

SENATE BILL 519

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2004 Regular Session
4r1692
CF 4r1693

By: **Senators Conway, Britt, Klausmeier, and Pinsky**
Introduced and read first time: February 6, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - State Board of Examiners in Optometry - Scope of**
3 **Practice**

4 FOR the purpose of prohibiting certain optometrists from managing open-angle
5 glaucoma unless that optometrist obtains a certain certification; requiring
6 certain optometrists to attend a certain number of hours of continuing education
7 on a certain topic; requiring a certain number of hours of continuing education
8 to be counted toward the total number of required hours of continuing
9 education; requiring certain optometrists to complete a certain course;
10 exempting certain optometrists from certain requirements; authorizing certain
11 optometrists to administer or prescribe certain pharmaceutical agents;
12 repealing a requirement that certain optometrists make a certain referral to an
13 ophthalmologist; requiring certain optometrists to consult with an
14 ophthalmologist under certain circumstances; requiring certain optometrists to
15 provide certain tests or photos to a certain ophthalmologist under certain
16 circumstances; limiting certain prescriptions to certain dosages; requiring
17 certain optometrists to refer certain patients to an ophthalmologist or a certain
18 physician; authorizing certain optometrists to order certain laboratory tests;
19 requiring the State Board of Examiners in Optometry to approve certain
20 continuing education courses; requiring the Board to grant a waiver of certain
21 requirements under this Act to certain individuals until a certain date; requiring
22 the Board to certify certain optometrists; and generally relating to the State
23 Board of Examiners in Optometry.

24 BY adding to
25 Article - Health Occupations
26 Section 11-309(b)(5)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2003 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Health Occupations
31 Section 11-404.1 and 11-404.2
32 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

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

4 **Article - Health Occupations**

5 11-309.

6 (b) (5) (I) IN EACH LICENSING PERIOD, A THERAPEUTICALLY CERTIFIED
7 OPTOMETRIST SHALL ATTEND AT LEAST 6 HOURS OF CONTINUING EDUCATION ON
8 THE MANAGEMENT OF PRIMARY OPEN-ANGLE GLAUCOMA.

9 (II) THE 6 HOURS OF CONTINUING EDUCATION REQUIRED UNDER
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE COUNTED TOWARD THE TOTAL
11 NUMBER OF REQUIRED HOURS OF CONTINUING EDUCATION IN A LICENSING
12 PERIOD.

13 11-404.1.

14 (a) Unless certified under this section, a licensed optometrist may not
15 MANAGE OPEN-ANGLE GLAUCOMA, administer or prescribe any therapeutic
16 pharmaceutical agents, or remove superficial foreign bodies from a human eye,
17 adnexa, or lacrimal system.

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

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

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

28 (iii) Is currently certified by the Board to administer topical ocular
29 diagnostic pharmaceutical agents under § 11-404 of this subtitle; AND

30 (IV) HAS SUCCESSFULLY COMPLETED A 24-HOUR COURSE IN THE
31 MANAGEMENT OF OPEN-ANGLE GLAUCOMA, ORAL AND TOPICAL PHARMACEUTICAL
32 AGENTS, AND FOREIGN BODY REMOVAL THROUGH THE USE OF AN ALGER BRUSH
33 APPROVED BY THE BOARD.

34 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
35 optometrist who has graduated on or after July 1, [1992] 2004 from an accredited
36 school of optometry recognized by the Board is not subject to the requirements of
37 paragraph (1) of this subsection.

1 (ii) If an optometrist who has graduated on or after July 1, [1992]
2 2004 from an accredited school of optometry recognized by the Board is not certified
3 under this section within 3 years of graduation, the optometrist shall successfully
4 complete a therapeutic pharmaceutical agents course and successfully pass a
5 pharmacology exam under paragraph (1) of this subsection before the Board may
6 certify the optometrist.

7 11-404.2.

