

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 544

(SENATE AUTHORS: HOUSLEY, Marty and Relph)

DATE	D-PG	OFFICIAL STATUS
01/28/2019	181	Introduction and first reading
		Referred to Health and Human Services Finance and Policy
02/18/2019	414a	Comm report: To pass as amended
	416	Second reading

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

1.4 145.713, 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 145.713, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 4. **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 optometrist or physician.

2.2 (b) For the purposes of a provider prescribing ophthalmic goods to a patient, the provider
2.3 must establish a provider-patient relationship through an examination pursuant to paragraph
2.4 (c).

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

2.6 (1) in person;

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

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

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

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

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

2.17 (iv) the provider is licensed and authorized to issue an ophthalmic prescription in the
2.18 state; and

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

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

2.23 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to ophthalmic
2.24 prescriptions written on or after that date.