

HOUSE BILL 471

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By: **Delegates K. Young, Pendergrass, R. Lewis, and Sample–Hughes**

Introduced and read first time: February 1, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Requirements for the Practice of Optometry –**
3 **Miscellaneous Revisions**

4 FOR the purpose of requiring that, in addition to being licensed, an individual be certified
5 under certain provisions of law and this Act before practicing optometry in the State
6 within the scope of the certification; providing that a certain provision of law does
7 not apply to a certain student under the direct supervision of a physician; requiring
8 certain optometrists to complete certain continuing education requirements;
9 requiring that a certain course completed by a licensed optometrist be counted
10 toward a certain number of hours of continuing education; requiring certain
11 optometrists to refer certain patients to certain health care practitioners or a
12 hospital emergency room under certain circumstances; authorizing an optometrist
13 certified under certain provisions of this Act to use a certain title; requiring certain
14 optometrists to be certified under certain provisions of law before administering
15 certain pharmaceutical agents to a patient; altering the coursework requirements
16 for certain certifications; prohibiting a certain optometrist certified under a certain
17 provision of law from taking certain actions; replacing the requirement that the
18 Maryland Department of Health collect and report certain statistical information
19 with a requirement that certain optometrists report certain adverse events to the
20 State Board of Examiners in Optometry; establishing a new level of certification for
21 licensed optometrists; providing that certain restrictions do not apply to optometrists
22 certified under certain provisions of this Act; requiring the Board to certify certain
23 optometrists who submit certain evidence of certain certification or education, and
24 completion of certain courses; requiring that certain courses be of a certain length,
25 emphasize certain topics, and be given by certain associations or organizations;
26 providing that certain optometrists are not subject to certain requirements for
27 certain certification; prohibiting certain optometrists from administering or
28 prescribing certain substances; providing that certain optometrists be held to certain
29 standards of care; requiring the Board, rather than a certain person, to recommend
30 to the Secretary of Health certain quality assurance guidelines for certain
31 optometrists; requiring the Secretary to adopt certain regulations; altering certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 definitions; defining certain terms; making certain clarifying and conforming
 2 changes; providing for the application of certain provisions of this Act; and generally
 3 relating to requirements for the practice of optometry.

4 BY repealing and reenacting, without amendments,
 5 Article – Health Occupations
 6 Section 11–101(a)
 7 Annotated Code of Maryland
 8 (2014 Replacement Volume and 2018 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – Health Occupations
 11 Section 11–101(g) and (h), 11–301, 11–309, 11–402 through 11–404, 11–404.1,
 12 11–404.2, and 11–404.3
 13 Annotated Code of Maryland
 14 (2014 Replacement Volume and 2018 Supplement)

15 BY adding to
 16 Article – Health Occupations
 17 Section 11–101(i) and 11–404.2
 18 Annotated Code of Maryland
 19 (2014 Replacement Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 21 That the Laws of Maryland read as follows:

22 Article – Health Occupations

23 11–101.

24 (a) In this title the following words have the meanings indicated.

25 (g) (1) “Practice optometry” means:

26 (i) Subject to §§ 11–404, **11–404.1**, and 11–404.2 of this title, to use
 27 any means known in the science of optics or eye care, except surgery:

28 1. To detect, diagnose, [and subject to §§ 11–404 and
 29 11–404.2 of this title,] treat, [subject to this title,] **AND MANAGE** any optical or diseased
 30 condition in the human eye **AND THE ADNEXA OF THE EYE**; or

31 2. To prescribe eyeglasses, lenses, or contact lenses to correct
 32 any optical or visual condition in the human eye;

33 (ii) To give advice or direction on the fitness or adaptation of
 34 eyeglasses or lenses to any individual for the correction or relief of a condition for which
 35 eyeglasses or lenses are worn; or

1 (iii) To use or permit the use of any instrument, test card, test type,
2 test eyeglasses, test lenses, or other device to aid in choosing eyeglasses or lenses for an
3 individual to wear.

