
By: Senator Roesser

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Optometrists and Physicians - Contact Lens Prescriptions**

3 FOR the purpose of requiring a licensed optometrist and a licensed physician to ensure
4 that each prescription for certain types of eye lenses meets specified requirements;
5 authorizing a certain patient to request a copy of a contact lens prescription from
6 certain licensees; requiring certain licensees to provide their patients with a copy of
7 a certain prescription containing certain information; providing that certain
8 licensees are exempt from liability for certain injuries to or conditions of their
9 patients; requiring a person who dispenses contact lenses, subject to a certain
10 exception, to dispense the lenses only on receipt of a written prescription;
11 prohibiting, subject to a certain exception, the filling of a prescription for contact
12 lenses through the mail; requiring a person who fills a contact lens prescription to
13 maintain a certain record for a certain period; authorizing the State Board of
14 Examiners in Optometry and the State Board of Physician Quality Assurance to
15 impose a civil fine under certain circumstances; and generally relating to contact
16 lenses prescribed by optometrists and physicians.

17 BY repealing and reenacting, without amendments,
18 Article - Health Occupations
19 Section 11-101(a), (b), and (e) and 14-101(a), (b), and (g)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article - Health Occupations
24 Section 11-404.4 and 14-507
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1996 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article - Health Occupations**

30 11-101.

31 (a) In this title the following words have the meanings indicated.

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1 (b) "Board" means the State Board of Examiners in Optometry.

2 (e) "Licensed optometrist" means, unless the context requires otherwise, an
3 optometrist who is licensed by the Board to practice optometry.

4 11-404.4.

5 (A) A LICENSED OPTOMETRIST SHALL ENSURE THAT EACH PRESCRIPTION
6 THAT THE LICENSED OPTOMETRIST PRESCRIBES FOR CONTACT LENSES OR
7 OPHTHALMIC LENSES:

8 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE
9 PRESCRIPTION TO BE PROPERLY DISPENSED;

10 (2) SPECIFIES WHETHER THE PRESCRIPTION IS FOR CONTACT LENSES
11 OR OPHTHALMIC LENSES;

12 (3) INCLUDES:

13 (I) THE NAME OF THE PATIENT;

14 (II) THE DATE OF THE PRESCRIPTION;

15 (III) THE NAME AND OFFICE LOCATION OF THE LICENSED
16 OPTOMETRIST WHO MAKES THE PRESCRIPTION; AND

17 (IV) THE EXPIRATION DATE OF THE PRESCRIPTION; AND

18 (4) IS REDUCED TO WRITING AND PLACED IN A FILE THAT CONTAINS:

19 (I) A HISTORY OF THE VISUAL PROBLEMS AND CARE OF THE
20 PATIENT;

21 (II) THE RESULTS OF A TEST OF THE ACUITY OF EACH EYE OF THE
22 PATIENT, UNCORRECTED AND WITH BEST CORRECTION;

23 (III) THE RESULTS OF AN EXAMINATION OF THE PATIENT FOR AN
24 ABNORMAL CONDITION OR ANY SIGNIFICANT CHARACTERISTICS OF INTERNAL AND
25 EXTERNAL OCULAR TISSUES;

26 (IV) ANY ADVICE OF THE LICENSED OPTOMETRIST FOR MEDICAL
27 TREATMENT OR REFERRAL OF THE PATIENT, OR BOTH;

28 (V) DATA CONCERNING THE OBJECTIVE AND SUBJECTIVE
29 REFRACTION OF THE EYES OF THE PATIENT; AND

30 (VI) THE RESULTS OF A COVER TEST OR MUSCLE BALANCE TESTS,
31 OR BOTH.

32 (B) (1) AFTER A LICENSED OPTOMETRIST FITS A PATIENT FOR CONTACT
33 LENSES AND RELEASES THE PATIENT FROM IMMEDIATE FOLLOW-UP CARE, THE
34 PATIENT MAY REQUEST A COPY OF THE CONTACT LENS PRESCRIPTION FROM THE
35 LICENSED OPTOMETRIST.

