



# House of Representatives

General Assembly

**File No. 492**

January Session, 2017

Substitute House Bill No. 6012

*House of Representatives, April 11, 2017*

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CONSUMER PROTECTION IN EYE CARE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) As used in this  
2 section:

3 (1) "Contact lens" means any lens placed directly on the surface of  
4 the eye, regardless of whether or not the lens is intended to correct a  
5 visual defect, including, but not limited to, any cosmetic, therapeutic  
6 or corrective lens;

7 (2) "Eye examination" means a physical assessment of the ocular  
8 health and visual status of a patient that may include, but does not  
9 consist solely of, objective refractive data or information generated by  
10 an automated testing device, including, but not limited to, a remote  
11 refractive device, in order to establish a medical diagnosis or for the  
12 correction of vision disorders;

13 (3) "Initial prescription" means a provider's handwritten or

14 electronic contact lens prescription, as defined in 15 USC 7610, that the  
15 provider issues the first time the provider fits a patient with a contact  
16 lens;

17 (4) "In-person evaluation" means a patient evaluation conducted by  
18 a provider who is at the same physical location as the location of the  
19 patient;

20 (5) "Provider" means an optometrist licensed pursuant to chapter  
21 380 of the general statutes or a physician licensed pursuant to chapter  
22 370 of the general statutes who specializes in ophthalmology; and

23 (6) "Remote refractive device" means automated equipment or an  
24 application designed to be used on a telephone, computer or Internet-  
25 based device that can be used either in person or remotely to conduct a  
26 test to determine the refractive status of the eyes.

27 (b) A provider may not use the data or information obtained from  
28 the administration of a test using a remote refractive device as the sole  
29 basis for issuing an initial prescription or renewing an initial  
30 prescription. No provider shall issue an initial prescription to or renew  
31 an initial prescription for a patient without having performed an in-  
32 person evaluation and an eye examination of the patient.

33 (c) The expiration date of (1) an initial contact lens prescription shall  
34 be one year after the date of issuance, and (2) a contact lens  
35 prescription that is a renewal of an initial contact lens prescription  
36 shall not be earlier than one year after the date of issuance or later than  
37 two years after the date of issuance, unless the patient's history or  
38 current circumstances establish a reasonable probability of changes in  
39 the patient's vision of sufficient magnitude to necessitate  
40 reexamination earlier than one year after the issuance of the  
41 prescription, or the presence or probability of visual abnormalities  
42 related to ocular or systemic disease indicate the need for  
43 reexamination of the patient earlier than one year after the issuance of  
44 the prescription. If the expiration date of a prescription is less than one  
45 year for an initial contact lens prescription or a renewal of an initial

46 contact lens prescription, the provider shall document the health-  
47 related reasons for the limitation in the patient's medical record. No  
48 provider shall issue a prescription with an expiration date that is less  
49 than the period of time recommended by such provider for  
50 reexamination of the patient. For the purposes of this subsection, the  
51 date of issuance is the date the patient receives a copy of the  
52 prescription.

|   |                 |             |
|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                 |             |
| Section 1   | October 1, 2017 | New section |

**PH**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill makes certain prohibitions of optometrists and ophthalmologists and other provisions that do not result in a fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 6012**

***AN ACT CONCERNING CONSUMER PROTECTION IN EYE CARE.***

**SUMMARY**

This bill prohibits optometrists and ophthalmologists (providers) from:

1. using information obtained from a test using a “remote refractive device” (such as a smartphone app) as the sole basis for issuing an initial or renewal prescription for contact lenses and
2. issuing an initial or renewal prescription for contact lenses without having performed an in-person evaluation and eye examination of the patient.

The bill generally sets expiration dates for contact lens prescriptions at one year for initial prescriptions and one to two years for renewal prescriptions. Providers can issue prescriptions that expire in less than one year if earlier reexamination is necessary for specified medical reasons, as documented by the provider.

The bill applies to prescriptions for any contact lenses, whether used for corrective, therapeutic, or cosmetic purposes.

EFFECTIVE DATE: October 1, 2017

**CONTACT LENS PRESCRIPTION EXPIRATION**

Under the bill, providers generally must set the expiration date for contact lens prescriptions at (1) one year for initial prescriptions and (2) one to two years for renewal prescriptions. But providers may issue a prescription that expires in less than one year if earlier reexamination is necessary due to:

1. a reasonable probability of changes in the patient's vision of sufficient magnitude, based on the patient's history or current circumstances, or
2. the presence or probability of visual abnormalities related to ocular or systemic disease.

Under the bill, if the provider issues a prescription that will expire in less than one year, he or she must document the health-related reasons for the limitation in the patient's medical record.

The bill prohibits providers from issuing a prescription with an expiration date that is less than the period the provider recommends for the patient's reexamination.

## **DEFINITIONS**

Among other definitions, the bill defines a "remote refractive device" as automated equipment or an application designed for use on a telephone, computer, or Internet-based device that can be used in person or remotely to test the refractive status of the eyes.

An "eye examination" is a physical assessment of a patient's ocular health and visual status that may include, but may not consist solely of, objective refractive data generated by an automated testing device, including a remote refractive device, to establish a medical diagnosis or for correcting vision disorders.

An "initial prescription" is a provider's handwritten or electronic contact lens prescription, as defined in federal law (15 U.S.C. § 7610), that the provider issues the first time he or she fits a patient with a contact lens. Federal law specifies the information that must be included in the prescription.

## **BACKGROUND**

### ***Federal Law and Contact Lens Prescription Expiration***

Under federal law and regulations, contact lens prescribers set the expiration dates for contact lens prescriptions subject to certain

conditions. If there is no state law on this issue (as is currently the case in Connecticut), then the prescription must generally be valid for at least one year. States may specify the general expiration period, as long as it is at least one year.

Prescribers may set expiration dates of less than one year based on their medical judgment about the patient's eye health, as documented in the patient's medical record. Prescribers must (1) maintain that documentation for at least three years and (2) make it available for inspection by the Federal Trade Commission or its employees or representatives (15 U.S.C. § 7604; 16 C.F.R. § 315.6).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 23      Nay 3      (03/27/2017)