4 (2) Subject to §§ 11-404, **11-404.1**, and 11-404.2 of this title, “practice
5 optometry” includes:

6 [(i) The administration of topical ocular diagnostic pharmaceutical
7 agents;]

8 [(ii) (I) The administration and prescription of therapeutic
9 pharmaceutical agents, **DEVICES, AND TREATMENTS**; [and]

10 [(iii) (II) The removal of [superficial] A foreign [bodies from the
11 cornea and conjunctiva] **BODY OR RESIDUAL PARTICULATE MATTER THAT:**

12 1. **IS EMBEDDED IN THE CONJUNCTIVA OR CORNEA; AND**

13 2. **HAS NOT PENETRATED BEYOND THE MID STROMA;**

14 **(III) THE ORDERING, EVALUATION, OR PERFORMANCE OF**
15 **BLOOD TESTS, CULTURES, AND IMAGING TESTS; AND**

16 **(IV) THE ASSESSMENT, DIAGNOSIS, OR TREATMENT FOR**
17 **CONDITIONS OF THE VISUAL SYSTEM INCLUDING:**

18 1. **PATIENT CARE THAT REQUIRES VISION THERAPY,**
19 **LIGHT THERAPY, VISUAL TRAINING, VISUAL REHABILITATION, ORTHOPTICS, OR EYE**
20 **EXERCISES AS PART OF AN APPROPRIATE REHABILITATION OR TREATMENT PLAN OF**
21 **PHYSICAL, PHYSIOLOGICAL, SENSORIMOTOR, NEUROMUSCULAR, OR PERCEPTUAL**
22 **ANOMALY OF THE EYES OR VISION SYSTEM; AND**

23 2. **MANAGEMENT OF CARE FOR A PATIENT WHO HAS**
24 **BEEN PRESCRIBED OR USES LENSES, PRISMS, FILTERS, OCCLUSION, OR OTHER**
25 **DEVICES FOR THE ENHANCEMENT, REHABILITATION, OR TREATMENT OF THE**
26 **VISUAL SYSTEM OR PREVENTION OF VISUAL DYSFUNCTION.**

27 (h) “Therapeutically certified optometrist” means a licensed optometrist who is
28 certified by the Board to practice optometry to the extent permitted under [§
29 11-404.2] **§ 11-404.1** of this title.

30 **(I) “THERAPEUTICALLY CERTIFIED OPTOMETRIST II” MEANS A LICENSED**
31 **OPTOMETRIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE OPTOMETRY TO THE**

1 **EXTENT PERMITTED UNDER § 11-404.2 OF THIS TITLE.**

2 11-301.

3 (a) (1) Except as otherwise provided in this title, an individual shall be
4 licensed by the Board before the individual may practice optometry in this State.

5 [(b)] (2) This [section] **SUBSECTION** does not apply to a student while
6 participating in a residency training program under the direct supervision of a licensed
7 optometrist **OR A PHYSICIAN**.

8 (B) **A LICENSED OPTOMETRIST SHALL BE CERTIFIED UNDER § 11-404, §**
9 **11-404.1, OR § 11-404.2 OF THIS TITLE BEFORE THE LICENSED OPTOMETRIST MAY**
10 **PRACTICE OPTOMETRY WITHIN THE SCOPE OF THE CERTIFICATION.**

11 11-309.

12 (a) In addition to any other qualifications and requirements established by the
13 Board, the Board shall establish continuing education requirements as a condition to the
14 renewal of licenses and certificates under this title.

15 (b) (1) The continuing education required by the Board shall be in courses
16 approved by the Board.

17 (2) The Board may not require a nontherapeutically certified optometrist
18 to attend more than 50 hours in any licensing period.

19 (3) The Board shall require a therapeutically certified optometrist **OR A**
20 **THERAPEUTICALLY CERTIFIED OPTOMETRIST II** to attend at least 50 hours of
21 continuing education in a licensing period.

