

HOUSE BILL 471

J2

9lr0866
CF SB 447

By: Delegates K. Young, Pendergrass, R. Lewis, and ~~Sample Hughes~~
Sample-Hughes, Pena-Melnyk, Bagnall, Bhandari, Carr, Charles,
Chisholm, Cullison, Kelly, Kerr, Kipke, Krebs, Metzgar, Rosenberg, Saab,
and Szeliga

Introduced and read first time: February 1, 2019
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 11, 2019

CHAPTER _____

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~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~optometrists who submit certain evidence of certain certification or education, and~~
~~completion of certain courses; requiring that certain courses be of a certain length,~~
~~emphasize certain topics, and be given by certain associations or organizations;~~
~~providing that certain optometrists are not subject to certain requirements for~~
~~certain certification; prohibiting certain optometrists from administering or~~
~~prescribing certain substances; providing that certain optometrists be held to certain~~
~~standards of care; requiring the Board, rather than a certain person, to recommend~~
~~to the Secretary of Health certain quality assurance guidelines for certain~~
~~optometrists; requiring the Secretary to adopt certain regulations repealing certain~~
provisions of law requiring a therapeutically certified optometrist to refer a certain
patient to an ophthalmologist under certain circumstances; altering the types of
therapeutic pharmaceutical agents a therapeutically certified optometrist is
authorized to administer or prescribe; prohibiting therapeutically certified
optometrists from administering or prescribing certain substances and agents except
under certain circumstances; prohibiting therapeutically certified optometrists from
administering or prescribing certain substances and agents to certain patients
except under certain circumstances; altering the circumstances under which a
therapeutically certified optometrist is authorized to administer and prescribe
certain pharmaceutical agents for a certain type of glaucoma; authorizing
therapeutically certified optometrists to order certain tests under certain conditions;
altering the circumstances under which a therapeutically certified optometrist is
authorized to remove certain foreign bodies from a human eye; requiring a
therapeutically certified optometrist to comply with a certain notice requirement;
~~altering and repealing certain definitions; defining ~~certain terms~~ a certain term;~~
~~making certain clarifying and conforming changes; providing for the application of~~
~~certain provisions of this Act; providing for a delayed effective date for certain~~
~~provisions of this Act; and generally relating to requirements for the practice of~~
~~optometry.~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Health Occupations~~
~~Section 11-101(a)~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume and 2018 Supplement)~~

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

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 11-101(i) and 11-404.2~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume and 2018 Supplement)~~

1 BY repealing
 2 Article – Health Occupations
 3 Section 11–503
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2018 Supplement)

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

8 **Article – Health Occupations**

9 ~~11–101.~~

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

11 (g) (1) ~~“Practice optometry” means:~~

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

14 ~~1. To detect, diagnose, [and subject to §§ 11–404 and~~
 15 ~~11–404.2 of this title,] treat, [subject to this title,] AND MANAGE any optical or diseased~~
 16 ~~condition in the human eye AND THE ADNEXA OF THE EYE; or~~

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

19 (ii) ~~To give advice or direction on the fitness or adaptation of~~
 20 ~~eyeglasses or lenses to any individual for the correction or relief of a condition for which~~
 21 ~~eyeglasses or lenses are worn; or~~

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

25 (2) ~~Subject to §§ 11–404, 11–404.1, and 11–404.2 of this title, “practice~~
 26 ~~optometry” includes:~~

27 ~~[(i) The administration of topical ocular diagnostic pharmaceutical~~
 28 ~~agents;]~~

29 ~~[(ii) (1) The administration and prescription of therapeutic~~
 30 ~~pharmaceutical agents, DEVICES, AND TREATMENTS; [and]~~

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

~~1. IS EMBEDDED IN THE CONJUNCTIVA OR CORNEA; AND~~

~~2. HAS NOT PENETRATED BEYOND THE MID STROMA;~~

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

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

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

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

~~(h) "Therapeutically certified optometrist" means a licensed optometrist who is certified by the Board to practice optometry to the extent permitted under [§ 11-404.2] § 11-404.1 of this title.~~

~~(i) "THERAPEUTICALLY CERTIFIED OPTOMETRIST II" MEANS A LICENSED OPTOMETRIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE OPTOMETRY TO THE EXTENT PERMITTED UNDER § 11-404.2 OF THIS TITLE.~~

~~11-301.~~

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

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

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

1 ~~11-309.~~

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

5 ~~(b) (1) The continuing education required by the Board shall be in courses~~
6 ~~approved by the Board.~~

