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2003 Regular Session 3lr0013

By: Chairman, Education, Health, and Environmental Affairs Committee (By Request - Departmental - Health and Mental Hygiene)

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

	A BILL ENTITLED						
1	AN ACT concerning						
2	Maryland Optometry Act - Replacement Contact Lenses - Clarifications and Modifications						
4 5 6							
7 8 9 10 11	Section 11-101, 11-404.4, and 11-504 O Annotated Code of Maryland						
12 13	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
14	Article - Health Occupations						
15	11-101.						
16	(a) In this title the following words have the meanings indicated.						
17	(b) "Board" means the State Board of Examiners in Optometry.						

"Diagnostically certified optometrist" means a licensed optometrist who is

"License" means, unless the context requires otherwise, a license issued by

"Licensed optometrist" means, unless the context requires otherwise, an

"Optometrist" means an individual who practices optometry.

19 certified by the Board to administer topical ocular diagnostic pharmaceutical agents

20 to the extent permitted under § 11-404 of this title.

optometrist who is licensed by the Board to practice optometry.

22 the Board to practice optometry.

1	(g)	(1)	"Practice	optometr	y" means:	
2 3	known in the	science	(i) of optics		o §§ 11-404 and 11-404.2 of this title, to use any means e, except surgery:	
	of this title, t	reat, subj	ect to thi		Γο detect, diagnose, and subject to §§ 11-404 and 11-404.2 optical or diseased condition in the human	
7 8	optical or vis	ual cond	ition in th		Γο prescribe eyeglasses or CONTACT lenses to correct any eye;	
				es to any ir	dvice or direction on the fitness or adaptation of ndividual for the correction or relief of a CACT lenses are worn; or	
				other devic	permit the use of any instrument, test card, test type, ce to aid in choosing eyeglasses or CONTACT	
15 16	includes:	(2)	Subject	to §§ 11-40	04 and 11-404.2 of this title, "practice optometry"	
17 18	agents;		(i)	The admir	nistration of topical ocular diagnostic pharmaceutical	
19 20	pharmaceuti	cal agent	(ii) es; and	The admir	nistration and prescription of therapeutic	
21 22	conjunctiva.		(iii)	The remov	val of superficial foreign bodies from the cornea and	
	(h) "Therapeutically certified optometrist" means a licensed optometrist who is certified by the Board to practice optometry to the extent permitted under § 11-404.2 of this title.					
26	11-404.4.					
27	(a)	(1)	In this so	ection the f	following words have the meanings indicated.	
30	(2) "Replacement contact lens prescription" means a prescription prepared by a licensed optometrist containing the information specified in this section and written expressly for the purpose of providing lenses which have already been properly fitted.					
	required to r		ontact len		r-up care" is that period of contact lens fitting time ion that is appropriate to the documented	
35 36					l ensure that each replacement contact lens t prescribes for contact lenses:	

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1 2	(1) lens prescription to be		s all the information necessary for the replacement contact dispensed, including but not limited to the:				
3		(i)	Lens manufacturer;				
4		(ii)	Type of lens;				
5 6	CONTACT LENSES	(iii) 5;	Power of the lens, INCLUDING PLANO OR ZERO-POWERED				
7		(iv)	Base curve;				
8		(v)	Lens size;				
9		(vi)	Name of the patient;				
10		(vii)	Date the prescription was given to the patient;				
11 12	1 (viii) Name and office location of the licensed optometrist who 2 writes the replacement contact lens prescription; and						
13 14	and	(ix)	Expiration date of the replacement contact lens prescription;				
15	(2)	Is reduce	ed to writing and placed in the patient's permanent file.				
	(c) (1) immediate follow-up prescription from the		After a licensed optometrist releases the patient from patient may request the replacement contact lens optometrist.				
21	(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.						
			Upon the request of a patient of a licensed optometrist, and clicensed optometrist shall provide the patient's cription to the patient or the patient's designee.				
28 29	(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 after the patient's request.						
31 32	(iii) The replacement contact lens prescription that the licensed optometrist provides the patient under subparagraph (i) of this paragraph:						
33 34	duplication of the cu	rrent pres	1. Shall contain the information necessary for the proper cription of the patient;				

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1 2. Shall contain, subject to the provisions of subsection (d) of 2 this section, an expiration date for the replacement contact lens prescription of not 3 more than 24 months from the time the patient was first examined; and 4 May contain wearing guidelines or specific instructions for 5 use of the contact lenses by the patient, or both. 6 The licensed optometrist shall enter into the patient's medical record the (d) 7 valid clinical reasons for a shorter expiration date and shall provide the patient with 8 a written and oral explanation of the clinical reasons for a shorter expiration date. 9 When a patient's CONTACT LENS prescription is dispensed by a person (e) 10 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. 13 (f) A licensed optometrist who releases a replacement contact lens 14 prescription to a patient may provide the patient with a written statement that 15 wearing improperly fitted contact lenses may cause harm to the patient's eyes and 16 that the patient should have an eye examination if there are any changes in the 17 patient's vision, including pain or vision loss. 18 A licensed optometrist who fills or provides a contact lens (g) 19 prescription shall maintain a record of that prescription in accordance with § 4-403 of 20 the Health - General Article. 21 A person other than a licensed optometrist who fills a contact lens 22 prescription shall maintain a record of that prescription for 5 years. 23 (h) The Board may impose a civil fine of no more than \$1,000 on a licensed 24 optometrist who fails to provide a replacement contact lens prescription or who 25 knowingly dispenses contact lenses without a valid and unexpired replacement 26 contact lens prescription, or who otherwise fails to comply with this title. 27 11-504. 28 [Knowingly selling] SELLING or dispensing CONTACT LENSES OR (a) 29 replacement contact lenses without a valid and unexpired replacement contact lens 30 prescription shall be considered a violation of this title. 31 The Board shall investigate any alleged violation of this section or § (b) 32 11-404.4 of this title and may, notwithstanding § 11-205 of this title: 33 (1) Issue subpoenas, administer oaths, and examine witnesses; and 34 Enforce any provision of this title by injunction or other appropriate (2) 35 proceedings. An action under this section is in addition to and not instead of criminal 37 prosecution under § 11-505 of this subtitle.

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2003.