



July 23, 2020

Speaker of the House Robert A. DeLeo  
Majority Leader Ronald Mariano  
Speaker Pro Tempore Patricia A. Haddad  
Assistant Majority Leader Joseph F. Wagner  
Second Assistant Majority Leader Paul J. Donato,  
Second Assistant Majority Leader Michael Moran  
First Division Chair Kate Hogan  
Third Division Chair Sarah K. Peake  
Fourth Division Chair Louis L. Kafka  
House Ways and Means Chair Aaron Michlewitz

Massachusetts House of Representatives  
24 Beacon Street  
Boston MA, 02133

Dear Speaker DeLeo, Majority Leader Mariano, Speaker Pro Tempore Haddad, and distinguished members of the House leadership,

We write today in opposition to H. 4871, the *Putting Patients First Act*, which is heading for a vote on the House floor in the next few days. Unfortunately, this bill, which was designed to help consumers and patients during the pandemic, puts the millions of Massachusetts residents who wear contact lenses and glasses across the state last, denying them access to new technologies that would help them save money, save time and stay safe during COVID-19. As currently written, H. 4871 restricts the rights of consumers and taxpayers to get an online prescription renewal for glasses or contacts in Massachusetts. It also severely jeopardizes the Bay State's reputation as an innovator when it comes to health care technology and policy.

Online prescription renewal tests have been offered across the country and here in Massachusetts for close to four years. Millions of prescription renewal tests have been performed via online platforms, and at this time we are unaware of a single adverse event, medical malpractice claim, or consumer initiated medical board complaint as a result of using these services.

There are two troubling provisions in this draft legislation. First, the definition of telemedicine laid out in the bill prohibits some of the most innovative uses of new telemedicine technologies and reduces access to critical ocular and other telemedicine services by requiring that anyone using telemedicine can only receive services from a provider who they have visited in person and who has diagnosed them in the past. There is no reason why an appropriately licensed, board-certified physician can't collaborate with a patient to review information and determine if a vision prescription should be renewed online. Requiring an in-person visit before using telemedicine services reduces choice for consumers, raises costs and makes the telemedicine process, which is supposed to make their lives easier, more burdensome and onerous.

Requiring an in-person visit before consumers can get their prescriptions renewed online, or before taking online vision tests, will especially hurt Massachusetts individuals who work swing shifts or multiple jobs and can't get to an eye doctor's office during "normal" business hours. Online vision tests give consumers and taxpayers the convenience of undergoing a vision check in the privacy of their own homes, as well as the comfort of knowing their results are reviewed by a licensed ophthalmologist. These online services also tend to be much less expensive than what consumers are charged in the optometrist's office.

The definition of telemedicine in H. 4871 defines telemedicine as:

33“Telehealth”, the use of synchronous or asynchronous audio, video, electronic media or  
34 other telecommunications technology, including but not limited to interactive audio-video  
35 technology, audio-only telephone, and online adaptive interviews, for the purpose of evaluating,  
36 diagnosing, consulting, prescribing, treating, or monitoring of a patient's physical, oral or mental  
37 health; provided, however, that “telehealth” shall not include text messaging or text-only email,  
38 and provided further that prescribing via telehealth shall be limited to the treatment of a  
39 conditions previously diagnosed during an in-person visit by the telehealth provider.

We believe that your committee can remedy this issue and include all types of telemedicine by striking lines 38 and 39.

We also are concerned by language in H. 4871 that requires new regulations to be issued for new telemedicine technologies. Burdensome and lengthy rule making like the process detailed on lines 141-145 will slow down innovation and deny Massachusetts residents the access to new cost-saving and time-saving technologies.

Telemedicine is designed to support the standard of care by facilitating interactions between physicians and patients. Adding a burdensome rulemaking requirement that requires the Board to approve or deny which medical service can be delivered through telemedicine instead of just tying it to the existing and evolving standard of care is unnecessary and inappropriate. Taxpayers will lose out on the savings to government employee insurance and other health programs that ocular telemedicine can provide.

The rule-making requirement for telemedicine technologies also jeopardizes Massachusetts’ ability to attract new technology and telemedicine businesses to the state. Massachusetts has a reputation as a leader when it comes to telemedicine, connected care, and innovation. Instead of requiring a rule-making regime, we propose striking this entire section and, instead, requiring that new technologies comply with appropriate standards of care.

Our coalition, **Americans for Vision Care Innovation**, is a bipartisan coalition of consumer and taxpayer groups, think tanks, and vision care companies representing the rights of the 46 million Americans who wear contact lenses. While we compete in the marketplace, we have worked closely with leading consumer, civic and medical organizations in states across the country to protect the rights of consumers to get contact lens and glasses prescriptions renewed online.

We urge the House to make these simple, yet necessary, changes to the bill or to vote it down. Our Coalition, which represents hundreds of thousands of people in Massachusetts, stands opposed to H. 4871 until these changes are made. Massachusetts contact lens and glasses wearers are entitled to the greatest possible degree of choice and convenience in the way they renew their lens prescriptions – and at the lowest possible prices. Massachusetts must represent the most flexible and most forward thinking in telemedicine policies in the country.

By working together to remove these few provisions, we can together increase vision care access and choice across the state.

Thank you for your time and consideration.

Sincerely,

Americans for Vision Care Innovation

