

1.1 moves to amend H.F. No. 559 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 145.713, is amended by adding a subdivision
1.4 to read:

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

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

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

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

1.14 (ii) in the case of prescription eyeglasses, all information required by the Ophthalmic
1.15 Practice Rule, also known as the Eyeglass Rule, Code of Federal Regulations, title 16, part
1.16 456; and

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

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

1.21 (b) For the purposes of a provider prescribing ophthalmic goods to a patient, the provider
1.22 must establish a provider-patient relationship through an examination pursuant to paragraph

1.23 (c).

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

2.2 (1) in person;

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

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

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

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

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

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

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

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

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

2.21 Amend the title accordingly