

**FORTY-SIXTH LEGISLATURE  
FIRST SESSION, 2003**

February 12, 2003

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred  
HOUSE BILL 248

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, strike lines 23 through 25 and on page 2, strike lines 1 through 12 and insert in lieu thereof:

"(a) the employment of any subjective or objective means or methods, including, but not limited to, the use of lenses, prisms, autorefractors or other automated testing devices, and includes the prescription or administration of drugs for the purpose of diagnosing the visual defects or abnormal conditions of the human eye and its adnexa; and

(b) the employing, adapting or prescribing of preventive or corrective measures, including, but not limited to, lenses, prisms, contact or corneal lenses or other optical appliances, ocular exercises, vision therapy, vision training and vision rehabilitation services, and includes the prescription or administration of all drugs rational for the correction, relief or referral of visual defects or abnormal conditions of the human eye and its adnexa; and".

2. On page 4, line 21, after "~~lenses~~" insert a new ending bracket, remove the line through "; and" and strike the remaining bracket and semicolon.

3. On page 4, line 22, strike the semicolon and "and" and insert in lieu thereof a period and quotation mark.

4. On page 4, strike lines 23 through 25 in their entirety.

5. On page 5, strike lines 1 and 2 in their entirety.

6. On page 10, line 5, remove the bracket and line through "[a]", strike "an unrevoked and unsuspending" and insert in lieu thereof "valid".

7. On page 12, line 1, strike "and".

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8. On page 12, lines 2 and 3, strike "licensed physicians".
9. On page 15, strike lines 1 and 2 up to the closing quotation mark.
10. On page 19, line 18, after "examination" insert "and there are no ocular concerns".
11. On page 19, line 19, after "shall" insert ", upon request of the patient,".
12. On page 19, line 22, strike the line after "lenses" through "care".
13. On page 20, strike line 3 following "within" and strike line 4 and insert in lieu thereof "a reasonable time.".
14. On page 21, line 25, strike the colon.
15. On page 22, strike lines 1 through 6 and insert in lieu thereof:  
"a copy of a valid, unexpired prescription or has obtained verification of a valid, unexpired prescription in accordance with Subsection M of this section.

M A contact lens may not be sold, dispensed or distributed to a patient in this state by a seller of contact lenses unless one of the following has occurred:

- (1) the patient has given or mailed the seller an original, valid, unexpired written contact lens prescription;
- (2) the prescribing licensed optometrist has given, mailed or transmitted by facsimile transmission a copy of a valid, unexpired written contact lens prescription to a seller designated in writing by the patient to act on the patient's behalf;  
or
- (3) the prescribing licensed optometrist has orally or in writing verified the valid, unexpired prescription to a seller designated by the patient to act on his behalf.

N. A verification shall not be provided pursuant to Paragraph (3) of Subsection M of this section unless the patient has designated the contact lens seller to act on the patient's behalf.

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Verification by the prescribing licensed optometrist shall take place within a reasonable time after receipt of the request for verification by the seller. In any case where the existence of a valid designation by the patient of a seller to act on the patient's behalf is in question, the prescriber shall promptly contact the patient to determine if a designation is in effect. Under no circumstances shall a non-response to a verification request be deemed to authorize, validate or confirm any prescription. "

16. Reletter the succeeding subsections accordingly.

17. On page 22, line 12, strike "licensed physician".

18. On page 22, line 14, after the period insert "Pharmacies, clinics and hospitals licensed by the board of pharmacy shall be exempt from this requirement. "

Respectfully submitted,

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W. Ken Martinez, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11  
Excused: None  
Absent: None

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