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

9 ~~(3) The Board shall require a therapeutically certified optometrist OR A~~
10 ~~THERAPEUTICALLY CERTIFIED OPTOMETRIST II to attend at least 50 hours of~~
11 ~~continuing education in a licensing period.~~

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

16 ~~(ii) The 30 hours of continuing education required under~~
17 ~~subparagraph (i) of this paragraph shall be counted toward the total number of required~~
18 ~~hours of continuing education in a licensing period.~~

19 ~~(5) A COURSE COMPLETED BY A LICENSED OPTOMETRIST AS~~
20 ~~REQUIRED BY THE BOARD TO BE CERTIFIED UNDER § 11-404.1 OR § 11-404.2 OF~~
21 ~~THIS TITLE SHALL BE COUNTED TOWARD THE TOTAL NUMBER OF REQUIRED HOURS~~
22 ~~OF CONTINUING EDUCATION FOR THE LICENSING PERIOD IN WHICH THE COURSE~~
23 ~~WAS COMPLETED.~~

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

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

28 ~~(1) To attend the required courses; or~~

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

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

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

1 ~~11-402.~~

2 ~~[(a)] If, while providing optometric services to a patient, [an] A LICENSED~~
 3 ~~optometrist [or diagnostically certified optometrist] detects or diagnoses an active eye~~
 4 ~~pathology which the optometrist is not [licensed or] certified to treat under [§ 11-404 or §~~
 5 ~~11-404.2 of] this subtitle, the optometrist shall, AS APPROPRIATE, refer the patient to:~~

6 ~~(1) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS~~
 7 ~~SUBTITLE TO TREAT THE ACTIVE EYE PATHOLOGY;~~

8 ~~(2) An ophthalmologist [or a therapeutically certified optometrist, as~~
 9 ~~appropriate];~~

10 ~~[(2)] (3) The patient's physician;~~

11 ~~[(3)] (4) A physician if required under a managed care contract; or~~

12 ~~[(4)] (5) A hospital emergency room or ambulatory surgical center [if~~
 13 ~~necessary].~~

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

17 ~~(1) An ophthalmologist;~~

18 ~~(2) The patient's physician;~~

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

20 ~~(4) A hospital emergency room if necessary.]~~

21 ~~11-403.~~

22 ~~(a) A licensed optometrist may:~~

23 ~~(1) Use the title "optometrist";~~

24 ~~(2) If the optometrist holds the degree of doctor of optics or doctor of~~
 25 ~~optometry from a college or university authorized to give the degree, use the title "Doctor"~~
 26 ~~or the abbreviations "Dr." or "O.D." with the optometrist's name;~~

27 ~~(3) If the optometrist is certified under § 11-404 of this subtitle, use the~~
 28 ~~title "diagnostically certified optometrist"; [and]~~

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

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

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

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

10 ~~(2) Any word or abbreviation that suggests that the optometrist treats~~
11 ~~diseases or injuries of the human eye, including the words “eye specialist”, “eyesight~~
12 ~~specialist”, “oculist”, or “ophthalmologist”.~~

13 ~~11-404.~~

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

18 ~~(b) The Board shall certify a licensed optometrist as qualified to administer~~
19 ~~topical ocular diagnostic pharmaceutical agents if the licensed optometrist submits to the~~
20 ~~Board evidence satisfactory to the Board that the licensed optometrist:~~

21 ~~(1) Meets the educational requirements that the Board establishes for~~
22 ~~certification of qualification to administer topical ocular diagnostic pharmaceutical agents;~~
23 ~~and~~

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

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

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

31 ~~(2) Place emphasis on:~~

1 ~~(i) [Topical] THE application AND ADMINISTRATION of ocular~~
 2 ~~diagnostic pharmaceutical agents for the purpose of examining and analyzing ocular~~
 3 ~~functions; and~~

4 ~~(ii) Allergic reactions to ocular diagnostic pharmaceutical agents;~~
 5 ~~and~~

6 ~~(3) Be given by an institution that is:~~

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

9 ~~(ii) Approved by the Board.~~

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

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

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

19 ~~(F) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION~~
 20 ~~MAY NOT:~~

