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By: **Delegates Goldwater, Barkley, Benson, Bobo, Bronrott, Dumais, Frush,  
Harrison, Krysiak, Lee, Madaleno, Mandel, McIntosh, Murray,  
Pendergrass, and Rosenberg**

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Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing certain limitations on the words or abbreviations that  
4 may be attached to a licensed optometrist's name or that the licensed  
5 optometrist may use as a title; altering the requirements for certification as a  
6 therapeutically certified optometrist; expanding the practice responsibilities of a  
7 therapeutically certified optometrist; altering restrictions placed on the practice  
8 of optometry; altering certain provisions of law requiring the Secretary of  
9 Health and Mental Hygiene to adopt certain regulations relating to optometrists  
10 and optometric care; requiring the State Board of Examiners in Optometry to  
11 monitor certain standards, programs, and plans and conduct a certain study;  
12 and generally relating to the practice of optometry.

13 BY repealing and reenacting, with amendments,  
14 Article - Health Occupations  
15 Section 11-403(b) and 11-404.1 through 11-404.3  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2002 Supplement)

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

20 **Article - Health Occupations**

21 11-403.

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

24 (1) The] THE words or abbreviations ["Doctor", "Dr.,"] "M.D.",  
25 "physician", [or] "surgeon", or [any other word or abbreviation that suggests that the  
26 optometrist practices medicine; or

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

4 11-404.1.

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

8 (b) [(1) Except as provided in paragraph (2) of this subsection, the] THE  
9 Board shall certify a licensed optometrist as a therapeutically certified optometrist if  
10 the licensed optometrist submits to the Board evidence satisfactory to the Board that  
11 [the licensed optometrist]:

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

14 [(ii)] (1) [Has] THE LICENSED OPTOMETRIST HAS successfully  
15 passed a pharmacology examination relating to the treatment and management of  
16 ocular disease, which is [prepared,] administered [, and graded by the National  
17 Board of Examiners in Optometry or any other nationally recognized optometric  
18 organization as approved by the Secretary] BY THE BOARD OR AN AGENCY  
19 APPROVED BY THE BOARD;

20 (2) THE LICENSED OPTOMETRIST HAS CURRENT CPR CERTIFICATION;  
21 and

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

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

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

34 (3) THE LICENSED OPTOMETRIST:

35 (1) HAS APPLIED FOR A THERAPEUTIC LICENSE WITHIN 3 YEARS  
36 OF GRADUATION WITH AN OPTOMETRIC DEGREE OR DIPLOMA FROM A SCHOOL OR  
37 COLLEGE OF OPTOMETRY ACCREDITED BY AN AGENCY RECOGNIZED BY THE BOARD;

1 (II) HAS SUCCESSFULLY COMPLETED AT LEAST 110 HOURS OF  
2 CONTINUING EDUCATION IN TREATMENT AND MANAGEMENT OF OCULAR DISEASE  
3 RECOGNIZED BY THE BOARD WITHIN 3 YEARS OF APPLICATION; OR

4 (III) HAS AN ACTIVE LICENSE FOR THERAPEUTIC OPTOMETRY, HAS  
5 PRACTICED ACTIVELY IN ANOTHER STATE IMMEDIATELY BEFORE APPLICATION,  
6 AND HAS MET THE CURRENT THERAPEUTIC CONTINUING EDUCATION  
7 REQUIREMENTS OF THE BOARD FOR THERAPEUTIC CERTIFICATION.

8 11-404.2.

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

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

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

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

17 (i) Ocular antihistamines, decongestants, and combinations  
18 thereof[, excluding steroids];

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[, excluding steroids];

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] GLAUCOMA medications, in  
28 accordance with subsection (c) of this section.

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

32 (i) The therapeutically certified optometrist shall consult with an  
33 ophthalmologist; and

1 (ii) The ophthalmologist may determine that the ophthalmologist  
2 needs to physically examine the patient.

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

8 (4) A therapeutically certified optometrist may not administer or  
9 prescribe:

10 (i) Steroids;

11 (ii) Antiviral agents;

12 (iii) Antifungal agents;

13 (iv) Antimetabolite agents; or

14 (v) Antiparasitic agents.

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

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

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

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

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

25 (ii) After the optometrist refers the patient to an ophthalmologist;  
26 and

27 (iii) After the ophthalmologist and optometrist jointly and promptly  
28 develop a written individualized treatment plan that is signed by the ophthalmologist  
29 and optometrist and includes:

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

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

33 3. A medication plan;

- 1 4. A target intraocular pressure; and  
2 5. Criteria for surgical intervention by the ophthalmologist.

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

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

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

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

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

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

15 1. The] THE patient does not have the expected response to  
16 treatment[;

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

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

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

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

27 (1) ORAL ANTIBIOTICS;

28 (2) ORAL ANTIHISTAMINES OR DECONGESTANTS;

29 (3) ORAL GLAUCOMA MEDICATION; AND

30 (4) ORAL CLASS III ANALGESICS.

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

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

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

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

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

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

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

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

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

21 [(2) A therapeutically certified optometrist may order a conjunctival  
22 culture.]

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

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

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

32 11-404.3.

33 [(a) The Maryland Optometric Association and the Maryland Society of Eye  
34 Physicians and Surgeons shall recommend to the Secretary quality assurance  
35 guidelines for therapeutically certified optometrists 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, the Secretary  
3 shall adopt regulations that establish:]

4 (A) THE BOARD SHALL MONITOR:

5 [(i)] (1) Standards of quality for therapeutically certified  
6 optometrists and optometric care;

7 [(ii)] (2) An ongoing quality assurance AND PEER REVIEW program  
8 [that includes the monitoring and study of the joint management of primary  
9 open-angle glaucoma patients under § 11-404.2(c) of this subtitle;

10 [(iii)] A program to evaluate the cost of optometric care]; and

11 [(iv)] (3) A plan to monitor complaint investigation.

12 [(2)] (B) The [regulations shall require the] Board [to] SHALL:

13 [(i)] (1) Conduct a continuing study and investigation of  
14 therapeutically certified optometrists to ensure the quality of care they provide; and

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

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

18 (i) A peer review program; and

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2003.