## MAINE STATE LEGISLATURE

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## 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

**Legislative Document** 

No. 649

H.P. 479

House of Representatives, February 11, 2003

An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment

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

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator HATCH of Somerset and
Representatives: DUPREY of Medway, O'BRIEN of Lewiston, RECTOR of Thomaston,
ROGERS of Brewer, SMITH of Monmouth.

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 32 MRSA §2414 is enacted to read:
§2414. Contract with optical shop or commercial or mercantile establishment
1. Contract requirements. An optometrist may enter into a written contract for space in or on the premises of an optical
shop or commercial or mercantile establishment as long as:
A. The optical shop or commercial or mercantile establishment does not control or attempt to control the professional judgment of the optometrist;
processional Judgment of the optomeering
B. The optometrist maintains control of the optometrist's practice and the optometrist's records related to the practice;
<u>Practice/</u>
C. The office or offices to be used for the practice of optometry are private and equipped as required for a
complete ocular examination; and
D. Appropriate identification is visible to the public indicating the optometrist's name and phone number and that
the optometrist is independent of the optical shop or
commercial or mercantile establishment.
2. Effect of rental or payment. Rental or payment for
space, equipment or services on a flat rate or percentage of
gross revenue is lawful and may not be construed as fee splitting or the sharing or dividing of profit.
Sec. 2. 32 MRSA §2431-A, sub-§2, ¶¶J and K, as amended by PL
1993, c. 600, Pt. A, §160, are repealed.
Sec. 3. 32 MRSA §2434, sub-§4, as amended by PL 1993, c. 600,
Pt. A, §161, is further amended to read:
4. Mercantile employment. The practice of optometry as a
full or part-time employee of a mercantile establishment or directly-or-indirectly-encouraging-one's-optometric-services-to
be-promoted as part of a mercantile or commercial establishment. In this prehibition is included This chapter does not prohibit the practice of optometry as a lessee of a in or on the premises
of an optical shop or commercial or mercantile establishment involved in the selling of spectacles, frames, mounting, lenses
er-ether-eptical-devices under the terms of a written contract as

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	Sec. 4. 32 MRSA §2435, as amended by PL 1993, c. 600, Pt. A,
2	$\S162$ , is further amended by adding a new 2nd paragraph to read:
4	This chapter does not prohibit a written contract for space,
	equipment or other services between any person, firm or
6	corporation and an optometrist as authorized in section 2414.
	Such a contract may not be construed as the direct or indirect
8	<pre>practice of optometry.</pre>
LO	
1.2	SUMMARY
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	This bill does the following:
L4	
	1. Eliminates the prohibition on optometric practice or
L6	premises where nonoptometric materials are dispensed;
18	2. Eliminates the existing prohibition on "mercantile
. 0	employment" of optometrists by clarifying related provisions;
20	employment of opcomecrises by charitying relaced provisions;
.0	3. Eliminates the prohibition on associations by any
22	optometrist with a person, firm or corporation who is not a
. 2	registered optometrist;
24	registered optometrist,
· <del>-</del>	4. Permits optometrists to practice under a trade name like
26	other medical professionals; and
. 0	other medical professionals, and
28	5. Authorizes contracts for the practice of optometry in or
. 0	on the premises of an optical shop or commercial or mercantile
30	establishment and permits the joint marketing of the optometrist
, 0	and mercantile or retail establishment.
	and more derived of recent endemones.

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