
By: **Senators Roesser, Hollinger, Stoltzfus, and McCabe**
Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 1998

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.

18 BY adding to
19 Article - Health Occupations
20 Section 11-404.4, 11-504, 14-507, and 14-608
21 Annotated Code of Maryland
22 (1994 Replacement Volume and 1997 Supplement)

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

1

Article - Health Occupations

2 11-404.4.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "REPLACEMENT CONTACT LENS PRESCRIPTION" MEANS A
6 PRESCRIPTION PREPARED BY A LICENSED OPTOMETRIST CONTAINING THE
7 INFORMATION SPECIFIED IN THIS SECTION AND WRITTEN EXPRESSLY FOR THE
8 PURPOSE OF ~~DUPLICATING~~ PROVIDING LENSES WHICH HAVE ALREADY BEEN
9 PROPERLY FITTED.

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

13 (B) A LICENSED OPTOMETRIST SHALL ENSURE THAT EACH REPLACEMENT
14 CONTACT LENS PRESCRIPTION THAT THE LICENSED OPTOMETRIST PRESCRIBES FOR
15 CONTACT LENSES:

16 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE
17 REPLACEMENT CONTACT LENS PRESCRIPTION TO BE PROPERLY DISPENSED,
18 INCLUDING BUT NOT LIMITED TO THE:

19 (I) LENS MANUFACTURER;

20 (II) TYPE OF LENS;

21 (III) POWER OF THE LENS;

22 (IV) BASE CURVE;

23 (V) LENS SIZE;

24 (VI) NAME OF THE PATIENT;

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

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

28 (IX) EXPIRATION DATE OF THE REPLACEMENT CONTACT LENS
29 PRESCRIPTION; AND

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

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

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

6 ~~(2) (1) ON THE REQUEST OF A PATIENT OF A LICENSED OPTOMETRIST,~~
 7 ~~AND WITHOUT COST TO THE PATIENT, THE LICENSED OPTOMETRIST SHALL PROVIDE~~
 8 ~~TO A NAMED AGENT OF THE PATIENT A COPY OF THE PATIENT'S REPLACEMENT~~
 9 ~~CONTACT LENS PRESCRIPTION.~~

10 ~~(H) (2) (1)~~ UPON THE ~~WRITTEN~~ REQUEST OF A PATIENT OF A
 11 LICENSED OPTOMETRIST, AND WITHOUT COST TO THE PATIENT, THE LICENSED
 12 OPTOMETRIST SHALL PROVIDE ~~TO A NAMED AGENT OF THE PATIENT A COPY OF THE~~
 13 PATIENT'S REPLACEMENT CONTACT LENS PRESCRIPTION TO THE PATIENT OR THE
 14 PATIENT'S DESIGNEE.

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

21 (III) THE REPLACEMENT CONTACT LENS PRESCRIPTION THAT THE
 22 LICENSED OPTOMETRIST PROVIDES THE PATIENT UNDER SUBPARAGRAPH (I) OF
 23 THIS PARAGRAPH:

24 1. SHALL CONTAIN THE INFORMATION NECESSARY FOR THE
 25 PROPER DUPLICATION OF THE CURRENT PRESCRIPTION OF THE PATIENT;

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

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

32 (D) THE LICENSED OPTOMETRIST SHALL ENTER INTO THE PATIENT'S
 33 MEDICAL RECORD ~~FOR THE~~ VALID CLINICAL REASONS FOR A SHORTER EXPIRATION
 34 DATE AND SHALL PROVIDE THE PATIENT WITH A WRITTEN AND ORAL EXPLANATION
 35 OF THE CLINICAL REASONS FOR A SHORTER EXPIRATION DATE.

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

1 (E) WHEN A PATIENT'S PRESCRIPTION IS DISPENSED BY A PERSON OTHER
2 THAN THE LICENSED OPTOMETRIST OR A PERSON ASSOCIATED DIRECTLY OR
3 INDIRECTLY WITH THE LICENSED OPTOMETRIST, THE LICENSED OPTOMETRIST IS
4 NOT LIABLE FOR ANY INJURY TO OR CONDITION OF A PATIENT CAUSED SOLELY BY
5 THE NEGLIGENCE OF THE DISPENSER.

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

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

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

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

21 ~~(H)~~ (H) THE BOARD MAY IMPOSE A CIVIL FINE OF NO MORE THAN \$1,000 ON
22 A LICENSED OPTOMETRIST WHO ~~DISPENSES CONTACT LENSES WITHOUT A~~
23 ~~REPLACEMENT CONTACT LENS PRESCRIPTION OR FILLS AN EXPIRED REPLACEMENT~~
24 ~~CONTACT LENS PRESCRIPTION FOR CONTACT LENSES FAILS TO PROVIDE A~~
25 ~~REPLACEMENT CONTACT LENS PRESCRIPTION OR WHO KNOWINGLY DISPENSES~~
26 ~~CONTACT LENSES WITHOUT A VALID AND UNEXPIRED REPLACEMENT CONTACT~~
27 ~~LENS PRESCRIPTION, OR WHO OTHERWISE FAILS TO COMPLY WITH THIS TITLE.~~

28 11-504.