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

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

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

14 (b) (1) A therapeutically certified optometrist may administer and prescribe
15 topical therapeutic pharmaceutical agents limited to:

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

18 (II) OCULAR ANTIVIRAL AGENTS;

19 [(ii)] (III) Ocular antiallergy pharmaceutical agents;

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

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

23 [(v)] (VI) Ocular lubricants and artificial tears;

24 [(vi)] (VII) Tropicamide;

25 [(vii)] (VIII) Homatropine;

26 [(viii)] (IX) Nonprescription drugs that are commercially available;
27 and

28 [(ix)] (X) Primary open-angle glaucoma medications, in accordance
29 with subsection (c) of this section.

30 (2) If a therapeutically certified optometrist administers or prescribes a
31 topical therapeutic pharmaceutical agent listed in paragraph (1)(i) through [(vii)]
32 (VIII) of this subsection, and the patient does not have the expected response within
33 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) If a therapeutically certified optometrist administers or prescribes a
6 topical therapeutic pharmaceutical agent under paragraph (2) of this subsection, the
7 therapeutically certified optometrist shall communicate with the patient to determine
8 the response of the patient to the therapeutic pharmaceutical agent as soon as
9 practicable after 72 hours of the time the agent was administered or prescribed.

10 (4) A therapeutically certified optometrist may not administer or
11 prescribe:

12 [(i) Steroids;

13 (ii) Antiviral agents;

14 (iii)] (I) Antifungal agents;

15 [(iv)] (II) Antimetabolite agents; or

16 [(v)] (III) Antiparasitic agents.

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

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

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

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

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

27 (ii) After the optometrist [refers the patient to an ophthalmologist;
28 and

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

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

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

1 (III) ORAL CLASS III ANALGESICS.

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

5 (ii) If a therapeutically certified optometrist administers or
6 prescribes oral [tetracycline or its derivatives] PHARMACEUTICAL AGENTS to a
7 patient [in accordance with subparagraph (i) of this paragraph]:

8 (I) THE PRESCRIPTION FOR AN ANTIBIOTIC, ORAL
9 ANTIHISTAMINE, OR DECONGESTANT FOR ANY ONE PATIENT FOR EACH TREATMENT
10 MAY NOT EXCEED THE DAY LIMIT RECOMMENDED DOSAGE OF THE MANUFACTURER,
11 THE PHYSICIAN'S DESK REFERENCE, OR A NATIONALLY RECOGNIZED DRUG
12 COMPENDIUM;

13 (II) THE PRESCRIPTION FOR AN ORAL CLASS III ANALGESIC FOR
14 ANY ONE PATIENT FOR EACH TREATMENT MAY NOT EXCEED A 36-HOUR AMOUNT OF
15 MEDICATION; and

16 (III) IF the patient does not improve within 3 weeks of treatment, the
17 optometrist shall refer the patient to an ophthalmologist OR TO THE PATIENT'S
18 PRIMARY CARE PHYSICIAN.

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

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

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

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

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

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

32 (g) (1) [Except as provided in paragraph (2) of this subsection, a] A
33 therapeutically certified optometrist may [not] order laboratory tests for a patient
34 THAT ARE NECESSARY TO ADHERE TO THE STANDARDS FOR THE ADMINISTRATION
35 OF PHARMACEUTICAL AGENTS PRESCRIBED IN ACCORDANCE WITH THIS SECTION.

36 (2) A therapeutically certified optometrist may order a conjunctival
37 culture.

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
11 2004, the State Board of Examiners in Optometry shall approve at least one
12 continuing education course for a therapeutically certified optometrist administered
13 by the Maryland Optometric Association in conjunction with the Maryland Eye
14 Surgeons and Physicians on:

15 (1) the management of primary open-angle glaucoma;

16 (2) the use and management of pharmaceutical agents; and

17 (3) the removal of superficial foreign bodies from the human eye,
18 adnexa, or lacrimal system.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
20 Examiners in Optometry shall grant a waiver of the certification requirements of §
21 11-404.1 of the Health Occupations Article to any individual who is currently a
22 therapeutically certified optometrist until July 1, 2005.

23 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of
24 Examiners in Optometry shall certify a licensed optometrist as a therapeutically
25 certified optometrist prior to the license renewal date if the optometrist completes the
26 requirements of § 11-404.1 of the Health Occupations Article, as enacted by this Act,
27 prior to the license renewal date.

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2004.