

STATE MEDICAL BOARD OF OHIO - POLICY STATEMENT

RELEASE OF VISION PRESCRIPTIONS

March 13, 1991

Revised April 15, 2004

The State Medical Board of Ohio is charged with the enforcement of Section 4731.44 (B) of the Ohio Revised Code which requires:

An individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery, on completion of a vision examination and diagnosis, shall give each patient for whom the individual prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient.

In contact lens examinations which involve new patients, patients making a significant change in the type of contact lens, i.e. daily wear to extended wear, etc., or when an ocular abnormality exists, the diagnosis for contact lenses is not completed until after the contact lenses have been dispensed to the patient, the patient has been checked for the fit of the lenses, and after a trial wearing period the doctor has examined the patient and the doctor is satisfied that the prescribed contact lenses are correct for the patient.

The Ohio Revised Code does not currently address an expiration date for any vision correcting item, device or procedure. In the interest of protecting the vision of Ohio citizens, the State Medical Board of Ohio will NOT require an ophthalmologist to author a contact lens prescription if the examination and diagnosis for the patient was completed more than two years previous.

Persons authorized by the state to fit and dispense contact lenses must also follow a new federal regulation, the Fairness to Contact Lens Consumers Act. The Act, which took effect February 4, 2004, requires that, at the conclusion of a contact lens fitting, each patient automatically be provided with a copy of his or her own contact lens prescription, whether or not a patient asks for a copy. The new law generally prohibits persons authorized by the state to fit and dispense contact lenses from making the release or verification of a patient's contact lens prescription conditional. Furthermore, persons authorized by the state to fit and dispense contact lenses may not: charge a fee for prescription release, require the patient to purchase contact lenses from them, require the patient to sign a waiver or release, or write an expiration date of less than one year unless there is a specific medical reason. Persons authorized by the state to fit and dispense contact lenses are also required to follow subsequent rules promulgated by the Federal Trade Commission as a result of the Fairness to Contact Lens Consumers Act (<http://www.ftc.gov>).

This policy or position statement is only a guideline and should not be interpreted as being all inclusive or exclusive. The Board will review possible violations of the Medical Practices Act and/or rules promulgated hereunder on a case by case basis.

Approved 3/13/91

Revised 4/15/04

Revised 7/10/08 to include disclaimer