

CHAPTER 199
SB 178 - FINAL VERSION

06/06/2019 2408EBA

2019 SESSION

19-0931
01/10

SENATE BILL **178**

AN ACT relative to telemedicine for spectacle and contact lenses.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24; Rep. Marsh, Carr. 8; Rep. Knirk, Carr. 3; Rep. Woods, Merr. 23; Rep. McMahon, Rock. 7

COMMITTEE: Health and Human Services

ANALYSIS

This bill clarifies the procedure for health care providers who prescribe spectacle lenses and contact lenses by telemedicine.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to telemedicine for spectacle and contact lenses.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 199:1 New Paragraph; Optometry; Definition Added. Amend RSA 327:1 by inserting after
2 paragraph VI the following new paragraph:

3 VI-a. "Telemedicine" means the use of audio, video, or other electronic media for the purpose
4 of diagnosis, consultation, or treatment. "Telemedicine" shall not include the use of audio-only
5 telephone or facsimile.

6 199:2 New Section; Prescriptions for Spectacle Lenses and Contact Lenses. Amend RSA 327 by
7 inserting after section 25-a the following new section:

8 327:25-b Prescriptions for Spectacle Lenses and Contact Lenses. For the purpose of a provider
9 issuing a prescription for spectacle lenses, as defined in RSA 327-A:1, III, or a prescription for
10 contact lenses, as defined in RSA 327-A:1, IV, to a patient, a provider shall establish a bona fide
11 provider-patient relationship by an examination in person, through face-to-face interactive, 2-way,
12 real-time communication, or telemedicine when all of the following conditions are met:

- 13 I. The provider obtains an updated medical history at the time of prescribing;
14 II. The provider makes a diagnosis at the time of prescribing;
15 III. The provider conforms to the standard of care expected of in-person care as appropriate
16 to the patient's age and presenting condition, including when the standard of care requires the use of
17 diagnostic testing and performance of a physical examination, which may be carried out through the
18 use of peripheral devices appropriate to the patient's condition;
19 IV. The ophthalmic prescription is not determined solely by use of an online questionnaire;
20 V. The provider is actively licensed in New Hampshire and authorized to prescribe; and
21 VI. Upon request, the prescriber provides patient records in a timely manner in accordance
22 with the provisions of RSA 332-I and all other state and federal laws and regulations.

23 199:3 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, VI to read as follows:

24 VI. ***A physician issuing a prescription for spectacle lenses, as defined in RSA 327-
25 A:1, III, or a prescription for contact lenses, as defined in RSA 327-A:1, IV, by means of
26 telemedicine directly to a patient shall:***

- 27 (a) ***Obtain an updated medical history at the time of prescribing;***
28 (b) ***Make a diagnosis at the time of prescribing;***
29 (c) ***Conform to the standard of care expected of in-person care as appropriate to
30 the patient's age and presenting condition, including when the standard of care requires***

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1 *the use of diagnostic testing and performance of a physical examination, which may be*
2 *carried out through the use of peripheral devices appropriate to the patient's condition;*

3 *(d) Not determine an ophthalmic prescription solely by use of an online*
4 *questionnaire; and*

5 *(e) Upon request, provide patient records in a timely manner in accordance*
6 *with the provisions of RSA 332-I and all other state and federal laws and regulations.*

7 **VII.** Under this section, Medicaid coverage for telehealth services shall comply with the
8 provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

199:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2019

Effective Date: September 08, 2019