

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 611 (Senator Pinsky, *et al.*)
Education, Health, and Environmental Affairs

**Health Occupations - Requirements for the Practice of Optometry -
Miscellaneous Revisions**

This bill alters various provisions relating to the practice of optometry, including (1) altering criteria for a licensed optometrist to become certified to administer topical ocular diagnostic pharmaceutical agents; (2) altering criteria for a licensed optometrist to become a therapeutically certified optometrist; and (3) establishing “therapeutically certified optometrist II” as an additional level of certification available to licensed optometrists. The bill also adds specificity to the definition of “practice optometry.”

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing resources, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law:

Definition of “Practice Optometry”

Under current law, an individual must be licensed by the State Board of Examiners in Optometry in order to practice optometry in the State. Currently, “practice optometry” is defined, among other things and subject to specified certification restrictions, as the use of any means known in science of optics or eye care, except surgery, to (1) detect, diagnose, and treat any optical or diseased condition in the human eye or (2) to prescribe eyeglasses, lenses, or contact lenses to correct any optical or visual condition. Again, subject to specified certification restrictions, the definition also includes (1) the administration of topical ocular diagnostic pharmaceutical agents; (2) the administration and prescription of therapeutic pharmaceutical agents; and (3) the removal of superficial foreign bodies from the cornea and conjunctiva.

The bill adds, again subject to specified certification restrictions, the following to this definition: (1) the administration and prescription of therapeutic pharmaceutical devices and treatments; (2) ordering, evaluating, or performing patient tests to diagnose and manage ocular diseases, conditions, and abnormalities, including glaucoma; and (3) the assessment, diagnosis, or treatment for conditions of the visual system, including patient care that requires vision therapy, light therapy, visual training or rehabilitation, orthoptics, or eye exercises for specified rehabilitation or treatment plans, and management of care for a patient who has been prescribed specified devices.

The bill defines “surgery” as the performance of procedures that require injectable or general anesthesia, moderate sedation, and penetration of the globe, including specified procedures. This definition further clarifies what is *not* within the scope of practice.

The bill exempts students who are participating in a residency training program under the direct supervision of a licensed physician from the definition of “practice optometry.”

Administration of Topical Ocular Diagnostic Pharmaceutical Agents

Under current law, a licensed optometrist may not administer a topical ocular diagnostic pharmaceutical agent unless certified by the board. In order to become certified, a licensed optometrist must submit evidence to the board that the optometrist (1) meets the board’s educational requirements and (2) has completed a course in pharmacology within seven years before certification that meets the board’s requirements and that is not less than 70 hours.

The bill reduces the minimum timeframe for coursework completion to within four years before certification and reduces the minimum length of the coursework to 30 hours. These changes do not apply to licensed optometrists who were certified to administer topical ocular diagnostic pharmaceutical agents before July 1, 2017.

The bill additionally specifies that a licensed optometrist who is certified to administer a topical ocular diagnostic pharmaceutical agent may not (1) administer or prescribe any therapeutic pharmaceutical agents, devices, or treatments; (2) remove any superficial foreign bodies or residual particulate matter from the human eye; (3) order, evaluate, or perform any patient tests to diagnose and manage ocular diseases, conditions, and abnormalities, including glaucoma; or (4) diagnose or treat glaucoma.

The bill also repeals the requirement for DHMH to collect and report specified statistical data related to optometrists' administration of topical ocular diagnostic pharmaceutical agents.

Therapeutically Certified Optometrists

Under current law, 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, unless the licensed optometrist is a therapeutically certified optometrist.

The bill specifies that a therapeutically certified optometrist may also administer topical ocular diagnostic pharmaceutical agents.

Under current law, in order to be a therapeutically certified optometrist, a licensed optometrist must submit evidence to the board that the optometrist (1) completed at least 110 hours of a board-approved course in therapeutic pharmaceutical agents; (2) passed a specified examination; (3) is currently certified by the board to administer topical ocular diagnostic pharmaceutical agents; and (4) completed an eight-hour course in the management of topical steroids approved by the board.

