

SENATE BILL 632

Unofficial Copy  
J2

1998 Regular Session  
(8r1996)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senators Roesser, Hollinger, Stoltzfus, and McCabe**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of requiring licensed optometrists and physicians to ensure that  
4 each prescription for certain types of contact lenses ~~meet~~ meets certain  
5 requirements; specifying requirements for the dispensing of replacement contact  
6 lenses; authorizing a certain patient to request ~~a copy of~~ a contact lens  
7 prescription from certain licensees; requiring certain licensees to provide their  
8 patients with ~~a copy of~~ a prescription containing certain information; specifying  
9 that certain licensees are exempt from liability for certain injuries to or  
10 conditions of their patients under certain circumstances; ~~requiring a person who~~  
11 ~~dispenses contact lenses to dispense replacement lenses only upon receipt of a~~  
12 ~~written prescription~~; requiring a person who dispenses contact lenses to  
13 maintain certain records for a certain time period; authorizing the State Board  
14 of Examiners in Optometry and the State Board of Physician Quality Assurance  
15 to impose a civil fine and utilize certain enforcement proceedings under certain  
16 circumstances; providing for the construction of this Act; and generally relating  
17 to the prescription and dispensing of replacement contact lenses.

1 BY adding to  
2 Article - Health Occupations  
3 Section 11-404.4, 11-504, 14-507, and 14-608  
4 Annotated Code of Maryland  
5 (1994 Replacement Volume and 1997 Supplement)

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

8 **Article - Health Occupations**

9 11-404.4.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) "REPLACEMENT CONTACT LENS PRESCRIPTION" MEANS A  
13 PRESCRIPTION PREPARED BY A LICENSED OPTOMETRIST CONTAINING THE  
14 INFORMATION SPECIFIED IN THIS SECTION AND WRITTEN EXPRESSLY FOR THE  
15 PURPOSE OF ~~DUPLICATING~~ PROVIDING LENSES WHICH HAVE ALREADY BEEN  
16 PROPERLY FITTED.

17 (3) "IMMEDIATE FOLLOW-UP CARE" IS THAT PERIOD OF CONTACT LENS  
18 FITTING TIME REQUIRED TO REACH A CONTACT LENS PRESCRIPTION THAT IS  
19 APPROPRIATE TO THE DOCUMENTED CLINICAL NEEDS OF THE PATIENT.

20 (B) A LICENSED OPTOMETRIST SHALL ENSURE THAT EACH REPLACEMENT  
21 CONTACT LENS PRESCRIPTION THAT THE LICENSED OPTOMETRIST PRESCRIBES FOR  
22 CONTACT LENSES:

23 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE  
24 REPLACEMENT CONTACT LENS PRESCRIPTION TO BE PROPERLY DISPENSED,  
25 INCLUDING BUT NOT LIMITED TO THE:

26 (I) LENS MANUFACTURER;

27 (II) TYPE OF LENS;

28 (III) POWER OF THE LENS;

29 (IV) BASE CURVE;

30 (V) LENS SIZE;

31 (VI) NAME OF THE PATIENT;

32 (VII) DATE THE PRESCRIPTION WAS GIVEN TO THE PATIENT;

33 (VIII) NAME AND OFFICE LOCATION OF THE LICENSED OPTOMETRIST  
34 WHO WRITES THE REPLACEMENT CONTACT LENS PRESCRIPTION; AND

1 (IX) EXPIRATION DATE OF THE REPLACEMENT CONTACT LENS  
2 PRESCRIPTION; AND

3 (2) IS REDUCED TO WRITING AND PLACED IN THE PATIENT'S  
4 PERMANENT FILE.

5 (C) (1) (I) AFTER A LICENSED OPTOMETRIST RELEASES THE PATIENT  
6 FROM IMMEDIATE FOLLOW-UP CARE, THE PATIENT MAY REQUEST THE  
7 REPLACEMENT CONTACT LENS PRESCRIPTION FROM THE LICENSED OPTOMETRIST.

