

§ 655. Prohibited arrangements between optometrists and..., CA BUS & PROF § 655

West's Annotated California Codes
 Business and Professions Code (Refs & Annos)
 Division 2. Healing Arts (Refs & Annos)
 Chapter 1. General Provisions (Refs & Annos)
 Article 6. Unearned Rebates, Refunds and Discounts (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 655

§ 655. Prohibited arrangements between optometrists and registered dispensing opticians or suppliers of
 optometric appliances or devices

Currentness

(a) No person licensed under Chapter 7 (commencing with [Section 3000](#)) of this division may have any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, with any person licensed under Chapter 5.5 (commencing with [Section 2550](#)) of this division.

(b) No person licensed under Chapter 5.5 (commencing with [Section 2550](#)) of this division may have any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit sharing arrangement in any form directly or indirectly with any person licensed under Chapter 7 (commencing with [Section 3000](#)) of this division.

(c) No person licensed under Chapter 7 (commencing with [Section 3000](#)) of this division may have any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, either by stock ownership, interlocking directors, trusteeship, mortgage, trust deed, or otherwise with any person who is engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, or dispensing opticians of lenses, frames, optical supplies, optometric appliances or devices or kindred products.

Any violation of this section constitutes a misdemeanor as to such person licensed under Chapter 7 (commencing with [Section 3000](#)) of this division and as to any and all persons, whether or not so licensed under this division, who participate with such licensed person in a violation of any provision of this section.

Credits

(Added by Stats.1969, c. 1333, p. 2680, § 1. Amended by Stats.1979, c. 975, p. 3339, § 1, operative Jan. 1, 1983.)

Editors' Notes

VALIDITY

This section was held unconstitutional as a violation of the dormant Commerce Clause in the decision of [National Ass'n of Optometrists & Opticians v. Lockyer, E.D.Cal.2006, 463 F.Supp.2d 1116](#), reversed and remanded [567 F.3d 521](#), on remand [709 F.Supp.2d 968](#).

[Notes of Decisions \(9\)](#)

§ 655. Prohibited arrangements between optometrists and..., CA BUS & PROF § 655

West's Ann. Cal. Bus. & Prof. Code § 655, CA BUS & PROF § 655

Current with urgency legislation through Ch. 70 of 2013 Reg.Sess,

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§ 2556. Unlawful acts, CA BUS & PROF § 2556

West's Annotated California Codes
 Business and Professions Code (Refs & Annos)
 Division 2. Healing Arts (Refs & Annos)
 Chapter 5.5. Registered Dispensing Opticians (Refs & Annos)
 Article 1. General Provisions (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 2556

§ 2556. Unlawful acts

Currentness

It is unlawful to do any of the following: to advertise the furnishing of, or to furnish, the services of a refractionist, an optometrist, or a physician and surgeon; to directly or indirectly employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes; or to duplicate or change lenses without a prescription or order from a person duly licensed to issue the same.

Credits

(Added by Stats.1939, c. 955, p. 2694, § 1. Amended by Stats.1979, c. 653, p. 2012, § 9.)

Editors' Notes

VALIDITY

This section was held unconstitutional as a violation of the dormant Commerce Clause in the decision of [National Ass'n of Optometrists & Opticians v. Lockyer](#), E.D.Cal.2006, 463 F.Supp.2d 1116, reversed and remanded 567 F.3d 521, on remand 709 F.Supp.2d 968.

Notes of Decisions (8)

West's Ann. Cal. Bus. & Prof. Code § 2556, CA BUS & PROF § 2556

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§ 3109. Accepting employment by improper person or..., CA BUS & PROF § 3109

West's Annotated California Codes
 Business and Professions Code (Refs & Annos)
 Division 2. Healing Arts (Refs & Annos)
 Chapter 7. Optometry (Refs & Annos)
 Article 5. Revocation and Suspension (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 3109

§ 3109. Accepting employment by improper person or company; incorporation; employment by ophthalmologist

Effective: January 1, 2006

[Currentness](#)

Directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked license as an optometrist or from any company or corporation constitutes unprofessional conduct. Except as provided in this chapter, no optometrist may, singly or jointly with others, be incorporated or become incorporated when the purpose or a purpose of the corporation is to practice optometry or to conduct the practice of optometry.