29 ~~(A) A PERSON MAY NOT SELL OR DISPENSE REPLACEMENT CONTACT LENSES~~
30 ~~BY MAIL WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT CONTACT~~
31 ~~LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A LICENSED~~
32 ~~PHYSICIAN.~~

33 ~~(B) THE SELLING OR DISPENSING OF REPLACEMENT CONTACT LENSES BY~~
34 ~~MAIL BY ANY PERSON WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT~~
35 ~~CONTACT LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A~~
36 ~~LICENSED PHYSICIAN SHALL BE CONSIDERED AN UNLAWFUL PRACTICE OF~~
37 ~~OPTOMETRY.~~

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

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

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

7 (1) ISSUE SUBPOENAS, ADMINISTER OATHS, AND EXAMINE WITNESSES;
8 AND

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

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

13 14-507.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) "REPLACEMENT CONTACT LENS PRESCRIPTION" MEANS A
17 PRESCRIPTION PREPARED BY A LICENSED PHYSICIAN CONTAINING THE
18 INFORMATION SPECIFIED IN THIS SECTION AND WRITTEN EXPRESSLY FOR THE
19 PURPOSE OF ~~DUPLICATING~~ PROVIDING LENSES WHICH HAVE ALREADY BEEN
20 PROPERLY FITTED.

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

24 (B) A LICENSED PHYSICIAN SHALL ENSURE THAT EACH REPLACEMENT
25 CONTACT LENS PRESCRIPTION THAT THE LICENSED OPTOMETRIST PRESCRIBES FOR
26 CONTACT LENSES:

27 (1) CONTAINS ALL THE INFORMATION NECESSARY FOR THE
28 REPLACEMENT CONTACT LENS PRESCRIPTION TO BE PROPERLY DISPENSED,
29 INCLUDING BUT NOT LIMITED TO THE:

30 (I) LENS MANUFACTURER;

31 (II) TYPE OF LENS;

32 (III) POWER OF THE LENS;

33 (IV) BASE CURVE;

34 (V) LENS SIZE;

35 (VI) NAME OF THE PATIENT;

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

2 (VIII) NAME AND OFFICE LOCATION OF THE LICENSED PHYSICIAN
3 WHO WRITES THE REPLACEMENT CONTACT LENS PRESCRIPTION; AND

4 (IX) EXPIRATION DATE OF THE REPLACEMENT CONTACT LENS
5 PRESCRIPTION; AND

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

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

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

16 ~~(2) (4) ON THE REQUEST OF A PATIENT OF A LICENSED PHYSICIAN,~~
17 ~~AND WITHOUT COST TO THE PATIENT, THE LICENSED PHYSICIAN SHALL PROVIDE TO~~
18 ~~A NAMED AGENT OF THE PATIENT A COPY OF THE PATIENT'S REPLACEMENT~~
19 ~~CONTACT LENS PRESCRIPTION.~~

20 ~~(4) (2) (I)~~ UPON THE ~~WRITTEN~~ REQUEST OF A PATIENT OF A
21 LICENSED PHYSICIAN, AND WITHOUT COST TO THE PATIENT, THE LICENSED
22 PHYSICIAN SHALL PROVIDE ~~TO A NAMED AGENT OF THE PATIENT A COPY OF THE~~
23 PATIENT'S REPLACEMENT CONTACT LENS PRESCRIPTION TO THE PATIENT OR THE
24 PATIENT'S DESIGNEE.

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

31 (III) THE REPLACEMENT CONTACT LENS PRESCRIPTION THAT THE
32 LICENSED PHYSICIAN PROVIDES THE PATIENT UNDER SUBPARAGRAPH (I) OF THIS
33 PARAGRAPH:

34 1. SHALL CONTAIN THE INFORMATION NECESSARY FOR THE
35 PROPER DUPLICATION OF THE CURRENT PRESCRIPTION OF THE PATIENT;

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

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

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

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

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

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

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

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

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

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

38 14-608.

39 (A) ~~A PERSON MAY NOT SELL OR DISPENSE REPLACEMENT CONTACT LENSES~~
40 ~~BY MAIL WITHOUT A WRITTEN, VALID, AND UNEXPIRED REPLACEMENT CONTACT~~

1 ~~LENS PRESCRIPTION SIGNED BY A LICENSED OPTOMETRIST OR A LICENSED~~
2 ~~PHYSICIAN.~~

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

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

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

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

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

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act~~
20 ~~may not be construed to affect, alter, or modify in any way the decision in, or result of,~~
21 ~~Board of Examiners in Optometry, et al v. Richard Spitz, Jr., 300 Md. 466, 479 A. 2d~~
22 ~~363 (1983).~~

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