

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2994

By Delegates Summers and Tully

[Introduced January 24, 2023; Referred to the
Committee on Health and Human Resources]

A BILL to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to the expiration date of an optometrist's prescription.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8A. EYE CARE CONSUMER PROTECTION LAW.

§30-8A-1. Definitions.

As used in this article:

(a) "Contact Lens" means a lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect. Contact lens includes, but is not limited to, a cosmetic, therapeutic, or corrective lens.

(b) "Board" means the West Virginia Board of Optometry.

(c) "Diagnostic contact lens" means a contact lens used to determine a proper contact lens fit.

(d) "Direct supervision" means supervision that occurs when a licensee is actually present in the building.

(e) "Examination and evaluation" means an assessment of the ocular health and visual status of a patient that does not consist solely of objective refractive data or information generated by an automated refracting device or other automated testing device for the purpose of writing a valid prescription.

(f) "Licensee" means a person who is authorized to engage in the practice of optometry under §30-8-1 *et seq.* of this code.

(g) "Special requirements" means the type of lens design, lens material, tint, or lens treatments.

(h) "Spectacles" means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or enhance vision to address the visual needs of the individual wearer. This includes spectacles that may be adjusted to achieve different types or levels of visual correction or enhancement.

(i) "Valid prescription" means one of the following, as applicable:

(1) For a contact lens, a written or electronic order by a licensee who has conducted an examination and evaluation of a patient and has determined a satisfactory fit for the contact lens based on an analysis of the physiological compatibility of the lens or the cornea and the physical fit and refractive functionality of the lens on the patient's eye. To be a valid prescription under this subdivision, it shall at least include the following:

(A) A statement that the prescription is for a contact lens;

(B) The contact lens type or brand name, or for a private label contact lens, the name of the manufacturer, trade name of the private label brand, and, if applicable, trade name of the equivalent or similar brand;

(C) All specifications necessary to order and fabricate the contact lens, including, if applicable, the power, material, base curve or appropriate designation, and diameter;

(D) The quantity of contact lenses to be dispensed;

(E) The number of refills;

(F) Specific wearing instructions and contact lens disposal parameters;

(G) The patient's name;

(H) The date of the examination and evaluation;

(I) The date the prescription is originated;

(J) The prescribing licensee's name, address, and telephone number;

(K) The prescribing licensee's written or electronic signature, or other form of authentication; and

(L) An expiration date of not less than ~~one year~~ 18 months from the date of the examination and evaluation or a statement of the reasons why a shorter time is appropriate based on the medical needs of the patient.

(2) For spectacles, a written or electronic order by a licensee who has examined and evaluated a patient. To be a valid prescription under this subdivision, it shall include at least the

48 following:

49 (A) A statement that the prescription is for spectacles;

50 (B) As applicable and as specified for each eye, the lens power including the spherical
51 power, cylindrical power including axis, prism, and power of the multifocal addition;

52 (C) Any special requirements, the omission in the opinion of the prescribing licensee,
53 would adversely affect the vision or ocular health of the patient;

54 (D) The patient's name;

55 (E) The date of the examination and evaluation;

56 (F) The date the prescription is originated;

57 (G) The prescribing licensee's name, address, and telephone number;

58 (H) The prescribing licensee's written or electronic signature, or other form of
59 authentication; and

60 (I) An expiration date of not less than ~~one year~~ two years from the date of the examination
61 and evaluation or a statement of the reasons why a shorter time is appropriate based on the
62 medical needs of the patient.

NOTE: The purpose of this bill is to change the expiration date for a patient's prescription for contact lenses and spectacles from not less than one year to not less than two years.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.