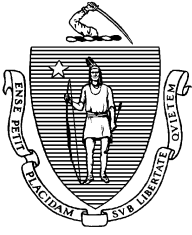


# The Commonwealth of Massachusetts

Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619



**MAURA T. HEALEY**  
Governor

**KIMBERLEY DRISCOLL**  
Lieutenant Governor

## **Board of Registration in Optometry**

### **Policy on Telemedicine in Optometry**

**KATHLEEN E. WALSH**  
Secretary

**ROBERT GOLDSTEIN, MD, PhD**  
Commissioner

Tel: 617-624-6000

[www.mass.gov/dph](http://www.mass.gov/dph)

The Board defines “telemedicine in optometry” as the practice of optometry as defined by M.G.L. c. 112, s. 66, through the use of electronic information and telecommunications technologies.

A practitioner using telemedicine to practice optometry on a patient located in Massachusetts must be licensed to practice optometry in Massachusetts. This includes optometrists who treat or prescribe to Massachusetts patients through online service sites.

A Massachusetts-licensed optometrist who offers or provides optometric services to a patient located outside of Massachusetts shall check with the laws and statutes of the jurisdiction where the patient is located to ensure compliance with that jurisdiction’s laws.

The standard of care applicable to the optometrist is the same whether the patient is seen in-person or through telemedicine. An optometrist providing telemedicine services shall meet all technical, clinical, confidentiality and ethical standards required by law. For example, the optometrist must ensure that all technologies and instruments used are HIPAA compliant. Failure to conform to the standard of care, regulatory, or legal requirement may subject the optometrist to discipline by the Board.

The practice of optometry shall not require a face-to-face encounter between the optometrist and the patient prior to health care delivery via telemedicine. However, the optometrist bears responsibility for ensuring the safety of the patient and that the standard of care and all regulatory and statutory requirements are met. An optometrist who utilizes telemedicine in their practice must have procedures in place to ensure that the patient has access to appropriate, in-person optometric care.

When practicing telehealth, a practitioner-patient relationship is established. Optometrists shall exercise their critical, professional and ethical judgment to ensure patient safety in all aspects of their optometric practice. The optometrist’s full name and license number need to be prominently displayed and clearly identified audibly if audio only visit, and visually and audibly if it is a video visit. All of the patient’s relevant health history must be collected, reviewed and maintained as part of the patient record. The patient record must document that a service was provided via telehealth (including

whether video was used or audio only) and must comply with Board regulations, including but not limited to 246 CMR 3.02: *Patient Records*.

**Informed consent:** In addition to the standard requirements for informed consent, optometrists who practice telemedicine shall obtain the patient's explicit consent to the use of electronic and telecommunications technologies for the provision of care. A patient must also be advised of their right to receive in-person treatment.

**Use of Technicians:** The optometrist is responsible for all optometry services provided to patients being served by him or her, or by any of his or her agents or employees, and shall be responsible for any and all acts or omissions of such agents or employees. The optometrist must not aid and abet the unlicensed practice of optometry or any other licensed profession.