

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;

34 [~~(c)~~] (d) present a written copy of the prescription to the patient after fitting; and
35 [~~(d)~~] (e) 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) (a) If the patient requests a brand or manufacturer that the prescribing optometrist
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 (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 (d) The prescribing optometrist or physician shall:

52 (i) provide the documentation described in Subsection (4)(c) to the patient upon the
53 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:

59 (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.