

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 632

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “meet” and substitute “meets”; in lines 6 and 8, in each instance, strike “a copy of”; in line 10, after “patients” insert “under certain circumstances”; strike beginning with “requiring” in line 10 down through “prescription;” in line 11; in line 14, after “fine” insert “and utilize certain enforcement proceedings”; and in line 15, after “circumstances;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, in line 2, strike “DUPLICATING” and substitute “PROVIDING”; in line 25, after “(1)” insert “(I)”; after line 27, insert:

“(II) IF, AFTER EXAMINATION, THE PATIENT’S PRESCRIPTION HAS NOT CHANGED SINCE THE LAST EXAMINATION, A LICENSED OPTOMETRIST SHALL COMPLY WITH THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION WITHOUT REQUIRING THE PATIENT TO PURCHASE CONTACT LENSES OR TO UNDERGO IMMEDIATE FOLLOW-UP CARE.”;

strike in their entirety lines 28 through 31, inclusive; in line 32, strike “(II)” and substitute “(2)(I)”; in the same line, strike “WRITTEN”; in line 34, strike “TO A NAMED AGENT OF THE PATIENT A COPY OF”; in line 35, after “PRESCRIPTION” insert “TO THE PATIENT OR THE PATIENT’S DESIGNEE”; and after line 35, insert:

“(II) IN RESPONDING TO A REQUEST UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, A LICENSED OPTOMETRIST SHALL TRANSMIT THE CONTACT LENS PRESCRIPTION BY MAIL, TELEPHONE, FACSIMILE, E-MAIL, OR ANY OTHER MEANS OF COMMUNICATION THAT WILL, UNDER NORMAL CIRCUMSTANCES, RESULT IN THE DESIGNEE RECEIVING THE INFORMATION WITHIN 7 BUSINESS DAYS

(Over)

AFTER THE PATIENT’S REQUEST.”.

AMENDMENT NO. 3

On page 3, in line 6, after “CONTAIN” insert “, SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION,”; in line 7, strike “MORE THAT 2 YEARS” and substitute “LESS THAN 18 MONTHS”; in line 12, strike the first “FOR” and substitute “THE”; in line 13, after “WRITTEN” insert “AND ORAL”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(E) WHEN A PATIENT’S PRESCRIPTION IS DISPENSED BY A PERSON OTHER THAN THE LICENSED OPTOMETRIST OR A PERSON ASSOCIATED DIRECTLY OR INDIRECTLY WITH THE LICENSED OPTOMETRIST, THE LICENSED OPTOMETRIST IS NOT LIABLE FOR ANY INJURY TO OR CONDITION OF A PATIENT CAUSED SOLELY BY THE NEGLIGENCE OF THE DISPENSER.”;

strike in their entirety lines 25 through 27, inclusive; in line 28, strike “(H)” and substitute “(G)(1)”; in the same line, after “FILLS” insert “OR PROVIDES”; and after line 30, insert:

“(2) A PERSON OTHER THAN A LICENSED OPTOMETRIST WHO FILLS A CONTACT LENS PRESCRIPTION SHALL MAINTAIN A RECORD OF THAT PRESCRIPTION FOR 5 YEARS.”.

AMENDMENT NO. 4

On page 3, in line 31, strike “(I)” and substitute “(H)”; strike beginning with “DISPENSES” in line 32 down through “LENSES” in line 34 and substitute “FAILS TO PROVIDE A REPLACEMENT CONTACT LENS PRESCRIPTION OR WHO KNOWINGLY DISPENSES CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT LENS PRESCRIPTION, OR WHO OTHERWISE FAILS TO COMPLY WITH THIS TITLE”; and strike in their entirety lines 36 through 39, inclusive.

On page 4, strike in their entirety lines 1 through 9, inclusive, and substitute:

“(A) KNOWINGLY SELLING OR DISPENSING REPLACEMENT CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT LENS PRESCRIPTION SHALL BE CONSIDERED A VIOLATION OF THIS TITLE.” ;

in lines 10 and 16, strike “(D)” and “(E)”, respectively, and substitute “(B)” and “(C)”, respectively; in line 10, after “OF” insert “THIS SECTION OR”; and in line 14, strike “ATTEMPT TO”.

