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House Bill 4356 (Substitute S-1 as reported)
Sponsor: Representative Mary Whiteford
House Committee: Health Policy
Senate Committee: Health Policy and Human Services

CONTENT

The bill would amend Part 55A (Eye Care Consumer Protection) of the Public Health Code to allow an eye examination and evaluation to be conducted through telemedicine under certain circumstances. "Telemedicine" would mean the use of electronic media to link a patient with a licensee to a different location. To be considered telemedicine under Part 55A, the licensee would have to be able to conduct an examination and evaluation of the patient via a Health Insurance Portability and Accountability Act compliant, secure interactive audio or video, or both, telecommunications systems, or through the use of store and forward online technology.

Currently, Part 55A defines "examination and evaluation", 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 information generated by an automated refracting device or other automated testing device. Under the bill, an examination and evaluation could occur through telemedicine if both of the following requirements were met:

- The standard of care applicable to the licensee's profession for the examination and evaluation was maintained at the same level as if the examination and evaluation were performed in person.
- The patient had had an in-person examination and evaluation within the immediately preceding two years.

Part 55A specifies that for a contact lens, "valid prescription" means a written or electronic order by a licensee who has conducted an examination and evaluation of a patient and has determined a satisfactory fit for the contact lens based on 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. Under the bill, this definition would apply to an initial contact lens prescription.

Part 55A also prohibits a person from employing objective or subjective physical means to determine the accommodative or refractive condition or range of power of vision or muscular equilibrium of the human eye unless that activity is performed by a licensee or under the supervision of a licensee. 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 of the human eye *as the sole basis for issuing a prescription* unless that activity was performed by a licensee or under the supervision of a licensee.

MCL 333.5553 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-14-21

Fiscal Analyst: Elizabeth Raczkowski

[floor/hb4356](#)

Bill Analysis @ www.senate.michigan.gov/sfa

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