

FINAL BILL REPORT

ESHB 1847

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Synopsis as Enacted

Brief Description: Enacting the Vision Care Consumer Assistance Act.

By House Committee on Health Care (originally sponsored by Representatives Ludwig, Dyer, Jones, Kremen and Rayburn).

House Committee on Health Care
Senate Committee on Health & Human Services

Background: The provision of vision care services in this state is within the scope of practice of three licensed health professions: ophthalmologists, who are physicians specializing in eye care, including surgery, and who write prescriptions for eye glasses and contact lenses; optometrists, who specialize in providing corrective eye care, mainly by prescribing and providing eye glasses and contact lenses, and opticians, who are technicians making and fitting eye glasses and contact lenses, but only upon a prescription written by an ophthalmologist or optometrist. Optometrists and ophthalmologists fill prescriptions as well as write them, but the overwhelming majority of contact lens prescriptions are filled by optometrists.

The law does not require optometrists to release prescriptions for contact lenses to patients who may prefer to have them filled by opticians or ophthalmologists. Federal Trade Commission rules require eye glass prescriptions to be released to patients, but leaves to the states the question of the release of contact lens prescriptions.

Summary: There is a declaration of legislative intent to clarify the roles of vision care providers in order to control costs and to maximize patient access to eye care services.

Definitions are provided. "Fitting" of contact lenses includes: mechanical procedures and measurements necessary to adapt eyeglasses and contact lenses from a written prescription; selection of physical characteristics of the lenses; and conversion of spectacle power to contact lens equivalents. "Prescription" is a written directive for corrective lenses and refractive powers. A prescription for contact lenses must include a notation that the patient is

"OK for contacts" absent contraindications. A "prescriber" is an optometrist or ophthalmologist.

Prescribers are prohibited from: (1) not giving the patient the prescription at the completion of the eye examination; (2) conditioning the eye exam or prescription on a requirement that the patient purchase eye wear from the prescriber; (3) not indicating "OK for contacts" on the prescription, absent any contraindications, if contact lenses are requested by the patient; (4) including on the prescription an expiration date shorter than two years; (5) charging the patient a fee for releasing the prescription; and (6) waiving liability for accuracy of the eye exam. The act is not intended to impose liability on an ophthalmologist or optometrist for ophthalmic goods dispensed by others.

If the patient wishes to buy contact lenses from an optician, and the prescription is silent as to the suitability of contacts, the optician must request of the prescriber a written prescription regarding contacts. However, if the prescriber did not do an evaluation for contacts during the patient's examination, the prescriber need not perform such an evaluation or approve a prescription for contacts.

The optician is required to advise the patient in writing to obtain a verification of contact lens performance by a prescriber. A prescriber or optician who provides contacts must inform the patient that the initial fitting and follow-up must be done within six months or the contact lens prescription is void.

Prescriptions for contact lenses are valid for two years.

Fitters and dispensers of contact lenses must distribute eye safety pamphlets to patients.

Violations of this act are considered unprofessional conduct under the Uniform Disciplinary Act.

Nothing in these provisions is to be construed as an expansion of a scope of practice.

The secretary of the Department of Health is required to adopt rules implementing these provisions, including any that would maximize competition among vision care providers absent demonstrable threats to the public health. These rules will supersede any conflicting rules adopted pursuant to optician, optometry, and physician practice laws, and the secretary may declare such conflicting rules null and void.

Votes on Final Passage:

House	94	0
Senate	46	0

Effective: June 9, 1994