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House Bill 4356 (Substitute H-1 as passed by the House)  
Sponsor: Representative Luke Meerman  
House Committee: Health Policy  
Senate Committee: Health Policy and Human Services

Date Completed: 6-2-21

### **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.**

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 was maintained at the same level as if the examination and evaluation were performed in person.
- The patient had 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 licensee in a different location. To be considered telemedicine, the licensee would have to be able to examine and evaluate the patient via a Health Insurance Portability and Accountability Act compliant, secure interactive audio or video, or both, telecommunications system, or through the use of store and forward online technology. ("Licensee" means any of the following: a) a physician who is licensed or otherwise authorized to engage in the practice of medicine under Part 170 (Medicine) and who specializes in eye care, b) a physician who is licensed or otherwise authorized to engage in the practice of osteopathic medicine and surgery under Part 175 (Osteopathic Medicine and Surgery) and who specializes in eye care, or c) an optometrist who is licensed or otherwise authorized to engage in the practice of optometry under Part 174 (Optometry).)

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, among other things, 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.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.