

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

5 SEP -6 P2:18

SENATE
S.B. No. 2114

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Contact lenses provide a safe and effective way to correct vision when used with care and proper supervision. They can offer a good alternative to eyeglasses, depending on a person's eye health and personal lifestyle.


There are contact lenses available in the market that can change the color of your eyes or be used for theatrical or Halloween purposes, even if the user does not require vision correction.

However contact lens users may be unaware that contact lenses, both corrective and non-corrective, need to be fitted and be followed up by an eye care professional, e.g., an ophthalmologist or optometrist.

The cornea of the eye can vary in shape; the eyelids also interact with contact lenses in different ways. Even if the lenses feel fine to a user, the fit may be improper and even potentially dangerous. Misuse can lead to complications ranging from temporary damages to the cornea to sight-threatening problems which could lead to vision loss.

Because of the risks involved in the improper use of contact lenses, it is important to ensure that contact lens users are properly guided with the right prescription.

This bill seeks to protect contact lens users from the risks of unprescribed use of contact lenses by requiring a prescription before purchase. This bill would also allow contact lens users to purchase cheaper but of equal quality contact lenses aside from the contact lenses being sold by their doctors.


MIRIAM DEFENSOR SANTIAGO
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AN ACT
TO PROVIDE FOR AVAILABILITY OF
CONTACT LENS PRESCRIPTIONS TO PATIENTS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* – This Act shall be known and cited as the “Fairness to Contact Lens Consumers Act.”

SECTION 2. *Definition of Terms.* – As used in this Act unless the context indicates otherwise, the following definition of terms shall be adopted:

- (1) “Contact Lens Fitting” means the process that begins after the initial eye examination and ends when a successful fit has been achieved or, in the case of a renewal prescription, ends when the prescriber determines that no change in prescription is required, and such term may include—
 - (a) an examination to determine lens specifications;
 - (b) except in the case of a renewal of a prescription, an initial evaluation of the fit of the lens on the eye; and
 - (c) medically necessary follow up examinations.
- (2) “Prescriber” means, with respect to contact lens prescriptions, an ophthalmologist, optometrist, or other person permitted under the law to issue prescriptions for contact lenses.
- (3) “Contact lens prescription” means a prescription that contains sufficient information for the complete and accurate filling of a prescription, including the following:
 - (a) Name of the patient;

- (b) Date of examination;
 - (c) Issue date and expiration date of prescription;
 - (d) Name, postal address, telephone number, and facsimile telephone number of prescriber;
 - (e) Power, material or manufacturer or both;
 - (f) Base curve or appropriate designation;
 - (g) Diameter, when appropriate; and
 - (h) In the case of a private label contact lens, name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name.
- (4) "Direct communication" includes face to face communication, communication by telephone, facsimile, or electronic mail.
- (5) "Issue date" means the date on which the patient receives a copy of the prescription.

SECTION 3. *Availability of Contact Lens Prescriptions to Patients.* –

- (a) *In General.* When a prescriber completes a contact lens fitting, the prescriber --
- (1) whether or not requested by the patient, shall provide to the patient a copy of the contact lens prescription; and
 - (2) shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription by electronic or other means.
- (b) *Limitations.* A prescriber may not –
- (1) require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2);
 - (2) require payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2);
or
 - (3) require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

SECTION 4. *Immediate Payment of Fees in Limited Circumstances.* – A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods.

SECTION 5. *Prescriber Verification.* –

- (a) *Prescription Requirement.* A seller may sell contact lenses only in accordance with a contact lens prescription for the patient that is--
- (1) presented to the seller by the patient or prescriber directly or by facsimile; or
 - (2) verified by direct communication.
- (b) *Record Requirement.* A seller shall maintain a record of all direct communications referred to in subsection (a).
- (c) *Information.* When seeking verification of a contact lens prescription, a seller shall provide the prescriber with the following information:
- (1) Patient's full name and address;
 - (2) Contact lens power, manufacturer, base curve or appropriate designation, and diameter when appropriate;
 - (3) Quantity of lenses ordered;
 - (4) Date of patient request;
 - (5) Date and time of verification request; and
 - (6) Name of contact person at seller's company, including facsimile and telephone number.
- (d) *Verification Events.* A prescription is verified under this Act only if one of the following occurs:
- (1) The prescriber confirms the prescription is accurate by direct communication with the seller;
 - (2) The prescriber informs the seller that the prescription is inaccurate and provides the accurate prescription;

- (3) The prescriber fails to communicate with the seller within eight (8) business hours, or a similar time as defined by the Department of Trade and Industry, after receiving from the seller the information described in subsection (c).
- (e) *Invalid Prescription.* If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is inaccurate, expired, or otherwise invalid, the seller shall not fill the prescription. The prescriber shall specify the basis for the inaccuracy or invalidity of the prescription. If the prescription communicated by the seller to the prescriber is inaccurate, the prescriber shall correct it.
- (f) *No Alteration.* A seller may not alter a contact lens prescription. Notwithstanding the preceding sentence, if the same contact lens is manufactured by the same company and sold under multiple labels to individual providers, the seller may fill the prescription with a contact lens manufactured by that company under another label.

SECTION 6. *Expiration of Contact Lens.* –

- (a) *In General.* A contact lens prescription shall expire on the date specified by the prescriber, if that date is based on the medical judgment of the prescriber with respect to the ocular health of the patient.
- (b) *Special Rules for Prescriptions of Less Than 1 Year.* If a prescription expires in less than one year, the reasons for the judgment referred to in subsection (a) shall be documented in the patient's medical record. In no circumstance shall the prescription expiration date be less than the period of time recommended by the prescriber for a reexamination of the patient that is medically necessary.

SECTION 7. *Content of Advertisements and Other Representations.* Any person that engages in the manufacture, processing, assembly, sale, offering for sale, or distribution of contact lenses may not represent, by advertisement, sales presentation, or otherwise, that contact lenses may be obtained without a prescription.

SECTION 8. *Prohibition of Certain Waivers.* A prescriber may not place on the prescription, or require the patient to sign, or deliver to the patient a form or notice waiving or

disclaiming the liability or responsibility of the prescriber for the accuracy of the eye examination. The preceding sentence does not impose liability on a prescriber for the ophthalmic goods and services dispensed by another seller pursuant to the prescriber's correctly verified prescription.

SECTION 9. *Violations.* – Any person who shall violate the provisions of this Act shall upon conviction, be subject to a fine of not less than Five Hundred Pesos (P500.00) but not more than Ten Thousand Pesos (P10,000.00) or imprisonment of not less than five (5) months but not more than one (1) year or both, upon the discretion of the court.

SECTION 10. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SECTION 11. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,