

58-16a-305 License -- Exemptions.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included in the definition of the practice of optometry subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) a person who sells contact lenses on prescription provided by a person authorized under state law to practice either optometry or medicine and surgery if the person complies with Section 58-16a-801;
- (2) a person who sells eyeglasses or spectacles as articles of merchandise or who fabricates them from a prescription if the person complies with Subsection 58-16a-801(2), and if the person:
 - (a) does so in the ordinary course of trade from a permanently located and established place of business;
 - (b) does not traffic or attempt to traffic upon assumed skill in testing the eye and adapting lenses according to the test;
 - (c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in the case of an emergency;
 - (d) does not use in the testing of the eyes any lenses or instruments other than the lenses actually sold; and
 - (e) does not give or offer eyeglasses or spectacles as premiums as defined in Section 13-26-2; and
- (3) a person who fits contact lenses under the following conditions:
 - (a) he has a current certification from both the American Board of Opticianry and the National Contact Lens Examiners;
 - (b) he does not give or offer contact lenses as premiums;
 - (c) he does not perform a refraction, over-refraction, or attempt to traffic upon assumed skill in testing the eye;
 - (d) he operates in the ordinary course of trade from a permanently located and established place of business;
 - (e) he performs the work involved in fitting contact lenses himself and does not delegate the contact lens fitting to any other individual who is not qualified under this Subsection (3);
 - (f) he does not use in the testing of the eye any lenses or instruments other than the lenses he actually will sell;
 - (g) he provides services only to a patient who:
 - (i) presents an unexpired contact lens prescription; or
 - (ii) has had an eye examination within the prior six months by an optometrist or ophthalmologist meeting the requirements under Section 58-16a-306;
 - (h) he maintains a copy of the patient's contact lens prescription for not less than seven years;
 - (i) he enters into a written agreement with an optometrist or an ophthalmologist before July 1, 2000, to fit contact lenses prescribed by that optometrist or ophthalmologist;
 - (j) he fits contact lenses for at least two years under the direct supervision of the optometrist or ophthalmologist identified in Subsection (3)(i) before July 1, 2000, as documented in the written agreement; and
 - (k) the optometrist or ophthalmologist described in Subsection (3)(i):
 - (i) ensures that the final contact lens is accurate;
 - (ii) presents a written copy of the prescription to the person fitting the contact lens; and
 - (iii) ensures that a copy of the prescription is provided to the patient, except as provided in Section 58-16a-306.

Amended by Chapter 256, 2012 General Session

