

20:50:04:06. Optometrist to write and release prescription -- Requests for medical records.

If a patient for whom an optometrist has prescribed spectacle lenses so requests, the optometrist shall write out the prescription and deliver a copy of it to the patient. An optometrist must provide to the patient one copy of the patient's prescription immediately after the eye examination is completed. An optometrist may refuse to give the patient a copy of the patient's prescription until the patient has paid for the eye examination, but only if immediate payment from the patient would have been required had the examination revealed that no ophthalmic goods were required.

The patient may not be charged any fee in addition to the optometrist's examination fee as a condition to releasing the prescription to the patient. However, an optometrist may charge an additional fee for verifying ophthalmic goods dispensed by another seller when the additional fee is imposed at the time the verification is performed.

An optometrist 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 optometrist for the accuracy of the eye examination or the accuracy of the ophthalmic goods and services dispensed by another seller.

Requests for medical records other than prescriptions are governed by SDCL 36-2-16.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-15(3), 36-7-19 1.

20:50:10:02. Provision of contact lens prescription. A person licensed under SDCL chapter 36-7 may not issue a validated contact lens prescription until a licensed optometrist has completed follow-up evaluation of the contact lens design on the patient's eye to assure the compatibility of the lens to the eye and the patient's ocular health.

After the completion of the follow-up evaluation by the licensed optometrist, ~~if the patient requests, in writing, a copy of the contact lens specifications pursuant to SDCL 36-2-16,~~ the prescribing optometrist shall provide a copy of the validated prescription. ~~The optometrist shall~~ prescription must clearly state indicate the expiration date on of the prescription.

If a patient refuses to permit the prescribing optometrist to complete a follow-up evaluation, the prescribing optometrist shall deliver a nonvalidated prescription to the patient that includes a statement that the prescription cannot be validated without follow-up evaluation.

The prescribing optometrist may not:

1. Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of a contact lens prescription;
2. Require payment in addition to, or as a part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a contact lens prescription; or
3. Require the patient to sign a waiver or release as a condition of verifying or releasing a contact lens prescription.

However, a prescribing optometrist 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. For purposes of the preceding sentence, presentation of proof of insurance coverage for that service is deemed to be a payment.

Source: 21 SDR 35, 21 SDR 50, effective January 1, 1995.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-1.