

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 719 (Delegate Pendergrass, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

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

This bill modifies an optometrist's scope of practice under the State Board of Examiners in Optometry by adding continuing education and certification requirements and altering what an optometrist can administer and prescribe.

The bill takes effect July 1, 2005.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A therapeutically certified optometrist may administer or prescribe topical steroids according to a board-established practice protocol. The bill repeals provisions prohibiting a therapeutically certified optometrist from administering or prescribing (1) steroidocular antihistamines, decongestants, and combinations thereof; and (2) steroid anti-inflammatory agents.

Certification Requirement Changes

The bill adds a requirement for a licensed optometrist applying to become a therapeutically certified optometrist. The individual must successfully complete an eight-hour course in the management of topical steroids approved by the board.

This requirement does not apply to an optometrist who graduated on or after July 1, 2005 from an accredited school of optometry recognized by the board. If an optometrist who has graduated on or after July 1, 2005 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.

Uncodified Board Requirements

The board must approve, by October 1, 2005, at least one 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 topical steroids that qualifies as a continuing education course.

The board must grant a waiver of the new certification requirements until July 1, 2006 to any person who is currently a therapeutically certified optometrist. By November 30, 2005, the board, consulting with the State Board of Physicians, must adopt a collaborative practice protocol for the administration and prescription of topical steroids by therapeutically certified optometrists. Each board must report by June 1, 2008 to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on issues related to the practice of optometry under the bill. Each report must suggest changes to therapeutically certified optometrists' certification requirements, referrals, and the administration of topical therapeutic and pharmaceutical agents to improve the quality of and access to care or to enhance the scope of practice of optometry in Maryland.

Current Law: 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; (6) tropicamide; (7) homatropine; (8) commercially available nonprescription drugs; and (9) primary open-angle glaucoma medications.

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

Background: The Maryland Optometric 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. The District of Columbia and 41 states allow optometrists some form of oral prescriptive authority.

Additional Information

Prior Introductions: None. However, SB 519 and its cross file HB 1091 of 2004 would have expanded an optometrist's scope of practice more broadly than this bill. SB 519 had a hearing in the Education, Health, and Environmental Affairs Committee but no further action was taken. HB 1091 had a hearing in the Health and Government Operations Committee and received an unfavorable report.

Cross File: SB 474 (Senator Pinsky, *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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