

ALABAMA BOARD OF OPTOMETRY
ADMINISTRATIVE CODECHAPTER 630-X-13
PRACTICE OF OPTOMETRY THROUGH TELEMEDICINE

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630-X-13-.01 Definitions.

(1) Distant Site Provider. A provider of optometric services through telemedicine from a site other than the patient's then current location. A distant site provider shall hold an active Alabama optometry license as set out in §34-22-20 and §34-22-21 of the Code of Ala. 1975.

(2) Emergency. A situation or condition where failure to provide immediate treatment poses a threat of loss of sight to a person. For the purposes hereof, routine visual care shall not be an emergency.

(3) Established Treatment Site. A location where a patient shall present to seek optometric care (through telemedicine). An established treatment site shall have an optometrist licensed by the Alabama Board of Optometry present on site during the provision of any telemedicine to a patient, and there must exist between said optometrist and patient an optometrist-patient relationship. There shall be sufficient equipment and technology present at any established treatment site to allow for an adequate physical evaluation as appropriate for the patient's presenting complaint. A patient's home is not considered an established treatment site.

(4) Face-to-face Visit. An evaluation or appointment for treatment at which both the provider and patient are at the same physical location, or where the patient is at an established treatment site and the provider is a distant site provider.

(5) In-person Evaluation. A patient evaluation conducted by a provider who is at the same physical location as the location of the client.

(6) Provider. As used in this chapter the term "provider" shall mean an optometrist holding an active license to practice optometry granted by the Alabama Board of Optometry in accordance with §34-22-20 and §34-22-21 of the Code of Ala. 1975.

(7) Telemedicine. As used in these regulations, a health service that is delivered by a licensed optometrist acting within the scope of his or her license and that requires the use of telecommunications technology other than telephone or facsimile. Telecommunications technology as used herein shall include, but not be limited to:

(a) compressed digital interactive video, audio, or data transmission;

(b) clinical data transmission using computer imaging by way of still image capture and store and forward;

(c) other technology that facilitates access to health care services or optometric specialty services.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.02 Optometric Telemedicine.

(1) The provision of optometric diagnosis, treatment, or other services to a patient through telemedicine at an established treatment site may be used for all patient visits, including initial evaluations to establish an optometrist-patient relationship between a provider and a patient.

(2) A distant site provider who provides telemedicine services to a patient that is not present at an established treatment site shall ensure that a proper provider-patient relationship is established, which shall include at least the following:

(a) Having had at least one face-to-face meeting, either in person, or at an established treatment site via telecommunications technology as set out in 630 x 13.01 (7);

(b) Confirming the identity of the person requesting treatment by establishing that the person requesting the treatment is in fact whom he or she claims to be.

(3) Evaluation, treatment, and consultation recommendations made via telemedicine, including, but not limited to the issuance of prescriptions, shall be held to the same standards of practice as those in traditional in-person clinical settings. The provision of optometric diagnosis, treatment, or other services through telemedicine shall comply with the requirements of the Alabama Code, this chapter, and these regulations. Failure to comply with such requirements shall be considered a failure to meet standard of care as required by 630-X-12-.06 herein.

(4) Distant site providers shall obtain an adequate and complete medical history for the patient before providing treatment and shall document the medical history in the patient record.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.03 On-Site Optometrists.

A provider may delegate tasks and activities at an established treatment site to an assistant who is properly trained, supervised, and directed. There shall be, however, an Alabama-licensed optometrist present and available to assist with the provision of care at any established treatment site during the provision of optometric telemedicine.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.04 Security Measures For Electronic Mail.

Adequate measures shall be taken to ensure the security of all patient communications through electronic mail, and that said information remains confidential. Electronic mail includes any type-written communication that is transferred via the internet, telephone or cable line, or cellular telephone service, but shall not include facsimile, or "fax" communications. Providers of optometric telemedicine shall, prior to providing optometric telemedicine services, establish and adopt written policies and procedures to ensure the security of patient communications, recordings, and records transferred by electronic mail. Policies shall be evaluated periodically so that they remain up-to-date.

The written policies and procedures for such security measures for electronic mail shall address all of the following:

- (1) Confidentiality and integrity of patient-identifiable information;
- (2) The identity—by position or title—of health care personnel who will process or otherwise have access to information sent by electronic mail;
- (3) Hours of operation and availability of the provider and distant site provider;
- (4) Types of transaction which shall be permitted electronically;
- (5) The type of information to be included in the communication, such as patient name, identification number, and type of transaction;
- (6) How and when electronic mail will be archived and retrieved;
- (7) Mechanisms for the oversight of the processing, handling, storage, and archival of electronic mail.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.05**Communication In Patient Records.**

All relevant provider-patient electronic communications, including recordings and electronic mail shall be stored and filed in or with the patient's record in addition to any other storage methods.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.06**Alternative Forms Of Communication.**

All patients who are served through optometric telemedicine shall be informed of alternative forms of contacting their provider for

urgent matters. Conventional telephone numbers used by a provider for traditional on-site optometry shall be sufficient.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.07 Patient Records.

(1) Patient records shall be maintained for all telemedicine services. The provider or distant site provider shall maintain the records created at any site where treatment or evaluation is provided.

(2) Patient records shall include copies of all relevant patient-related electronic communications, including relevant provider-patient email, prescriptions, laboratory and test results, evaluations and consultation, records of past care, medical histories, and instructions. If possible, telemedicine encounters that are recorded electronically shall also be included in the patient record. Where means of storage will not allow for the storage of electronically recorded encounters with or in the patient record, the patient record shall include a notation or entry that the recording exists and the location and means of storage of such recording.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.08 Emergency Telemedicine.

(1) An optometrist who is licensed by another state to practice optometry, but who is not licensed in the state of Alabama pursuant to §§ 34-22-20 or 34-22-21, who utilizes telemedicine to provide optometric services in the state of Alabama from a distant site outside of the state of Alabama during a state of emergency is not subject to the requirements of this article. For the purposes of this section 13.08(1), a state of emergency means a natural or man-made disaster for which the Governor of the State of Alabama has declared or proclaimed a state of emergency or where the President of the United States has declared a disaster in accordance with the Disaster Relief and Emergency Assistance Act of 1988 as amended. For the exemption contained in this section to apply, the patient receiving telemedicine services from

the distant site must be located within the geographical boundaries established in the governor's declaration of a state of emergency or the president's disaster declaration.

(2) A provider who is contacted in an emergency shall not be subject to the notice and security provisions of this article. The provisions of this section 13.08(2) shall not apply to any non-emergency optometric services provided to the patient as a continuation of treatment initiated in the emergency or for a different condition or issue which arises later. For the purposes of this section 13.08(2), an emergency shall have the meaning and definition set out in section 13.01(2) above.

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed and New Rule:** February 6, 2015; effective March 13, 2015.

630-X-13-.09 Exemptions (Repealed 3/13/15).

(REPEALED)

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed:** February 6, 2015; effective March 13, 2015.

630-X-13-.10 Reciprocity (Repealed 3/13/15).

(REPEALED)

Author: Dr. Fred Wallace

Statutory Authority: Code of Ala. 1975, §§34-22-80 through 34-33-87.

History: New Rule: November 6, 1998; effective December 11, 1998. **Repealed:** February 6, 2015; effective March 13, 2015.