1	CONTACT LENS PURCHASE AMENDMENTS
2	2022 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Jordan D. Teuscher
5	Senate Sponsor: Curtis S. Bramble
6 7	LONG TITLE
8	General Description:
9	This bill requires certain information to be communicated to a patient receiving a
10	contact lens prescription.
11	Highlighted Provisions:
12	This bill:
13	 requires an optometrist or physician who is prescribing a contact lens to:
14	 provide certain information to the patient during the patient consultation;
15	 document certain information related to the patient interaction; and
16	 include certain disclosures on the patient's prescription.
17	Money Appropriated in this Bill:
18	None
19	Other Special Clauses:
20	None
21	Utah Code Sections Affected:
22	AMENDS:
23	58-16a-306, as last amended by Laws of Utah 2003, Chapter 270
24	
25	Be it enacted by the Legislature of the state of Utah:
26	Section 1. Section 58-16a-306 is amended to read:
27	58-16a-306. Contact lens prescription Qualifications.



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28	(1) An optometrist or physician issuing a contact lens prescription shall:
29	(a) be licensed under this title to practice in Utah;
30	(b) ensure the final contact lens prescription is accurate;
31	(c) inform the patient that the patient may have options among several contact lens
32	brands or manufacturers and ask the patient if the patient has a preference for a particular brand
33	or manufacturer Ĥ→ [+], and document this information in a clear statement on:
33a	(i) the document required by federal law acknowledging that the patient received the
33b	contact lens prescription; or
33c	(ii) the digital prescription, if the optometrist or physician is providing a digital
33d	prescription; ←Ĥ
34	[(c)] (d) present a written copy of the prescription to the patient after fitting; and
35	[(d)] <u>(e)</u> provide a copy of the patient's contact lens prescription to a person who sells
36	contact lenses upon the request of the patient or the person selling the contact lenses.
37	(2) An optometrist or physician may not be held liable as a result of providing a
38	prescription to a patient as required by Subsection (1).
39	(3) Application of the provisions of this section shall be consistent with 45 C.F.R. Parts
40	160 and 164, Standards for Privacy of Individually Identifiable Health Information.
41	(4) $\hat{H} \rightarrow [\underline{(a)}] \leftarrow \hat{H}$ If the patient requests a brand or manufacturer that the prescribing
41a	<u>optometrist</u>
42	or physician determines is medically appropriate for the patient, the prescribing optometrist or
43	physician shall offer the patient a prescription that includes the brand or manufacturer that the
44	patient requests.
45	$\hat{H} \Rightarrow [\underline{\text{(b)}}]$ The prescribing optometrist or physician may include alternative brands or
46	manufacturers under Subsection (4)(a) on a single prescription.
47	(c) If the prescribing optometrist or physician determines that only a single brand or
48	manufacturer is medically appropriate for the patient, the prescribing optometrist or physician
49	shall document the reason for this medical judgment with sufficient detail to allow a qualified
50	professional to review the medical judgment.
51 52	(d) The prescribing optometrist or physician shall:
52 53	(i) provide the documentation described in Subsection (4)(c) to the patient upon the patient's request; and
54	(ii) maintain the documentation described in Subsection (4)(c) for at least three years
55	after the date of the patient encounter.
56	(5) (a) A prescription issued under this part shall include on the federally required
57	acknowledgment of receipt of the contact lens prescription, or on the digital prescription if
58	providing a digital prescription, a clear statement indicating that the patient:

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59	$\hat{H} \rightarrow [\underline{\text{(i)}}]$ acknowledges that the prescriber informed them that the patient may have a choice
60	among several contact lens manufacturer brands, and the patient was asked if the patient had a
61	preference; and
62	(ii) received a list of any brands or manufacturers that the patient requested that were
63	not included on the patient's prescription.
64	(b) If a patient requests a discussion with the optometrist or physician under Subsection
65	(5)(a)(ii), the prescribing optometrist shall list all of the brands that the patient has requested on
66	the contact lens prescription. ←Ĥ