CHAPTER 31--H.F.No. 559

An act relating to health occupations; requiring a provider-patient relationship in order to make ophthalmic prescriptions; amending Minnesota Statutes 2018, section 145.713, by adding a subdivision.

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

Section 1. Minnesota Statutes 2018, section 145.713, is amended by adding a subdivision to read:

Subd. 4. **Provider-patient relationship required.** (a) For purposes of this subdivision, the following terms have the meanings given:

(1) "contact lens" means any lens that is placed directly on the surface of the eye, whether or not the lens is intended to correct a visual defect, including any cosmetic, therapeutic, or corrective lens;

(2) "ophthalmic prescription" means a handwritten or electronic order of a provider that includes:

(i) in the case of contact lenses, all information required by the Fairness to Contact Lens Consumers Act, United States Code, title 15, section 7601, et seq.;

(ii) in the case of prescription eyeglasses, all information required by the Ophthalmic Practice Rule, also known as the Eyeglass Rule, Code of Federal Regulations, title 16, part 456; and

(iii) necessary and appropriate information for the dispensing of prescription eyeglasses or contact lenses for a patient, including, at a minimum, the provider's name, the physical address of the provider's practice, and the provider's telephone number; and

(3) "provider" means an optometrist or physician.

(b) For the purposes of a provider prescribing ophthalmic goods to a patient, the provider must establish a provider-patient relationship through an examination pursuant to paragraph (c).

(c) An examination meets the requirements of paragraph (b) if it takes place:

(1) in person;

(2) through face-to-face interactive, two-way, real-time communication; or

(3) through store-and-forward technologies when all of the following conditions are met:

(i) the provider obtains an updated medical history and makes a diagnosis at the time of prescribing;

(ii) the provider conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition;

(iii) the ophthalmic prescription is not determined solely by use of an online questionnaire;

(iv) the provider is licensed and authorized to issue an ophthalmic prescription in the state; and

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(v) upon request, the provider provides patient records in a timely manner in accordance with state and federal requirements.

(d) This subdivision does not apply to the sale of over-the-counter eyeglasses, also known as readers, that are not designed to address the visual needs of the individual wearer.

EFFECTIVE DATE. This section is effective July 1, 2019, and applies to ophthalmic prescriptions written on or after that date.

Presented to the governor May 17, 2019

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