22 (4) (i) In each licensing period, a therapeutically certified optometrist
23 **OR A THERAPEUTICALLY CERTIFIED OPTOMETRIST II** shall attend 30 hours of
24 continuing education on [the use and management of therapeutic pharmaceutical agents]
25 **DISEASE TREATMENT AND MANAGEMENT.**

26 (ii) The 30 hours of continuing education required under
27 subparagraph (i) of this paragraph shall be counted toward the total number of required
28 hours of continuing education in a licensing period.

29 (5) **A COURSE COMPLETED BY A LICENSED OPTOMETRIST AS**
30 **REQUIRED BY THE BOARD TO BE CERTIFIED UNDER § 11-404.1 OR § 11-404.2 OF**
31 **THIS TITLE SHALL BE COUNTED TOWARD THE TOTAL NUMBER OF REQUIRED HOURS**
32 **OF CONTINUING EDUCATION FOR THE LICENSING PERIOD IN WHICH THE COURSE**
33 **WAS COMPLETED.**

1 (c) At the time a licensee applies for license renewal, the licensee shall submit to
 2 the Board, on a form provided by the Board, a certification that the licensee has attended
 3 the required courses.

4 (d) The Board may refuse to renew the license of a licensee who has failed:

5 (1) To attend the required courses; or

6 (2) To submit certification of attendance at the required courses.

7 (e) The Board may waive the continuing education requirements in cases of
 8 illness or other undue hardship on the licensee.

9 (f) The Board may use any funds allocated to it for continuing education as State
 10 funds to match federal funds for providing continuing education.

11 11-402.

12 [(a)] If, while providing optometric services to a patient, [an] **A LICENSED**
 13 optometrist [or diagnostically certified optometrist] detects or diagnoses an active eye
 14 pathology which the optometrist is not [licensed or] certified to treat under [§ 11-404 or §
 15 11-404.2 of] this subtitle, the optometrist shall, **AS APPROPRIATE**, refer the patient to:

16 (1) **A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS**
 17 **SUBTITLE TO TREAT THE ACTIVE EYE PATHOLOGY;**

18 (2) An ophthalmologist [or a therapeutically certified optometrist, as
 19 appropriate];

20 [(2)] (3) The patient's physician;

21 [(3)] (4) A physician if required under a managed care contract; or

22 [(4)] (5) A hospital emergency room or ambulatory surgical center [if
 23 necessary].

24 [(b)] If, while providing optometric services to a patient, a therapeutically certified
 25 optometrist diagnoses an active eye pathology that the optometrist is not certified to treat
 26 under § 11-404.2 of this subtitle, the optometrist shall refer the patient to:

27 (1) An ophthalmologist ;

28 (2) The patient's physician;

29 (3) A physician if required under a managed care contract; or

1 (4) A hospital emergency room if necessary.]

2 11-403.

3 (a) A licensed optometrist may:

4 (1) Use the title “optometrist”;

5 (2) If the optometrist holds the degree of doctor of optics or doctor of
6 optometry from a college or university authorized to give the degree, use the title “Doctor”
7 or the abbreviations “Dr.” or “O.D.” with the optometrist’s name;

8 (3) If the optometrist is certified under § 11-404 of this subtitle, use the
9 title “diagnostically certified optometrist”; [and]

10 (4) If the optometrist is certified under § 11-404.1 of this subtitle, use the
11 title “therapeutically certified optometrist”; AND

12 **(5) IF THE OPTOMETRIST IS CERTIFIED UNDER § 11-404.2 OF THIS**
13 **SUBTITLE, USE THE TITLE “THERAPEUTICALLY CERTIFIED OPTOMETRIST II”.**

14 (b) Except as otherwise provided in this section, a licensed optometrist may not
15 attach to the optometrist’s name or use as a title:

16 (1) The words or abbreviations “Doctor”, “Dr.”, “M.D.”, “physician”, or
17 “surgeon”, or any other word or abbreviation that suggests that the optometrist practices
18 medicine; or

19 (2) Any word or abbreviation that suggests that the optometrist treats
20 diseases or injuries of the human eye, including the words “eye specialist”, “eyesight
21 specialist”, “oculist”, or “ophthalmologist”.

