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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 559

01/31/2019 Authored by Pinto, Theis, Fischer, Morrison, Freiberg and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
03/28/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
05/07/2019 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate
05/15/2019 Passed by the Senate and returned to the House
05/17/2019 Presented to Governor
Governor Approval

1.1 A bill for an act
1.2 relating to health occupations; requiring a provider-patient relationship in order
1.3 to make ophthalmic prescriptions; amending Minnesota Statutes 2018, section
1.4 145.713, by adding a subdivision.

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

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

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

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

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

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

1.17 (ii) in the case of prescription eyeglasses, all information required by the Ophthalmic
1.18 Practice Rule, also known as the Eyeglass Rule, Code of Federal Regulations, title 16, part
1.19 456; and

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

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

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

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

2.6 (1) in person;

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

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

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

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

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

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

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

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

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