21 ~~(1) ADMINISTER OR PRESCRIBE ANY THERAPEUTIC~~
 22 ~~PHARMACEUTICAL AGENTS, DEVICES, OR TREATMENTS;~~

23 ~~(2) REMOVE ANY FOREIGN BODIES OR RESIDUAL PARTICULATE~~
 24 ~~MATTER FROM THE HUMAN EYE;~~

25 ~~(3) ORDER, EVALUATE, OR PERFORM BLOOD TESTS, CULTURES, AND~~
 26 ~~IMAGING TESTS; OR~~

27 ~~(4) DIAGNOSE OR TREAT GLAUCOMA.~~

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

1 ~~11-404.1.~~

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

5 (1) ~~ADMINISTER TOPICAL OCULAR DIAGNOSTIC PHARMACEUTICAL~~
 6 ~~AGENTS;~~

7 (2) ~~ADMINISTER or prescribe any therapeutic pharmaceutical agents IN~~
 8 ~~ACCORDANCE WITH THIS SECTION; or [remove superficial]~~

9 (3) ~~REMOVE foreign bodies from a human eye, adnexa, or lacrimal system~~
 10 ~~IN ACCORDANCE WITH THIS SECTION.~~

11 (b) (1) ~~Except as provided in paragraph (2) of this subsection, the Board shall~~
 12 ~~certify a licensed optometrist as a therapeutically certified optometrist if the licensed~~
 13 ~~optometrist submits to the Board evidence satisfactory to the Board that the licensed~~
 14 ~~optometrist:~~

15 (i) ~~Has WITHIN 6 YEARS BEFORE CERTIFICATION UNDER THIS~~
 16 ~~SECTION successfully completed at least [110] 60 hours of [a] COURSEWORK;~~

17 1. ~~IN PHARMACOLOGY WITH AN EMPHASIS ON THE~~
 18 ~~APPLICATION, ADMINISTRATION, AND USE OF therapeutic pharmaceutical agents~~
 19 ~~[course approved]; AND~~

20 2. ~~APPROVED by the Board;~~

21 (ii) ~~Has successfully passed a pharmacology examination relating to~~
 22 ~~the treatment and management of ocular disease, which is prepared, administered, and~~
 23 ~~graded by the National Board of Examiners in Optometry or any other nationally~~
 24 ~~recognized optometric organization as approved by the Secretary; AND~~

25 (iii) ~~Is currently certified by the Board to administer topical ocular~~
 26 ~~diagnostic pharmaceutical agents under § 11-404 of this subtitle]; and~~

27 (iv) ~~Has successfully completed an 8-hour course in the management~~
 28 ~~of topical steroids approved by the Board].~~

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

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

~~[11-404.2.]~~

~~[(a) In this section, "refer" means that a therapeutically certified optometrist:~~

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

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

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

~~(i) Ocular antihistamines, decongestants, and combinations thereof;~~

~~(ii) Ocular antiallergy pharmaceutical agents;~~

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

~~(iv) Anti-inflammatory agents;~~

~~(v) Ocular lubricants and artificial tears;~~

~~(vi) Tropicamide;~~

~~(vii) Homatropine;~~

~~(viii) Nonprescription drugs that are commercially available; and~~

~~(ix) Primary open angle glaucoma medications, in accordance with subsection [(c)] (D) of this section.~~

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

1 ~~(i) The therapeutically certified optometrist shall consult with an~~
2 ~~ophthalmologist; and~~

3 ~~(ii) The ophthalmologist may determine that the ophthalmologist~~
4 ~~needs to physically examine the patient.~~

5 ~~(3) Except as provided in paragraph (4) of this subsection, if a~~
6 ~~therapeutically certified optometrist administers or prescribes a topical therapeutic~~
7 ~~pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified~~
8 ~~optometrist shall communicate with the patient to determine the response of the patient to~~
9 ~~the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the~~
10 ~~agent was administered or prescribed.~~

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

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

14 ~~(i) Antiviral agents;~~

15 ~~(ii) Antifungal agents;~~

16 ~~(iii) Antimetabolite agents; or~~

17 ~~(iv) Antiparasitic agents.~~

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

20 ~~(i) No charge is imposed for the therapeutic pharmaceutical agent~~
21 ~~or for dispensing the agent; and~~

22 ~~(ii) The amount dispensed does not exceed a 72-hour supply, except~~
23 ~~that if the minimum available quantity for dispensing is greater than a 72-hour supply,~~
24 ~~the minimum available quantity may be dispensed.~~

25 ~~[(e)] (D) (1) A therapeutically certified optometrist may administer and~~
26 ~~prescribe topical therapeutic pharmaceutical agents for glaucoma only:~~

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

28 ~~(ii) After the optometrist refers the patient to an ophthalmologist;~~
29 ~~and~~

30 ~~(iii) After the ophthalmologist and optometrist jointly and promptly~~
31 ~~develop a written individualized treatment plan that is signed by the ophthalmologist and~~
32 ~~optometrist and includes:~~

