

Senate Bill 129

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows licensed optometrist to engage in practice of telemedicine. Defines "telemedicine."
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to eye care; creating new provisions; amending ORS 683.010 and 683.180; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 683.010 to**
6 **683.310.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Eye examination" means an assessment of a patient's ocular health and visual sta-
9 tus, including but not limited to objective refractive data or information generated by an
10 automated testing device, such as an autorefractor, that is used to establish a medical di-
11 agnosis or to determine a refractive error.

12 (b) "Telemedicine" means the use of electronic and telecommunication technologies, in-
13 cluding self-administered technology, used to deliver ocular health care to a patient.

14 (2) A licensed optometrist may engage in the practice of telemedicine if:

15 (a) The licensed optometrist has an established patient-provider relationship with the
16 patient that includes an in-person eye examination prior to engaging in the practice of tele-
17 medicine with the patient;

18 (b) The licensed optometrist obtains and records the patient's medical history and pre-
19 vious prescription for corrective glasses or contact lenses, and records the length of time
20 since the patient's most recent in-person eye examination;

21 (c) The patient is at least 18 years of age;

22 (d) The technology used in the practice of telemedicine complies with the Americans with
23 Disabilities Act of 1990, 42 U.S.C. 12101 et seq., and the Health Insurance Portability and
24 Availability Act privacy regulations, 45 C.F.R. parts 160 and 164; and

25 (e) The diagnostic information collected during the practice of telemedicine is reviewed
26 by a physician licensed under ORS chapter 677 who specializes in ocular health care.

27 (3) Telemedicine technology may not be used for a patient's initial prescription for cor-
28 rective contact lenses.

29 (4) The Oregon Board of Optometry, in consultation with the Oregon Medical Board, may
30 adopt rules related to the practice of telemedicine.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 3.** ORS 683.010 is amended to read:

2 683.010. As used in ORS 683.010 to 683.310, unless the context requires otherwise:

3 [(1) “Board” means the Oregon Board of Optometry.]

4 (1) **“Licensed optometrist” means an optometrist licensed under ORS 683.010 to 683.340.**

5 (2) “Optometric nontopical formulary” means the list of nontopical pharmaceutical agents for
6 the treatment of diseases of the human eye and the protocols for their usage adopted by the Council
7 on Optometric Nontopical Formulary under ORS 683.240 (2).

8 (3) “Practice of optometry” means the use of any means other than invasive or laser surgery,
9 or the prescription of Schedule I and II drugs or pharmaceutical agents that are not on the
10 optometric nontopical formulary, for diagnosis and treatment in the human eye, for the measurement
11 or assistance of the powers or range of human vision or the determination of the accommodative
12 and refractive states of the human eye or the scope of its functions in general or the adaptation of
13 lenses or frames for the aid thereof, subject to the limitations of ORS 683.040. “Practice of
14 optometry” includes the prescription of Schedule II hydrocodone-combination drugs for the purposes
15 listed in this subsection **and the use of telemedicine as defined in section 2 of this 2019 Act.**

16 (4) “Trial frames” or “test lenses” means any frame or lens used in testing the eye which is not
17 sold and not for sale.

18 **SECTION 4.** ORS 683.180 is amended to read:

19 683.180. A person may not:

20 (1) Sell or barter, or offer to sell or barter, any license issued by the [board] **Oregon Board of**
21 **Optometry.**

22 (2) Purchase or procure by barter any such license with intent to use it as evidence of the
23 holder’s qualification to practice optometry.

24 (3) Alter the license with fraudulent intent in any material regard.

25 (4) Use or attempt to use any such license which has been purchased, fraudulently issued,
26 counterfeited or materially altered as a valid license.

27 (5) Practice optometry under a false or assumed name.

28 (6) Willfully make any false statement in a material regard in an application for an examination
29 before the board or for a license.

30 (7) Practice optometry in this state without having at the time of so doing a valid unrevoked
31 license as an optometrist.

32 (8) Advertise or represent, by displaying a sign or otherwise, to be an optometrist without hav-
33 ing at the time of so doing a valid unrevoked license from the board.

34 (9) Dispense or sell an ophthalmic contact lens without having obtained a valid, unexpired pre-
35 scription from the person to whom the contact lens is dispensed or sold. As used in this subsection,
36 “ophthalmic contact lens” means a contact lens with or without refractive power, including a plano
37 lens or a cosmetic lens.

38 **SECTION 5.** (1) **Section 2 of this 2019 Act and the amendments to ORS 683.010 and 683.180**
39 **by sections 3 and 4 of this 2019 Act become operative on January 1, 2020.**

40 (2) **The Oregon Board of Optometry may take any action before the operative date spec-**
41 **ified in subsection (1) of this section that is necessary to enable the board to exercise, on**
42 **and after the operative date specified in subsection (1) of this section, all of the duties,**
43 **functions and powers conferred on the board by section 2 of this 2019 Act and the amend-**
44 **ments to ORS 683.010 and 683.180 by sections 3 and 4 of this 2019 Act.**

45 **SECTION 6.** **This 2019 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
2 **on its passage.**

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