

At the request of the Oregon Optometric Physicians Association

**PROPOSED AMENDMENTS TO
SENATE BILL 129**

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
3 to, assessment, consultation, diagnosis, patient education and care manage-
4 ment by a licensed optometrist.

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

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

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

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

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

18 “(a) The licensed optometrist provides notice to the patient that the li-
19 censed optometrist intends to practice telemedicine prior to engaging in the
20 practice of telemedicine with the patient;

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

1 telemedicine;

2 “(c) The technology used in the practice of telemedicine complies with the
3 Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the
4 Health Insurance Portability and Availability Act privacy regulations, 45
5 C.F.R. parts 160 and 164; and

6 “(d) The licensed optometrist will provide the patient with an initial
7 prescription for corrective glasses or contact lenses, and the licensed
8 optometrist has an established patient-provider relationship with the patient
9 that includes an in-person eye examination prior to engaging in the practice
10 of telemedicine with the patient.

11 “(3) If the licensed optometrist is employed by or contracts with an entity
12 that operates exclusively through an online platform to provide corrective
13 glasses and contact lenses, the licensed optometrist may engage in the prac-
14 tice of telemedicine with a patient if:

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

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

18 “(4) The Oregon Board of Optometry, in consultation with the Oregon
19 Medical Board, may adopt rules related to the practice of telemedicine by
20 licensed optometrists.

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

22 “683.010. As used in ORS 683.010 to 683.310, unless the context requires
23 otherwise:

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

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

27 “(2) ‘Optometric nontopical formulary’ means the list of nontopical phar-
28 maceutical agents for the treatment of diseases of the human eye and the
29 protocols for their usage adopted by the Council on Optometric Nontopical
30 Formulary under ORS 683.240 (2).

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

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

14 On page 2, delete lines 1 through 17.

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