



House of Representatives

File No. 769

General Assembly

January Session, 2017

(Reprint of File No. 492)

Substitute House Bill No. 6012
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 15, 2017

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.

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

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.

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.

House "A" struck lines 33 through 52 of the underlying bill, which concerned the expiration dates of contact lenses, and is not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6012 (as amended by House "A")******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 applies to prescriptions for any contact lenses, whether used for corrective, therapeutic, or cosmetic purposes.

*House Amendment "A" removes provisions from the underlying bill (File 492) that would specify expiration dates for contact lens prescriptions.

EFFECTIVE DATE: October 1, 2017

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.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 3 (03/27/2017)