

## SENATE AMENDMENTS TO SENATE BILL 129

By COMMITTEE ON HEALTH CARE

March 4

1 On page 1 of the printed bill, delete lines 12 through 30 and insert:

2 “(b) ‘Optometric clinical health care services’ includes, but is not limited to, assessment, con-  
3 sultation, diagnosis, patient education and care management by a licensed optometrist.

4 “(c) ‘Store and forward’ means the transmission of patient information between a licensed  
5 optometrist and a patient, whether or not in real time.

6 “(d)(A) ‘Telehealth’ means the use of electronic and telecommunications technologies, including  
7 remote patient monitoring devices and store and forward technology, to support delivery of  
8 optometric clinical health care services.

9 “(B) ‘Telehealth’ does not include electronic mail communication, facsimile transmission or  
10 audio-only telephone communication between a licensed optometrist and a patient, or the use of an  
11 automated computer program or managed website to diagnose or treat ocular or refractive condi-  
12 tions.

13 “(e) ‘Telemedicine’ means the delivery of optometric clinical health care services to a patient  
14 by a licensed optometrist through telehealth.

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

16 “(a) The licensed optometrist provides notice to the patient that the licensed optometrist intends  
17 to practice telemedicine prior to engaging in the practice of telemedicine with the patient;

18 “(b) The patient is physically located in this state during the practice of telemedicine;

19 “(c) The technology used in the practice of telemedicine complies with the Americans with  
20 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the Health Insurance Portability and Avail-  
21 ability Act privacy regulations, 45 C.F.R. parts 160 and 164; and

22 “(d) The licensed optometrist will provide the patient with an initial prescription for corrective  
23 glasses or contact lenses, and the licensed optometrist has an established patient-provider relation-  
24 ship with the patient that includes an in-person eye examination prior to engaging in the practice  
25 of telemedicine with the patient.

26 “(3) If the licensed optometrist is employed by or contracts with an entity that operates exclu-  
27 sively through an online platform to provide corrective glasses and contact lenses, the licensed  
28 optometrist may engage in the practice of telemedicine with a patient if:

29 “(a) The practice of telemedicine described in this subsection is not for an initial prescription  
30 for corrective glasses or contact lenses; and

31 “(b) The patient is at least 18 years of age.

32 “(4) The Oregon Board of Optometry may adopt rules related to the practice of telemedicine by  
33 licensed optometrists.

34 “**SECTION 3.** ORS 683.010 is amended to read:

35 “683.010. As used in ORS 683.010 to 683.310, unless the context requires otherwise:

1       “[(1) ‘Board’ means the Oregon Board of Optometry.]

2       “(1) **‘Licensed optometrist’ means an optometrist licensed under ORS 683.010 to 683.340.**

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

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

14       “(4) ‘Trial frames’ or ‘test lenses’ means any frame or lens **that is** used in testing the eye  
15 [*which*] **and that** is not sold and not for sale.”.

16       On page 2, delete lines 1 through 17.

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