

2 SB 6239 - S COMM AMD

3 By Committee on Health & Long-Term Care

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. INTENT. The legislature finds that the
8 balance between public protection and overregulation of any health care
9 profession is critical if Washington state is to assure access to care
10 for consumers. The balance is also critical because rising health care
11 costs require that consumers have the choice of any qualified
12 professional working within their scope of practice. The legislature
13 finds that on occasion, boards regulating health care professions lose
14 sight of this balance, and may adopt a rule that unduly restricts
15 competition from another qualified professional under the guise of
16 public protection. This risk is especially high in the optical
17 industry, where the pressure between the competing professions has
18 involved the federal trade commission. The legislature finds that the
19 state has a role in ensuring appropriate access to care for consumers
20 in the optical industry."

21 "NEW SECTION. Sec. 2. DEFINITIONS. (1) "Vision care
22 practitioner" includes any health care professional regulated pursuant
23 to this title who has all or part of vision care as defined in this
24 section within his or her scope of practice and includes professionals
25 regulated by chapter 18.34, 18.53, 18.54, 18.57, or 18.71 RCW.

1 (2) "Vision care" means the examination of the ocular health and
2 refractive powers of the eye, and the prescription and/or furnishing of
3 ophthalmic goods.

4 (3) "Ophthalmic goods" mean eyeglasses, or any component of
5 eyeglasses, and contact lenses, and includes measuring, fitting,
6 adjusting, and fabricating.

7 (4) "Prescription" means the written direction from a vision care
8 practitioner licensed pursuant to chapter 18.53, 18.54, 18.57, or 18.71
9 RCW for therapeutic or corrective lenses and consists of the refractive
10 powers. The prescription shall contain a notation indicating whether
11 contact lenses may be provided. If contact lenses are not authorized,
12 a brief notation concerning the reason shall be included on the
13 prescription, and a verbal explanation given to the consumer at the
14 completion of the eye exam. No restrictions may be included in a
15 prescription unless there is a specific reason related to the ocular
16 health of the eye and an explanation is noted on the prescription.

17 (5) "Secretary" means the secretary of the department of health."

18 "NEW SECTION. **Sec. 3.** MAXIMIZING COMPETITION IN THE OPTICAL
19 INDUSTRY. (1) If a consumer chooses to purchase contact lenses from
20 an optician licensed pursuant to chapter 18.34 RCW, the optician shall
21 recommend that the consumer return to the prescriber for a follow-up
22 evaluation, and if the optician fits the contact lenses, the optician
23 shall send the contact lens fitting information to the prescriber.

24 (2) The prescribing vision care practitioner shall furnish to the
25 consumer one copy of the consumer's prescription immediately after the
26 eye examination is completed; provided that a practitioner may refuse
27 to give the patient a copy of the prescription until the consumer has
28 paid for the eye examination, but only if the practitioner would have

1 required immediate payment from that consumer had the examination
2 revealed that no ophthalmic goods were required.

3 (3) The prescribing vision care practitioner shall not condition
4 the availability of an eye examination on a requirement that the
5 consumer agree to purchase any ophthalmic goods from the practitioner.

6 (4) The prescribing vision care practitioner shall not charge the
7 consumer any fee in addition to the practitioner's examination fee as
8 a condition to releasing the prescription to the consumer; provided
9 that the prescribing practitioner may charge an additional fee for
10 verifying ophthalmic goods dispensed by another vision care
11 practitioner when the additional fee is imposed at the time the
12 verification is performed.

13 (5) The prescribing vision care practitioner shall not include a
14 prescription expiration date of less than two years, unless warranted
15 by the ocular health of the eye. If a prescription expires in less
16 than two years, an explanatory notation shall be made in the consumer's
17 record, and a verbal explanation given to the consumer at the time of
18 completion of the eye examination.

19 (6) It is unprofessional conduct under this chapter and under
20 chapter 18.130 RCW for a vision care practitioner to fail to comply
21 with subsections (1) through (5) of this section."

22 "NEW SECTION. **Sec. 4.** EXPANSION OF SCOPE OF PRACTICE.

23 Nothing herein shall be interpreted as expanding the scope of practice
24 of any vision care practitioner beyond that currently authorized by
25 state law."

26 "NEW SECTION. **Sec. 5.** RULE MAKING. (1) The secretary shall
27 adopt rules to implement the purposes of this chapter, including the
28 establishment of minimum contact lens equipment standards for

1 dispensing opticians licensed pursuant to chapter 18.34 RCW who fit and
2 dispense contact lenses.

3 (2) The secretary shall adopt rules that maximize competition in
4 the delivery of vision care, limited only by the existing scope of
5 practice of the impacted professions and by provisions preventing
6 demonstrated and substantial threats to the public's vision health.

7 (3) The rules adopted by the secretary pursuant to this section
8 shall supersede any rules adopted by any professional board pursuant to
9 chapter 18.34, 18.53, 18.54, 18.57, or 18.71 RCW that conflict with the
10 purposes of this chapter. To the extent that, in the secretary's
11 opinion, any rules adopted by these professional boards conflict with
12 the purposes of this chapter, the secretary shall have the authority to
13 declare them null and void."

14 "NEW SECTION. **Sec. 6.** SHORT TITLE. This chapter may be cited
15 as the vision care consumer assistance act."

16 "NEW SECTION. **Sec. 7.** CODIFICATION DIRECTION. Sections 1
17 through 6 of this act shall constitute a new chapter in Title 18 RCW."

18 "NEW SECTION. **Sec. 8.** CAPTIONS NOT LAW. Section captions as
19 used in this act constitute no part of the law."

20 "NEW SECTION. **Sec. 9.** SEVERABILITY. If any provision of this
21 act or its application to any person or circumstance is held invalid,
22 the remainder of the act or the application of the provision to other
23 persons or circumstances is not affected."

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4 On page 1, line 1 of the title, after "act;" strike the remainder

5 of the title and insert "adding a new chapter to Title 18 RCW; and

6 creating a new section."