

OPTOMETRY:
PHYSICIANS:
GLASSES:

Prescription glasses may be sold or dispensed to the individual who will wear the glasses or anyone of his choosing, and wholesale optical suppliers or manufacturers

are not required to furnish such glasses pursuant to an individual prescription only to licensed optometrists and physicians. Preparing a prescription for corrective glasses constitutes the practice of optometry as defined in Section 336.010, RSMo, and such a prescription may not be altered or changed in any manner that would affect the corrective properties of the lens by anyone other than a licensed optometrist or physician.

OPINION NO. 77
(494 - 1966)

July 25, 1967



Mr. James R. Warrick, O. D.
Office of the President
Missouri State Board of Optometry
P. O. Box 633
Columbia, Missouri 65201

Dear Dr. Warrick:

This is in answer to your request for an opinion of this office which reads as follows:

- "1. Does the ordering of prescription lenses from a laboratory or the altering of a prescription of a licensed optometrist or physician for the purpose of such ordering by a safety director, or lay person, constitute the unlawful practice of optometry?
- "2. Is it unlawful for a wholesale optical supplier or manufacturer to furnish, sell, or dispense prescription glasses pursuant to an individual prescription to the Safety Director or anyone other than a licensed optometrist and/or physician?"

Section 336.020, RSMo, makes it unlawful for any person to practice optometry or attempt to practice optometry without a certificate of registration as a registered optometrist issued by the State Board of Optometry. The scope of the practice of optometry is defined in Section 336.010, RSMo, as follows:

"(1) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presence of defects or abnormal conditions which can be corrected by the use of lenses, prisms or ocular exercises.

"(2) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range of power of vision of the human eye.

"(3) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation. No registered apprentice may independently practice optometry. A registered apprentice may, however, under the immediate personal supervision of a registered optometrist, assist a registered optometrist in the practice of optometry."

Although examining the eye and preparing a prescription for glasses is part of the practice of optometry, preparing the lenses in accordance with the prescription and the sale of prescription glasses is not. *Ketring v. Sturges*, Mo.Sup., 372 S.W.2d 104. A prescription prepared by an optometrist or physician is the property of the patient and he may have it filled by himself or by anyone he chooses including the "safety director" of a plant or a school. Nothing in Section 336.010 or any other statute requires a wholesale optical supplier or manufacturer to furnish, sell or dispense prescription glasses ground to an individual prescription only to a licensed optometrist or physician. Such glasses may be ordered by or furnished to the individual who is to wear the glasses or anyone of his choosing.

However, a prescription may not be altered by anyone other than a registered optometrist or licensed physician in any manner which would change the corrective properties of the lenses. The prescribing of lenses to correct defects or abnormal conditions of the eye is a part of the practice of optometry and any alteration or change may be made only by an authorized practitioner.

CONCLUSION

Prescription glasses may be sold or dispensed to the individual who will wear the glasses or anyone of his choosing, and wholesale optical suppliers or manufacturers are not required to furnish such glasses pursuant to an individual prescription only to licensed optometrists and physicians.

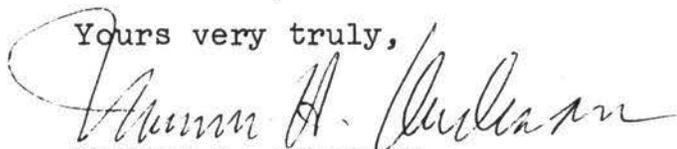
Mr. James R. Warrick, O. D.

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Preparing a prescription for corrective glasses constitutes the practice of optometry as defined in Section 336.010, RSMo, and such a prescription may not be altered or changed in any manner that would affect the corrective properties of the lens by anyone other than a licensed optometrist or physician.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John H. Denman

Yours very truly,

A handwritten signature in cursive script, appearing to read "Norman H. Anderson". The signature is written in dark ink and is positioned above the printed name.

NORMAN H. ANDERSON
Attorney General