22 11-404.

23 (a) [Unless certified under this section] **EXCEPT AS PROVIDED IN §§ 11-404.1**
24 **AND 11-404.2 OF THIS SUBTITLE**, a licensed optometrist **SHALL BE CERTIFIED UNDER**
25 **THIS SECTION BEFORE THE OPTOMETRIST** may [not] administer a topical ocular
26 diagnostic pharmaceutical agent to a patient.

27 (b) The Board shall certify a licensed optometrist as qualified to administer
28 topical ocular diagnostic pharmaceutical agents if the licensed optometrist submits to the
29 Board evidence satisfactory to the Board that the licensed optometrist:

30 (1) Meets the educational requirements that the Board establishes for
31 certification of qualification to administer topical ocular diagnostic pharmaceutical agents;
32 and

1 (2) Has within ~~[7]~~ 4 years before certification **UNDER THIS SECTION**
2 **SUCCESSFULLY** completed ~~[a course]~~ **COURSEWORK** in pharmacology that meets the
3 requirements of subsection (c) of this section.

4 (c) The ~~[course]~~ **COURSEWORK** in pharmacology required by subsection (b) of
5 this section shall:

6 (1) Be of at least the length that the Board establishes but not less than
7 ~~[70]~~ **30** course hours;

8 (2) Place emphasis on:

9 (i) ~~[Topical]~~ **THE** application **AND ADMINISTRATION** of ocular
10 diagnostic pharmaceutical agents for the purpose of examining and analyzing ocular
11 functions; and

12 (ii) Allergic reactions to ocular diagnostic pharmaceutical agents;
13 and

14 (3) Be given by an institution that is:

15 (i) Accredited by a regional or professional accrediting organization
16 that is recognized or approved by the United States Commissioner of Education; and

17 (ii) Approved by the Board.

18 (d) The Board shall revoke the certification of qualification to administer topical
19 ocular diagnostic pharmaceutical agents of any licensed optometrist who does not annually
20 take a course of study, approved by the Board, that relates to the use of those agents.

21 (e) Certification of qualification under this section authorizes the licensed
22 optometrist who is certified under this section to administer a topical ocular diagnostic
23 pharmaceutical agent to a patient for diagnostic purposes but not for purposes of treatment.

24 ~~[(f) Except as expressly authorized under this section for diagnostic purposes or~~
25 ~~under § 11-404.1 of this subtitle for therapeutic purposes, an optometrist may not~~
26 ~~administer drugs or medicine to any patient.]~~

27 **(F) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION**
28 **MAY NOT:**

29 **(1) ADMINISTER OR PRESCRIBE ANY THERAPEUTIC**
30 **PHARMACEUTICAL AGENTS, DEVICES, OR TREATMENTS;**

31 **(2) REMOVE ANY FOREIGN BODIES OR RESIDUAL PARTICULATE**

1 **MATTER FROM THE HUMAN EYE;**

2 **(3) ORDER, EVALUATE, OR PERFORM BLOOD TESTS, CULTURES, AND**
3 **IMAGING TESTS; OR**

4 **(4) DIAGNOSE OR TREAT GLAUCOMA.**

5 (g) [The Department shall collect and report statistical information on the
6 incidences of negative reactions to the administration by optometrists] **A LICENSED**
7 **OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION SHALL REPORT TO THE**
8 **BOARD AN ADVERSE EVENT THAT OCCURS IN RESPONSE TO THE ADMINISTRATION**
9 **of topical ocular diagnostic pharmaceutical agents BY THE LICENSED OPTOMETRIST.**

10 11-404.1.

