

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1091 (Delegate Goldwater, *et al.*)
Health and Government Operations

Health Occupations - State Board of Examiners in Optometry - Scope of Practice

This bill makes certain changes in optometrists' scope of practice under the State Board of Examiners in Optometry including adding continuing education and certification requirements, altering what an optometrist can administer and prescribe, repealing the treatment plan requirement for a therapeutically certified optometrist to administer and prescribe topical therapeutic pharmaceutical agents for glaucoma only, and changing what pharmaceutical agents can be prescribed.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Medication Prescription and Administration Changes

The bill repeals the prohibition against a therapeutically certified optometrist administering or prescribing steroids and antiviral agents. It adds that optometrists may administer and prescribe ocular antiviral agents.

The oral pharmaceutical agents a therapeutically certified optometrist may administer or prescribe for treating eye disease and ocular adnexa are limited to oral antibiotics, oral antihistamines or decongestants, and oral Class III analgesics. An optometrist may order laboratory tests for a patient that are necessary to adhere to the standards for administering prescribed pharmaceutical agents.

Additionally, the prescription for an antibiotic, oral antihistamine, or decongestant for any one patient for each treatment may not exceed the day limit recommended dosage of the manufacturer, the physician's desk reference, or a nationally recognized drug compendium. A prescription for an oral Class III analgesic for any one patient for each treatment may not exceed a 36-hour amount of medication. The bill allows the optometrist to refer a patient whose condition has not improved within three weeks of treatment to the patient's primary care physician.

The bill also repeals the requirement that before a therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents for glaucoma, the optometrist must jointly and promptly develop a written individualized treatment plan with the ophthalmologist to whom a patient with primary open-angle glaucoma is referred. Instead, the optometrist must consult with the ophthalmologist regarding the patient's treatment. Additionally, it repeals the requirement that the patient must be referred to an ophthalmologist at least once a year after the initial mandatory referral. If the optometrist consults with an ophthalmologist, the optometrist must provide the tests or photos for the ophthalmologist's review.

The bill repeals the provision allowing optometrists to administer or prescribe oral tetracycline and its derivatives for the diagnosis and treatment of meibomitis and seborrheic blepharitis.

Certification Requirement Changes

The bill adds a requirement for a licensed optometrist applying to become a therapeutically certified optometrist that the individual must successfully complete a 24-hour course in the management of open-angle glaucoma, oral and topical pharmaceutical agents, and foreign body removal through the use of an Alger brush approved by the board.

This requirement does not apply to an optometrist who graduated on or after July 1, 2004 from an accredited school of optometry recognized by the board. If an optometrist who has graduated on or after July 1, 2004 from a board-recognized accredited school of optometry and is not certified within three years after graduation, the optometrist must

successfully complete a therapeutic pharmaceutical agents course and successfully pass a pharmacology exam before becoming certified.

Continuing Education Requirement Changes

A therapeutically certified optometrist must attend at least six hours of continuing education on the management of primary open-angle glaucoma. Those six hours must be counted toward the total number of continuing education hours required in a licensing period.

Uncodified Board Requirements

The board must approve, by October 1, 2004, at least one continuing education course for a therapeutically certified optometrist administered by the Maryland Optometric Association in conjunction with the Maryland Eye Surgeons and Physicians on the management of primary open-angle glaucoma, the use and management of pharmaceutical agents, and the removal of superficial foreign bodies from the human eye, adnexa, or lacrimal system.

The board must grant a waiver of the new certification requirements until July 1, 2005 to any person who is currently a therapeutically certified optometrist. Additionally, the board must certify a licensed optometrist as a therapeutically certified optometrist before the license renewal date if the optometrist completes the certification requirements as enacted by this bill prior to the renewal date.

Current Law:

Medication and Prescription Requirements

Unless an individual is a therapeutically certified optometrist, a licensed optometrist may not administer or prescribe any therapeutic pharmaceutical agents, or remove superficial foreign bodies from a human eye, adnexa, or lacrimal system.

A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents limited to: (1) ocular antihistamines, decongestants, and combinations thereof, excluding steroids; (2) ocular antiallergy pharmaceutical agents; (3) ocular antibiotics and combinations of ocular antibiotics, excluding specially formulated or fortified antibiotics; (4) anti-inflammatory agents, excluding steroids; (5) ocular lubricants and artificial tears; (5) tropicamide; (6) homatropine; (7) commercially available nonprescription drugs; and (8) primary open-angle glaucoma medications.

A therapeutically certified optometrist may not administer or prescribe steroids, antiviral agents, antifungal agents, antimetabolite agents, or antiparasitic agents.

A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents for glaucoma only: (1) for patients with primary open-angle glaucoma; (2) after the optometrist refers the patient to an ophthalmologist; and (3) after the ophthalmologist and optometrist jointly and promptly develop a written individualized treatment plan that is signed by both of them. The plan must include: (1) all tests and examinations that led to the diagnosis; (2) an initial schedule of all tests and examinations necessary to treat the patient; (3) a medication plan; (4) a target intraocular pressure; and (5) criteria for surgical intervention by the ophthalmologist. Such a treatment plan may only be modified after both the optometrist and ophthalmologist consult and consent to the change. The optometrist must refer the patient to the ophthalmologist at least once a year after the initial mandatory referral. Tests or photos must be provided to an ophthalmologist for review.

Therapeutically Certified Optometrist Certification Requirements

The board must certify a licensed optometrist as a therapeutically certified optometrist if the optometrist submits evidence of: (1) successfully completing at least 110 hours of a board-approved therapeutic pharmaceutical agents course; (2) successfully passing a pharmacology examination relating to treatment and management of ocular disease prepared, administered, and graded by the National Board of Examiners in Optometry or any other nationally recognized optometric organization; and (3) current board certification to administer topical ocular diagnostic pharmaceutical agents.

Except for having to pass the pharmacology examination, an optometrist who has graduated on or after July 1, 1992 from an accredited, board-recognized school of optometry is not subject to these certification requirements. If such an optometrist is not board-certified within three years after graduation, the optometrist must successfully complete a therapeutic pharmaceutical agents course and successfully pass a pharmacology exam before the individual may be board certified.

Continuing Education Requirements

Board-required continuing education must be through board-approved courses. A nontherapeutically certified optometrist may not be required to attend more than 50 hours in a licensing period. A therapeutically certified optometrist must attend at least 50 hours of continuing education in a licensing period. Of those 50 hours of continuing education, 30 hours must be on the use and management of therapeutic pharmaceutical agents.

Background: The Maryland Optometric Association advises that Maryland is the only state, since it allowed therapeutically certified optometrists to prescribe oral medication in 1995, has limited the authority of an optometrist to prescribe only one antibiotic, tetracycline. The District of Columbia and 41 states allow optometrists some form of oral prescriptive authority. The association further advises that Maryland is the only state to require the optometrist and the ophthalmologist to permanently co-manage the primary open-angle glaucoma in patients. The District of Columbia and 46 states allow independent management of primary open care glaucoma. Additionally, the association advises that Maryland is the only state that prohibits the use of an Alger brush to remove small particles from a patient's eye.

Additional Information

Prior Introductions: None.

Cross File: SB 519 (Senator Conway, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Maryland Optometric Association, Department of Legislative Services

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