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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 559

01/31/2019 Authored by Pinto, Theis, Fischer, Morrison, Freiberg and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health occupations; requiring a provider-patient relationship in order
1.3 to make ophthalmic prescriptions; amending Minnesota Statutes 2018, section
1.4 148.56, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 148.56, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 6. Provider-patient relationship required. (a) For purposes of this subdivision,
1.9 the following terms have the meanings given:

1.10 (1) "contact lens" means any lens that is placed directly on the surface of the eye, whether
1.11 or not the lens is intended to correct a visual defect, including any cosmetic, therapeutic, or
1.12 corrective lens;

1.13 (2) "ophthalmic prescription" means a handwritten or electronic order of a provider that
1.14 includes:

1.15 (i) in the case of contact lenses, all information required by the Fairness to Contact Lens
1.16 Consumers Act, United States Code, title 15, section 7601, et seq.;

1.17 (ii) in the case of prescription eyeglasses, all information required by the Ophthalmic
1.18 Practice Rule, also known as the Eyeglass Rule, Code of Federal Regulations, title 16, part
1.19 456; and

1.20 (iii) necessary and appropriate information for the dispensing of prescription eyeglasses
1.21 or contact lenses for a patient, including, at a minimum, the provider's name, the physical
1.22 address of the provider's practice, and the provider's telephone number; and

2.1 (3) "provider" means an ophthalmologist licensed by the Board of Medical Practice
2.2 under chapter 147 or an optometrist licensed by the Board of Optometry under sections
2.3 148.52 to 148.62.

2.4 (b) For the purposes of a provider prescribing spectacles, eyeglasses, lenses, or contact
2.5 lenses to a patient, the provider shall establish a provider-patient relationship by an
2.6 examination pursuant to paragraph (c).

2.7 (c) An examination meets the requirements of paragraph (b) if it takes place:

2.8 (1) in person;

2.9 (2) through face-to-face interactive, two-way, real-time communication; or

2.10 (3) through store-and-forward technologies when all of the following conditions are
2.11 met:

2.12 (i) the provider obtains an updated medical history and makes a diagnosis at the time of
2.13 prescribing;

2.14 (ii) the provider conforms to the standard of care expected of in-person care as appropriate
2.15 to the patient's age and presenting condition, including when the standard of care requires
2.16 the use of diagnostic testing and performance of a physical examination, which may be
2.17 carried out through the use of peripheral devices appropriate to the patient's condition;

2.18 (iii) the ophthalmic prescription is not determined solely by use of an online questionnaire;

2.19 (iv) the provider is licensed and authorized to prescribe in the state; and

2.20 (v) upon request, the prescriber provides patient records in a timely manner in accordance
2.21 with state and federal requirements.

2.22 (d) This subdivision does not apply to the sale of over-the-counter eyeglasses, also known
2.23 as readers, that are not designed to address the visual needs of the individual wearer.

2.24 **EFFECTIVE DATE.** This section applies to ophthalmic prescriptions written on or
2.25 after July 1, 2019.