

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4356**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 5553, 5555, 5557, and 5561 (MCL 333.5553,  
333.5555, 333.5557, and 333.5561), as added by 2014 PA 269.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5553. (1) "Contact lens" means a lens placed directly on  
2 the surface of the eye, regardless of whether it is intended to  
3 correct a visual defect. Contact lens includes, but is not limited  
4 to, a cosmetic, therapeutic, or corrective lens.

5           (2) "Department" means the department of licensing and  
6 regulatory affairs.

7           (3) "Diagnostic contact lens" means a contact lens used to  
8 determine a proper contact lens fit.



1 (4) "Examination and evaluation", for the purpose of writing a  
2 valid prescription, means an assessment of the ocular health and  
3 visual status of a patient that does not consist solely of  
4 objective refractive data or information generated by an automated  
5 refracting device or other automated testing device. **An examination  
6 and evaluation may occur through telemedicine if both of the  
7 following requirements are met:**

8 (a) **The standard of care applicable to the licensee's  
9 profession for the examination and evaluation is maintained at the  
10 same level as if the examination and evaluation were performed in  
11 person.**

12 (b) **The patient has had an in-person examination and  
13 evaluation within the immediately preceding 2 years.**

14 Sec. 5555. (1) "Licensee" means any of the following:

15 (a) A physician who is licensed or otherwise authorized to  
16 engage in the practice of medicine under part 170 and who  
17 specializes in eye care.

18 (b) A physician who is licensed or otherwise authorized to  
19 engage in the practice of osteopathic medicine and surgery under  
20 part 175 and who specializes in eye care.

21 (c) An optometrist who is licensed or otherwise authorized to  
22 engage in the practice of optometry under part 174.

23 (2) "Spectacles" means an optical instrument or device worn or  
24 used by an individual that has 1 or more lenses designed to correct  
25 or enhance vision to address the visual needs of the individual  
26 wearer and commonly known as glasses, including spectacles that may  
27 be adjusted by the wearer to achieve different types or levels of  
28 visual correction or enhancement.

29 (3) **"Telemedicine" means the use of electronic media to link a**



1 patient with a licensee in a different location. To be considered  
2 telemedicine for purposes of this part, the licensee must be able  
3 to conduct an examination and evaluation of the patient via a  
4 health insurance portability and accountability act of 1996, Public  
5 Law 104-191, compliant, secure interactive audio or video, or both,  
6 telecommunications system, or through the use of store and forward  
7 online technology.

8 Sec. 5557. "Valid prescription" means 1 of the following, as  
9 applicable:

10 (a) For a contact lens, a written or electronic order by a  
11 licensee who has conducted an examination and evaluation of a  
12 patient and has determined a satisfactory fit for the contact lens  
13 based on an analysis of the physiological compatibility of the lens  
14 on the cornea and the physical fit and refractive functionality of  
15 the lens on the patient's eye **for the initial contact lens**  
16 **prescription**. To be a valid prescription under this subdivision, it  
17 must include at least all of the following information:

18 (i) A statement that the prescription is for a contact lens.

19 (ii) The contact lens type or brand name, or for a private  
20 label contact lens, the name of the manufacturer, trade name of the  
21 private label brand, and, if applicable, trade name of the  
22 equivalent or similar brand.

23 (iii) All specifications necessary to order and fabricate the  
24 contact lens, including power, material, base curve or appropriate  
25 designation, and diameter, if applicable.

26 (iv) The quantity of contact lenses to be dispensed.

27 (v) The number of refills.

28 (vi) Specific wearing instructions and contact lens disposal  
29 parameters, if any.



1 (vii) The patient's name.

2 (viii) The date of the examination and evaluation.

3 (ix) The date the prescription is originated.

4 (x) The prescribing licensee's name, address, and telephone  
5 number.

6 (xi) The prescribing licensee's written or electronic  
7 signature, or other form of authentication.

8 (xii) An expiration date of not less than 1 year from the date  
9 of the examination and evaluation or a statement of the reasons why  
10 a shorter time is appropriate based on the medical needs of the  
11 patient.

12 (b) For spectacles, a written or electronic order by a  
13 licensee who has ~~examined and evaluated~~ **conducted an examination**  
14 **and evaluation of** a patient. To be a valid prescription under this  
15 subdivision, it must include at least all of the following  
16 information:

17 (i) A statement that the prescription is for spectacles.

18 (ii) As applicable and as specified for each eye, the lens  
19 power including the spherical power, cylindrical power including  
20 axis, prism, and power of the multifocal addition.

21 (iii) Any special requirements, the omission of which would, in  
22 the opinion of the prescribing licensee, adversely affect the  
23 vision or ocular health of the patient. As used in this  
24 subparagraph, "special requirements" includes, but is not limited  
25 to, type of lens design, lens material, tint, or lens treatments.

26 (iv) The patient's name.

27 (v) The date of the examination and evaluation.

28 (vi) The date the prescription is originated.



1           (vii) The prescribing licensee's name, address, and telephone  
2 number.

3           (viii) The prescribing licensee's written or electronic  
4 signature, or other form of authentication.

5           (ix) An expiration date of not less than 1 year from the date  
6 of the examination and evaluation or a statement of the reasons why  
7 a shorter time is appropriate based on the medical needs of the  
8 patient.

9           Sec. 5561. (1) A person shall not do any of the following:

10           (a) Employ objective or subjective physical means to determine  
11 the accommodative or refractive condition or range of power of  
12 vision or muscular equilibrium of the human eye **as the sole basis**  
13 **for issuing a prescription** unless that activity is performed by a  
14 licensee or under the supervision of a licensee.

15           (b) Prescribe spectacles or contact lenses based on a  
16 determination described in subdivision (a) unless that activity is  
17 performed by a licensee.

18           (c) Dispense, give, or sell spectacles or contact lenses  
19 unless dispensed, given, or sold pursuant to a valid prescription.

20           (d) Use an automated refractor or other automated testing  
21 device to generate objective refractive data unless that use is by  
22 a licensee or under the supervision of a licensee.

23           (2) As used in this section, "supervision" means that term as  
24 defined in section 16109.

