

TELEMEDICINE EYE EXAMINATION

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House Bill 4356 (H-1) as reported from committee

Sponsor: Rep. Luke Meerman

Committee: Health Policy

Complete to 3-22-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4356 would add and amend definitions in Part 55A (Eye Care Consumer Protection) of the Public Health Code to allow eye examinations and evaluations to be conducted through telemedicine under certain circumstances.

Currently, an “examination and evaluation” is defined in the Part 55A, for the purpose of writing a valid prescription, as an assessment of the ocular health and visual status of a patient that does not consist solely of objective refractive data or other automated testing device.

The bill would add that an examination and evaluation could occur through *telemedicine* if both of the following requirements were met:

- The standard of care is maintained at the same level as if the examination and evaluation were performed in person.
- The patient has had an in-person evaluation and examination within the immediately preceding five years.

Telemedicine would mean the use of electronic media to link a patient with a license in a different location. To be considered telemedicine for purposes of Part 55A, the licensee would have to be able to examine and evaluate the patient through a HIPAA-compliant, secure interactive audio or video (or both) telecommunications system or through the use of store-and-forward online technology.

The bill would also provide that the Part 55A requirement that a valid prescription for a contact lens include an analysis of the physiological compatibility of the lens on the cornea and the physical fit and refractive functionality of the lens on the patient’s eye applies only to the initial contact lens prescription.

Finally, section 5561 describes certain acts that cannot be done except by a licensee, under the supervision of a licensee, or pursuant to a valid prescription. Under the bill, a person could not employ objective or subjective physical means to determine the accommodative or refractive condition or range of power of vision or muscular equilibrium as the sole basis for issuing a prescription unless that activity was performed by or under the supervision of a licensee. (The underlined language would be added by the bill.)

MCL 333.5553 et al.

FISCAL IMPACT:

House Bill 4356 would not have an appreciable fiscal impact on the Department of Licensing and Regulatory Affairs or any other unit of state or local government.

POSITIONS:

A representative of 1-800 Contacts testified in support of the bill. (2-25-21)

The following entities indicated support for the bill:

- Mackinac Center for Public Policy (2-25-21)
- American Telemedicine Association (3-3-21)
- AT&T (3-3-21)
- TechNet (3-3-21)
- Americans for Tax Reform (3-1-21)
- Americans for Vision Care Innovation (3-1-21)

A representative of the Michigan Optometric Association testified in opposition to the bill. (3-3-21)

The following entities indicated opposition to the bill:

- AARP Michigan (3-3-21)
- Henry Ford OptimEyes (3-3-21)
- Health Care Alliance for Public Safety (3-1-21)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.