The bill alters these requirements to specify that a licensed optometrist must have completed at least 60 hours of board-approved coursework in pharmacology with an emphasis on the application, administration, and use of therapeutic pharmaceutical agents. The bill repeals the requirement to complete an eight-hour course in topical steroids management. These changes do not apply to therapeutically certified optometrists who became certified before July 1, 2017.

The bill also requires an ophthalmologist to physically examine a patient under specified circumstances, such as before a therapeutically certified optometrist administers and prescribes a topical therapeutic pharmaceutical agent for glaucoma.

Therapeutically Certified Optometrist II

The bill establishes “therapeutically certified optometrist II” as an additional level of certification for licensed optometrists. Therapeutically certified optometrists II may (1) administer topical ocular diagnostic pharmaceutical agents; (2) administer or prescribe all therapeutic pharmaceutical agents, devices, and treatments, including light therapy, that have been approved by the U.S. Food and Drug Administration for the management of ocular conditions, including glaucoma; (3) remove superficial foreign bodies or residual particulate matter from the human eye; or (4) order, evaluate, or perform specified patient tests. Licensed optometrists with this certification are not subject to specified restrictions that apply to therapeutically certified optometrists.

In order to be a therapeutically certified optometrist II, a licensed optometrist must submit evidence to the board that the optometrist (1) is currently a therapeutically certified optometrist or can demonstrate equivalent education; (2) completed a course in advanced pharmacology that meets specified requirements; (3) completed a course in glaucoma treatment and management that meets specified requirements; and (4) holds a current and valid registration with the U.S. Drug Enforcement Agency (DEA) in accordance with the federal Controlled Substances Act.

An optometrist who graduates on or after July 1, 2017, from an accredited school of optometry, or a licensed optometrist who has proof of 12 months of credentialed privileges to treat glaucoma by specified federal agencies, must only demonstrate that the optometrist has a current and valid DEA registration in order to become a therapeutically certified optometrist II.

The bill specifies requirements for a therapeutically certified optometrist II who diagnoses glaucoma or a corneal ulcer or infiltrate. A therapeutically certified optometrist II is held to the same standard of care as a licensed ophthalmologist who provides similar services.

Additionally, under the bill, a therapeutically certified optometrist II is subject to the same continuing education requirements as a therapeutically certified optometrist. The bill also includes a therapeutically certified optometrist II in specified referral requirements for licensed optometrists who detect or diagnose an active eye pathology that the optometrist is not certified to treat. If a therapeutically certified optometrist II diagnoses an active eye pathology that the optometrist is not certified to treat, the optometrist must refer the patient to an ophthalmologist, physician, or a hospital emergency room, if necessary.

Other Provisions

Under current law, the Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons must recommend quality assurance guidelines to the Secretary of

Health and Mental Hygiene for therapeutically certified optometrists and optometric care. The Secretary must adopt regulations for (1) standards of quality; (2) an ongoing quality assurance program; (3) a program to evaluate the cost of optometric care; and (4) a plan to monitor complaint investigation. The regulations must also require the board to study, investigate, and report on the quality of care provided by therapeutically certified optometrists. The board's study and investigation must include a peer review program and review of patient records for data regarding drugs and treatment that are prescribed and administered. The bill expands these requirements to include information relating to therapeutically certified optometrists II.

Background: According to the State Board of Examiners in Optometry, there are currently 946 licensed optometrists in the State. Of these, 871 are therapeutically certified optometrists, 64 are certified to administer topical ocular diagnostic pharmaceutical agents, and 11 have no certifications.

State Fiscal Effect: The board estimates that approximately 400 licensed optometrists may apply to become "therapeutically certified optometrists II" under the bill and advises that these applications can be handled with existing resources. Further, the board does not anticipate charging a fee for the additional certification. The bill's requirements relating to the quality assurance program and study of specified data for therapeutically certified optometrists II can also be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 807 (Delegate K. Young, *et al.*) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene; Department of Legislative Services

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md/jc

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