
By: **Delegates D. Davis, Taylor, and Owings**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Optometrists - Quality Eye Health Improvement Act**

3 FOR the purpose of clarifying the practice responsibilities of an optometrist; altering
4 restrictions placed on the practice of optometry; allowing for the waiver of
5 certain educational requirements for certain optometrists; altering provisions
6 relating to the Secretary of Health and Mental Hygiene to establish certain
7 guidelines and adopt certain regulations relating to optometrists and optometric
8 care; and generally relating to optometry.

9 BY repealing and reenacting, with amendments,
10 Article - Health Occupations
11 Section 11-403(b), 11-404.1, 11-404.2, and 11-404.3
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1999 Supplement)

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

16 **Article - Health Occupations**

17 11-403.

18 (b) Except as otherwise provided in this section, a licensed optometrist may
19 not attach to the optometrist's name or use as a title[:

20 (1) The] THE words or abbreviations "Doctor", "Dr.", "M.D.", "physician",
21 or "surgeon", or any other word or abbreviation that suggests that the optometrist
22 practices medicine OR OPHTHALMOLOGY[; or

23 (2) Any word or abbreviation that suggests that the optometrist treats
24 diseases or injuries of the human eye, including the words "eye specialist", "eyesight
25 specialist", "oculist", or "ophthalmologist"].

1 11-404.1.

2 (a) Unless certified under this section, a licensed optometrist may not
3 administer or prescribe any therapeutic pharmaceutical agents or remove superficial
4 foreign bodies from a human eye, adnexa, or lacrimal system.

5 (b) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this
6 subsection, the Board shall certify a licensed optometrist as a therapeutically
7 certified optometrist if the licensed optometrist submits to the Board evidence
8 satisfactory to the Board that the licensed optometrist:

9 (i) Has successfully completed at least 110 hours of a therapeutic
10 pharmaceutical agents course approved by the Board;

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

15 (iii) Is currently certified by the Board to administer topical ocular
16 diagnostic pharmaceutical agents under § 11-404 of this subtitle.

17 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
18 optometrist who has graduated on or after July 1, 1992 from an accredited school of
19 optometry recognized by the Board is not subject to the requirements of paragraph (1)
20 of this subsection.

21 (ii) If an optometrist who has graduated on or after July 1, 1992
22 from an accredited school of optometry recognized by the Board is not certified under
23 this section within 3 years of graduation, the optometrist shall successfully complete
24 a therapeutic pharmaceutical agents course and successfully pass a pharmacology
25 exam under paragraph (1) of this subsection before the Board may certify the
26 optometrist.

27 (3) THE BOARD MAY WAIVE THE REQUIREMENT UNDER PARAGRAPH (1)
28 OF THIS SUBSECTION FOR AN OPTOMETRIST WHO IS A THERAPEUTICALLY
29 CERTIFIED OPTOMETRIST IN ANOTHER STATE AND WHO SUBMITS SATISFACTORY
30 EVIDENCE OF SCHOLASTIC AND PROFESSIONAL EDUCATION THAT IS AT LEAST
31 EQUAL TO THE STANDARDS SET BY THE BOARD.

32 11-404.2.

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

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

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

1 (b) (1) A therapeutically certified optometrist may administer and prescribe
2 topical therapeutic pharmaceutical agents INCLUDING, BUT NOT limited to:

3 (i) Ocular antihistamines, decongestants, and combinations
4 thereof[, excluding steroids];

5 (ii) Ocular antiallergy pharmaceutical agents;

6 (iii) Ocular antibiotics and combinations of ocular antibiotics[,
7 excluding specially formulated or fortified antibiotics];

8 (iv) Anti-inflammatory agents[, excluding steroids];

9 (v) Ocular lubricants and artificial tears;

10 (vi) Tropicamide;

11 (vii) Homatropine;

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

13 (ix) [Primary open-angle glaucoma] GLAUCOMA medications, in
14 accordance with subsection (c) of this section.