11 (a) [Unless certified under this section] **EXCEPT AS PROVIDED IN §§ 11-404**
12 **AND 11-404.2 OF THIS SUBTITLE, a licensed optometrist SHALL BE CERTIFIED UNDER**
13 **THIS SECTION BEFORE THE OPTOMETRIST may [not administer]:**

14 **(1) ADMINISTER TOPICAL OCULAR DIAGNOSTIC PHARMACEUTICAL**
15 **AGENTS;**

16 **(2) ADMINISTER or prescribe any therapeutic pharmaceutical agents IN**
17 **ACCORDANCE WITH THIS SECTION; or [remove superficial]**

18 **(3) REMOVE foreign bodies from a human eye, adnexa, or lacrimal system**
19 **IN ACCORDANCE WITH THIS SECTION.**

20 (b) (1) Except as provided in paragraph (2) of this subsection, the Board shall
21 certify a licensed optometrist as a therapeutically certified optometrist if the licensed
22 optometrist submits to the Board evidence satisfactory to the Board that the licensed
23 optometrist:

24 (i) Has **WITHIN 6 YEARS BEFORE CERTIFICATION UNDER THIS**
25 **SECTION** successfully completed at least [110] **60** hours of [a] **COURSEWORK:**

26 **1. IN PHARMACOLOGY WITH AN EMPHASIS ON THE**
27 **APPLICATION, ADMINISTRATION, AND USE OF** therapeutic pharmaceutical agents
28 **[course approved]; AND**

29 **2. APPROVED** by the Board;

30 (ii) Has successfully passed a pharmacology examination relating to
31 the treatment and management of ocular disease, which is prepared, administered, and

1 graded by the National Board of Examiners in Optometry or any other nationally
2 recognized optometric organization as approved by the Secretary; **AND**

3 (iii) Is currently certified by the Board to administer topical ocular
4 diagnostic pharmaceutical agents under § 11–404 of this subtitle]; and

5 (iv) Has successfully completed an 8–hour course in the management
6 of topical steroids approved by the Board].

7 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
8 optometrist who has graduated on or after July 1, 2005 from an accredited school of
9 optometry recognized by the Board is not subject to the requirements of paragraph (1) of
10 this subsection.

11 (ii) If an optometrist who has graduated on or after July 1, 2005 from
12 an accredited school of optometry recognized by the Board is not certified under this section
13 within 3 years of graduation, the optometrist shall successfully complete a therapeutic
14 pharmaceutical agents course and successfully pass a pharmacology exam under paragraph
15 (1) of this subsection before the Board may certify the optometrist.

16 [11–404.2.]

17 [(a) In this section, “refer” means that a therapeutically certified optometrist:

18 (1) Informs the patient that the patient should see an ophthalmologist and
19 give the ophthalmologist an opportunity to physically examine the patient; and

20 (2) Refrains from rendering further treatment for the specific condition
21 that is the basis for the referral until the patient has been physically examined by an
22 ophthalmologist.]

23 [(b)] (C) (1) A therapeutically certified optometrist may administer and
24 prescribe topical therapeutic pharmaceutical agents limited to:

25 (i) Ocular antihistamines, decongestants, and combinations
26 thereof;

27 (ii) Ocular antiallergy pharmaceutical agents;

28 (iii) Ocular antibiotics and combinations of ocular antibiotics,
29 excluding specially formulated or fortified antibiotics;

30 (iv) Anti–inflammatory agents;

31 (v) Ocular lubricants and artificial tears;

- 1 (vi) Tropicamide;
- 2 (vii) Homatropine;
- 3 (viii) Nonprescription drugs that are commercially available; and
- 4 (ix) Primary open-angle glaucoma medications, in accordance with
5 subsection [(c)] (D) of this section.

6 (2) Except as provided in paragraph (4) of this subsection, if a
7 therapeutically certified optometrist administers or prescribes a topical therapeutic
8 pharmaceutical agent listed in paragraph (1)(i) through (vii) of this subsection, and the
9 patient does not have the expected response within 72 hours:

10 (i) The therapeutically certified optometrist shall consult with an
11 ophthalmologist; and

12 (ii) The ophthalmologist may determine that the ophthalmologist
13 needs to physically examine the patient.

14 (3) Except as provided in paragraph (4) of this subsection, if a
15 therapeutically certified optometrist administers or prescribes a topical therapeutic
16 pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified
17 optometrist shall communicate with the patient to determine the response of the patient to
18 the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the
19 agent was administered or prescribed.

