

TELEMEDICINE EYE EXAMINATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4558 as introduced
Sponsor: Rep. Curt S. VanderWall
Committee: Health Policy
Complete to 6-10-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4558 would amend Part 55A (Eye Care Consumer Protection) of the Public Health Code to allow an eye *examination and evaluation* for the purpose of writing a prescription for eyeglasses or contact lenses to be conducted remotely through *telemedicine* as long as all of the following are met:

- The applicable standard of care is maintained at the same level as if the examination and evaluation were performed in person.
- The patient has had an in-person examination and evaluation in the previous two years.
- For contact lenses, the prescription is a renewal (i.e., not an initial prescription) and does not change the refractive power (lens strength) of the previous prescription.

Telemedicine would mean the use of electronic media to link a patient with a *licensee* in a different location. To be considered *telemedicine* for purposes of Part 55A, the licensee would have to be able to conduct an examination and evaluation of the patient through a secure interactive audio, video, or audiovisual telecommunications system that complies with the federal Health Insurance Portability and Accountability Act (HIPAA), or through the use of store-and-forward online technology.

Examination and evaluation means, for the purpose of writing a valid prescription, an assessment of the ocular health and visual status of a patient that does not consist solely of objective refractive data or information generated by an automated refracting device or other automated testing device. (The bill would provide that this definition of *examination and evaluation* is subject to the telemedicine provisions described above.)

Licensee means either of the following:

- A physician who is licensed or otherwise authorized to engage in the practice of medicine or osteopathic medicine and surgery under the code and who specializes in eye care.
- An optometrist who is licensed or otherwise authorized to engage in the practice of optometry under the code.

In addition, the bill would add language to require licensees and persons who sell eyeglasses or contact lenses to comply with the following, as applicable:

- For contact lenses, the federal Fairness to Contact Lens Consumers Act¹ and regulations issued under it (known as the Contact Lens Rule).²

¹ <https://www.law.cornell.edu/uscode/text/15/chapter-102>

² <https://www.ecfr.gov/current/title-16/chapter-I/subchapter-C/part-315>

- For eyeglasses, the federal regulations known as the Eyeglass Rule.³

Finally, the code now prohibits a person from employing objective or subjective physical means to determine the accommodative or refractive condition or range of power of vision or muscular equilibrium of the human eye unless the activity is performed by a licensee or under a licensee's supervision. In addition, the code prohibits a person from prescribing eyeglasses or contact lenses based on such a determination unless the activity is performed by a licensee.

The bill would instead prohibit a person from employing objective or subjective physical means to determine the accommodative or refractive condition or range of power of vision or muscular equilibrium of the human eye *as the sole basis for issuing a prescription* unless the activity is performed by a licensee or under a licensee's supervision. A person could not prescribe eyeglasses or contact lenses based on such a determination unless the activity is performed by a licensee.

MCL 333.5553 et seq.

BACKGROUND:

The bill is identical to Senate Bill 365 of the 2023-24 legislative session and is similar to House Bill 4356 of the 2021-22 legislative session.

FISCAL IMPACT:

House Bill 4558 would have little to no fiscal impact on the Department of Licensing and Regulatory Affairs. The bill would allow vision examination and evaluation to occur through telemedicine under certain conditions. This may create potential violations that LARA may investigate and issue disciplinary actions for. To the extent that violations of the new provisions occur, additional fine revenue may be realized and enforcement costs incurred.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Una Jakupovic

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

³ <https://www.ecfr.gov/current/title-16/chapter-I/subchapter-D/part-456>