



April 15, 2025

The Honorable Josie Tomkow
Chair, Health and Human Services Committee
Florida House of Representatives
418 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: ATA ACTION CONCERNS WITH HOUSE BILL 449

Dear Chair Tomkow and members of the Health and Human Services Committee:

On behalf of ATA Action, I am writing to you to express our concerns with some provisions within House Bill 499 regarding optometry.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth coverage and fair payment policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

ATA Action has significant objections to several of the provisions in House Bill 449 and believes this legislation would serve as a step back for a state that has otherwise prioritized access to quality telehealth options. HB 449 includes unnecessary restrictions on out-of-state telehealth optometry providers and directs the creation of unnecessary rulemaking which could have further consequences for access to telehealth care.

First, Section 463.005(1)(n) would limit the out-of-state telehealth provider registration to not being valid for more than two years. This two-year limitation is nowhere to be found in the statute establishing the out-of-state telehealth provider registration system (s. 456.47(4)) and places an arbitrary restriction solely on out-of-state telehealth optometry providers. Our organization firmly believes that the legislature should not place a limitation like this on only one provider type. This discrimination is unjustified and drives confusion for out-of-state entities who employ optometrists and other health care providers not subject to the same limitation.

Furthermore, ATA Action is troubled by provisions of the legislation that would direct the Board of Optometry to adopt rules regarding "Standards for the use of telehealth by providers licensed under this section and providers registered under 456.47(4)," (Section 463.005(1)(n)). This new rulemaking directive is unnecessary as Telehealth providers should be held to the same standard of care as in-person providers and should be governed by the same requirements. This is a view shared the Federation of State Medical Board's ("FSMB") in their *Model Policy for the Appropriate Use of*



Telemedicine Technologies in the Practices of Medicine,¹ which was ratified by the organization in April 2022. Founded in 1912, The FSMB comprises over 70 state medical boards across the country and develops policy recommendations for the practice of medicine stemming from the expertise of its membership. In its “Standard of Care” section of the previously mentioned report, the FSMB articulates that “A practitioner who uses telemedicine must meet the same standard of care and professional ethics as a practitioner using a traditional in-person encounter with a patient. The failure to follow the appropriate standard of care or professional ethics while using telemedicine may subject the practitioner to discipline by the medical board.” Professional healthcare boards across the country have endorsed this view and the rulemaking that would be prompted by this legislation could set care back in Florida.

Finally, in recent years, State Boards of Optometry across the country have promulgated restrictive rulemakings which implement policies which restrict clinical decision making and patient access to care, such as in-person examination requirements to establish a patient-provider relationship or prior to the prescription of contacts or spectacles. This rulemaking authority would grant the Florida Board of Optometry the opportunity to promulgate similar rules that would restrict access to telehealth care or otherwise benefit in-person providers over telehealth providers. Florida led the nation in patient access to telehealth during the recent COVID-19 pandemic and other states now look to Florida as a guiding example. Imprudent changes to Florida’s telehealth statute, such as proposed, endanger Florida’s leading role as well as patient access to affordable, quality healthcare.

Thank you for the opportunity to comment on this legislation. We encourage you to consider changes to address our concerns in the interest of patient access and continued innovation in optometry care in Florida. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Florida. If you have any questions or would like to engage in additional discussion regarding the telehealth industry’s perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", written in a cursive style.

Kyle Zebley
Executive Director
ATA Action

¹ Federation of State Medical Boards, *The Appropriate Use of Telemedicine Technologies in the Practice of Medicine*, April 2022, <https://www.fsmb.org/siteassets/advocacy/policies/fsmb-workgroup-on-telemedicineapril-2022-final.pdf>.