

**§19312. Minimum prescription requirements**

**1. Minimum requirements.** The following are the minimum requirements for prescriptions.

A. A prescription must include the name of the patient, the date of the prescription and the name and office location of the prescriber. [PL 2023, c. 580, §8 (NEW).]

B. An ophthalmic prescription may not contain an expiration date of more than 2 years from the date of the eye examination by the provider unless the prescription contains a statement made by the provider of the reasons why a longer time frame is appropriate based on the medical needs of the patient. [PL 2023, c. 580, §8 (NEW).]

C. For spectacle lenses, a prescription must contain the power for the spectacle lens for each eye and an expiration date. [PL 2023, c. 580, §8 (NEW).]

D. For contact lenses, a prescription must include the date of examination, issue date of the prescription, expiration date, postal address of the prescriber, power, base curve or appropriate designation, diameter when appropriate and brand name or material or both. [PL 2023, c. 580, §8 (NEW).]

E. For pharmaceutical agents, a prescription must include the patient's name, the date issued, the name of the agent, dosage of drugs, the number of refills, the name of the prescriber, the Maine license number of the prescriber, the National Provider Identifier or federal Drug Enforcement Agency number of the prescriber and the prescriber's directions for usage.

Nothing in this paragraph may be construed to restrict the dispensation or sale by an optometrist of contact lenses that contain and deliver pharmaceutical agents authorized under this chapter for use or prescription. [PL 2023, c. 580, §8 (NEW).]

F. A person may not make a prescription for spectacle lenses or contact lenses based solely on the diagnosis of a refractive error of the human eye as generated by a kiosk. [PL 2023, c. 580, §8 (NEW).]

G. A person may not dispense spectacle lenses or contact lenses to an individual without a valid prescription from a provider issued after an eye examination performed by the provider, except that a licensee may dispense without a prescription spectacle lenses, solely for the correction of vision, that are of uniform focus power in each eye of between plano and +3.25 diopters. [PL 2023, c. 580, §8 (NEW).]

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**2. Release of contact lens and spectacle prescriptions.** The following provisions govern the release of contact lens and spectacle prescriptions.

A. After contact lenses have been properly fitted and the patient released from immediate follow-up care by the optometrist, the optometrist shall provide a copy of the prescription to the patient, at no cost, which must contain the information necessary to properly duplicate the current prescription. [PL 2023, c. 580, §8 (NEW).]

B. After the conclusion of an eye examination, the optometrist shall provide a copy of the spectacle prescription to the patient, at no cost, which must contain the information necessary to properly duplicate the current prescription. [PL 2023, c. 580, §8 (NEW).]

C. The prescribing optometrist is not liable for an injury to or condition of a patient that results from negligence in packaging, manufacturing or dispensing contact lenses by anyone other than the prescribing optometrist. [PL 2023, c. 580, §8 (NEW).]

D. The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that an optometrist may fill a prescription of another optometrist or a physician without a copy of the prescription. Mail order contact lens suppliers must be licensed by and register with

the Maine Board of Pharmacy pursuant to Title 32, section 13751 and are subject to discipline by that board for violations of that board's rules and the laws governing the board. An individual who fills a contact lens prescription shall maintain a copy of that prescription for a period of 5 years.

[PL 2023, c. 580, §8 (NEW).]

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#### SECTION HISTORY

PL 2023, c. 580, §8 (NEW).

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