

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 295

By Senator Woodrum

[Introduced January 19, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating
 2 to extending the time that a prescription for contact lenses or spectacles remains valid;
 3 revising definitions; expanding scope of said section to include prescriptions by
 4 ophthalmologists; and extending length of time prescriptions for contact lenses and
 5 spectacles remain valid.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8A. EYE CARE CONSUMER PROTECTION LAW.

§30-8A-1. Definitions.

1 As used in this article:

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

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

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

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

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

14 (f) "~~Licensee~~" "Eye care provider" means a person who is authorized to engage in the
 15 practice of optometry under §30-8-1 *et seq.* of this code, or a licensed medical physician
 16 specializing in ophthalmology licensed in West Virginia to practice medicine under the authority of
 17 §30-3-1 *et seq.* of this code or osteopathy under §30-14-1 *et seq.* of this code.

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

19 treatments.

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

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

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

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

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

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

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

37 (E) The number of refills;

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

39 (G) The patient's name;

40 (H) The date of the examination and evaluation;

41 (I) The date the prescription is originated;

42 (J) The prescribing ~~licensee's~~ eye care provider's name, address, and telephone number;

43 (K) The prescribing ~~licensee's~~ eye care provider's written or electronic signature, or other
44 form of authentication; and

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

48 (2) For spectacles, a written or electronic order by a licensee an eye care provider who has
49 examined and evaluated a patient. To be a valid prescription under this subdivision, it shall include
50 at least the following:

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

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

54 (C) Any special requirements, the omission of which, in the opinion of the prescribing
55 licensee eye care provider, would adversely affect the vision or ocular health of the patient;

56 (D) The patient's name;

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

58 (F) The date the prescription is originated;

59 (G) The prescribing licensee's eye care provider's name, address, and telephone number;

60 (H) The prescribing licensee's eye care provider's written or electronic signature, or other
61 form of authentication; and

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

NOTE: The purpose of this bill is to extend the time that a prescription for spectacles or contact lenses is valid and expand the scope of the section to include prescriptions from ophthalmologists.

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