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

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

~~3. A medication plan;~~

~~4. A target intraocular pressure; and~~

~~5. Criteria for surgical intervention by the ophthalmologist.~~

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

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

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

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

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

~~(iii) Shall consult with an ophthalmologist if:~~

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

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

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

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

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

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

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

8 ~~(3) A therapeutically certified optometrist may administer or prescribe~~
9 ~~nonprescription drugs that are commercially available.~~

10 ~~[(e)] (F) (1) Except as provided in paragraph (2) of this subsection, a~~
11 ~~therapeutically certified optometrist may not perform any procedure on the eyelid of a~~
12 ~~patient.~~

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

15 ~~[(f)] (G) A therapeutically certified optometrist may remove superficial foreign~~
16 ~~bodies from the human eye only if:~~

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

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

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

23 ~~(2) A therapeutically certified optometrist may order a conjunctival~~
24 ~~culture.~~

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

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

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

1 ~~11-404.2.~~

2 ~~(A) (1) EXCEPT AS PROVIDED UNDER §§ 11-404 AND 11-404.1 OF THIS~~
3 ~~SUBTITLE AND SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION, A LICENSED~~
4 ~~OPTOMETRIST SHALL BE CERTIFIED UNDER THIS SECTION BEFORE THE~~
5 ~~OPTOMETRIST MAY:~~

6 ~~(I) ADMINISTER TOPICAL OCULAR DIAGNOSTIC~~
7 ~~PHARMACEUTICAL AGENTS;~~

8 ~~(II) ADMINISTER OR PRESCRIBE, AS APPROPRIATE, A DELIVERY~~
9 ~~MECHANISM, DRUG, THERAPY, DEVICE, OR TREATMENT FOR THE MANAGEMENT OF~~
10 ~~OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES;~~

11 ~~(III) REMOVE FOREIGN BODIES OR RESIDUAL PARTICULATE~~
12 ~~MATTER FROM THE HUMAN EYE OR THE ADNEXA OF THE EYE; OR~~

13 ~~(IV) ORDER, EVALUATE, OR PERFORM BLOOD TESTS,~~
14 ~~CULTURES, AND IMAGING TESTS.~~

15 ~~(2) THE RESTRICTIONS PROVIDED FOR THERAPEUTICALLY~~
16 ~~CERTIFIED OPTOMETRISTS UNDER § 11-404.1(C) THROUGH (I) OF THIS SUBTITLE~~
17 ~~DO NOT APPLY TO A LICENSED OPTOMETRIST CERTIFIED UNDER THIS SECTION.~~

18 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~
19 ~~BOARD SHALL CERTIFY A LICENSED OPTOMETRIST AS A THERAPEUTICALLY~~
20 ~~CERTIFIED OPTOMETRIST II IF THE LICENSED OPTOMETRIST SUBMITS TO THE~~
21 ~~BOARD EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSED~~
22 ~~OPTOMETRIST:~~

23 ~~(1) (I) IS CURRENTLY CERTIFIED BY THE BOARD AS A~~
24 ~~THERAPEUTICALLY CERTIFIED OPTOMETRIST UNDER § 11-404.1 OF THIS SUBTITLE;~~
25 ~~OR~~

26 ~~(II) CAN DEMONSTRATE TO THE BOARD THE EQUIVALENT~~
27 ~~EDUCATIONAL REQUIREMENTS OF A THERAPEUTICALLY CERTIFIED OPTOMETRIST~~
28 ~~UNDER § 11-404.1 OF THIS SUBTITLE;~~

29 ~~(2) HAS SUCCESSFULLY COMPLETED A COURSE IN ADVANCED~~
30 ~~PHARMACOLOGY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF THIS~~
31 ~~SECTION; AND~~

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

4 ~~(C) (1) A COURSE IN ADVANCED PHARMACOLOGY REQUIRED UNDER~~
5 ~~SUBSECTION (B)(2) OF THIS SECTION SHALL:~~

6 ~~(I) BE 10 HOURS;~~

7 ~~(II) PLACE EMPHASIS ON THE USE OF TOPICAL AND ORAL~~
8 ~~PHARMACEUTICAL AGENTS AND OTHER THERAPEUTIC TREATMENTS AND DEVICES~~
9 ~~THAT MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES, INCLUDING~~
10 ~~POSSIBLE SIDE EFFECTS AND ALLERGIC REACTIONS TO TOPICAL AND ORAL~~
11 ~~PHARMACEUTICAL AGENTS; AND~~

12 ~~(III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION~~
13 ~~OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED~~
14 ~~BY THE BOARD.~~

