

MAINE STATE LEGISLATURE

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The Board of Optometry and the Office of the Attorney General have received numerous inquiries concerning contact lenses, including questions regarding the prescription, fitting, dispensing and replacement of such lenses.

The Food and Drug Administration regulates the manufacture of contact lenses. That regulation, however, has little impact on who may prescribe, fit or dispense such lenses. State and federal law as well as the Federal Trade Commission delineate more clearly the requirements relating to the prescription and the sale of contact lenses.

PRESCRIPTION, FITTING AND DISPENSING

Two steps are necessary to prescribe contact lenses: an eye examination and a fitting. The examination also includes a refraction of the eye such as is necessary to prescribe spectacle lenses or eye glasses. The examination includes an evaluation of the health of the patient's eyes and determines the amount of correction necessary to achieve the best possible visual acuity. The fitting of contact lenses involves the evaluation and measuring of the cornea. Further, professional evaluation is necessary to monitor the health of the eye and the integrity of the contact lens for as long as the contact lenses are worn.

Licensed ophthalmologists and optometrists are permitted to perform all procedures necessary to prescribe both contact lenses and eye glasses. Opticians are not permitted to test or measure the refractive status of the eye and thus cannot prescribe or fit contact lenses in Maine. Opticians must work

pursuant to a prescription prepared by an ophthalmologist or optometrist. Opticians can, however, fit eye glasses with ophthalmic lenses. Contact lenses do not fall within the meaning of eye glasses and have not been construed to refer to eye glasses by either the Board of Optometry or the Office of the Attorney General.¹

The Federal Trade Commission's "Eye Glasses Rule" ¹⁶ 15 CFR § 456 (1982), requires ophthalmologists and optometrists to offer a written eye glass prescription to each consumer whose eyes they examine. That prescription does not require, however, the release of K readings or contact lens specifications. Thus, an ophthalmologist or optometrist is not required to give a patient a copy of the contact lens fitting results although some ophthalmologists and optometrists may voluntarily choose to do so. In Maine, opticians by law cannot fit contact lenses. Moreover, federal law clearly prohibits the sale (replacement) of contact lenses without a legitimate written prescription. Patient summaries, copies of doctor's notes, insurance forms and contact lens files or containers are not considered legitimate prescriptions in Maine.

REPLACEMENT OF CONTACT LENSES

Patients who wear contact lenses will occasionally need to replace lost or damaged lenses. Replacement of contact lenses is to be distinguished from the dispensing and fitting of lenses which can only be performed by an ophthalmologist or optometrist. It should be noted, however, that those who wish to purchase replacement lenses from a source other than the original fitter must obtain the lens specification from the original fitter or be completely refitted by another ophthalmologist or optometrist.

¹ Attorney General Opinion, Nov. 20, 1979.