20 (4) A therapeutically certified optometrist may administer or prescribe
21 topical steroids in accordance with a practice protocol established by the Board.

22 (5) A therapeutically certified optometrist may not administer or prescribe:

23 (i) Antiviral agents;

24 (ii) Antifungal agents;

25 (iii) Antimetabolite agents; or

26 (iv) Antiparasitic agents.

27 (6) A therapeutically certified optometrist may dispense a topical
28 therapeutic pharmaceutical agent listed in paragraph (1) of this subsection only if:

29 (i) No charge is imposed for the therapeutic pharmaceutical agent
30 or for dispensing the agent; and

31 (ii) The amount dispensed does not exceed a 72-hour supply, except

1 that if the minimum available quantity for dispensing is greater than a 72-hour supply,
2 the minimum available quantity may be dispensed.

3 **[(c)] (D)** (1) A therapeutically certified optometrist may administer and
4 prescribe topical therapeutic pharmaceutical agents for glaucoma only:

5 (i) For patients with primary open-angle glaucoma;

6 (ii) After the optometrist refers the patient to an ophthalmologist;
7 and

8 (iii) After the ophthalmologist and optometrist jointly and promptly
9 develop a written individualized treatment plan that is signed by the ophthalmologist and
10 optometrist and includes:

11 1. All tests and examinations that led to the diagnosis;

12 2. An initial schedule of all tests and examinations necessary
13 to treat the patient's condition;

14 3. A medication plan;

15 4. A target intraocular pressure; and

16 5. Criteria for surgical intervention by the ophthalmologist.

17 (2) (i) A treatment plan developed under this subsection may be
18 modified only after both the optometrist and the ophthalmologist consult together and
19 consent to the modification.

20 (ii) Each modification shall be noted in the optometric record of the
21 patient.

22 (3) A therapeutically certified optometrist who treats a patient with
23 primary open-angle glaucoma in accordance with this section:

24 (i) Shall refer the patient to an ophthalmologist at least once a year
25 after the initial mandatory referral under paragraph (1) of this subsection;

26 (ii) May continue to render treatment under the joint treatment plan
27 until the patient is examined by an ophthalmologist;

28 (iii) Shall consult with an ophthalmologist if:

29 1. The patient does not have the expected response to
30 treatment;

1 2. The target intraocular pressure is not reached; or

2 3. There is worsening in a patient's visual field or optic nerve
3 head; and

4 (iv) May perform and evaluate visual field tests, nerve fiber layer
5 photos, and optic disc photos. The tests or photos shall be provided to an ophthalmologist
6 for review by the ophthalmologist.

7 **[(d)] (E)** (1) Except as provided in paragraphs (2) and (3) of this subsection, a
8 therapeutically certified optometrist may not administer or prescribe any oral
9 pharmaceutical agent for any purpose.

10 (2) (i) A therapeutically certified optometrist may administer and
11 prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of
12 meibomitis and seborrheic blepharitis.

13 (ii) If a therapeutically certified optometrist administers or
14 prescribes oral tetracycline or its derivatives to a patient in accordance with subparagraph
15 (i) of this paragraph and the patient does not improve within 3 weeks of treatment, the
16 optometrist shall refer the patient to an ophthalmologist.

17 (3) A therapeutically certified optometrist may administer or prescribe
18 nonprescription drugs that are commercially available.

19 **[(e)] (F)** (1) Except as provided in paragraph (2) of this subsection, a
20 therapeutically certified optometrist may not perform any procedure on the eyelid of a
21 patient.

22 (2) A therapeutically certified optometrist may epilate with forceps an
23 eyelash from the eyelid, adnexa, or lacrimal system of a patient.

24 **[(f)] (G)** A therapeutically certified optometrist may remove superficial foreign
25 bodies from the human eye only if:

26 (1) The foreign body may be removed with a cotton-tipped applicator or
27 blunt spatula; and

28 (2) The foreign body has not penetrated beyond the Bowman's membrane
29 of the cornea and is not within 2.5 millimeters of the visual axis.