15 ~~(2) A COURSE IN THE TREATMENT AND MANAGEMENT OF PATIENTS~~
16 ~~WITH EYE DISEASES AND CONDITIONS REQUIRED BY SUBSECTION (B)(3) OF THIS~~
17 ~~SECTION SHALL:~~

18 ~~(I) BE 10 HOURS;~~

19 ~~(II) PLACE EMPHASIS ON:~~

20 ~~1. CURRENT BEST PRACTICES FOR THE DIAGNOSIS,~~
21 ~~MANAGEMENT, AND TREATMENT OF EYE DISEASES AND CONDITIONS;~~

22 ~~2. THE MISDIAGNOSIS OF EYE DISEASES AND~~
23 ~~CONDITIONS; AND~~

24 ~~3. MEDICALLY NECESSARY REFERRALS AND~~
25 ~~PERIOPERATIVE PATIENT COMANAGEMENT FOR EYE DISEASES AND CONDITIONS;~~
26 ~~AND~~

27 ~~(III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION~~
28 ~~OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED~~
29 ~~BY THE BOARD.~~

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

1 ~~(E) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II MAY NOT~~
2 ~~ADMINISTER OR PRESCRIBE CONTROLLED SUBSTANCES.~~

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

6 11-101.

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

8 (b) “Board” means the State Board of Examiners in Optometry.

9 (c) “Diagnostically certified optometrist” means a licensed optometrist who is
10 certified by the Board to administer topical ocular diagnostic pharmaceutical agents to the
11 extent permitted under § 11-404 of this title.

12 (d) “License” means, unless the context requires otherwise, a license issued by the
13 Board to practice optometry.

14 (e) “Licensed optometrist” means, unless the context requires otherwise, an
15 optometrist who is licensed by the Board to practice optometry.

16 (f) “Optometrist” means an individual who practices optometry.

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

18 (i) Subject to §§ 11-404 and 11-404.2 of this title, to use any means
19 known in the science of optics or eye care, except surgery:

20 1. To detect, diagnose, **MANAGE**, and **TREAT**, subject to §§
21 11-404 and 11-404.2 of this title, [treat, subject to this title,] any optical or diseased
22 condition in the human eye **AND THE ADNEXA OF THE EYE**; or

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

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

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

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

3 (i) The administration of [topical ocular diagnostic] pharmaceutical
4 agents;

5 (ii) The administration and prescription of therapeutic
6 pharmaceutical agents; and]

7 (iii) (ii) The removal of superficial foreign bodies from the cornea
8 and conjunctiva;

9 (iii) (iii) THE DIAGNOSIS, TREATMENT, AND MANAGEMENT OF
10 OPEN-ANGLE GLAUCOMA;

11 (iv) THE ORDERING OF CULTURES AND BLOODWORK TESTING;
12 AND

13 (v) THE ORDERING AND PERFORMING OF IN-OFFICE,
14 NONINVASIVE, NONRADIOGRAPHIC IMAGING.

15 (h) “Therapeutically certified optometrist” means a licensed optometrist who is
16 certified by the Board to practice optometry to the extent permitted under § 11-404.2 of
17 this title.

18 (i) (1) “SURGERY” MEANS A PROCEDURE USING ANY INSTRUMENTS,
19 INCLUDING LASERS, SCALPELS, NEEDLES, CAUTERY, A CRYOPROBE, OR SUTURES IN
20 WHICH HUMAN TISSUE IS CUT, BURNED, VAPORIZED, REMOVED, OR OTHERWISE
21 PERMANENTLY ALTERED BY ANY MECHANICAL MEANS, LASER, IONIZING
22 RADIATION, ULTRASOUND, OR OTHER MEANS.

23 (2) “SURGERY” DOES NOT INCLUDE:

24 (i) PREOPERATIVE AND POSTOPERATIVE CARE PROVIDED IN
25 ACCORDANCE WITH §§ 11-404 AND 11-404.2 OF THIS TITLE;

26 (ii) NONSURGICAL LIGHT THERAPIES USED ONLY FOR THE
27 TREATMENT OF MEIBOMIAN GLAND DISEASE AND VISION THERAPY BUT NOT FOR
28 CORNEAL COLLAGEN CROSS LINKING;

29 (iii) ORTHOKERATOLOGY;

30 (iv) A NONINVASIVE PROCEDURE TO REMOVE A SUPERFICIAL
31 FOREIGN BODY IN ACCORDANCE WITH § 11-404.2(D) OF THIS TITLE;

1 (V) CORNEAL SCRAPING OR CONJUNCTIVAL SWABS FOR
2 CULTURES IN ACCORDANCE WITH § 11-404.2(E) OF THIS TITLE;

3 (VI) EPILATING WITH FORCEPS AN EYELASH FROM THE EYELID,
4 ADNEXA, OR LACRIMAL SYSTEM OF A PATIENT; OR

5 (VII) NONINVASIVE MEIBOMIAN GLAND EXPRESSION.

