

NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: HCPAC DATE TYPED: 02/27/01 HB 61/HCPACS
 SHORT TITLE: Contact Lens Prescriptions to Patients SB _____
 ANALYST: Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Board of Optometry, Regulation and Licensing Department

SUMMARY

Synopsis of Bill

The House Consumer and Public Affairs Committee Substitute for House Bill 61 accomplishes the following:

- c Allows for the release of a patient’s contact or corneal lens prescription to the patient after the optometrist or physician has performed a final corneal lens fitting on the patient.
- c Specifies what diagnostic procedures are necessary before a contact or corneal lens can be determined, and be available for release to the patient.
- c Specifies that after the final fitting, and absent any medical reason to the contrary, the contact or corneal lens prescription shall be released to the patient upon his request.
- c Allows persons other than optometrists or ophthalmologists to sell contact lenses or corneal lenses to the patient based upon a current prescription, and after an optometrist or physician has performed a final fitting of the contact or corneal lenses.
- c Specifies that contact or corneal lenses may not be duplicated or replaced without a current prescription.
- c Defines a current prescription as one that is not more than one year old, unless a shorter

period is warranted by the patient's ocular health or by potential harm to the patient's ocular health.

- C Provides that it is a violation of the Optometry Act to duplicate or replace contact or corneal lenses from a prescription that is more than one year old.
- C Lists the specific information that must be included on a contact or corneal lens prescription to help ensure that when the patient has the prescription filled elsewhere, the patient will receive only the lenses that the optometrist or physician has assessed clinically.
- C Requires that optometrists display in a prominent location in their offices, a sign to inform their patients that they are entitled to a copy of their prescription.

Significant Issues

According to the Board of Optometry, this bill allows the patient to obtain their current contact or corneal lens prescription from their optometrist or physician once after the final fitting is complete. Subsequently the patient can choose to purchase contacts or corneal lenses from an independent dispenser. This ensures the health, safety, and welfare of the patient is protected.

TECHNICAL ISSUES

This bill is in conflict with Section 26-1-3.1 NMSA 1978 which states, "Nothing in the New Mexico Drug, Device and Cosmetic Act [this article] shall be construed to allow any person except a licensed optometrist or physician to prescribe, dispense, adapt, employ, modify, provide, sell or fit contact or corneal lenses. This section of the statutes should be amended to comply with the provisions of the bill.

OTHER SUBSTANTIVE ISSUES

The Board of Optometry also provided the following information regarding the bill:

If these *amendments* to HB61 are not enacted, the health, safety, and welfare of the patient will be compromised because the *original* bill took the adapting, employing, modifying, fitting and prescribing of contact or corneal lenses, which are medical devices, out of the scope of practice of licensed optometrists, and did not require that these procedures to be performed by a licensed optometrist or physician. The *original* bill also did not provide for the diagnostic lens-fitting period that is necessary before a contact or corneal lens prescription can be determined. So the original bill would not have accomplished what it was intending to accomplish.

MV/njw:ar