

House Research Act Summary

CHAPTER: 259

SESSION: 2002 Regular Session

TOPIC: Copies of contact lens prescriptions

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Overview

This act requires optometrists and physicians to release prescriptions for contact lenses to patients after the patient's eye examination and fitting and establishes other requirements for contact lens prescriptions. Federal law already requires the release of eyeglass lens prescriptions. The act also prohibits certain conduct by optometrists and physicians, requires patients to be informed of contraindications for contact lenses, and prohibits certain waivers of liability. The act makes a violation of any of its provisions by an optometrist or physician grounds for disciplinary action by the provider's respective licensing board.

- 1 **Definitions.** Adds section 145.711. For a series of sections governing patient access to contact lens prescriptions, defines the following terms: dispensing, fitting, ophthalmic goods, ophthalmic services, optometrist, patient, prescription, and physician.
- 2 **Requirements for contact lens prescriptions.** Adds section 145.712. Requires optometrists and physicians to give patients copies of their prescriptions for contact

lenses after completion of the patient's eye examination and fitting, and specifies when prescriptions expire. Also requires prompt prescription verification, prohibits certain conduct by providers who fill contact lens prescriptions, and requires contact lens

dispensing records to be kept for at least two years.

Subd. 1. Copy of prescription. Requires optometrists and physicians to give patients copies of their prescriptions for contact lenses upon completion of the patient's eye examination and fitting. Allows optometrists and physicians to decline to release a prescription until after the patient has paid for the eye exam and fitting, but only if the provider would have required immediate payment even if the patient did not need eyeglasses, contact lenses, or eyeglass components.

Subd. 2. Prescription expiration date. Requires prescriptions written by optometrists and physicians to expire two years after they are written, unless a different expiration date is warranted by the health of the patient's eyes. If a prescription is valid for less than two years, requires the optometrist or physician to explain why.

Subd. 3. Prescription verification. Requires optometrists and physicians to respond promptly to a request to verify a patient's prescription information, so the provider requesting the information can accurately dispense the patient's contact lenses. Allows verification to be requested by telephone, fax, or electronic communication during the prescriber's normal business hours. Makes consistently failing to respond to verification requests grounds for disciplinary action.

Subd. 4. Prohibited conduct. Prohibits optometrists, physicians, and contact lens retailers from dispensing a different contact lens than the contact lens ordered on the prescription, dispensing contact lenses after a prescription has expired, or dispensing lenses that do not meet the prescription parameters.

Subd. 5. Dispensing records. Requires providers to keep copies of dispensing records on file for at least two years.

3 **Optometrist and physician practices.** Adds section 145.713. Prohibits optometrists and physicians from engaging in certain conduct, requires patient notice of contraindications for contact lenses, and prohibits requiring patients to waive liability for the accuracy of the eye exam or the goods and services dispensed by another provider.

Subd. 1. Prohibited conduct. Prohibits optometrists and physicians from
(1) agreeing to conduct an eye exam or to release a patient prescription only if the patient agrees to buy ophthalmic goods or services from that provider or another specified provider; (2) charging a patient a fee as a condition of releasing a prescription to a patient; or (3) prescribing a brand name contact lens that can be only dispensed through the prescriber's office.

Subd. 2. Contraindications for contact lenses. If an optometrist or physician finds a contraindication for contact lenses, requires the provider to inform the patient and document the contraindication in the patient's record. Allows the provider to exclude categories of contact lenses where clinically indicated.

Subd. 3. Waivers of liability prohibited. Prohibits an optometrist or physician from requiring a patient to waive liability for the accuracy of the patient's eye exam or the accuracy of ophthalmic goods and services dispensed by another practitioner.

4 **Enforcement.** Adds section 145.714. Makes failures to comply with the above sections grounds for disciplinary action by the board of optometry or board of medical practice.