6 11-404.2.

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

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

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

13 [(b) (A) (1) [A] EXCEPT AS PROVIDED IN THIS SUBSECTION AND IN
14 SUBSECTION (D) OF THIS SECTION FOR THE TREATMENT OF OPEN-ANGLE
15 GLAUCOMA, A therapeutically certified optometrist may administer and prescribe [topical
16 therapeutic pharmaceutical agents limited to:

17 (i) Ocular antihistamines, decongestants, and combinations
18 thereof;

19 (ii) Ocular antiallergy pharmaceutical agents;

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

22 (iv) Anti-inflammatory agents;

23 (v) Ocular lubricants and artificial tears;

24 (vi) Tropicamide;

25 (vii) Homatropine;

26 (viii) Nonprescription drugs that are commercially available; and

27 (ix) Primary open-angle glaucoma medications, in accordance with
28 subsection (c) of this section] THERAPEUTIC PHARMACEUTICAL AGENTS FOR THE
29 PREVENTION, MANAGEMENT, OR TREATMENT OF CONDITIONS AND DISEASES OF
30 THE EYE AND OCULAR ADNEXA.

1 **(2) (I) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT**
2 **ADMINISTER OR PRESCRIBE:**

3 **1. CONTROLLED DANGEROUS SUBSTANCES;**

4 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, NONTOPICAL SYSTEMIC IMMUNOSUPPRESSIVE AND**
6 **IMMUNOMODULATORY AGENTS;**

7 **3. ORAL ANTIFUNGAL AGENTS; OR**

8 **4. ORAL AND TOPICAL ANTIMETABOLITE AGENTS.**

9 **(II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY**
10 **ADMINISTER OR PRESCRIBE ORAL CORTICOSTEROIDS FOR NOT MORE THAN 1**
11 **MONTH UNLESS THE THERAPEUTICALLY CERTIFIED OPTOMETRIST CONSULTS WITH**
12 **A PHYSICIAN.**

13 **(3) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT**
14 **ADMINISTER OR PRESCRIBE PHARMACEUTICAL AGENTS THAT ARE:**

15 **(I) DELIVERED INTRAVENOUSLY;**

16 **(II) GIVEN BY INJECTION, EXCEPT A THERAPEUTICALLY**
17 **CERTIFIED OPTOMETRIST MAY GIVE AN INJECTION OF EPINEPHRINE IN THE**
18 **APPROPRIATE DOSE FOR THE TREATMENT OF ACUTE ANAPHYLAXIS OR EMERGENCY**
19 **RESUSCITATION;**

20 **(III) GIVEN OR DELIVERED BY A SUSTAINED DELIVERY DEVICE,**
21 **EXCEPT FOR PUNCTAL PLUGS, CONTACT LENSES, OR OTHER EXTRAOCULAR**
22 **DEVICES THAT RELEASE MEDICATION INTO THE TEAR FILM; OR**

23 **(IV) FOR THE TREATMENT OF A SYSTEMIC DISEASE UNLESS**
24 **SPECIFIC TO THE TREATMENT OF AN OCULAR CONDITION OR DISEASE.**

25 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
26 **THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT ADMINISTER OR PRESCRIBE**
27 **ANY ORAL PHARMACEUTICAL AGENT TO A PATIENT UNDER THE AGE OF 18 YEARS.**

28 **(2) (I) AFTER A THERAPEUTICALLY CERTIFIED OPTOMETRIST**
29 **CONSULTS WITH A PHYSICIAN, THE THERAPEUTICALLY CERTIFIED OPTOMETRIST**
30 **MAY PRESCRIBE AND ADMINISTER ORAL ANTIBIOTICS TO A MINOR WHO IS AT LEAST**
31 **16 YEARS OLD AND UNDER THE AGE OF 18 YEARS.**

1 (II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST SHALL
2 PROVIDE THE PHYSICIAN CONSULTED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF
3 THIS PARAGRAPH WITH A WRITTEN REPORT.

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

8 (i) The therapeutically certified optometrist shall consult with an
9 ophthalmologist; and

10 (ii) The ophthalmologist may determine that the ophthalmologist
11 needs to physically examine the patient.

