

SENATE BILL No. 19

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9.5; IC 25-24-1-1.5.

Synopsis: Telemedicine. Removes the restriction on the prescribing of ophthalmic devices through telemedicine and sets conditions on when a provider may, through telemedicine, prescribe medical devices. Establishes conditions that must be met before a prescriber may issue a prescription for an ophthalmic device. Prohibits the Indiana optometry board from setting standards for the practice of ocular telemedicine or ocular telehealth that are more restrictive than the standards established for in person practice.

Effective: July 1, 2020.

Charbonneau

January 6, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 19

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9.5-8, AS AMENDED BY P.L.211-2019,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 8. (a) A prescriber may issue a prescription to a
4 patient who is receiving services through the use of telemedicine if the
5 patient has not been examined previously by the prescriber in person
6 if the following conditions are met:

- 7 (1) The prescriber has satisfied the applicable standard of care in
- 8 the treatment of the patient.
- 9 (2) The issuance of the prescription by the prescriber is within the
- 10 prescriber's scope of practice and certification.
- 11 (3) The prescription:
- 12 (A) meets the requirements of subsection (b); and
- 13 (B) is not for an opioid. However, an opioid may be prescribed
- 14 if the opioid is a partial agonist that is used to treat or manage
- 15 opioid dependence.
- 16 (4) The prescription is not for an abortion inducing drug (as
- 17 defined in IC 16-18-2-1.6).



1 (5) The prescription is not for an ophthalmic device, including:
 2 (A) glasses;
 3 (B) contact lenses; or
 4 (C) low vision devices.

5 **(5) If the prescription is for a medical device, including an**
 6 **ophthalmic device, the prescriber must use telemedicine**
 7 **technology that is sufficient to allow the provider to make an**
 8 **informed diagnosis and treatment plan that includes the**
 9 **medical device being prescribed. However, a prescription for**
 10 **an ophthalmic device is also subject to the conditions in**
 11 **section 13 of this chapter.**

12 (b) Except as provided in subsection (a), a prescriber may issue a
 13 prescription for a controlled substance (as defined in IC 35-48-1-9) to
 14 a patient who is receiving services through the use of telemedicine,
 15 even if the patient has not been examined previously by the prescriber
 16 in person, if the following conditions are met:

17 (1) The prescriber maintains a valid controlled substance
 18 registration under IC 35-48-3.

19 (2) The prescriber meets the conditions set forth in 21 U.S.C. 829
 20 et seq.

21 (3) The patient has been examined in person by a licensed Indiana
 22 health care provider and the licensed health care provider has
 23 established a treatment plan to assist the prescriber in the
 24 diagnosis of the patient.

25 (4) The prescriber has reviewed and approved the treatment plan
 26 described in subdivision (3) and is prescribing for the patient
 27 pursuant to the treatment plan.

28 (5) The prescriber complies with the requirements of the
 29 INSPECT program (IC 25-26-24).

30 (c) A prescription for a controlled substance under this section must
 31 be prescribed and dispensed in accordance with IC 25-1-9.3 and
 32 IC 25-26-24.

33 SECTION 2. IC 25-1-9.5-13 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2020]: **Sec. 13. (a) As used in this section, "HIPAA" refers to the**
 36 **federal Health Insurance Portability and Accountability Act.**

37 **(b) A prescriber may not issue a prescription for an ophthalmic**
 38 **device unless the following conditions are met:**

39 **(1) If the prescription is for contact lenses or eyeglasses, the**
 40 **patient must be at least eighteen (18) years of age but not**
 41 **more than fifty-five (55) years of age.**

42 **(2) The patient must have completed a medical eye history**



- 1 that includes information concerning the following:
- 2 (A) Chronic health conditions.
- 3 (B) Current medications.
- 4 (C) Eye discomfort.
- 5 (D) Blurry vision.
- 6 (E) Any prior ocular medical procedures.
- 7 (3) The patient must have had a prior prescription from a
- 8 qualified prescriber that included a comprehensive in person
- 9 exam.
- 10 (4) If the patient desires a contact lens prescription, that
- 11 patient must have had a prior contact lens fitting by a
- 12 qualified eye care professional.
- 13 (5) The patient:
- 14 (A) may not use telemedicine more than two (2)
- 15 consecutive times for an eye examination without a
- 16 subsequent in person comprehensive eye exam; and
- 17 (B) must acknowledge that the patient has had a
- 18 comprehensive eye exam as required under clause (A)
- 19 before receiving an online prescription.
- 20 (6) The patient must allow the prescriber to access the
- 21 patient's medical records using an appropriate HIPAA
- 22 compliant process.
- 23 (7) The prescriber must ensure that the transfer of all
- 24 information, including the vision test and prescription,
- 25 comply with HIPAA requirements.
- 26 (8) The prescriber must use technology to allow the patient to
- 27 have continuing twenty-four (24) hour a day online access to
- 28 the patient's prescription as soon as the prescription is signed
- 29 by the prescriber.

30 SECTION 3. IC 25-24-1-1.5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2020]: **Sec. 1.5. The board may not establish standards**
 33 **concerning the practice of ocular telemedicine or ocular telehealth**
 34 **that are more restrictive than the standards that are set under this**
 35 **article or by administrative rule and applicable to the**
 36 **practitioner's in person ocular practice.**