The terms "accepting employment to practice optometry" as used in this section shall not be construed so as to prevent a licensed optometrist from practicing optometry upon an individual patient.

Notwithstanding the provisions of this section or the provisions of any other law, a licensed optometrist may be employed to practice optometry by a physician and surgeon who holds a certificate under this division and who practices in the specialty of ophthalmology or by a health care service plan pursuant to the provisions of Chapter 2.2 (commencing with [Section 1340](#)) of Division 2 of the Health and Safety Code.

Credits

(Formerly § 3103, added by Stats.1937, c. 423, p. 1381. Amended by Stats.1970, c. 1265, p. 2283, § 1; Stats.1974, c. 874, p. 1867, § 2; Stats.1979, c. 788, p. 2687, § 6. Renumbered § 3109 and amended by [Stats.2005, c. 393 \(A.B.488\), § 19.](#))

[Notes of Decisions \(9\)](#)

West's Ann. Cal. Bus. & Prof. Code § 3109, CA BUS & PROF § 3109

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§ 1399.251. Advertisement for Eye Examination., 16 CA ADC § 1399.251

Barclays Official California Code of Regulations ^{Currentness}
Title 16. Professional and Vocational Regulations
Division 13.5. Registered Dispensing Opticians of the Medical Board of California
Article 5. Advertising

16 CCR § 1399.251

§ 1399.251. Advertisement for Eye Examination.

It is unprofessional conduct for a registered dispensing optician to advertise a price or fee for a visual eye examination or a complete medical eye examination or to otherwise advertise the furnishing of the services of an optometrist or a physician and surgeon.

Note: Authority cited: Sections 651 and 2558, Business and Professions Code. Reference: Sections 651, 2540, 2556 and 17500, Business and Professions Code.

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16 CCR § 1399.251, 16 CA ADC § 1399.251

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§ 1514. Renting Space from and Practicing on Premises of..., 16 CA ADC § 1514

Barclays Official California Code of Regulations ^{Currentness}
 Title 16. Professional and Vocational Regulations
 Division 15. State Board of Optometry
 Article 3. Professional Rules (Refs & Annos)

16 CCR § 1514

§ 1514. Renting Space from and Practicing on Premises of Commercial (Mercantile) Concern.

Where an optometrist rents or leases space from and practices optometry on the premises of a commercial (mercantile) concern, all of the following conditions shall be met:

- (a) The practice shall be owned by the optometrist and in every phase be under his/her exclusive control. The patient records shall be the sole property of the optometrist and free from any involvement with a person unlicensed to practice optometry. The optometrist shall make every effort to provide for emergency referrals.
- (b) The rented space shall be definite and apart from space occupied by other occupants of the premises and shall have a sign designating that the rented space is occupied by an optometrist or optometrists.
- (c) All signs, advertising, and display shall likewise be separate and distinct from that of the other occupants and have the optometrist's name and the word "optometrist" prominently displayed in connection therewith.
- (d) There shall be no legends as "Optical Department," "Optometrical Department," "Optical Shoppe," or others of similar import, displayed on any part of the premises or in any advertising.
- (e) There shall be no linking of the optometrist's name, or practice, in advertising or in any other manner with that of the commercial (mercantile) concern from whom he/she is leasing space.

Note: Authority cited: [Sections 3025 and 3025.5, Business and Professions Code](#). Reference: [Sections 651 and 3025, Business and Professions Code](#).

HISTORY

- 1. Amendment filed 12-1-83; effective thirtieth day thereafter (Register 83, No. 49).
- 2. Amendment of subsection (b) filed 9-25-2012; operative 10-25-2012 (Register 2012, No. 39).

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16 CCR § 1514, 16 CA ADC § 1514

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