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

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

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

21 (i) Antiviral agents;

22 (ii) Antifungal agents;

23 (iii) Antimetabolite agents; or

24 (iv) Antiparasitic agents.

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

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

29 (ii) The amount dispensed does not exceed a 72-hour supply, except
30 that if the minimum available quantity for dispensing is greater than a 72-hour supply,
31 the minimum available quantity may be dispensed.]

1 (c) (1) A therapeutically certified optometrist may administer and prescribe
2 topical therapeutic pharmaceutical agents for glaucoma only[:

3 (i) For patients with primary] FOR A PATIENT WHO:

4 **(I) IS AT LEAST 18 YEARS OLD; AND**

5 **(II) HAS 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)] **(2) (I) A therapeutically certified optometrist who treats a**
23 **patient with [primary] open–angle glaucoma in accordance with this section**[:

24 (i) Shall] SHALL refer the patient to an ophthalmologist [at least
25 once a year after the initial mandatory referral under paragraph (1) of this subsection;]
26 **FOR AN EXAMINATION WITHIN 3 MONTHS AFTER THE INITIAL DIAGNOSIS OR**
27 **PRESENTATION TO THE THERAPEUTICALLY CERTIFIED OPTOMETRIST UNLESS THE**
28 **INTRAOCULAR PRESSURE HAS BEEN REDUCED 20% OR MORE FROM THE INITIAL**
29 **PRESSURE.**

30 **(II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO**
31 **TREATS A PATIENT WITH OPEN–ANGLE GLAUCOMA IN ACCORDANCE WITH THIS**

1 SECTION SHALL REFER THE PATIENT TO AN OPHTHALMOLOGIST FOR AN
2 EXAMINATION WITHIN 12 MONTHS AFTER THE INITIAL DIAGNOSIS OR
3 PRESENTATION TO THE THERAPEUTICALLY CERTIFIED OPTOMETRIST UNLESS
4 CLINICAL STABILITY HAS BEEN DOCUMENTED BY VISUAL FIELD OR IMAGING OF THE
5 OPTIC NERVE STRUCTURE.

6 (3) FOR A PATIENT ON GLAUCOMA MEDICATIONS AT THE TIME OF
7 PRESENTATION TO A THERAPEUTICALLY CERTIFIED OPTOMETRIST, IF THE
8 THERAPEUTICALLY CERTIFIED OPTOMETRIST IS UNABLE TO CONFIRM EITHER THE
9 DATE OF INITIAL OPEN-ANGLE GLAUCOMA DIAGNOSIS OR THE INTRAOCULAR
10 PRESSURE AT THE TIME THE PATIENT WAS INITIALLY DIAGNOSED, THE
11 THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY RENDER TREATMENT TO A
12 PATIENT WITH OPEN-ANGLE GLAUCOMA WITHOUT REFERRING THE PATIENT TO AN
13 OPHTHALMOLOGIST IF:

14 (I) THE INTRAOCULAR PRESSURE OF THE PATIENT REMAINS
15 STABLE; AND

16 (II) CLINICAL STABILITY IS DOCUMENTED BY VISUAL FIELD OR
17 IMAGING OF THE OPTIC NERVE STRUCTURE WITHIN 12 MONTHS AFTER THE PATIENT
18 IS FIRST EXAMINED BY THE OPTOMETRIST.

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

21 (iii) Shall consult with an ophthalmologist if:

22 1. The patient does not have the expected response to
23 treatment;

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

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

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

30 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
31 therapeutically certified optometrist may not administer or prescribe any oral
32 pharmaceutical agent for any purpose.

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

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

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

10 (e) (1) Except as provided in paragraph (2) of this subsection, a therapeutically
 11 certified optometrist may not perform any procedure on the eyelid of a patient.

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

14 **(4) (I) FOR A PATIENT WHO IS AT LEAST 18 YEARS OLD, A**
 15 **THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY ONLY ADMINISTER OR**
 16 **PRESCRIBE ORAL GLAUCOMA MEDICATIONS FOR UP TO 24 HOURS AFTER THE**
 17 **PATIENT PRESENTS IN THE OFFICE WITH UNCONTROLLED INTRAOCULAR**
 18 **PRESSURE.**

19 **(II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO**
 20 **ADMINISTERS OR PRESCRIBES ORAL GLAUCOMA MEDICATIONS UNDER**
 21 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL IMMEDIATELY CONSULT WITH AN**
 22 **OPHTHALMOLOGIST AND REFER THE PATIENT TO AN OPTHALMOLOGIST.**

