
SENATE BILL 6239

State of Washington **52nd Legislature** **1992 Regular Session**

By Senators West, Wojahn, Sellar and Niemi

Read first time 01/22/92. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the vision care consumer assistance act; adding
2 a new chapter to Title 18 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

1 involved the federal trade commission. The legislature finds that the
2 state has a role in ensuring appropriate access to care for consumers
3 in the optical industry.

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

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

12 (3) "Ophthalmic goods" mean eyeglasses, or any component of
13 eyeglasses, and contact lenses, and includes measuring, fitting,
14 adjusting, and fabricating.

15 (4) "Prescription" means the written direction from a vision care
16 practitioner licensed pursuant to chapter 18.53, 18.57, or 18.71 RCW
17 for therapeutic or corrective lenses and consists of the refractive
18 powers. If contact lenses are requested by the patient the
19 prescription must in addition contain a notation that the patient is
20 "ok for contacts" or similar verbiage to indicate that there are no
21 contraindications for contacts.

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

23 NEW SECTION. **Sec. 3.** MAXIMIZING COMPETITION IN THE OPTICAL
24 INDUSTRY. (1) If a consumer chooses to purchase contact lenses from an
25 optician licensed pursuant to chapter 18.34 RCW and the prescription is
26 silent regarding contact lenses, the optician is directed to call the
27 prescribing vision care practitioner for permission to fit contact
28 lenses. The prescribing practitioner must provide that permission

1 unless he or she notes the particular reason why the ocular health of
2 the eye presents a contraindication for contact lenses. A statement
3 including that information shall be sent to the prescriber's patient.

4 (2) If a consumer chooses to purchase contact lenses from an
5 optician licensed pursuant to chapter 18.34 RCW, the optician shall
6 recommend that the consumer return to the prescriber for a follow-up
7 evaluation, and shall send the contact lens fitting information to the
8 prescriber.

9 (3) The prescribing vision care practitioner shall furnish to the
10 patient one copy of the patient's prescription immediately after the
11 eye examination is completed; provided that a practitioner may refuse
12 to give the patient a copy of the prescription until the patient has
13 paid for the eye examination, but only if the practitioner would have
14 required immediate payment from that patient had the examination
15 revealed that no ophthalmic goods were required.

16 (4) No information shall be included in an eyeglass or contact lens
17 prescription in addition to that required in the definition of
18 "prescription" pursuant to section 2(4) of this act unless there is a
19 specific reason related to the ocular health of the eye, and such
20 explanation is noted on the prescription.

21 (5) The prescribing vision care practitioner shall not condition
22 the availability of an eye examination to any person on a requirement
23 that the patient agree to purchase any ophthalmic goods from the
24 practitioner.

25 (6) The prescribing vision care practitioner shall not charge the
26 patient any fee in addition to the practitioner's examination fee as a
27 condition to releasing the prescription to the patient or as a
28 condition to verbally authorizing the use of the prescription for
29 contact lenses; provided that the prescribing practitioner may charge
30 an additional fee for verifying ophthalmic goods dispensed by another

1 seller when the additional fee is imposed at the time the verification
2 is performed.

3 (7) The prescribing vision care practitioner shall not include a
4 prescription expiration date of less than two years, unless warranted
5 by the ocular health of the eye. If a prescription expires in less
6 than two years, an explanatory notation must be made in the patient's
7 record, and a verbal explanation given to the patient at the time of
8 completion of the eye examination.

9 (8) It is unprofessional conduct under chapter 18.130 RCW for a
10 vision care practitioner to fail to comply with subsections (1) through
11 (7) of this section.

12 NEW SECTION. **Sec. 4.** EXPANSION OF SCOPE OF PRACTICE. Nothing
13 herein shall be interpreted as expanding the scope of practice of any
14 vision care practitioner beyond that currently authorized by state law.

15 NEW SECTION. **Sec. 5.** RULE MAKING. (1) The secretary shall adopt
16 rules to implement the purposes of this chapter, including the
17 establishment of minimum contact lens equipment standards for
18 dispensing opticians licensed pursuant to chapter 18.34 RCW. The
19 secretary is specifically directed to adopt rules that maximize
20 competition in the delivery of vision care limited only by the existing
21 scope of practice of the impacted professions and by provisions
22 preventing demonstrated and substantial threats to the public's vision
23 health.

24 (2) The rules adopted by the secretary pursuant to this section
25 shall supersede any rules adopted by any profession regulated pursuant
26 to chapter 18.34, 18.53, 18.54, 18.57, or 18.71 RCW that conflict with
27 the purposes of this chapter. To the extent that, in the secretary's
28 opinion, any rules adopted by these professions conflict with the

1 purposes of this chapter, the secretary shall have the authority to
2 declare them null and void.

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

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

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

9 NEW SECTION. **Sec. 9.** SEVERABILITY. If any provision of this act
10 or its application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.