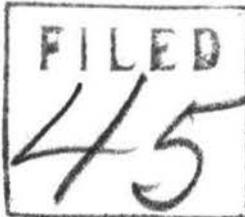


OPTOMETRIST: A registered apprentice may get a new registration certificate under a new sponsor, upon compliance with other applicable laws, when original sponsor has become deceased.

LICENSE RENEWAL:



April 25, 1958

Honorable Norbert J. Jasper
Representative, Franklin County
819 West Second Street
Washington, Missouri

Dear Mr. Jasper:

In your request to this office on April 1st, 1958, for an opinion, you state as your problem the following:

"A registered apprentice is practicing Optometry under a certificate issued in 1941, and renewed each year since, under a sponsorship of a registered Optometrist. The sponsoring Optometrist passed away and two registered Optometrists are now working in this office. Is there any reason why a new student certificate under the sponsorship of one of the now practicing Optometrists should not be issued to the party holding the certificate sponsored by the deceased Optometrist?"

We direct your attention to Section 336.080, RSMo 1949, which reads:

"Every registered optometrist and every registered apprentice who continues in active practice or service, shall, annually, on or before the first day of April, renew his certificate of registration and pay the required renewal fee. Every certificate of

Honorable Norbert J. Jasper

registration which has not been renewed on or before said first day of April shall expire. Any registered optometrist who permits his certificate to expire may renew same within five years of expiration upon payment of the required restoration fee and presentation of satisfactory evidence to the state board of optometry of his attendance during said five years at educational optometric programs, or their equivalent; provided, that said educational programs or said equivalent shall be approved by said board."

We also quote Section 336.020, RSMo 1949:

"After the first day of October, 1921, it shall be 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. After the first day of October, 1943, it shall be unlawful for any person to serve, or attempt to serve as an apprentice under a registered optometrist without a certificate of registration as a registered apprentice issued by the state board of optometry prior to said first day of October, 1943, or renewal of such certificate. No new certificate of registration shall be issued to any apprentice after October 1, 1943."

It is our belief that for the purposes of renewal of a certificate of registration of a registered apprentice it is not necessary as a prerequisite that the signature of the original sponsoring optometrist be required when the inability to obtain such signature is the result of the death of the original sponsoring optometrist. Although the purposes of the statutes cited are evidently to eliminate in the future the possibility of some becoming licensed optometrists without the benefits of a formal training and education as required by the statutes, it is highly improbable that the legislature

Honorable Norbert J. Jasper

would have intended the tenure of one registered as an apprentice to be contingent upon the life expectancy of the original sponsoring optometrist. It would appear that the signature of the sponsoring optometrist is not solely indicative of the capability of the registered apprentice, but is for the purpose of indicating to the licensing board that the one seeking the registration is qualified in the eyes of the sponsor. Given all the other qualifications for the renewal of the registration certificate of the apprentice, it would be an injustice to the individual to deny that renewal merely because the original sponsor became deceased. It should be possible to accomplish a renewal of the certificate of registration with the substitution of the signature of a new sponsor when the original has become deceased, and it is our opinion that it was not the intention of the legislature that this should be prevented.

With respect to the last sentence of Section 336.020, it is our opinion that this was not intended to prevent the renewal of a certificate of registration after October 1, 1943, unless there has been an expiration of the certificate, but was intended to prevent anyone from becoming a registered apprentice who had not so become prior to that date.

CONCLUSION

It is the opinion of this office that when a sponsoring optometrist of a registered apprentice who has complied with the laws applicable to renewal of the certificate of registration has become deceased it will not be a bar to the renewal of the certificate of registration under the sponsorship of another registered optometrist.

Yours very truly,

John M. Dalton
Attorney General

JBS:vlw