

FINAL BILL REPORT

ESSB 5759

PARTIAL VETO C 241 L 20 Synopsis as Enacted

Brief Description: Increasing opportunities for the use of remote technology in corrective lens prescriptions.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Rivers, Conway, Bailey, Wilson, L., Short and Keiser).

Senate Committee on Health & Long Term Care
House Committee on Health Care & Wellness
House Committee on Appropriations

Background: An ophthalmologist is a licensed physician or osteopathic physician who specializes in the care of the eyes and visual system. Ophthalmologists are subject to the same licensing requirements as for other physicians and osteopathic physicians, including graduation from an accredited medical school, completion of post-graduate training, and passage of an examination. Optometry consists of the examination of the human eye, the examination and ascertaining of any defects of the human vision system, and the analysis of the process of vision. In order to be licensed as an optometrist, a person must graduate from an accredited school of optometry, and pass an examination.

Some online services advertise web-based eye exams to issue a prescription for corrective eyewear. The online services indicate customers take a web-based exam on their computer or phone and data from that exam is evaluated by an ophthalmologist licensed in the customer's state of residence before a prescription is issued.

Summary: A licensed ophthalmologist or optometrist may use remote technology to prepare a prescription for corrective lenses if:

- the provider is held to the same standard of care applicable in an in-person clinical setting;
- a patient-practitioner relationship is established similar to the relationship established in an in-person clinical setting;
- the remote technology is only offered to patients who meet appropriate screening criteria;
- continuity of care is maintained by having an established process for addressing an adverse event resulting from the prescription and proper communication between the patient and provider is maintained; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- when prescribing contact lenses, the examination is performed in accordance with the standard of care and standard of care for contact lenses and the components of the examination must meet the same standard of care whether done in person or remotely.

It is unlawful for any person to make available remote technology for the purpose of obtaining a corrective lenses prescription unless:

- the technology is approved by the U.S. Food and Drug Administration when necessary;
- the technology is designed to comply with the federal Americans with Disabilities Act;
- the collection and transmission of the data complies with the federal Health Insurance Portability and Accountability Act;
- the data collected is read and interpreted by a licensed ophthalmologist or optometrist; and
- the operator of the remote technology maintains proper liability insurance.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 11, 2020

Partial Veto Summary: Removes the enforcement provisions limiting the Department of Health's discipline authority under the Uniform Discipline Act.