Office of
The Governor

No. 38 FY 19/20
DATE April 10, 2020

AN ORDER REGARDING THE EXPIRATION OF OPTOMETRIC LENS PRESCRIPTIONS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, Executive Order No. 28 FY 19/20 directed people to stay healthy at home except for essential businesses operations and personal activities in order to further reduce the transmission of COVID-19; and

WHEREAS, many Maine people, including those at high-risk and most vulnerable to COVID-19, are remaining in their homes in order to reduce their likelihood of contracting or transmitting the virus; and

WHEREAS, the Maine Center for Disease Control and Prevention has issued guidance urging the postponement of non-urgent medical and dental procedures, elective surgeries, and appointments based on consultations between patients and health care providers; and

WHEREAS, during the state of emergency, individuals complying with federal and state recommendations to stay healthy at home may be unable to attend eye examinations for renewal of prescriptions for ophthalmic or contact lenses; and

WHEREAS, this Order is necessary to ensure that Maine patients can obtain ophthalmic and contact lenses necessary to maintain vision; and

WHEREAS, a governor's emergency powers pursuant to 37-B M.R.S. §742(1)(C)(1) and §834 expressly include the authority to suspend the enforcement of statutes, orders or rules where strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions cited above, do hereby Order as follows:

I. ORDERS

Pertinent provisions of 32 M.R.S. Chapters 34-A, 36, 48, and 117, including but not limited to 32 M.R.S. § 2417(4)(A-1)(3) and (4) and related rules, as they apply to the expiration date of prescriptions for ophthalmic or contact lenses are hereby suspended to the limited extent necessary to allow a licensee to:

A dispense ophthalmic lenses to a patient pursuant to a prescription, if that prescription is no more than 3 years old, irrespective of whether that prescription has an expiration date that has passed;

B. dispense contact lenses to a patient pursuant to a prescription, if that prescription is no more than 3 years old, irrespective of whether that prescription has an expiration date that has passed. No such prescription may be filled that provides contact lenses for a period of more than 9 months from the date of this Order. Any licensee filling a prescription for contact lenses must notify the patient, in writing, at the time contact lenses are dispensed, that the prescription may not be for more than 9 months and may not be refilled; or

C. release a prescription for ophthalmic lenses or contact lenses that is no more than 3 years old to a patient upon request by and at no cost to the patient.

The Board of Licensure in Optometry, Board of Osteopathic Licensure, Board of Licensure in Medicine, and Maine Board of Pharmacy are directed to issue forthwith guidance to implement the terms of this Order.

II. EFFECTIVE DATE

This Order shall take effect on April 10, 2020 and, unless sooner amended or rescinded, shall terminate 30 days after the termination of the COVID-19 state of emergency.

Janet T. Mills
Governor