

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 217

S.P. 78

In Senate, January 16, 1997

**An Act to Allow a Patient to Order Contact Lenses through the Mail
without a Prior Visit to a Physician.**

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LIBBY of York.
Cosponsored by Senators: GOLDTHWAIT of Hancock, HALL of Piscataquis,
Representatives: SKOGLUND of St. George, STEVENS of Orono.

Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 32 MRSA §2417, sub-§4-A**, as amended by PL 1993, c.
4 600, Pt. A, §146, is further amended to read:

6 **4-A. Release of contact lens prescription.** After contact
7 lenses have been adequately fitted and the patient released from
8 immediate follow-up care by the optometrist, the patient may
9 request a copy of the contact lens specifications from the
10 optometrist. Upon patient request, the optometrist shall provide
11 a copy of the prescription, at no cost, which must contain the
12 information necessary to properly duplicate the current
13 prescription. The prescription must contain an expiration date.
14 The prescription may contain fitting guidelines and may also
15 contain specific instructions for use by the patient.

16 The prescribing optometrist is not liable for an injury or
17 condition to a patient that results from negligence in packaging,
18 manufacturing or dispensing lenses by anyone other than the
19 prescribing optometrist.

22 The dispensing party may dispense contact lenses only upon
23 receipt of a written prescription, except that an optometrist may
24 fill a prescription of another optometrist or a physician without
25 a copy of the prescription. ~~Except in the case of a physician~~
26 ~~who has previously seen the wearer, a contact lens prescription~~
27 ~~may not be filled by mail but must be filled by being personally~~
28 ~~dispensed to the contact lens wearer.~~ An individual who fills a
29 contact lens prescription shall maintain a file of that
30 prescription for a period of 6 years. An individual, corporation
31 or other entity that improperly fills a contact lens prescription
32 or fills an expired prescription commits a civil violation for
33 which a forfeiture of not less than \$250 nor more than \$1,000 may
34 be adjudged.

36 An individual may file a complaint with the board seeking
37 disciplinary action concerning violations of this subsection.
38 The board shall investigate or cause to be investigated and shall
39 resolve a complaint in a timely fashion on its own motion or upon
40 receipt of a written complaint. The board shall conduct its
41 actions in accordance with the Maine Administrative Procedure Act.

42 **Sec. 2. 32 MRSA §2600, 3rd ¶**, as amended by PL 1993, c. 600,
43 Pt. A, §195, is further amended to read:

46 The dispensing party may dispense contact lenses only upon
47 receipt of a written prescription, except that a physician may
48 fill a prescription of an optometrist or another physician
49 without a copy of the prescription. ~~Except in the case of a~~
50 ~~physician who has previously seen the wearer, a contact lens~~

2 ~~prescription may not be filled by mail, but must be filled by~~
3 ~~being personally dispensed to the contact lens wearer.~~ An
4 individual who fills a contact lens prescription shall maintain a
5 file of that prescription for a period of 6 years. An
6 individual, corporation or other entity that improperly fills a
7 contact lens prescription or fills an expired prescription
8 commits a civil violation for which a forfeiture of not less than
\$250 nor more than \$1,000 may be adjudged.

10 **Sec. 3. 32 MRSA §3300, 3rd ¶**, as amended by PL 1993, c. 600,
11 Pt. A, §227, is further amended to read:

12
13 The dispensing party may dispense contact lenses only upon
14 receipt of a written prescription, except that a physician may
15 fill a prescription of an optometrist or another physician
16 without a copy of the prescription. ~~Except in the case of a~~
17 ~~physician who has previously seen the wearer, a contact lens~~
18 ~~prescription may not be filled by mail, but must be filled by~~
19 ~~being personally dispensed to the contact lens wearer.~~ An
20 individual who fills a contact lens prescription shall maintain a
21 file of that prescription for a period of 6 years. An
22 individual, a corporation or any other entity that improperly
23 fills a contact lens prescription or fills an expired
24 prescription commits a civil violation for which a forfeiture of
25 not less than \$250 nor more than \$1,000 may be adjudged.

28 SUMMARY

30
31 This bill allows a person to fill a contact lens
32 prescription by mail.