

AMENDED IN ASSEMBLY APRIL 8, 2002

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2020

Introduced by Assembly Members Correa and Matthews

February 15, 2002

~~An act to amend Sections 2543, 2545, 2546.5, 2546.6, and 3090 of, and to add Sections 2541.2 and 2546.10 to, the~~ *An act to add Section 2541.4 to the Business and Professions Code, relating to optometry.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2020, as amended, Correa. Optometry.

Existing law provides for the licensing and regulation of optometrists by the State Board of Optometry and for the licensing and regulation of ophthalmologists by the Medical Board of California.

This bill would require these boards to prepare and adopt regulations on or before April 1, 2003, requiring optometrists and ophthalmologists to provide contact lens patients with a prescription for contact lenses upon the completion of an examination, fitting, and evaluation.

~~(1) Existing law provides for the regulation of prescription lenses and prohibits any person other than a physician and surgeon or optometrist from prescribing ophthalmic or contact lenses or plano contact lenses. Existing law also prohibits any person other than licensed physicians and surgeons, licensed optometrists, or registered dispensing opticians from dispensing, selling, or furnishing prescription lenses.~~

~~This bill would prohibit the expiration date of a contact lens prescription from being less than one to 2 years from the date of issuance, with certain exceptions. The bill would provide that it is a deceptive marketing practice to represent by advertisement or sales presentation that contact lenses may be obtained without a prescription. The bill would provide that a violation of the laws regulating prescription lenses is punishable by a fine, not to exceed \$2,500. The bill would create the Contact Lens Consumer Protection Fund in the State Treasury. The bill would require money derived from fines on licensed physicians and surgeons and registered dispensing opticians to be deposited in the fund and to be available upon appropriation to the Medical Board of California. The bill would also require money derived from fines on optometrists to be deposited in the Optometry Fund and to be available upon appropriation to the State Board of Optometry.~~

~~(2) Existing law requires a person located outside California to be registered with the Medical Board of California in order to ship, mail, or deliver contact lenses at retail to a patient at a California address.~~

~~This bill would require a nonresident contact lens seller to provide a toll-free telephone number, facsimile line, or E-mail address where contact lens prescribers may confirm their prescriptions. The bill would prohibit a contact lens prescription from being confirmed until a prescriber, or the prescriber's authorized agent, has communicated that the prescription is accurate. The bill would also provide that violation of the provisions regulating nonresident contact lens sellers is punishable by a fine, not to exceed \$2,500.~~

~~(3) Existing law provides for the registration and regulation of optometrists by the State Board of Optometry. Existing law authorizes the board to revoke or suspend the certificate of registration of an optometrist if the optometrist under certain circumstances, including a showing of unprofessional conduct.~~

~~This bill would authorize the board to revoke or suspend the license of an optometrist for failing to release a spectacle or contact lens prescription.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 2541.2 is added to the Business and~~
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1 SECTION 1. Section 2541.4 is added to the Business and
2 Professions Code, to read:

3 2541.4. (a) The State Board of Optometry and the Division of
4 Licensing and Division of Medical Quality of the Medical Board
5 of California shall prepare and adopt regulations on or before
6 April 1, 2003, requiring optometrists and ophthalmologists to
7 provide contact lens patients with a prescription for contact lenses
8 upon the completion of an examination, fitting, and evaluation.

9 (b) The regulations shall include all of the following:

10 (1) A patient shall not be required to sign a disclaimer or
11 waiver in order to obtain a copy of the contact lens prescription to
12 which the patient is entitled.

13 (2) The prescription shall include sufficient information to
14 enable the complete and accurate filling of the prescription,
15 including, but not limited to, the patient's name, the power, the
16 material or manufacturer, or both, the base curve or appropriate
17 designation, the diameter if appropriate, and the expiration date.

18 (3) The prescription shall include a minimum time period
19 during which it is valid. That time period may be cut short only if
20 there is sufficient, documented evidence of medical necessity.
21 Under no circumstances shall the validity period be shorter than
22 the period of time until the next reexamination of the patient
23 recommended by the prescriber.

24 (4) A prescriber may require the payment of professional fees
25 for the eye examination, fitting, and evaluation prior to the release
26 of the prescription, but only if the prescriber would have also
27 required immediate payment from a patient whose examination
28 revealed that no ophthalmic products will be required.

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Assembly, April 3, 2002 (JR 11)**