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

13 ~~(2) (I) ON THE REQUEST OF A PATIENT OF A LICENSED OPTOMETRIST,~~  
14 ~~AND WITHOUT COST TO THE PATIENT, THE LICENSED OPTOMETRIST SHALL PROVIDE~~  
15 ~~TO A NAMED AGENT OF THE PATIENT A COPY OF THE PATIENT'S REPLACEMENT~~  
16 ~~CONTACT LENS PRESCRIPTION.~~

17 ~~(H) (2) (I) UPON THE WRITTEN REQUEST OF A PATIENT OF A~~  
18 ~~LICENSED OPTOMETRIST, AND WITHOUT COST TO THE PATIENT, THE LICENSED~~  
19 ~~OPTOMETRIST SHALL PROVIDE TO A NAMED AGENT OF THE PATIENT A COPY OF THE~~  
20 ~~PATIENT'S REPLACEMENT CONTACT LENS PRESCRIPTION TO THE PATIENT OR THE~~  
21 ~~PATIENT'S DESIGNEE.~~

22 (II) IN RESPONDING TO A REQUEST UNDER PARAGRAPH (1)(I) OF  
23 THIS SUBSECTION, A LICENSED OPTOMETRIST SHALL TRANSMIT THE CONTACT LENS  
24 PRESCRIPTION BY MAIL, TELEPHONE, FACSIMILE, E-MAIL, OR ANY OTHER MEANS OF  
25 COMMUNICATION THAT WILL, UNDER NORMAL CIRCUMSTANCES, RESULT IN THE  
26 DESIGNEE RECEIVING THE INFORMATION WITHIN 7 BUSINESS DAYS AFTER THE  
27 PATIENT'S REQUEST.

28 (III) THE REPLACEMENT CONTACT LENS PRESCRIPTION THAT THE  
29 LICENSED OPTOMETRIST PROVIDES THE PATIENT UNDER SUBPARAGRAPH (I) OF  
30 THIS PARAGRAPH:

31 1. SHALL CONTAIN THE INFORMATION NECESSARY FOR THE  
32 PROPER DUPLICATION OF THE CURRENT PRESCRIPTION OF THE PATIENT;

33 2. SHALL CONTAIN, SUBJECT TO THE PROVISIONS OF  
34 SUBSECTION (D) OF THIS SECTION, AN EXPIRATION DATE FOR THE REPLACEMENT  
35 CONTACT LENS PRESCRIPTION OF NOT MORE THAN 2 YEARS LESS THAN 18 MORE  
36 THAN 24 MONTHS FROM THE TIME THE PATIENT WAS FIRST EXAMINED; AND

37 3. MAY CONTAIN WEARING GUIDELINES OR SPECIFIC  
38 INSTRUCTIONS FOR USE OF THE CONTACT LENSES BY THE PATIENT, OR BOTH.

1 (D) THE LICENSED OPTOMETRIST SHALL ENTER INTO THE PATIENT'S  
2 MEDICAL RECORD ~~FOR~~ THE VALID CLINICAL REASONS FOR A SHORTER EXPIRATION  
3 DATE AND SHALL PROVIDE THE PATIENT WITH A WRITTEN AND ORAL EXPLANATION  
4 OF THE CLINICAL REASONS FOR A SHORTER EXPIRATION DATE.

5 ~~(E) A LICENSED OPTOMETRIST IS NOT LIABLE FOR AN INJURY TO OR A~~  
6 ~~CONDITION OF A PATIENT OF THE LICENSED OPTOMETRIST THAT RESULTS FROM~~  
7 ~~NEGLIGENCE IN THE PACKAGING, MANUFACTURING, OR DISPENSING OF CONTACT~~  
8 ~~LENSES BY A PERSON OTHER THAN THE LICENSED OPTOMETRIST.~~

9 (E) WHEN A PATIENT'S PRESCRIPTION IS DISPENSED BY A PERSON OTHER  
10 THAN THE LICENSED OPTOMETRIST OR A PERSON ASSOCIATED DIRECTLY OR  
11 INDIRECTLY WITH THE LICENSED OPTOMETRIST, THE LICENSED OPTOMETRIST IS  
12 NOT LIABLE FOR ANY INJURY TO OR CONDITION OF A PATIENT CAUSED SOLELY BY  
13 THE NEGLIGENCE OF THE DISPENSER.

14 (F) A LICENSED OPTOMETRIST WHO RELEASES A REPLACEMENT CONTACT  
15 LENS PRESCRIPTION TO A PATIENT MAY PROVIDE THE PATIENT WITH A WRITTEN  
16 STATEMENT THAT WEARING IMPROPERLY FITTED CONTACT LENSES MAY CAUSE  
17 HARM TO THE PATIENT'S EYES AND THAT THE PATIENT SHOULD HAVE AN EYE  
18 EXAMINATION IF THERE ARE ANY CHANGES IN THE PATIENT'S VISION, INCLUDING  
19 PAIN OR VISION LOSS.

