



October 5, 2020

The Honorable John Mahoney, Chair, Joint Committee on Public Health & Member, Telemedicine Conference Committee  
Massachusetts State House  
24 Beacon Street  
Boston, Massachusetts 02133

Dear Chairman Mahoney,

Congratulations on your recent appointment to the Conference Committee tasked with reconciling the House and Senate telemedicine bills. 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 and eyeglasses. We have actively followed the telemedicine legislation in Massachusetts over the past year. We are deeply appreciative of the time and effort that the Legislature has invested in trying to craft a telemedicine bill. However, as you prepare to work with your colleagues to reconcile the differences between the House and Senate bills, we are deeply concerned that certain provisions within the House bill will severely limit services and care to consumers in Massachusetts.

Online prescription renewal tests have been offered across the country and 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 provisions in the House bill that restrict the rights of consumers to get an online prescription renewal for eye glasses and contact lenses in Massachusetts. 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 cannot 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 to the provider 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 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 Massachusetts licensed ophthalmologist. These online services also tend to be much less expensive than what consumers are charged in the optometrist's office.

We also are concerned by language in Section 16 of the House bill that requires new regulations to be issued for new telemedicine technologies. Telemedicine is designed to support the standard of care by facilitating interactions between physicians and patients. Adding a burdensome rulemaking requirement, instead of just tying it to the existing and evolving standard of care, will slow down innovation and deny Massachusetts residents the access to new cost-saving and time-saving technologies. Taxpayers will also lose out on the savings to government employee insurance and other health programs that ocular telemedicine can provide. Additionally, it jeopardizes Massachusetts' ability to attract new technology and telemedicine businesses to the state. Accordingly, we propose striking the additional rulemaking provisions.

We urge Conference Committee members to draft a final bill that does not restrict access currently enjoyed by Massachusetts consumers for telehealth services and does not, through the regulatory process, limit innovation and technological advancements in healthcare. We are happy to work with your staff if you have questions or if you need suggestions about how to alleviate these issues.

Thank you for your time and consideration and congratulations again on your appointment to the Conference Committee.

Sincerely,

Americans for Vision Care Innovation

cc: The Honorable Karen Spilka, Senate President  
The Honorable Robert A. DeLeo, Speaker of the House

