

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2018 REGULAR SESSION
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Amend printed copy of **HB 191**

On pages 7 to 9, by deleting Section 8 in its entirety and inserting the following in lieu thereof:

"➔SECTION 8. A NEW SECTION OF KRS 367.680 TO 367.690 IS CREATED TO READ AS FOLLOWS:

- (1) A person shall not operate an assessment mechanism to conduct an eye assessment or to generate a prescription for contact lenses or visual aid glasses to a patient in Kentucky, unless:**
 - (a) Diagnostic information and data, including any photographs and scans, gathered by the assessment mechanism are read and interpreted by a Kentucky-licensed optometrist, osteopath, or physician;**
 - (b) The Kentucky-licensed optometrist, osteopath, or physician can verify the identity of the patient requesting treatment via the assessment mechanism. The identity of the patient may be verified using the patient's electronic mail address and a unique password provided by the patient;**
 - (c) If subject to the federal Health Insurance Portability and Accountability Act of 1996 as amended, the assessment mechanism and accompanying technology used for the collection and transmission of information and data, including photographs and scans, gathers and transmits protected health information in compliance with**

Amendment No. HFA 5

Rep. Rep. Kimberly Poore Moser

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Wenk, DeeAnn

Adopted: _____

Date: _____

Rejected: _____

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- the federal Health Insurance Portability and Accountability Act of 1996 as amended;*
- (d) The patient is informed of the name and Kentucky state license number of the optometrist, osteopath, or physician who issued the prescription;*
- (e) The owner or lessee of the assessment mechanism maintains liability insurance in an amount adequate to cover claims made by individuals diagnosed or treated based on information and data, including photographs and scans, generated by the assessment mechanism;*
- (f) The optometrist, osteopath, or physician utilizing the assessment mechanism shall create and maintain a medical record for each patient, which is for use during the ongoing treatment of a patient, and complies with all state and federal laws regarding maintenance and accessibility;*
- (g) There is synchronous or asynchronous interaction between the patient and the Kentucky-licensed optometrist, osteopath, or physician; and*
- (h) The Kentucky-licensed optometrist, osteopath, or physician utilizing an assessment mechanism provides a handwritten or electronic signature on a patient's prescription.*
- (2) A person shall not operate an assessment mechanism to conduct an eye assessment or to generate a prescription to a patient under the age of eighteen (18) years old in Kentucky.*
- (3) The optometrist, osteopath, or physician using an assessment mechanism shall collect information on the length of time since a patient's last comprehensive eye health examination. A person shall not operate an assessment mechanism to conduct an eye assessment or to generate a prescription to a patient for contact lenses in Kentucky unless the patient has received an in-person comprehensive eye health examination by*

an optometrist, osteopath, or physician within the previous twenty-four (24) months.

(4) Prior to receiving an assessment, each Kentucky patient shall be provided with and shall accept a term of use a disclosure that includes the following information:

(a) This assessment is not intended to be a replacement for an in-person comprehensive eye health examination; and

(b) The United States Centers for Disease Control and Prevention (CDC) advises contact lens wearers to visit an eye doctor one (1) time a year or as recommended by your health care provider.

(5) Evaluation, treatment, and consultation recommendations by a Kentucky-licensed optometrist, osteopath, or physician utilizing an assessment mechanism as required in this section, including issuing a prescription via electronic means, shall be held to the same standards of appropriate care as those in traditional in-person clinical settings.

(6) This section shall not:

(a) Limit the discretion of an optometrist, osteopath, or physician to direct a patient to utilize any technology or telehealth service deemed appropriate for the patient's treatment and care;

(b) Limit the sharing of patient information, in whatever form, between an optometrist, osteopath, or physician; or

(c) Apply beyond ocular health and eye care."