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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1031

02/09/2017 Authored by Theis, Loonan, Rosenthal, Applebaum, O'Driscoll and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health occupations; prohibiting certain activities unless performed or
1.3 supervised by optometrists or licensed physicians; proposing coding for new law
1.4 in Minnesota Statutes, chapter 145.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [145.7125] PROHIBITED ACTIVITY.

1.7 Subdivision 1. **Restrictions.** (a) No person may use objective or subjective means to
1.8 determine the accommodative or refractive condition or range of power of vision or muscular
1.9 equilibrium of the human eye, unless used in person by a licensee or performed under direct
1.10 supervision of a licensee.

1.11 (b) No person may use an automated refractor or other automated testing device to
1.12 generate objective or subjective refractive data unless used in person or under direct
1.13 supervision of a licensee.

1.14 (c) No person may prescribe ophthalmic goods based on a determination or data generated
1.15 from an activity or device prohibited under paragraph (a) or (b) unless the activity or device
1.16 is used as part of an in-person examination by a licensee or under the direct supervision of
1.17 a licensee.

1.18 Subd. 2. **Definitions.** (a) For purposes of this section, the definitions in this subdivision
1.19 have the meaning given them.

1.20 (b) "Direct supervision" means that the licensee is physically present and immediately
1.21 available to provide services or monitoring, or provide instruction to a technician or other
1.22 assistant or employee of the licensee who is performing the activity.

2.1 (c) "In person" or "in-person examination" means an examination or activity that is
2.2 personally performed by a licensee who is at the same physical location as the patient.

2.3 (d) "Licensee" means a physician licensed under chapter 147 or an optometrist licensed
2.4 under sections 148.52 to 148.62.