
By: **Senators Pinsky, Britt, Colburn, Garagiola, Giannetti, Gladden, Hafer,
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CHAPTER _____

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; authorizing certain optometrists to administer or prescribe certain~~
10 ~~steroids under certain circumstances; requiring the State Board of Examiners in~~
11 ~~Optometry to approve certain continuing education courses by a certain date;~~
12 ~~requiring the Board to grant a waiver of certain requirements under this Act to~~
13 ~~certain individuals until a certain date; requiring the Board to certify certain~~
14 ~~optometrists; requiring the Board to adopt a certain practice protocol in~~
15 ~~consultation with and subject to the approval of the State Board of Physicians by~~
16 ~~a certain date; requiring the Board to report to certain committees of the~~
17 ~~General Assembly by a certain date; and generally relating to the State Board of~~
18 ~~Examiners in Optometry.~~

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 11-404.1 and 11-404.2
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health Occupations**

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 Board
9 shall certify a licensed optometrist as a therapeutically certified optometrist if the
10 licensed optometrist submits to the Board evidence satisfactory to the Board that the
11 licensed optometrist:

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

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

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

20 (IV) ~~HAS SUCCESSFULLY COMPLETED A 24 HOUR AN 8-HOUR~~
21 ~~COURSE IN THE MANAGEMENT OF TOPICAL PHARMACEUTICAL AGENTS AND THE~~
22 ~~REMOVAL OF RESIDUAL PARTICULATE MATTER THROUGH THE USE OF AN ALGER~~
23 ~~BRUSH STEROIDS APPROVED BY THE BOARD.~~

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

28 (ii) If an optometrist who has graduated on or after July 1, [1992]
29 2005 from an accredited school of optometry recognized by the Board is not certified
30 under this section within 3 years of graduation, the optometrist shall successfully
31 complete a therapeutic pharmaceutical agents course and successfully pass a
32 pharmacology exam under paragraph (1) of this subsection before the Board may
33 certify the optometrist.

34 11-404.2.

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

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

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

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

6 (i) Ocular antihistamines, decongestants, and combinations
 7 thereof[, excluding steroids];

8 ~~(ii)~~ ~~OCULAR ANTIVIRAL AGENTS;~~

9 ~~{(ii)}~~ ~~(iii)~~ Ocular antiallergy pharmaceutical agents;

10 ~~{(iii)}~~ ~~(iv)~~ Ocular antibiotics and combinations of ocular antibiotics,
 11 excluding specially formulated or fortified antibiotics;

12 ~~{(iv)}~~ ~~(v)~~ Anti-inflammatory agents[, excluding steroids];

13 ~~{(v)}~~ ~~(vi)~~ Ocular lubricants and artificial tears;

14 ~~{(vi)}~~ ~~(vii)~~ Tropicamide;

15 ~~{(vii)}~~ ~~(viii)~~ Homatropine;

16 ~~{(viii)}~~ ~~(ix)~~ Nonprescription drugs that are commercially available;

17 and

18 ~~{(ix)}~~ ~~(x)~~ Primary open-angle glaucoma medications, in accordance
 19 with subsection (c) of this section.

20 (2) ~~IF EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IF~~
 21 a therapeutically certified optometrist administers or prescribes a topical therapeutic
 22 pharmaceutical agent listed in paragraph (1)(i) through ~~{(vii)}~~~~(viii)~~ of this
 23 subsection, and the patient does not have the expected response within 72 hours:

24 (i) The therapeutically certified optometrist shall consult with an
 25 ophthalmologist; and

26 (ii) The ophthalmologist may determine that the ophthalmologist
 27 needs to physically examine the patient.

28 (3) ~~IF EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IF~~
 29 a therapeutically certified optometrist administers or prescribes a topical therapeutic
 30 pharmaceutical agent under paragraph (2) of this subsection, the therapeutically
 31 certified optometrist shall communicate with the patient to determine the response of
 32 the patient to the therapeutic pharmaceutical agent as soon as practicable after 72
 33 hours of the time the agent was administered or prescribed.

1 (4) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY ADMINISTER
 2 OR PRESCRIBE TOPICAL STEROIDS IN ACCORDANCE WITH A PRACTICE PROTOCOL
 3 ESTABLISHED BY THE BOARD.

4 ~~(4)~~ (5) A therapeutically certified optometrist may not administer or
 5 prescribe:

6 ~~(i)~~ (I) ~~Steroids;~~

7 ~~(ii)~~ (II) Antiviral agents;

8 ~~(iii)~~ (III) Antifungal agents;

9 [(iv)] ~~(IV)~~ (IV) Antimetabolite agents; or

10 [(v)] ~~(V)~~ (V) Antiparasitic agents.