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1 (2) (I) ON REQUEST OF A PATIENT OF A LICENSED OPTOMETRIST,
2 AND WITHOUT COST TO THE PATIENT, THE LICENSED OPTOMETRIST SHALL
3 PROVIDE THE PATIENT WITH A COPY OF THE PRESCRIPTION OF THE PATIENT FOR
4 CONTACT LENSES.

5 (II) THE PRESCRIPTION THAT THE LICENSED OPTOMETRIST
6 PROVIDES THE PATIENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

7 1. SHALL CONTAIN THE INFORMATION NECESSARY FOR
8 THE PROPER DUPLICATION OF THE CURRENT PRESCRIPTION OF THE PATIENT;

9 2. SHALL CONTAIN AN EXPIRATION DATE FOR THE
10 PRESCRIPTION; AND

11 3. MAY CONTAIN FITTING GUIDELINES OR SPECIFIC
12 INSTRUCTIONS FOR USE OF THE CONTACT LENSES BY THE PATIENT, OR BOTH.

13 (C) A LICENSED OPTOMETRIST IS NOT LIABLE FOR AN INJURY TO OR A
14 CONDITION OF A PATIENT OF THE LICENSED OPTOMETRIST THAT RESULTS FROM
15 NEGLIGENCE IN THE PACKAGING, MANUFACTURING, OR DISPENSING OF CONTACT
16 LENSES BY A PERSON OTHER THAN THE LICENSED OPTOMETRIST.

17 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
18 PERSON WHO DISPENSES CONTACT LENSES MAY DISPENSE THE LENSES ONLY ON
19 RECEIPT OF A WRITTEN PRESCRIPTION.

20 (2) A LICENSED OPTOMETRIST MAY DISPENSE CONTACT LENSES
21 WITHOUT A WRITTEN PRESCRIPTION FOR THOSE LENSES IF THE PRESCRIPTION IS
22 OTHERWISE AUTHORIZED BY A LICENSED PHYSICIAN OR ANOTHER LICENSED
23 OPTOMETRIST.

24 (E) EXCEPT FOR A LICENSED OPTOMETRIST WHO HAS PREVIOUSLY SEEN A
25 PATIENT, A LICENSED OPTOMETRIST:

26 (1) MAY NOT FILL A PRESCRIPTION FOR CONTACT LENSES FOR THAT
27 PATIENT THROUGH THE MAIL; BUT

28 (2) MUST FILL THAT PRESCRIPTION ONLY BY PERSONALLY DISPENSING
29 THE CONTACT LENSES TO THE PATIENT.

30 (F) A PERSON WHO FILLS A CONTACT LENS PRESCRIPTION SHALL MAINTAIN
31 A RECORD OF THAT PRESCRIPTION FOR 6 YEARS.

32 (G) THE BOARD MAY IMPOSE A CIVIL FINE OF NOT LESS THAN \$250 NOR MORE
33 THAN \$1,000 ON A LICENSED OPTOMETRIST OR OTHER PERSON WHO IMPROPERLY
34 FILLS A PRESCRIPTION FOR CONTACT LENSES OR FILLS AN EXPIRED PRESCRIPTION
35 FOR CONTACT LENSES.

36 14-101.

37 (a) In this title the following words have the meanings indicated.

38 (b) "Board" means the State Board of Physician Quality Assurance.

4

1 (g) "Licensed physician" means, unless the context requires otherwise, a
2 physician, including a doctor of osteopathy, who is licensed by the Board to practice
3 medicine.

4 14-507.

5 (A) A LICENSED PHYSICIAN SHALL ENSURE THAT EACH PRESCRIPTION THAT
6 THE LICENSED PHYSICIAN PRESCRIBES FOR CONTACT LENSES OR OPHTHALMIC
7 LENSES:

8 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE
9 PRESCRIPTION TO BE PROPERLY DISPENSED;

10 (2) SPECIFIES WHETHER THE PRESCRIPTION IS FOR CONTACT LENSES
11 OR OPHTHALMIC LENSES;

12 (3) INCLUDES:

13 (I) THE NAME OF THE PATIENT;

14 (II) THE DATE OF THE PRESCRIPTION;

15 (III) THE NAME AND OFFICE LOCATION OF THE LICENSED
16 PHYSICIAN WHO MAKES THE PRESCRIPTION; AND

17 (IV) THE EXPIRATION DATE OF THE PRESCRIPTION; AND

18 (4) IS REDUCED TO WRITING AND PLACED IN A FILE THAT CONTAINS:

