

**SUBSTITUTE FOR**  
**HOUSE BILL NO. 5378**  
(As amended February 13, 2002)

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 18605 and 18607.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1        SEC. 18605. (1) A CONTACT LENS PROVIDER SHALL NOT DISPENSE,  
2 SELL, OR PROVIDE CONTACT LENSES TO A STATE RESIDENT EXCEPT PURSU-  
3 ANT TO AN UNEXPIRED CONTACT LENS PRESCRIPTION. THE CONTACT LENS  
4 PRESCRIPTION SHALL INCLUDE AT A MINIMUM ALL OF THE FOLLOWING:
- 5        (A) FOR SOFT HYDROPHILIC CONTACT LENSES:
- 6        (i) MANUFACTURER'S [NAME AND PRODUCT BRAND NAME. A HOUSE BRAND, CO-  
BRAND, OR PRIVATE LABEL NAME ALONE DOES NOT SATISFY THIS SUBPARAGRAPH.]
- 7        (ii) QUANTITY OF LENSES TO BE DISPENSED.
- 8        (iii) IF APPLICABLE, SPECIAL FEATURES.
- 9        (B) FOR RIGID GAS PERMEABLE CONTACT LENSES:
- 10       (i) PERIPHERAL CURVE OR CURVES, INCLUDING CURVATURE AND  
11 WIDTH.

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1 (ii) OPTICAL ZONE DIAMETER.  
2 (iii) CENTER THICKNESS.  
3 (iv) LENS MATERIAL.  
4 (v) IF APPLICABLE, SPECIAL FEATURES.  
5 (C) FOR BOTH SUBDIVISIONS (A) AND (B) LENSES:  
6 (i) DIOPTRIC POWER.  
7 (ii) BASE CURVE OR INSIDE RADIUS OF CURVATURE.  
8 (iii) DIAMETER.  
9 (iv) COLOR OR TINT.  
10 (v) LENS WEARING SCHEDULE.  
11 (vi) TYPED OR COMMERCIALY PRINTED NAME, OFFICE ADDRESS, AND  
12 TELEPHONE NUMBER OF PRESCRIBING PHYSICIAN OR OPTOMETRIST.  
13 (vii) DATE OF ISSUANCE.  
14 (viii) PATIENT'S NAME.  
15 (ix) SIGNATURE OF PRESCRIBING PHYSICIAN OR OPTOMETRIST.  
16 (x) PRESCRIPTION EXPIRATION DATE WHICH SHALL BE [A MINIMUM OF] 1 YEAR  
FROM  
17 THE DATE OF ISSUANCE, UNLESS THE PATIENT'S HISTORY OR CURRENT  
18 CIRCUMSTANCES ESTABLISH A REASONABLE PROBABILITY OF CHANGES IN  
19 THE PATIENT'S VISION OF SUFFICIENT MAGNITUDE TO NECESSITATE REEX-  
20 AMINATION EARLIER THAN 1 YEAR.  
21 [ ]  
22 (2) A CONTACT LENS PRESCRIPTION SHALL BE BASED UPON A COM-  
23 PREHENSIVE VISION AND EYE HEALTH EXAMINATION, A DIAGNOSTIC TRIAL  
24 CONTACT LENS EVALUATION, AND A FOLLOW-UP EVALUATION OF THE CON-  
25 TACT LENS ON THE PATIENT'S EYE BY THE PRESCRIBING PHYSICIAN OR  
26 OPTOMETRIST. THE CONTACT LENS EVALUATION SHALL BE PRESUMED  
27 COMPLETED IF THERE IS NO CONTACT LENS RELATED APPOINTMENT

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1 SCHEDULED WITHIN 30 DAYS AFTER THE MOST RECENT VISIT BY THE  
2 PATIENT TO THE PRESCRIBING PHYSICIAN OR OPTOMETRIST.

3 (3) A PATIENT'S HEALTH RECORD IS NOT A CONTACT LENS  
4 PRESCRIPTION.

5 SEC. 18607. (1) A CONTACT LENS PROVIDER SHALL NOT REFILL A  
6 CONTACT LENS PRESCRIPTION THAT IS WITHIN 60 DAYS OF ITS EXPIRA-  
7 TION DATE WITH MORE THAN THE QUANTITY OF REPLACEMENT SOFT CONTACT  
8 LENSES NEEDED THROUGH THE PRESCRIBED EXPIRATION DATE BASED ON THE  
9 PRESCRIBED WEARING SCHEDULE.

10 (2) IF THE ORIGINAL WRITTEN CONTACT LENS PRESCRIPTION OR A  
11 FACSIMILE OR OTHER ELECTRONIC TRANSMISSION OF THE ORIGINAL WRIT-  
12 TEN CONTACT LENS PRESCRIPTION IS NOT AVAILABLE TO A CONTACT LENS  
13 PROVIDER, THE CONTACT LENS PROVIDER SHALL CONFIRM THE SPECIFICS  
14 OF THE CONTACT LENS PRESCRIPTION WITH THE PRESCRIBER OR HIS OR  
15 HER AGENT, PRIOR TO DISPENSING, SELLING, OR OTHERWISE PROVIDING  
16 ANY CONTACT LENSES AND SHALL MAINTAIN A WRITTEN RECORD OF THAT  
17 COMMUNICATION. THE PRESCRIBER OR HIS OR HER AGENT SHALL CONFIRM  
18 THE SPECIFICS OF THE PRESCRIPTION WITH THE CONTACT LENS PROVIDER  
19 WITHIN [10 OF THE PRESCRIBER'S BUSINESS HOURS AFTER A REQUEST IS MADE] AND  
SHALL MAIL, FAX, OR ELEC-  
20 TRONICALLY TRANSMIT A COPY OF THE ORIGINAL WRITTEN CONTACT LENS  
21 PRESCRIPTION TO THE CONTACT LENS PROVIDER. A CONTACT LENS PRO-  
22 VIDER SHALL NOT REQUIRE A PRESCRIBER OR HIS OR HER AGENT TO CON-  
23 FIRM THE SPECIFICS OF A PRESCRIPTION WITHIN LESS THAN [THE 10 BUSINESS  
24 HOURS.]

25 Enacting section 1. This amendatory act does not take  
26 effect unless all of the following bills of the 91st Legislature  
27 are enacted into law:

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- 1 (a) House Bill No. 5376.
- 2 (b) House Bill No. 5377.
- 3 (c) House Bill No. 5379.