

HOUSE BILL REPORT

HB 1847

As Reported By House Committee On:
Health Care

Title: An act relating to the Vision Care Consumer Assistance Act.

Brief Description: Enacting the Vision Care Consumer Assistance Act.

Sponsors: Representatives Ludwig, Dyer, Jones, Kremen and Rayburn.

Brief History:

Reported by House Committee on:
Health Care, January 18, 1994, DPS.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Backlund; Conway; Cooke; Flemming; R. Johnson; Lemmon; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Staff: John Welsh (786-7133).

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 fitting and dispensing 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 of Substitute Bill: There is a declaration of legislative intent to clarify the roles of vision care providers in order to maximize patient access and control costs.

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 (the initial fitting and follow-up must be done within six months or the prescription is void); (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. No liability is imposed 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 this, the optician must request of the prescriber a written prescription, such as "OK for contacts" if an eye examination was done. The optician is required to advise the patient in writing to obtain a verification of contact lens performance by a prescriber.

Prescriptions for contact lenses are valid for two years.

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

Violations 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, except when that might produce demonstrable threats to the public health. These rules supersede any conflicting rules adopted pursuant to optician, optometry, and physician practice laws, and the secretary may declare them null and void.

Substitute Bill Compared to Original Bill: No liability is imposed on ophthalmologists or optometrists for the ophthalmic goods sold by another. The initial fitting of contact lenses and follow-up must be done by the patient within six months of the eye examination or the prescription is void. Definitions of dispensing and fitting are included. A contact lens prescription is valid up to two years. The optician must have a written prescription before fitting. The fitter must also hand out safety material to the patient. Violations of the requirements of the act are considered unprofessional conduct. Sections dealing with commercial practice, advertising, and the authority of the Joint Administrative Rules Review Committee (JARRC) were deleted. Other technical changes were made.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Patients should have the right to receive their prescriptions for contact lenses directly from an optometrist so that they can be fitted by the vision care provider of their choice, such as an optician. This bill will clarify the roles of all three vision care professions and facilitate the flow of contact lens prescriptions, which will increase competition among providers and contain health costs.

Testimony Against: The original bill without the perfecting amendments is unacceptable as opticians should not fit contact lenses merely by interpreting prescriptions for eye glasses. There may be liability assigned to the original prescriber. The fitting of contact lenses should be verified by the originating prescriber.

Witnesses: Senator Ludwig, prime sponsor; Representative Flemming; Steve Boruchowitz, Department of Health; Nick Federici, State Board of Health; Lisa Thatcher, Kathy Fetter, and Rick Kehl, Ophthalmologist Association of

Washington (pro); Kathy Spong, Washington Association of
Optometric Physicians (con); Lorraine Morris (con); and
Patricia Keech (con).