11 ~~(5)~~ (6) A therapeutically certified optometrist may dispense a topical
 12 therapeutic pharmaceutical agent listed in paragraph (1) of this subsection only if:

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

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

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

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

21 (ii) After the optometrist refers the patient to an ophthalmologist;
 22 and

23 (iii) After the ophthalmologist and optometrist jointly and promptly
 24 develop a written individualized treatment plan that is signed by the ophthalmologist
 25 and optometrist and includes:

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

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

29 3. A medication plan;

30 4. A target intraocular pressure; and

31 5. Criteria for surgical intervention by the ophthalmologist.

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

4 (ii) Each modification shall be noted in the optometric record of the
5 patient.

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

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

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

12 (iii) Shall consult with an ophthalmologist if:

13 1. The patient does not have the expected response to
14 treatment;

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

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

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

21 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
22 therapeutically certified optometrist may not administer or prescribe any oral
23 pharmaceutical agent for any purpose.

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

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

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

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

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

3 (f) ~~(4)~~ A therapeutically certified optometrist may remove superficial
4 foreign bodies from the human eye only if:

5 ~~{(1)}~~ ~~(4)~~ The foreign body may be removed with a cotton-tipped
6 applicator or blunt spatula; and

7 ~~{(2)}~~ ~~(4)~~ The foreign body has not penetrated beyond the Bowman's
8 membrane of the cornea and is not within 2.5 millimeters of the visual axis.

9 ~~(2) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY REMOVE~~
10 ~~RESIDUAL PARTICULATE MATTER FROM THE HUMAN EYE IF THE RESIDUAL~~
11 ~~PARTICULATE MATTER MAY BE REMOVED WITH AN ALGER BRUSH.~~

12 (g) (1) ~~{Except as provided in paragraph (2) of this subsection, a}~~ A
13 therapeutically certified optometrist may ~~{not}~~ order laboratory tests for a patient
14 ~~THAT ARE NECESSARY TO ADHERE TO THE STANDARDS FOR THE ADMINISTRATION~~
15 ~~OF TOPICAL PHARMACEUTICAL AGENTS PRESCRIBED IN ACCORDANCE WITH THIS~~
16 ~~SECTION.~~

17 (2) A therapeutically certified optometrist may order a conjunctival
18 culture.

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
29 2005, the State Board of Examiners in Optometry shall approve at least one
30 ~~continuing education~~ course for a therapeutically certified optometrist administered
31 by the Maryland Optometric Association in conjunction with the Maryland Eye
32 Surgeons and Physicians ~~on the removal of superficial foreign bodies from the human~~
33 ~~eye, adnexa, or lacrimal system~~ that satisfies the requirements of § 11-404.1(b)(1)(iv)
34 of the Health Occupations Article as enacted by this Act and qualifies as a continuing
35 education course.

36 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
37 Examiners in Optometry shall grant a waiver of the certification requirements of §
38 ~~11-404.1~~ 11-404.1(b)(1)(iv) of the Health Occupations Article to any individual who is
39 currently a therapeutically certified optometrist until July 1, 2006.

1 SECTION 4. AND BE IT FURTHER ENACTED, That ~~the State Board of~~
2 ~~Examiners in Optometry shall certify a licensed optometrist as a therapeutically~~
3 ~~certified optometrist prior to the license renewal date if the optometrist completes the~~
4 ~~requirements of § 11-404.1 of the Health Occupations Article, as enacted by this Act,~~
5 ~~prior to the license renewal date, by November 30, 2005, the State Board of~~
6 ~~Examiners in Optometry, in consultation with and subject to the approval of the State~~
7 ~~Board of Physicians, shall adopt a collaborative practice protocol for the~~
8 ~~administration and prescription of topical steroids by therapeutically certified~~
9 ~~optometrists under § 11-404.2 of the Health Occupations Article as enacted by this~~
10 ~~Act.~~

11 SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of
12 Examiners in Optometry and the State Board of Physicians shall each report, in
13 accordance with § 2-1246 of the State Government Article, to the Senate Education,
14 Health, and Environmental Affairs Committee and the House Health and
15 Government Operations Committee by June 1, 2008, on issues related to the practice
16 of optometry under this Act. Each report shall suggest changes to §§ 11-404.1 and
17 11-404.2 of the Health Occupations Article to improve the quality of and access to
18 care or to enhance the scope of practice of optometry in the State.

19 SECTION ~~5-6~~. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect July 1, 2005.