

SESSION OF 2002

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR HOUSE BILL NO. 2285**

As Amended by Senate Committee of the Whole

**Brief\***

Sub. for HB 2285, as amended by the Senate, creates a new act to be known as The Patient's Contact Lens Prescription Release Act. The new act:

- Creates a right for a patient to receive a copy of his or her contact lens prescription once the prescription has been determined and the adaption period completed;
- Requires any prescription for a specific brand of contact lenses available only from the prescriber, but which are generally marketed under an alternate brand name, to disclose the name of the manufacturer and trade name of the alternate brand;
- Prohibits limiting a contact lens prescription expiration date to less than 12 months unless a health related reason for the limitation is noted in the patient's medical record;

The bill creates new requirements to be met by persons or entities that mail contact lenses to Kansans pursuant to a contact lens prescription which such person or entity did not create. Such persons or entities must:

- Pay a registration fee set by the Board of Healing Arts;
- Certify to the Board that such person or entity is licensed or registered to dispense contact lens in the state in which the dispensing facility is located if licensing or registration is required;

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

- Provide specified information to the Board;
- Comply with requests and requests for information from regulatory agencies in other states in which the person or entity is required to be licensed or registered;
- Maintain records of the prescriptions for contact lenses and the lenses dispensed;
- Provide toll-free telephone service during regular business hours for response to questions and complaints;
- Agree to refer questions relating to eye care to the prescriber and to supply the written warning required by the new law to persons to whom contact lenses are dispensed;
- Fill contact lens prescriptions without deviation from the prescription or substitution; and
- Consent in writing to jurisdiction of the Board of Healing Arts and the Kansas district courts in actions arising from the new act.

The Board of Healing Arts is given authority to revoke the registration of a registered out-of-state dispenser or the license of persons licensed by the Board to practice medicine and surgery for violations of the new act, and the Board of Examiners in Optometry is given the same authority over licensees in optometry.

New legislation created by Sub. for HB 2285 establishes a three-member contact lens advisory council to advise the Board of Healing Arts in implementing the Patient's Contact Lens Prescription Release Act. The advisory council is to be made up of one person licensed to practice medicine and surgery who specializes in ophthalmology, one person licensed to practice optometry, and one person dispensing contact lenses under the Patient's Contact Lens Prescription Release Act. Members of the council are to be appointed by the Board of Healing Arts and serve at the pleasure of the Board.

The bill also amends a statute that is a part of the act under which optometrists are licensed and the practice of optometry regulated. The

statute, which makes it unlawful to dispense ophthalmic lenses without a prescription, is amended to make it clear the term, ophthalmic lens, includes a contact lens with or without power.

Sub. for HB 2285 becomes effective on January 1, 2003.

## **Background**

As amended, HB 2285 is substantially the same as HB 2745 with additional provisions added. The Senate Committee amended the bill to place responsibility for the registration and oversight of individuals or entities that dispense lenses by mail to Kansans with the Board of Healing Arts. The amendments adopted by the Senate Committee of the Whole include three that represent policy changes, *i.e.*, deletion of language relating to the dispensing of lenses within 60 days of the expiration of a prescription, creation of an advisory council, and the effective date of the bill. The remainder of the Senate Committee of the Whole amendments are technical and clarifying.

The fiscal note for HB 2285 in its original form is no longer applicable. However, the fiscal note for HB 2745 indicates the amount of revenue generated by the registration fee required by the bill is unknown.