AMENDMENT NO. 5

On page 4, in line 24, strike “DUPLICATING” and substitute “PROVIDING”.

On page 5, in line 11, after “(1)” insert “(I)”; in the same line, strike “OPTOMETRIST” and substitute “PHYSICIAN”; after line 13, insert:

“(II) IF, AFTER EXAMINATION, THE PATIENT’S PRESCRIPTION HAS NOT CHANGED SINCE THE LAST EXAMINATION, A LICENSED PHYSICIAN SHALL COMPLY WITH THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION WITHOUT REQUIRING THE PATIENT TO PURCHASE CONTACT LENSES OR TO UNDERGO IMMEDIATE FOLLOW-UP CARE.”;

strike in their entirety lines 14 through 17, inclusive; in line 18, strike “(II)” and substitute “(2)(I)”; in the same line, strike “WRITTEN”; in line 20, strike “TO A NAMED AGENT OF THE PATIENT A COPY OF”; in line 21, after “PRESCRIPTION” insert “TO THE PATIENT OR THE PATIENT’S DESIGNEE”; after line 21, insert:

“(II) IN RESPONDING TO A REQUEST UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, A LICENSED PHYSICIAN SHALL TRANSMIT THE CONTACT LENS PRESCRIPTION BY MAIL, TELEPHONE, FACSIMILE, E-MAIL, OR ANY OTHER MEANS OF COMMUNICATION THAT WILL, UNDER NORMAL CIRCUMSTANCES, RESULT IN THE DESIGNEE RECEIVING THE INFORMATION WITHIN 7 BUSINESS DAYS AFTER THE PATIENT’S REQUEST.”;

in line 27, after “CONTAIN” insert “, SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION,”; in line 28, strike “MORE THAN 2 YEARS” and substitute “LESS THAN 18 MONTHS”; in line 33, strike the first “FOR” and substitute “THE”; and in line 34, after “WRITTEN” insert “AND ORAL”.

On page 6, strike in their entirety lines 1 through 4, inclusive, and substitute:

“(E) WHEN A PATIENT’S PRESCRIPTION IS DISPENSED BY A PERSON OTHER

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THAN THE LICENSED PHYSICIAN OR A PERSON ASSOCIATED DIRECTLY OR INDIRECTLY WITH THE LICENSED PHYSICIAN, THE LICENSED PHYSICIAN IS NOT LIABLE FOR ANY INJURY TO OR CONDITION OF A PATIENT CAUSED SOLELY BY THE NEGLIGENCE OF THE DISPENSER.”;

strike in their entirety lines 11 through 13, inclusive; in line 14, strike “(H)” and substitute “(G)(1)”; in the same line, after “FILLS” insert “OR PROVIDES”; and after line 16, insert:

“(2) A PERSON OTHER THAN A LICENSED PHYSICIAN WHO FILLS A CONTACT LENS PRESCRIPTION SHALL MAINTAIN A RECORD OF THAT PRESCRIPTION FOR 5 YEARS.”.

AMENDMENT NO. 6

On page 6, in line 17, strike “(I)” and substitute “(H)”; strike beginning with “DISPENSES” in line 18 down through “LENSES” in line 20 and substitute “FAILS TO PROVIDE A REPLACEMENT CONTACT LENS PRESCRIPTION OR WHO KNOWINGLY DISPENSES CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT LENS PRESCRIPTION, OR WHO OTHERWISE FAILS TO COMPLY WITH THIS TITLE”; strike in their entirety lines 22 through 33, inclusive, and substitute:

“(A) KNOWINGLY SELLING OR DISPENSING REPLACEMENT CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT LENS PRESCRIPTION SHALL BE CONSIDERED A VIOLATION OF THIS TITLE.” ;

in lines 34 and 37, strike “(D)” and “(E)”, respectively, and substitute “(B)” and “(C)”, respectively; in line 34, after the first “OF” insert “THIS SECTION OR”; and in line 35, strike “ATTEMPT TO”.

AMENDMENT NO. 7

On page 6, after line 38, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to affect, alter, or modify in any way the decision in, or result of, Board of Examiners in Optometry, et al v. Richard Spitz, Jr., 300 Md. 466, 479 A. 2d 363 (1983).”.

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On page 7, in line 1, strike "2." and substitute "3.".