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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** ( *Division 2 enacted by Stats. 1937, Ch. 399.*  )

**CHAPTER 5.5. Registered Dispensing Opticians [2550 - 2568]** ( *Chapter 5.5 added by Stats. 1939, Ch. 955.*  )

**ARTICLE 1.5. Spectacle Lens Dispensing [2559.1 - 2559.4]** ( *Article 1.5 added by Stats. 1986, Ch. 773, Sec. 12.*  )

**2559.1.** (a) An individual shall not fit and adjust spectacle lenses unless that individual complies with the registration requirement of Section 2564.90, and unless either of the following applies:

(1) The individual is a duly registered spectacle lens dispenser as provided in Section 2559.2.

(2) The individual is an unregistered individual who performs the fitting and adjusting under the direct responsibility and supervision of a duly registered spectacle lens dispenser whose certificate of registration is then conspicuously and prominently displayed on the premises.

(b) A supervising registered optician shall be physically present on the registered premises when an unregistered individual fits and adjusts spectacle lenses.

(c) The board shall not take action for a violation of subdivision (b) if either of the following apply:

(1) A supervising registered optician was not physically present on the registered premises due to reasonably unanticipated circumstances, including, but not limited to, illness, injury, family emergency, or the supervising registered optician's termination or resignation, and reasonable action was taken to have another supervising registered optician be physically present on the registered premises.

(2) A supervising registered spectacle lens dispenser was not physically present due to a legally required employee meal or break period.

(*Amended by Stats. 2021, Ch. 630, Sec. 58. (AB 1534) Effective January 1, 2022.*)

**2559.2.** (a) An individual shall apply for registration as a registered spectacle lens dispenser on forms prescribed by the board. The board shall register an individual as a registered spectacle lens dispenser upon satisfactory proof that the individual has passed the registry examination of the American Board of Opticianry or any successor agency to that board. In the event the board should determine, after hearing, that the registry examination is not appropriate to determine entry level competence as a spectacle lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter prescribe or administer a written examination that meets those specifications. If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting spectacle lenses but has maintained their American Board of Opticianry and National Contact Lens Examiners registration or practiced within another state within the last three years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration. Any examination prescribed or administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract for administration of an examination.

(b) The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall issue a certificate to each qualified individual stating that the individual is a registered spectacle lens dispenser.

(d) A registered spectacle lens dispenser is authorized to fit and adjust spectacle lenses at any place of business holding a certificate of registration under Section 2564.93 or at any location where the practice of ophthalmology or optometry is practiced. The certificate of the registered spectacle lens dispenser shall be displayed in a conspicuous place at the place of business where the registered dispenser is fitting and adjusting.

*(Amended by Stats. 2021, Ch. 630, Sec. 59. (AB 1534) Effective January 1, 2022.)*

**2559.3.** A certificate issued to a registered spectacle lens dispenser may, in the discretion of the board, be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1.

Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

*(Amended by Stats. 2016, Ch. 489, Sec. 23. (SB 1478) Effective January 1, 2017.)*

**2559.4.** This article shall not apply to an assistant fitting spectacle lenses pursuant to Section 2544 if the assistant is acting under the direct responsibility and supervision of a physician and surgeon or optometrist who engages in the practice of fitting spectacle lenses for his or her patients.

*(Amended by Stats. 2010, Ch. 604, Sec. 3. (AB 2683) Effective January 1, 2011.)*