15 (2) [If a therapeutically certified optometrist administers or prescribes a
16 topical therapeutic pharmaceutical agent listed in paragraph (1)(i) through (vii) of
17 this subsection, and the patient does not have the expected response within 72 hours:

18 (i) The therapeutically certified optometrist shall consult with an
19 ophthalmologist; and

20 (ii) The ophthalmologist may determine that the ophthalmologist
21 needs to physically examine the patient.

22 (3) If a therapeutically certified optometrist administers or prescribes a
23 topical therapeutic pharmaceutical agent under paragraph (2) of this subsection, the
24 therapeutically certified optometrist shall communicate with the patient to determine
25 the response of the patient to the therapeutic pharmaceutical agent as soon as
26 practicable after 72 hours of the time the agent was administered or prescribed.

27 (4) A therapeutically certified optometrist may not administer or
28 prescribe:

29 (i) Steroids;

30 (ii) Antiviral agents;

31 (iii) Antifungal agents;

32 (iv) Antimetabolite agents; or

1 (v) Antiparasitic agents.

2 (5) A therapeutically certified optometrist may dispense a topical
3 therapeutic pharmaceutical agent [listed in paragraph (1) of this subsection] only if:

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

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

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

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

12 (ii) After the optometrist refers the patient to an ophthalmologist;
13 and

14 (iii) After the ophthalmologist and optometrist jointly and promptly
15 develop a written individualized treatment plan that is signed by the ophthalmologist
16 and optometrist and includes:

- 17 1. All tests and examinations that led to the diagnosis;
- 18 2. An initial schedule of all tests and examinations necessary
19 to treat the patient's condition;
- 20 3. A medication plan;
- 21 4. A target intraocular pressure; and
- 22 5. Criteria for surgical intervention by the ophthalmologist.

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

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

28 (3) A therapeutically certified optometrist who treats a patient with
29 [primary open-angle] glaucoma [in accordance with this section:

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

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

(iii) Shall] SHALL consult with an ophthalmologist if]:

1. The] 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) [(1) Except as provided in paragraphs (2) and (3) of this subsection, a] A therapeutically certified optometrist may [not] administer or prescribe [any] THE FOLLOWING oral pharmaceutical [agent] AGENTS for [any purpose] THE TREATMENT OF EYE DISEASE AND OCULAR ADNEXIA:

- (1) ORAL ANTIBIOTICS;
- (2) ORAL ANTIHISTAMINES/DECONGESTANTS;
- (3) ORAL GLAUCOMA MEDICATION; AND
- (4) ORAL CLASS III ANALGESICS.

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

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

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

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

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

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

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

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

3 (g) [(1) Except as provided in paragraph (2) of this subsection, a] A
4 therapeutically certified optometrist may [not] order laboratory tests for a patient
5 CONSISTENT WITH THE SCOPE OF PRACTICE UNDER THIS TITLE.

6 [(2) A therapeutically certified optometrist may order a conjunctival
7 culture.]

8 (h) A therapeutically certified optometrist may not provide any therapeutic
9 treatment listed in this section for a child under the age of 1 year.

10 (i) Unless the standard of care requires an earlier referral, if a therapeutically
11 certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient does not
12 have the expected response within 48 hours, the optometrist immediately shall refer
13 the patient to an ophthalmologist.

14 (j) A therapeutically certified optometrist shall be held to the same standard
15 of care as an ophthalmologist who is licensed under Title 14 of this article and who is
16 providing similar services.

17 11-404.3.

18 (a) [The Maryland Optometric Association and the Maryland Society of Eye
19 Physicians and Surgeons shall recommend to the] THE Secretary SHALL ESTABLISH
20 quality assurance guidelines for therapeutically certified optometrists and optometric
21 care.

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

25 (i) Standards of quality for therapeutically certified optometrists
26 and optometric care; AND

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

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

31 (iv) A plan to monitor complaint investigation].

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

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

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

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

2 (i) A peer review program; and

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2000.