20 ~~(G) A PERSON WHO DISPENSES REPLACEMENT CONTACT LENSES MAY~~  
21 ~~DISPENSE THEM UPON RECEIPT OF A WRITTEN, VALID, AND UNEXPIRED~~  
22 ~~REPLACEMENT CONTACT LENS PRESCRIPTION.~~

23 ~~(H)~~ (G) (1) A LICENSED OPTOMETRIST WHO FILLS OR PROVIDES A  
24 CONTACT LENS PRESCRIPTION SHALL MAINTAIN A RECORD OF THAT PRESCRIPTION  
25 IN ACCORDANCE WITH § 4-403 OF THE HEALTH - GENERAL ARTICLE.

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

29 ~~(H)~~ (H) THE BOARD MAY IMPOSE A CIVIL FINE OF NO MORE THAN \$1,000 ON  
30 A LICENSED OPTOMETRIST WHO DISPENSES CONTACT LENSES WITHOUT A  
31 REPLACEMENT CONTACT LENS PRESCRIPTION OR FILLS AN EXPIRED REPLACEMENT  
32 CONTACT LENS PRESCRIPTION FOR CONTACT LENSES FAILS TO PROVIDE A  
33 REPLACEMENT CONTACT LENS PRESCRIPTION OR WHO KNOWINGLY DISPENSES  
34 CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT  
35 LENS PRESCRIPTION, OR WHO OTHERWISE FAILS TO COMPLY WITH THIS TITLE.

36 11-504.

37 ~~(A) A PERSON MAY NOT SELL OR DISPENSE REPLACEMENT CONTACT LENSES~~  
38 ~~BY MAIL WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT CONTACT~~  
39 ~~LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A LICENSED~~  
40 ~~PHYSICIAN.~~

1 ~~(B) THE SELLING OR DISPENSING OF REPLACEMENT CONTACT LENSES BY~~  
2 ~~MAIL BY ANY PERSON WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT~~  
3 ~~CONTACT LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A~~  
4 ~~LICENSED PHYSICIAN SHALL BE CONSIDERED AN UNLAWFUL PRACTICE OF~~  
5 ~~OPTOMETRY.~~

6 ~~(C) ANY PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS~~  
7 ~~SUBJECT TO A FINE BY THE STATE BOARD OF EXAMINERS IN OPTOMETRY NOT~~  
8 ~~EXCEEDING \$500 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$1,000 FOR THE~~  
9 ~~SECOND OR SUBSEQUENT OFFENSE.~~

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

13 ~~(D)~~ (B) THE BOARD SHALL INVESTIGATE ANY ALLEGED VIOLATION OF THIS  
14 SECTION OR § 11-404.4 OF THIS TITLE AND MAY, NOTWITHSTANDING § 11-205 OF THIS  
15 TITLE:

16 (1) ISSUE SUBPOENAS, ADMINISTER OATHS, AND EXAMINE WITNESSES;  
17 AND

18 (2) ~~ATTEMPT TO ENFORCE~~ ANY PROVISION OF THIS TITLE BY  
19 INJUNCTION OR OTHER APPROPRIATE PROCEEDINGS.

20 ~~(E)~~ (C) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT  
21 INSTEAD OF CRIMINAL PROSECUTION UNDER § 11-505 OF THIS SUBTITLE.

22 14-507.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "REPLACEMENT CONTACT LENS PRESCRIPTION" MEANS A  
26 PRESCRIPTION PREPARED BY A LICENSED PHYSICIAN CONTAINING THE  
27 INFORMATION SPECIFIED IN THIS SECTION AND WRITTEN EXPRESSLY FOR THE  
28 PURPOSE OF ~~DUPLICATING~~ PROVIDING LENSES WHICH HAVE ALREADY BEEN  
29 PROPERLY FITTED.

30 (3) "IMMEDIATE FOLLOW-UP CARE" IS THAT PERIOD OF CONTACT LENS  
31 FITTING TIME REQUIRED TO REACH A CONTACT LENS PRESCRIPTION THAT IS  
32 APPROPRIATE TO THE DOCUMENTED CLINICAL NEEDS OF THE PATIENT.

