

SENATE BILL No. 242

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9.5-8; IC 25-24-1-1.5.

Synopsis: Telemedicine and medical devices. Removes the restriction on the prescribing of ophthalmic devices through telemedicine and sets conditions on when a provider may, through telemedicine, prescribe medical devices. 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, 2019.

Freeman

January 3, 2019, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 242

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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.150-2017,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: 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 provider 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.**

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

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

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

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

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

26 (5) The prescriber complies with the requirements of the
 27 INSPECT program (IC 35-48-7).

28 (c) A prescription for a controlled substance under this section must
 29 be prescribed and dispensed in accordance with IC 35-48-7.

30 SECTION 2. 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, 2019]: **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.**

