

SENATE BILL REPORT

ESHB 1847

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
FEBRUARY 24, 1994

Brief Description: Enacting the vision care consumer assistance act.

SPONSORS: 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

Majority Report: Do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Staff: Rhoda Jones (786-7198)

Hearing Dates: February 24, 1994

BACKGROUND:

Vision care services in this state are provided by three separate licensed health professions: ophthalmologists, who are physicians specializing in eye care, eye surgery, and some prescriptions for corrective eye wear; optometrists, who specialize in providing corrective eye care and write 90 percent of eye wear prescriptions; and opticians, who are technicians fitting and dispensing 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. Dispensing opticians cannot write prescriptions for corrective eyewear.

In recent years, optometrists have withheld prescriptions for use by opticians dispensing contact lenses. This reluctance by optometrists has been attributed to a fear of liability for eye wear they do not personally fit.

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:

Prescribers are required to give patients their prescriptions for eye wear, without charge, at the completion of the eye examination. These prescriptions must read "OK for contacts," if patients request contacts, unless there are contraindications. Patients who want contacts are required to have a follow-up eye exam six months after the initial fitting, or the contact lens prescription is void. All contact lens prescriptions expire in two years.

Prescribers are prohibited from conditioning the eye exam or prescription on a requirement that the patient purchase eye wear from the prescriber.

Prescribers are not allowed to waive liability for the accuracy of the eye exam. No liability is imposed on an ophthalmologist or optometrist for ophthalmic goods dispensed by others.

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

Violations are considered unprofessional conduct under the Uniform Disciplinary Act.

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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one