incident nationally of a suit alleging improper placement of bifocals.

Background

Dispensing opticians do not examine eyes or prescribe treatment--they are technicians who fill prescriptions issued by eye doctors for glasses and contact lenses. Dispensing opticians fit lenses into frames and adjust the fit for comfort and the correction of vision defects. Opticians work for ophthalmologists or optometrists and for independent optical shops, department stores, and other retail outlets.

Most dispensing opticians learn their skills on the job. Community colleges, trade schools, and manufacturers offer formal training. The Commission of Opticianry Accreditation, an affiliate of the National Academy of Opticianry, accredits the training programs.

In Hawaii, a five-member Board of Dispensing Opticians attached to the Department of Commerce and Consumer Affairs implements the state law regulating opticians. The board is empowered to make rules, license individuals, and certify places of business. Among other requirements, applicants must pass the National Opticianry Competency Examination, the Contact Lens Registry Examination, and also a practical exam given by the board. Those wishing to engage business must have a certificate for each address where business is conducted.

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