33 (B) A LICENSED PHYSICIAN SHALL ENSURE THAT EACH REPLACEMENT  
34 CONTACT LENS PRESCRIPTION THAT THE LICENSED OPTOMETRIST PRESCRIBES FOR  
35 CONTACT LENSES:

36 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE  
37 REPLACEMENT CONTACT LENS PRESCRIPTION TO BE PROPERLY DISPENSED,  
38 INCLUDING BUT NOT LIMITED TO THE:

- 1 (I) LENS MANUFACTURER;  
2 (II) TYPE OF LENS;  
3 (III) POWER OF THE LENS;  
4 (IV) BASE CURVE;  
5 (V) LENS SIZE;  
6 (VI) NAME OF THE PATIENT;  
7 (VII) DATE THE PRESCRIPTION WAS GIVEN TO THE PATIENT;  
8 (VIII) NAME AND OFFICE LOCATION OF THE LICENSED PHYSICIAN  
9 WHO WRITES THE REPLACEMENT CONTACT LENS PRESCRIPTION; AND  
10 (IX) EXPIRATION DATE OF THE REPLACEMENT CONTACT LENS  
11 PRESCRIPTION; AND

12 (2) IS REDUCED TO WRITING AND PLACED IN THE PATIENT'S  
13 PERMANENT FILE.

14 (C) (1) (I) AFTER A LICENSED ~~OPTOMETRIST~~ PHYSICIAN RELEASES THE  
15 PATIENT FROM IMMEDIATE FOLLOW-UP CARE, THE PATIENT MAY REQUEST THE  
16 REPLACEMENT CONTACT LENS PRESCRIPTION FROM THE LICENSED PHYSICIAN.

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

22 ~~(2) (4) ON THE REQUEST OF A PATIENT OF A LICENSED PHYSICIAN,~~  
23 ~~AND WITHOUT COST TO THE PATIENT, THE LICENSED PHYSICIAN SHALL PROVIDE TO~~  
24 ~~A NAMED AGENT OF THE PATIENT A COPY OF THE PATIENT'S REPLACEMENT~~  
25 ~~CONTACT LENS PRESCRIPTION.~~

26 ~~(4) (2) (I)~~ (I) UPON THE ~~WRITTEN~~ REQUEST OF A PATIENT OF A  
27 LICENSED PHYSICIAN, AND WITHOUT COST TO THE PATIENT, THE LICENSED  
28 PHYSICIAN SHALL PROVIDE ~~TO A NAMED AGENT OF THE PATIENT A COPY OF THE~~  
29 PATIENT'S REPLACEMENT CONTACT LENS PRESCRIPTION TO THE PATIENT OR THE  
30 PATIENT'S DESIGNEE.

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

1 (III) THE REPLACEMENT CONTACT LENS PRESCRIPTION THAT THE  
2 LICENSED PHYSICIAN PROVIDES THE PATIENT UNDER SUBPARAGRAPH (I) OF THIS  
3 PARAGRAPH:

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

6 2. SHALL CONTAIN, SUBJECT TO THE PROVISIONS OF  
7 SUBSECTION (D) OF THIS SECTION, AN EXPIRATION DATE FOR THE REPLACEMENT  
8 CONTACT LENS PRESCRIPTION OF NOT ~~MORE THAN 2 YEARS~~ LESS THAN 18 MORE  
9 THAN 24 MONTHS FROM THE TIME THE PATIENT WAS FIRST EXAMINED; AND

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

12 (D) THE LICENSED PHYSICIAN SHALL ENTER INTO THE PATIENT'S MEDICAL  
13 RECORD ~~FOR THE~~ VALID CLINICAL REASONS FOR A SHORTER EXPIRATION DATE AND  
14 SHALL PROVIDE THE PATIENT WITH A WRITTEN AND ORAL EXPLANATION OF THE  
15 CLINICAL REASONS FOR A SHORTER EXPIRATION DATE.