23 **[(f)] (D) A therapeutically certified optometrist may remove superficial**
 24 **CONJUNCTIVAL OR CORNEAL foreign bodies from the human eye only if:**

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

27 **[(2)] (1) The foreign body [has]:**

28 **(I) HAS not penetrated beyond the bowman's membrane of**
 29 **the cornea and is [not] within 2.5 millimeters of the visual axis OF THE CORNEA; OR**

30 **(II) IS PERIPHERAL AND ANTERIOR TO THE MID-STROMA;**
 31 **AND**

32 **(2) REMOVAL WILL NOT REQUIRE PERMANENT ALTERATION OF**
 33 **TISSUE.**

1 [(g)] (E) (1) Except as provided [in paragraph (2)] PARAGRAPHS (2) AND
 2 (3) of this subsection, a therapeutically certified optometrist may not order ANY laboratory
 3 tests, GENETIC TESTS, EXTRAOCULAR IMAGING, OR OTHER TESTING for a patient.

4 (2) (I) A therapeutically certified optometrist may order [a]:

5 1. A conjunctival OR CORNEAL culture; OR

6 2. AFTER CONSULTING WITH A PHYSICIAN, A
 7 NONGENETIC BLOOD TEST.

8 (II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO
 9 ORDERS NONGENETIC BLOOD TESTS SHALL SEND THE WRITTEN RESULTS TO THE
 10 PHYSICIAN CONSULTED IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS
 11 PARAGRAPH.

12 (3) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY ORDER AND
 13 PERFORM IN-OFFICE, NONINVASIVE, NONRADIOGRAPHIC IMAGING.

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

16 [(i)] (G) Unless the standard of care requires an earlier referral, if a
 17 therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient
 18 does not have the expected response within 48 hours, the optometrist immediately shall
 19 refer the patient to an ophthalmologist.

20 [(i)] (H) A therapeutically certified optometrist shall be [held]:

21 (1) HELD to the same standard of care as an ophthalmologist who is
 22 licensed under Title 14 of this article and who is providing similar services; AND

23 (2) REQUIRED TO COMPLY WITH THE NOTICE REQUIREMENT UNDER
 24 § 14-508 OF THIS ARTICLE.

25 11-404.3.

26 (a) The [Maryland Optometric Association and the Maryland Society of Eye
 27 Physicians and Surgeons] BOARD shall recommend to the Secretary quality assurance
 28 guidelines for therapeutically certified optometrists, ~~THERAPEUTICALLY CERTIFIED~~
 29 ~~OPTOMETRISTS II~~, and optometric care.

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

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

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

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

10 (iv) A plan to monitor complaint investigation.

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

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

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

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

17 (i) A peer review program; and

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

21 [11-503.

22 An optometrist practicing in the State may not:

23 (1) Use surgical lasers;

24 (2) Perform any surgery, including cataract surgery or cryosurgery;

25 (3) Perform a radial keratotomy;

26 (4) Give an injection, except that an optometrist may give an injection of
27 epinephrine in the appropriate dose for the treatment of acute anaphylaxis or emergency
28 resuscitation; or

1 (5) Except as provided under this title, dispense a therapeutic
2 pharmaceutical agent to any person.]

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

4 ~~(a) The requirements for certification under § 11-404(b) of the Health~~
5 ~~Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed~~
6 ~~optometrist certified under § 11-404 of the Health Occupations Article on or before July 1,~~
7 ~~2019.~~

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

12 (a) This section does not apply to an individual who graduates on or after July 1,
13 2019, from an accredited college of optometry, an accredited university school of optometry,
14 or an equivalent program of education as determined by the State Board of Examiners in
15 Optometry.

16 (b) (1) Before July 1, 2020, a therapeutically certified optometrist certified
17 under Title 11 of the Health Occupations Article shall demonstrate to the State Board of
18 Examiners in Optometry successful completion of a 10-hour course in advanced
19 pharmacology with emphasis on the use of oral pharmaceutical agents in treating ocular
20 diseases.

21 (2) To fulfill the requirement of paragraph (1) of this subsection, a
22 therapeutically certified optometrist may complete a course given by the Maryland
23 Optometric Association or any other statewide association or nonprofit association.

24 (3) A course completed by a therapeutically certified optometrist in
25 accordance with this section shall be counted toward the total number of hours of
26 continuing education required under § 11-309 of the Health Occupations Article for the
27 licensing period in which the course was completed.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
29 effect March 1, 2020.

30 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in
31 Section 3 of this Act, this Act shall take effect ~~July~~ June 1, 2019.