



## BOARD OF OPTOMETRY INFORMS LICENSEES NEW FEDERAL EYEGLASS RULE IN EFFECT

The California State Board of Optometry (Board) reminds optometrists that they are required by state and federal law to abide by the rules pertaining to prescriptions and eye examinations adopted by the Federal Trade Commission.

Effective, September 26, 2024, the **new federal Eyeglass Rule of 2024** requires optometrists to obtain confirmation from a patient that the prescription was provided to the patient. In cases where the prescription is provided electronically, optometrists need to obtain affirmative consent from the patient to send the prescription electronically and must retain that consent for three years. According to the rule, patients must be given their prescription prior to the promotion of in-office eyeglass and contact lens product sales.

According to the federal regulations, to obtain affirmative consent to provide a prescription in a digital format, an optometrist must:

- Identify to the patient the specific method of electronic delivery that will be used, such as text message, e-mail, or an online patient portal.
- Obtain, on paper or in a digital format, the patient’s verifiable affirmative consent to receive a digital copy of the prescription through the identified method.
- Maintain records or evidence of the patient’s affirmative consent for a period of at least 3 years.

The revised eyeglass rule also requires the prescription to be provided to the patient before offering to sell any ophthalmic goods. Optometrists must also confirm the prescription was released to the patient. If the prescription was provided in a paper format, the optometrist must request the patient acknowledge receipt of the prescription by signing a separate statement on paper or in a digital format. If a digital copy of the prescription was provided to the patient, then the optometrist must retain evidence that it was sent, received, or made accessible, downloadable, and printable.

In some cases, an optometrist is not required to obtain confirmation that the patient received the prescription nor are they required to maintain records or evidence for three years of having obtained that confirmation. The optometrist is not required to obtain confirmation or maintain these records if they do not have a direct or indirect financial interest in the sale of eye wear, including through an association, affiliation, or co-location with an optical dispenser.

If you have additional questions, please contact the Board at [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov) or reach out to your state or national association.