30 **[(g)] (H)** (1) Except as provided in paragraph (2) of this subsection, a
31 therapeutically certified optometrist may not order laboratory tests for a patient.

32 (2) A therapeutically certified optometrist may order a conjunctival
33 culture.

1 **[(h)] (I)** A therapeutically certified optometrist may not provide any therapeutic
2 treatment listed in this section for a child under the age of 1 year.

3 **[(i)] (J)** Unless the standard of care requires an earlier referral, if a
4 therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient
5 does not have the expected response within 48 hours, the optometrist immediately shall
6 refer the patient to an ophthalmologist.

7 **[(j)] (K)** A therapeutically certified optometrist shall be held to the same
8 standard of care as an ophthalmologist who is licensed under Title 14 of this article and
9 who is providing similar services.

10 **11-404.2.**

11 **(A) (1) EXCEPT AS PROVIDED UNDER §§ 11-404 AND 11-404.1 OF THIS**
12 **SUBTITLE AND SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION, A LICENSED**
13 **OPTOMETRIST SHALL BE CERTIFIED UNDER THIS SECTION BEFORE THE**
14 **OPTOMETRIST MAY:**

15 **(I) ADMINISTER TOPICAL OCULAR DIAGNOSTIC**
16 **PHARMACEUTICAL AGENTS;**

17 **(II) ADMINISTER OR PRESCRIBE, AS APPROPRIATE, A DELIVERY**
18 **MECHANISM, DRUG, THERAPY, DEVICE, OR TREATMENT FOR THE MANAGEMENT OF**
19 **OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES;**

20 **(III) REMOVE FOREIGN BODIES OR RESIDUAL PARTICULATE**
21 **MATTER FROM THE HUMAN EYE OR THE ADNEXA OF THE EYE; OR**

22 **(IV) ORDER, EVALUATE, OR PERFORM BLOOD TESTS,**
23 **CULTURES, AND IMAGING TESTS.**

24 **(2) THE RESTRICTIONS PROVIDED FOR THERAPEUTICALLY**
25 **CERTIFIED OPTOMETRISTS UNDER § 11-404.1(C) THROUGH (I) OF THIS SUBTITLE**
26 **DO NOT APPLY TO A LICENSED OPTOMETRIST CERTIFIED UNDER THIS SECTION.**

27 **(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE**
28 **BOARD SHALL CERTIFY A LICENSED OPTOMETRIST AS A THERAPEUTICALLY**
29 **CERTIFIED OPTOMETRIST II IF THE LICENSED OPTOMETRIST SUBMITS TO THE**
30 **BOARD EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSED**
31 **OPTOMETRIST:**

32 **(1) (I) IS CURRENTLY CERTIFIED BY THE BOARD AS A**
33 **THERAPEUTICALLY CERTIFIED OPTOMETRIST UNDER § 11-404.1 OF THIS SUBTITLE;**

1 OR

2 (II) CAN DEMONSTRATE TO THE BOARD THE EQUIVALENT
3 EDUCATIONAL REQUIREMENTS OF A THERAPEUTICALLY CERTIFIED OPTOMETRIST
4 UNDER § 11-404.1 OF THIS SUBTITLE;

5 (2) HAS SUCCESSFULLY COMPLETED A COURSE IN ADVANCED
6 PHARMACOLOGY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF THIS
7 SECTION; AND

8 (3) HAS SUCCESSFULLY COMPLETED A COURSE IN THE TREATMENT
9 AND MANAGEMENT OF PATIENTS WITH EYE DISEASES AND CONDITIONS THAT MEETS
10 THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION.

