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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 2.7. Registered Dispensing Ophthalmic Businesses [2564.90 - 2564.94] (*Article 2.7 heading added by Stats. 2021, Ch. 630, Sec. 66.*)

2564.90. Individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or the Osteopathic Medical Board of California, or optometrists licensed by the California State Board of Optometry for prescription lenses and kindred products shall be known as dispensing ophthalmic businesses and shall not engage in that business unless registered with the California State Board of Optometry.

(*Added by renumbering Section 2550 by Stats. 2021, Ch. 630, Sec. 37. (AB 1534) Effective January 1, 2022.*)

2564.91. (a) Individuals, corporations, and firms shall make application for registration and shall not engage in that business defined in Section 2564.90 before being issued a certificate of registration.

(b) Application for that registration shall be on forms prescribed by the board, shall bear the signature of the individual, or general partners if a partnership, or the president or secretary if a corporation or firm, and shall contain the name under which they propose to do business and the business address.

(c) Corporations and firms shall be organized and exist pursuant to the General Corporation Law (Division 1 (commencing with Section 100) of Title 1 of the Corporations Code) and shall not be limited liability companies within the meaning of Title 2.6 of the Corporations Code.

(d) If applicable, the application shall include a list of officers in the corporation, firm, or partnership and a copy of the articles of incorporation submitted to the Secretary of State.

(e) Separate applications shall be made for each place of business and each application shall be accompanied by the application fee prescribed by Section 2565.

(*Added by renumbering Section 2551 by Stats. 2021, Ch. 630, Sec. 41. (AB 1534) Effective January 1, 2022.*)

2564.92. (a) Each application shall be verified under oath by the person required to sign the application and shall designate the name, address, and direct business telephone number of the applicant's employee who will be responsible for handling customer inquiries and complaints with respect to the business address for which registration is applied. Any changes to this information shall be reported in writing to the board within 14 days.

(b) The applicant shall furnish such additional information or proof, oral or written, which the board may request, including information and proof relating to the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall promptly notify an applicant if, as of the 30th day following the submission of an application under this chapter, the application and supporting documentation are not substantially complete and in proper form. The notification shall be in writing, shall state specifically what documents or other information are to be supplied by the applicant to the board, and shall be sent to the applicant by certified, electronic, or registered mail. Within 30 days of the applicant's submission of the requested documents or information to the board, the board shall notify the applicant by certified, electronic, or registered mail if the board requires additional documents or information.

(*Added by Stats. 2021, Ch. 630, Sec. 67. (AB 1534) Effective January 1, 2022.*)

2564.93. (a) If the board, after investigation, approves the application, it shall register the applicant and issue to the applicant a certificate of dispensing ophthalmic business. A separate certificate of registration shall be required for each address where the business is to be conducted.

(b) A certificate authorizes the applicant, its agents, and employees, acting therefor, to engage in the business defined in Section 2564.90 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560). Only individuals registered with the board pursuant to those sections shall perform those supervisory functions.

(Added by Stats. 2021, Ch. 630, Sec. 68. (AB 1534) Effective January 1, 2022.)

2564.94. (a) If a registered dispensing ophthalmic business sells or transfers ownership of their place of business, both of the following requirements shall be satisfied:

(1) The registered dispensing ophthalmic business selling or transferring ownership of the business shall return the certificate of registration to the board no later than 10 calendar days after the change of ownership is completed. This registered dispensing ophthalmic business shall be responsible for complying with all laws relating to the dispensing ophthalmic business until the notice described in paragraph (2) is received by the board.

(2) The registered dispensing ophthalmic business assuming ownership of the business shall record with the board a written notice of the change of ownership, providing all information required by the board. This notice shall be filed with the board no later than 10 calendar days after the change of ownership is completed.

(3) The registered dispensing ophthalmic business assuming ownership of the business shall apply for a new certificate of registration from the board no later than 10 calendar days after the change of ownership is completed.

(b) This section does not apply to a change of location of business by a registered dispensing optician.

(Added by renumbering Section 2553.1 by Stats. 2021, Ch. 630, Sec. 45. (AB 1534) Effective January 1, 2022.)