

HOUSE BILL No. 5376

November 1, 2001, Introduced by Reps. Jacobs, Rich Brown, Bovin, Thomas, Kolb, Lockwood, Neumann, Lipsey, Woronchak and Vander Veen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 18609 and 18611.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 18609. UPON REQUEST, A PHYSICIAN OR OPTOMETRIST SHALL
2 RELEASE A CONTACT LENS PRESCRIPTION TO A PATIENT OR AS DIRECTED
3 BY THE PATIENT UNLESS ANY OF THE FOLLOWING APPLY:

4 (A) THE CONTACT LENS PRESCRIPTION IS EXPIRED.

5 (B) THE PATIENT HAS NOT PAID THE PHYSICIAN OR OPTOMETRIST
6 FOR GOODS OR SERVICES PREVIOUSLY RENDERED TO THE PATIENT BY THE
7 PHYSICIAN OR OPTOMETRIST.

8 (C) THE PHYSICIAN OR OPTOMETRIST MAKES A GOOD FAITH DETERMI-
9 NATION THAT GIVING THE PATIENT A COPY OF THE CONTACT LENS
10 PRESCRIPTION MAY JEOPARDIZE THE PATIENT'S OCULAR HEALTH. THE

1 REASON FOR A DENIAL UNDER THIS SUBDIVISION SHALL BE RECORDED IN
2 THE PATIENT'S RECORD.

3 SEC. 18611. IF A PHYSICIAN OR OPTOMETRIST GIVES A PATIENT A
4 CONTACT LENS PRESCRIPTION AND THE PATIENT HAS THE CONTACT LENS
5 PRESCRIPTION FILLED BY A PERSON OTHER THAN THE PHYSICIAN OR
6 OPTOMETRIST, OR A PERSON EMPLOYED BY OR UNDER CONTRACT TO THE
7 PHYSICIAN OR OPTOMETRIST, THE PHYSICIAN OR OPTOMETRIST IS NOT
8 LIABLE IN A CIVIL ACTION FOR DAMAGES FOR AN INJURY TO THE PATIENT
9 CAUSED DIRECTLY OR INDIRECTLY BY THE MANUFACTURING, PACKAGING, OR
10 DISPENSING OF THE CONTACT LENSES.

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

14 (a) Senate Bill No. ____ or House Bill No. 5379 (request
15 no. 00773'01 *).

16 (b) Senate Bill No. ____ or House Bill No. 5377 (request
17 no. 04263'01).

18 (c) Senate Bill No. ____ or House Bill No. 5378 (request
19 no. 04264'01).