

SENATE BILL 709

J2

8lr2585

By: **Senator Lenett**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Optometrists – Therapeutic Contact Lenses**

3 FOR the purpose of authorizing a therapeutically certified optometrist to prescribe
4 and dispense a certain therapeutic contact lens; defining a certain term; and
5 generally relating to therapeutic contact lenses and optometrists.

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 11–404.2
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2007 Supplement)

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

13 **Article – Health Occupations**

14 11–404.2.

15 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 (2) [“refer”] **“REFER”** means that a therapeutically certified
18 optometrist:

19 [(1)] (I) Informs the patient that the patient should see an
20 ophthalmologist and give the ophthalmologist an opportunity to physically examine
21 the patient; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (3) **“THERAPEUTIC CONTACT LENS” MEANS A VISION**
5 **CORRECTION DEVICE THAT CONTAINS A TOPICAL THERAPEUTIC**
6 **PHARMACEUTICAL AGENT LISTED UNDER SUBSECTION (B)(1) OF THIS SECTION.**

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

9 (i) Ocular antihistamines, decongestants, and combinations
10 thereof;

11 (ii) Ocular antiallergy pharmaceutical agents;

12 (iii) Ocular antibiotics and combinations of ocular antibiotics,
13 excluding specially formulated or fortified antibiotics;

14 (iv) Anti-inflammatory agents;

15 (v) Ocular lubricants and artificial tears;

16 (vi) Tropicamide;

17 (vii) Homatropine;

18 (viii) Nonprescription drugs that are commercially available; and

19 (ix) Primary open-angle glaucoma medications, in accordance
20 with subsection (c) of this section.

21 (2) Except as provided in paragraph (4) of this subsection, if a
22 therapeutically certified optometrist administers or prescribes a topical therapeutic
23 pharmaceutical agent listed in paragraph (1)(i) through (vii) of this subsection, and the
24 patient does not have the expected response within 72 hours:

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

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

29 (3) Except as provided in paragraph (4) of this subsection, if a
30 therapeutically certified optometrist administers or prescribes a topical therapeutic
31 pharmaceutical agent under paragraph (2) of this subsection, the therapeutically
32 certified optometrist shall communicate with the patient to determine the response of

1 the patient to the therapeutic pharmaceutical agent as soon as practicable after 72
2 hours of the time the agent was administered or prescribed.

3 (4) A therapeutically certified optometrist may administer or prescribe
4 topical steroids in accordance with a practice protocol established by the Board.

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

7 (i) Antiviral agents;

8 (ii) Antifungal agents;

9 (iii) Antimetabolite agents; or

10 (iv) Antiparasitic agents.

11 (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
14 agent or for dispensing the agent; and

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

18 **(7) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY**
19 **PRESCRIBE AND DISPENSE A THERAPEUTIC CONTACT LENS.**

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

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

23 (ii) After the optometrist refers the patient to an
24 ophthalmologist; and

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

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

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

- 1 3. A medication plan;
- 2 4. A target intraocular pressure; and
- 3 5. Criteria for surgical intervention by the
- 4 ophthalmologist.

5 (2) (i) A treatment plan developed under this subsection may be

6 modified only after both the optometrist and the ophthalmologist consult together and

7 consent to the modification.

8 (ii) Each modification shall be noted in the optometric record of

9 the patient.

10 (3) A therapeutically certified optometrist who treats a patient with

11 primary open-angle glaucoma in accordance with this section:

12 (i) Shall refer the patient to an ophthalmologist at least once a

13 year after the initial mandatory referral under paragraph (1) of this subsection;

14 (ii) May continue to render treatment under the joint treatment

15 plan until the patient is examined by an ophthalmologist;

16 (iii) Shall consult with an ophthalmologist if:

17 1. The patient does not have the expected response to

18 treatment;

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

20 3. There is worsening in a patient's visual field or optic

21 nerve head; and

22 (iv) May perform and evaluate visual field tests, nerve fiber

23 layer photos, and optic disc photos. The tests or photos shall be provided to an

24 ophthalmologist for review by the ophthalmologist.

25 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a

26 therapeutically certified optometrist may not administer or prescribe any oral

27 pharmaceutical agent for any purpose.

28 (2) (i) A therapeutically certified optometrist may administer and

29 prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of

30 meibomitis and seborrheic blepharitis.

31 (ii) If a therapeutically certified optometrist administers or

32 prescribes oral tetracycline or its derivatives to a patient in accordance with

1 subparagraph (i) of this paragraph and the patient does not improve within 3 weeks of
2 treatment, the optometrist shall refer the patient to an ophthalmologist.

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

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

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

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

12 (1) The foreign body may be removed with a cotton-tipped applicator
13 or blunt spatula; and

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

16 (g) (1) Except as provided in paragraph (2) of this subsection, a
17 therapeutically certified optometrist may not order laboratory tests for a patient.

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2008.