

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 191 (Delegate Lam, *et al.*)
Health and Government Operations

Optometrists and Physicians - Prescriptions for Lenses - Expiration Dates

This bill requires licensed optometrists and physicians to ensure that a prescription for eyeglasses, sunglasses, or any other type of lenses that the optometrist or physician is authorized to prescribe contains an expiration date that is no more than 24 months from the date the patient was first examined. If the prescription has a shorter expiration date, the optometrist or physician must (1) enter the valid clinical reasons for the shorter expiration date into the patient's medical record and (2) provide the patient with a written and oral explanation of these clinical reasons. The bill does not apply to a prescription for contact lenses.

Fiscal Summary

State Effect: The bill is not expected to materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: State law does not specify prescription expiration date requirements for eyeglasses, sunglasses, or other types of lenses. However, for contact lenses, licensed optometrists and physicians must ensure that each replacement contact lens prescription that the optometrist or physician prescribes contains specified information, including the expiration date. Among other requirements, a replacement contact lens prescription must have an expiration date of no more than 24 months from the time the patient was first

examined. If the replacement contact lens prescription has a shorter expiration date, the optometrist or physician must enter the valid clinical reasons into the patient's medical record and provide the patient with a written and oral explanation of these clinical reasons.

The State Board of Optometry and the State Board of Physicians may impose a civil fine of up to \$1,000 on a licensed optometrist or physician, respectively, who fails to provide a replacement contact lens prescription, or who knowingly dispenses contact lenses without a valid and unexpired replacement contact lens prescription.

Background: According to the Federal Trade Commission, federal law requires doctors to provide patients with their prescription for contact lenses or eyeglasses after a fitting or exam, respectively. However, prescription expiration dates for eyeglasses and contact lenses are determined by state law and consequently vary. Generally, contact lens prescriptions expire after one year and eyeglass prescriptions expire after one or two years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; Federal Trade Commission; Department of Legislative Services

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