

# HOUSE BILL No. 5378

November 1, 2001, Introduced by Reps. Ehardt, Neumann, Jacobs, Rich Brown, Pappageorge, 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 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) BRAND OR TRADE NAME.

7        (ii) QUANTITY OF LENSES TO BE DISPENSED.

8        (iii) NUMBER OF ALLOWABLE REFILLS.

9        (iv) IF APPLICABLE, SPECIAL FEATURES.

10       (B) FOR RIGID GAS PERMEABLE CONTACT LENSES:

- 1        (i) PERIPHERAL CURVE OR CURVES, INCLUDING CURVATURE AND  
2 WIDTH.
- 3        (ii) OPTICAL ZONE DIAMETER.
- 4        (iii) CENTER THICKNESS.
- 5        (iv) LENS MATERIAL.
- 6        (v) IF APPLICABLE, SPECIAL FEATURES.
- 7        (C) FOR BOTH SUBDIVISIONS (A) AND (B) LENSES:
- 8        (i) DIOPTRIC POWER.
- 9        (ii) BASE CURVE OR INSIDE RADIUS OF CURVATURE.
- 10       (iii) DIAMETER.
- 11       (iv) COLOR OR TINT.
- 12       (v) LENS WEARING SCHEDULE.
- 13       (vi) TYPED OR COMMERCIALY PRINTED NAME, OFFICE ADDRESS, AND  
14 TELEPHONE NUMBER OF PRESCRIBING PHYSICIAN OR OPTOMETRIST.
- 15       (vii) DATE OF ISSUANCE.
- 16       (viii) PATIENT'S NAME.
- 17       (ix) SIGNATURE OF PRESCRIBING PHYSICIAN OR OPTOMETRIST.
- 18       (x) PRESCRIPTION EXPIRATION DATE.
- 19       (xi) NUMBER OF PERMITTED REFILLS.
- 20       (2) A CONTACT LENS PRESCRIPTION SHALL BE BASED UPON A COM-  
21 PREHENSIVE VISION AND EYE HEALTH EXAMINATION, A DIAGNOSTIC TRIAL  
22 CONTACT LENS EVALUATION, AND A FOLLOW-UP EVALUATION OF THE CON-  
23 TACT LENS ON THE PATIENT'S EYE BY THE PRESCRIBING PHYSICIAN OR  
24 OPTOMETRIST. THE CONTACT LENS EVALUATION SHALL BE PRESUMED COM-  
25 PLETED IF THERE IS NO CONTACT LENS RELATED APPOINTMENT SCHEDULED  
26 WITHIN 30 DAYS AFTER THE MOST RECENT VISIT BY THE PATIENT TO THE  
27 PRESCRIBING PHYSICIAN OR OPTOMETRIST.

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

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

8 (2) IF THE ORIGINAL WRITTEN CONTACT LENS PRESCRIPTION IS NOT  
9 AVAILABLE TO A CONTACT LENS PROVIDER, THE CONTACT LENS PROVIDER  
10 SHALL CONFIRM THE SPECIFICS OF THE CONTACT LENS PRESCRIPTION WITH  
11 THE PRESCRIBER OR HIS OR HER AGENT, PRIOR TO DISPENSING, SELLING,  
12 OR OTHERWISE PROVIDING ANY CONTACT LENSES AND SHALL MAINTAIN A  
13 WRITTEN RECORD OF THAT COMMUNICATION. THE PRESCRIBER OR HIS OR  
14 HER AGENT SHALL CONFIRM THE SPECIFICS OF THE PRESCRIPTION WITH  
15 THE CONTACT LENS PROVIDER WITHIN 2 BUSINESS DAYS OF A REQUEST.

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

19 (a) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
20 no. 00773'01 \*).

21 (b) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
22 no. 04263'01).

23 (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
24 no. 04265'01).