19 (I) A HISTORY OF THE VISUAL PROBLEMS AND CARE OF THE
20 PATIENT;

21 (II) THE RESULTS OF A TEST OF THE ACUITY OF EACH EYE OF THE
22 PATIENT, UNCORRECTED AND WITH BEST CORRECTION;

23 (III) THE RESULTS OF AN EXAMINATION OF THE PATIENT FOR AN
24 ABNORMAL CONDITION OR ANY SIGNIFICANT CHARACTERISTICS OF INTERNAL AND
25 EXTERNAL OCULAR TISSUES;

26 (IV) ANY ADVICE OF THE LICENSED OPTOMETRIST FOR MEDICAL
27 TREATMENT OR REFERRAL OF THE PATIENT, OR BOTH;

28 (V) DATA CONCERNING THE OBJECTIVE AND SUBJECTIVE
29 REFRACTION OF THE EYES OF THE PATIENT; AND

30 (VI) THE RESULTS OF A COVER TEST OR MUSCLE BALANCE TESTS,
31 OR BOTH.

32 (B) (1) AFTER A LICENSED PHYSICIAN FITS A PATIENT FOR CONTACT
33 LENSES AND RELEASES THE PATIENT FROM IMMEDIATE FOLLOW-UP CARE, THE
34 PATIENT MAY REQUEST A COPY OF THE CONTACT LENS PRESCRIPTION FROM THE
35 LICENSED PHYSICIAN.

36 (2) (I) ON REQUEST OF A PATIENT OF A LICENSED PHYSICIAN, AND
37 WITHOUT COST TO THE PATIENT, THE LICENSED PHYSICIAN SHALL PROVIDE THE

5

1 PATIENT WITH A COPY OF THE PRESCRIPTION OF THE PATIENT FOR CONTACT
2 LENSES.

3 (II) THE PRESCRIPTION THAT THE LICENSED PHYSICIAN PROVIDES
4 THE PATIENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

5 1. SHALL CONTAIN THE INFORMATION NECESSARY FOR
6 THE PROPER DUPLICATION OF THE CURRENT PRESCRIPTION OF THE PATIENT;

7 2. SHALL CONTAIN AN EXPIRATION DATE FOR THE
8 PRESCRIPTION; AND

9 3. MAY CONTAIN FITTING GUIDELINES OR SPECIFIC
10 INSTRUCTIONS FOR USE OF THE CONTACT LENSES BY THE PATIENT, OR BOTH.

11 (C) A LICENSED PHYSICIAN IS NOT LIABLE FOR AN INJURY TO OR A
12 CONDITION OF A PATIENT OF THE LICENSED PHYSICIAN THAT RESULTS FROM
13 NEGLIGENCE IN THE PACKAGING, MANUFACTURING, OR DISPENSING OF CONTACT
14 LENSES BY A PERSON OTHER THAN THE LICENSED PHYSICIAN.

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19 A WRITTEN PRESCRIPTION FOR THOSE LENSES IF THE PRESCRIPTION IS OTHERWISE
20 AUTHORIZED BY A LICENSED OPTOMETRIST OR BY ANOTHER LICENSED PHYSICIAN.

21 (E) EXCEPT FOR A LICENSED PHYSICIAN WHO HAS PREVIOUSLY SEEN A
22 PATIENT, A LICENSED PHYSICIAN:

23 (1) MAY NOT FILL A PRESCRIPTION FOR CONTACT LENSES FOR THAT
24 PATIENT THROUGH THE MAIL; BUT

25 (2) MUST FILL THAT PRESCRIPTION ONLY BY PERSONALLY DISPENSING
26 THE CONTACT LENSES TO THE PATIENT.

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29 (G) THE BOARD MAY IMPOSE A CIVIL FINE OF NOT LESS THAN \$250 NOR MORE
30 THAN \$1,000 ON A LICENSED PHYSICIAN OR OTHER PERSON WHO IMPROPERLY FILLS
31 A PRESCRIPTION FOR CONTACT LENSES OR FILLS AN EXPIRED PRESCRIPTION FOR
32 CONTACT LENSES.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997.