



## Contact Lens Prescriptions

While most eye doctors will now release contact lens prescriptions, many attach conditions that make it more difficult for consumers to shop for a better deal on lenses elsewhere.

In June 1997, the 75th Texas Legislature passed “The Contact Lens Prescription Act” which gave consumers the right to their contact lens prescriptions. However, it also contained a number of loopholes that enable eye doctors to manipulate the law to protect their contact lens sales.

The Act requires an optometrist or ophthalmologist (“eye doctors”) to provide a contact lens prescription to a patient requesting it. The eye doctor must provide the prescription when he or she “determines the parameters” of it. The legislation gave eye doctors the flexibility to determine a contact lens wearer’s needs *based on the ocular health of individual patients*. For example, a new user might need to try new lenses for a week and return for a follow-up visit to be sure the new lenses were the proper fit or strength. An existing wearer making no changes in the lens type or prescription strength might need only an exam and verification that the current lenses are comfortable.

Some eye doctors, with the blessing of the Texas Optometry Board,

### In Short

Some eye doctors use loopholes in the Contact Lens Prescription Act to manipulate the law and protect their own sales. Mandatory followup visits, restrictions on faxed prescriptions, requirements that insurance claims be paid in full, and other technicalities limit real competition.

have instead used the flexibility granted by statute to create procedures that apply to every patient - in particular the follow-up visit requirement. They require a second visit of all wearers, re-

gardless of their medical history, and refuse to provide the contact lens prescription to those who do not return for the follow-up.

Under the statute, the patient can request the prescription at any time while it is valid (prescriptions cannot be written for *less than a year*) but if the prescription has already been filled by the eye doctor, some eye doctors refuse to provide it. Although the law specifically requires eye doctors to extend the prescription time upon request of a patient, it does not specify that this extension applies to patients who have already purchased a full one year supply of lenses. Because the prescription specifies the number of lenses, people losing or tearing a lens cannot replace it without another exam.

A “valid” prescription must be an “original” and picked up in person or mailed. A faxed or copied prescription is not “valid.” This legal restriction bars most people from effectively shopping for contact lenses online or by phone because these providers cannot fill a faxed prescription.

Further the eye doctor is only required to provide the prescription once, according to Optometry Board interpretation. The statute actually says that an eye doctor must provide the prescription “at any time during which the prescription is valid,” and does not limit the number of times eye doctors must give out an original prescription.

Finally the law allows eye doctors to refuse to release prescriptions if financial obligations have not been met, including pending insurance claims. Complaints filed with the Optometry Board demonstrate that some eye doctors hold the prescription hostage until all insurance payments are made, even if that process takes months.

The Texas Contact Lens Prescription Act intended to give consumers the right to take possession of their contact lens prescription to buy lenses from the dispenser of their choice in a competitive marketplace. It has partially succeeded, but some eye doctors are attaching conditions to the release of prescriptions, which makes it harder for the patient to buy lenses from other vendors.

### Recommendations

The Optometry Board should:

- adequately enforce existing law that prohibits optometrists from attaching blanket conditions to the release of contact lens prescriptions, such as requiring all patients to buy a first supply of lenses from them.
- change its follow-up visit rule to correspond to current law so it is conditioned on the individual patient’s ocular health.

The Texas Legislature should amend the Contact Lens Prescription Act to:

- specify that prescriptions do not have to be “original,” however, require confirmation from the prescribing eye doctor if the prescription is faxed or copied; require eye doctors to promptly respond to confirmation requests;
- prohibit an eye doctor from filling a prescription that he has refused to release, unless the refusal is based on the individual patient’s ocular health as allowed by law;
- prohibit eye doctors from refusing to release a prescription based on a bill or portion of a bill that remains unpaid due to a pending or disputed insurance claim;
- remove the limitations on the number of contact lenses a person may buy on a prescription.