
By: **Delegates Pendergrass, Weldon, Bobo, Bronrott, DeBoy, Dumais, Frush, Heller, Jones, Kaiser, King, Krysiak, Love, Madaleno, Malone, Mandel, Marriott, Menes, Moe, Montgomery, Petzold, Rosenberg, Rudolph, and F. Turner**

Introduced and read first time: February 8, 2005
Assigned to: Health and Government Operations

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 requiring certain optometrists to complete a certain course;
5 exempting certain optometrists from certain requirements; authorizing certain
6 optometrists to administer and prescribe certain pharmaceutical agents;
7 authorizing certain optometrists to remove certain residual particulate matter
8 with an alger brush; authorizing certain optometrists to order certain laboratory
9 tests; requiring the State Board of Examiners in Optometry to approve certain
10 continuing education courses; requiring the Board to grant a waiver of certain
11 requirements under this Act to certain individuals until a certain date; requiring
12 the Board to certify certain optometrists; and generally relating to the State
13 Board of Examiners in Optometry.

14 BY repealing and reenacting, with amendments,
15 Article - Health Occupations
16 Section 11-404.1 and 11-404.2
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2004 Supplement)

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

21 **Article - Health Occupations**

22 11-404.1.

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

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

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

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

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

13 (IV) HAS SUCCESSFULLY COMPLETED A 24-HOUR COURSE IN THE
14 MANAGEMENT OF TOPICAL PHARMACEUTICAL AGENTS AND THE REMOVAL OF
15 RESIDUAL PARTICULATE MATTER THROUGH THE USE OF AN ALGER BRUSH
16 APPROVED BY THE BOARD.

17 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
18 optometrist who has graduated on or after July 1, [1992] 2005 from an accredited
19 school of optometry recognized by the Board is not subject to the requirements of
20 paragraph (1) of this subsection.

21 (ii) If an optometrist who has graduated on or after July 1, [1992]
22 2005 from an accredited school of optometry recognized by the Board is not certified
23 under this section within 3 years of graduation, the optometrist shall successfully
24 complete a therapeutic pharmaceutical agents course and successfully pass a
25 pharmacology exam under paragraph (1) of this subsection before the Board may
26 certify the optometrist.

27 11-404.2.

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

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

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

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

36 (i) Ocular antihistamines, decongestants, and combinations
37 thereof[, excluding steroids];

- 1 (II) OCULAR ANTIVIRAL AGENTS;
- 2 [(ii)] (III) Ocular antiallergy pharmaceutical agents;
- 3 [(iii)] (IV) Ocular antibiotics and combinations of ocular antibiotics,
4 excluding specially formulated or fortified antibiotics;
- 5 [(iv)] (V) Anti-inflammatory agents[, excluding steroids];
- 6 [(v)] (VI) Ocular lubricants and artificial tears;
- 7 [(vi)] (VII) Tropicamide;
- 8 [(vii)] (VIII) Homatropine;
- 9 [(viii)] (IX) Nonprescription drugs that are commercially available;
10 and
- 11 [(ix)] (X) Primary open-angle glaucoma medications, in accordance
12 with subsection (c) of this section.

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

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

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

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

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

- 28 [(i)] (I) Steroids;
- 29 [(ii)] (II) Antiviral agents;
- 30 [(iii)] (III) Antifungal agents;
- 31 [(iv)] (IV) Antimetabolite agents; or
- 32 [(v)] (V) Antiparasitic agents.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (iii) Shall consult with an ophthalmologist if:

1 THAT ARE NECESSARY TO ADHERE TO THE STANDARDS FOR THE ADMINISTRATION
2 OF TOPICAL PHARMACEUTICAL AGENTS PRESCRIBED IN ACCORDANCE WITH THIS
3 SECTION.

4 (2) A therapeutically certified optometrist may order a conjunctival
5 culture.

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
16 2005, the State Board of Examiners in Optometry shall approve at least one
17 continuing education course for a therapeutically certified optometrist administered
18 by the Maryland Optometric Association in conjunction with the Maryland Eye
19 Surgeons and Physicians on the removal of superficial foreign bodies from the human
20 eye, adnexa, or lacrimal system.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
22 Examiners in Optometry shall grant a waiver of the certification requirements of §
23 11-404.1 of the Health Occupations Article to any individual who is currently a
24 therapeutically certified optometrist until July 1, 2006.

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

30 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2005.