11 (C) (1) A COURSE IN ADVANCED PHARMACOLOGY REQUIRED UNDER
12 SUBSECTION (B)(2) OF THIS SECTION SHALL:

13 (I) BE 10 HOURS;

14 (II) PLACE EMPHASIS ON THE USE OF TOPICAL AND ORAL
15 PHARMACEUTICAL AGENTS AND OTHER THERAPEUTIC TREATMENTS AND DEVICES
16 THAT MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES, INCLUDING
17 POSSIBLE SIDE EFFECTS AND ALLERGIC REACTIONS TO TOPICAL AND ORAL
18 PHARMACEUTICAL AGENTS; AND

19 (III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION
20 OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED
21 BY THE BOARD.

22 (2) A COURSE IN THE TREATMENT AND MANAGEMENT OF PATIENTS
23 WITH EYE DISEASES AND CONDITIONS REQUIRED BY SUBSECTION (B)(3) OF THIS
24 SECTION SHALL:

25 (I) BE 10 HOURS;

26 (II) PLACE EMPHASIS ON:

27 1. CURRENT BEST PRACTICES FOR THE DIAGNOSIS,
28 MANAGEMENT, AND TREATMENT OF EYE DISEASES AND CONDITIONS;

29 2. THE MISDIAGNOSIS OF EYE DISEASES AND
30 CONDITIONS; AND

1 **3. MEDICALLY NECESSARY REFERRALS AND**
2 **PERIOPERATIVE PATIENT COMANAGEMENT FOR EYE DISEASES AND CONDITIONS;**
3 **AND**

4 **(III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION**
5 **OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED**
6 **BY THE BOARD.**

7 **(D) AN OPTOMETRIST WHO HAS GRADUATED ON OR AFTER DECEMBER 31,**
8 **2019, FROM AN ACCREDITED SCHOOL OF OPTOMETRY RECOGNIZED BY THE BOARD**
9 **IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

10 **(E) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II MAY NOT**
11 **ADMINISTER OR PRESCRIBE CONTROLLED SUBSTANCES.**

12 **(F) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II SHALL BE HELD TO**
13 **THE SAME STANDARD OF CARE AS AN OPHTHALMOLOGIST WHO IS LICENSED UNDER**
14 **TITLE 14 OF THIS ARTICLE AND PROVIDES SIMILAR SERVICES.**

15 11-404.3.

16 (a) The [Maryland Optometric Association and the Maryland Society of Eye
17 Physicians and Surgeons] **BOARD** shall recommend to the Secretary quality assurance
18 guidelines for therapeutically certified optometrists, **THERAPEUTICALLY CERTIFIED**
19 **OPTOMETRISTS II**, and optometric care.

20 (b) [(1)] After considering the recommendations of the [Maryland Optometric
21 Association and the Maryland Society of Eye Physicians and Surgeons] **BOARD**, the
22 Secretary shall adopt regulations that establish[:

23 (i) Standards] **STANDARDS** of quality for therapeutically certified
24 optometrists, **THERAPEUTICALLY CERTIFIED OPTOMETRISTS II**, and optometric care[;

25 (ii) An ongoing quality assurance program that includes the
26 monitoring and study of the joint management of primary open-angle glaucoma patients
27 under § 11-404.2(c) of this subtitle;

28 (iii) A program to evaluate the cost of optometric care; and

29 (iv) A plan to monitor complaint investigation.

30 (2) The regulations shall require the Board to:

31 (i) Conduct a continuing study and investigation of therapeutically
32 certified optometrists to ensure the quality of care they provide; and

1 (ii) Report to the Secretary, as the Secretary requires, on the results
2 of the Board's study and investigation.

3 (3) The Board's study and investigation shall include:

4 (i) A peer review program; and

5 (ii) A review of patient optometric records that includes the
6 collection and evaluation of data on the drugs being prescribed and administered and the
7 appropriateness of treatment by therapeutically certified optometrists].

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) The requirements for certification under § 11-404(b) of the Health
10 Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed
11 optometrist certified under § 11-404 of the Health Occupations Article on or before July 1,
12 2019.

13 (b) The requirements for certification under § 11-404.1(b) of the Health
14 Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed
15 optometrist certified under § 11-404.1 of the Health Occupations Article on or before July
16 1, 2019.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2019.