16 ~~(E) A LICENSED PHYSICIAN IS NOT LIABLE FOR AN INJURY TO OR A~~  
17 ~~CONDITION OF A PATIENT OF THE LICENSED PHYSICIAN THAT RESULTS FROM~~  
18 ~~NEGLIGENCE IN THE PACKAGING, MANUFACTURING, OR DISPENSING OF CONTACT~~  
19 ~~LENSES BY A PERSON OTHER THAN THE LICENSED PHYSICIAN.~~

20 ~~(E) WHEN A PATIENT'S PRESCRIPTION IS DISPENSED BY A PERSON OTHER~~  
21 ~~THAN THE LICENSED PHYSICIAN OR A PERSON ASSOCIATED DIRECTLY OR~~  
22 ~~INDIRECTLY WITH THE LICENSED PHYSICIAN, THE LICENSED PHYSICIAN IS NOT~~  
23 ~~LIABLE FOR ANY INJURY TO OR CONDITION OF A PATIENT CAUSED SOLELY BY THE~~  
24 ~~NEGLIGENCE OF THE DISPENSER.~~

25 (F) A LICENSED PHYSICIAN WHO RELEASES A REPLACEMENT CONTACT LENS  
26 PRESCRIPTION TO A PATIENT MAY PROVIDE THE PATIENT WITH A WRITTEN  
27 STATEMENT THAT WEARING IMPROPERLY FITTED CONTACT LENSES MAY CAUSE  
28 HARM TO THE PATIENT'S EYES AND THAT THE PATIENT SHOULD HAVE AN EYE  
29 EXAMINATION IF THERE ARE ANY CHANGES IN THE PATIENT'S VISION, INCLUDING  
30 PAIN OR VISION LOSS.

31 ~~(G) A PERSON WHO DISPENSES REPLACEMENT CONTACT LENSES MAY~~  
32 ~~DISPENSE THEM UPON RECEIPT OF A WRITTEN, VALID, AND UNEXPIRED~~  
33 ~~REPLACEMENT CONTACT LENS PRESCRIPTION.~~

34 ~~(H)~~ (G) (1) A LICENSED PHYSICIAN WHO FILLS OR PROVIDES A CONTACT  
35 LENS PRESCRIPTION SHALL MAINTAIN A RECORD OF THAT PRESCRIPTION IN  
36 ACCORDANCE WITH § 4-403 OF THE HEALTH - GENERAL ARTICLE.

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

1     ~~(F)~~     (H)     THE BOARD MAY IMPOSE A CIVIL FINE OF NO MORE THAN \$1,000 ON  
2 A LICENSED PHYSICIAN WHO ~~DISPENSES CONTACT LENSES WITHOUT A~~  
3 ~~REPLACEMENT CONTACT LENS PRESCRIPTION OR FILLS AN EXPIRED REPLACEMENT~~  
4 ~~CONTACT LENS PRESCRIPTION FOR CONTACT LENSES FAILS TO PROVIDE A~~  
5 ~~REPLACEMENT CONTACT LENS PRESCRIPTION OR WHO KNOWINGLY DISPENSES~~  
6 ~~CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT~~  
7 ~~LENS PRESCRIPTION, OR WHO OTHERWISE FAILS TO COMPLY WITH THIS TITLE.~~

8 14-608.

9     ~~(A)~~     A PERSON MAY NOT SELL OR DISPENSE REPLACEMENT CONTACT LENSES  
10 BY MAIL WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT CONTACT  
11 LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A LICENSED  
12 PHYSICIAN.

13     ~~(B)~~     THE SELLING OR DISPENSING OF REPLACEMENT CONTACT LENSES BY  
14 MAIL BY ANY PERSON WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT  
15 CONTACT LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR PHYSICIAN  
16 SHALL BE CONSIDERED AN UNLAWFUL PRACTICE OF MEDICINE.

17     ~~(C)~~     ANY PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS  
18 SUBJECT TO A FINE BY THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE NOT  
19 EXCEEDING \$500 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$1,000 FOR THE  
20 SECOND OR SUBSEQUENT OFFENSE.

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

24     ~~(D)~~     (B)     THE BOARD SHALL INVESTIGATE ANY ALLEGED VIOLATION OF THIS  
25 SECTION OR § 14-507 OF THIS TITLE AND MAY ATTEMPT TO ENFORCE ANY PROVISION  
26 OF THIS TITLE BY INJUNCTION OR OTHER APPROPRIATE PROCEEDINGS.

27     ~~(E)~~     (C)     AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT  
28 INSTEAD OF CRIMINAL PROSECUTION UNDER § 14-607 OF THIS SUBTITLE.

29     SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
30 may not be construed to affect, alter, or modify in any way the decision in, or result of,  
31 Board of Examiners in Optometry, et al v. Richard Spitz, Jr., 300 Md. 466, 479 A. 2d  
32 363 (1983).

33     SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect October 1, 1998.

