

# HOUSE BILL 471

J2

(9lr0866)

## ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegates K. Young, Pendergrass, R. Lewis, ~~and Sample-Hughes~~ Sample-Hughes, Pena-Melnyk, Bagnall, Bhandari, Carr, Charles, Chisholm, Cullison, Kelly, Kerr, Kipke, Krebs, Metzgar, Rosenberg, Saab, and Szeliga**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Requirements for the Practice of Optometry –**  
3 **Miscellaneous Revisions**

4 FOR the purpose of ~~requiring that, in addition to being licensed, an individual be certified~~  
5 ~~under certain provisions of law and this Act before practicing optometry in the State~~  
6 ~~within the scope of the certification; providing that a certain provision of law does~~  
7 ~~not apply to a certain student under the direct supervision of a physician; requiring~~  
8 ~~certain optometrists to complete certain continuing education requirements;~~  
9 ~~requiring that a certain course completed by a licensed optometrist be counted~~  
10 ~~toward a certain number of hours of continuing education; requiring certain~~  
11 ~~optometrists to refer certain patients to certain health care practitioners or a~~

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



~~hospital emergency room under certain circumstances; authorizing an optometrist certified under certain provisions of this Act to use a certain title; requiring certain optometrists to be certified under certain provisions of law before administering certain pharmaceutical agents to a patient; altering the coursework requirements for certain certifications; prohibiting a certain optometrist certified under a certain provision of law from taking certain actions; replacing the requirement that the Maryland Department of Health collect and report certain statistical information with a requirement that certain optometrists report certain adverse events to the State Board of Examiners in Optometry; establishing a new level of certification for licensed optometrists; providing that certain restrictions do not apply to optometrists certified under certain provisions of this Act; requiring the Board to certify certain optometrists who submit certain evidence of certain certification or education, and completion of certain courses; requiring that certain courses be of a certain length, emphasize certain topics, and be given by certain associations or organizations; providing that certain optometrists are not subject to certain requirements for certain certification; prohibiting certain optometrists from administering or prescribing certain substances; providing that certain optometrists be held to certain standards of care; requiring the Board, rather than a certain person, to recommend to the Secretary of Health certain quality assurance guidelines for certain optometrists; requiring the Secretary to adopt certain regulations repealing certain provisions of law requiring a therapeutically certified optometrist to refer a certain patient to an ophthalmologist under certain circumstances; altering the types of therapeutic pharmaceutical agents a therapeutically certified optometrist is authorized to administer or prescribe; prohibiting therapeutically certified optometrists from administering or prescribing certain substances and agents except under certain circumstances; prohibiting therapeutically certified optometrists from administering or prescribing certain substances and agents to certain patients except under certain circumstances; altering the circumstances under which a therapeutically certified optometrist is authorized to administer and prescribe certain pharmaceutical agents for a certain type of glaucoma; authorizing therapeutically certified optometrists to order certain tests under certain conditions; altering the circumstances under which a therapeutically certified optometrist is authorized to remove certain foreign bodies from a human eye; requiring a therapeutically certified optometrist to comply with a certain notice requirement; altering and repealing certain definitions; defining ~~certain terms~~ a certain term; making certain clarifying and conforming changes; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to requirements for the practice of optometry.~~

~~BY repealing and reenacting, without amendments,  
 Article — Health Occupations  
 Section 11-101(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,

1 Article – Health Occupations

2 Section ~~11-101(g) and (h), 11-301, 11-309, 11-402 through 11-404, 11-404.1,~~  
 3 11-101, 11-404.2, and 11-404.3

4 Annotated Code of Maryland

5 (2014 Replacement Volume and 2018 Supplement)

6 ~~BY adding to~~

7 ~~Article – Health Occupations~~

8 ~~Section 11-101(i) and 11-404.2~~

9 ~~Annotated Code of Maryland~~

10 ~~(2014 Replacement Volume and 2018 Supplement)~~

11 BY repealing

12 Article – Health Occupations

13 Section 11-503

14 Annotated Code of Maryland

15 (2014 Replacement Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Health Occupations**

19 ~~11-101.~~

20 ~~(a) In this title the following words have the meanings indicated.~~

21 ~~(g) (1) “Practice optometry” means:~~

22 ~~(i) Subject to §§ 11-404, 11-404.1, and 11-404.2 of this title, to use~~  
 23 ~~any means known in the science of optics or eye care, except surgery;~~

24 ~~1. To detect, diagnose, [and subject to §§ 11-404 and~~  
 25 ~~11-404.2 of this title,] treat, [subject to this title,] AND MANAGE any optical or diseased~~  
 26 ~~condition in the human eye AND THE ADNEXA OF THE EYE; or~~

27 ~~2. To prescribe eyeglasses, lenses, or contact lenses to correct~~  
 28 ~~any optical or visual condition in the human eye;~~

29 ~~(ii) To give advice or direction on the fitness or adaptation of~~  
 30 ~~eyeglasses or lenses to any individual for the correction or relief of a condition for which~~  
 31 ~~eyeglasses or lenses are worn; or~~

32 ~~(iii) To use or permit the use of any instrument, test card, test type,~~  
 33 ~~test eyeglasses, test lenses, or other device to aid in choosing eyeglasses or lenses for an~~  
 34 ~~individual to wear.~~

1           (2) Subject to §§ 11-404, ~~11-404.1~~, and 11-404.2 of this title, “practice  
2 optometry” includes:

3           ~~[(i) The administration of topical ocular diagnostic pharmaceutical  
4 agents;]~~

5           ~~[(ii) (I) The administration and prescription of therapeutic  
6 pharmaceutical agents, DEVICES, AND TREATMENTS; [and]~~

7           ~~[(iii) (II) The removal of [superficial] A foreign [bodies from the  
8 cornea and conjunctiva] BODY OR RESIDUAL PARTICULATE MATTER THAT:~~

9                       1. ~~IS EMBEDDED IN THE CONJUNCTIVA OR CORNEA; AND~~

10                      2. ~~HAS NOT PENETRATED BEYOND THE MID-STROMA;~~

11           ~~(III) THE ORDERING, EVALUATION, OR PERFORMANCE OF  
12 BLOOD TESTS, CULTURES, AND IMAGING TESTS; AND~~

13           ~~(IV) THE ASSESSMENT, DIAGNOSIS, OR TREATMENT FOR  
14 CONDITIONS OF THE VISUAL SYSTEM INCLUDING:~~

15                      1. ~~PATIENT CARE THAT REQUIRES VISION THERAPY,  
16 LIGHT THERAPY, VISUAL TRAINING, VISUAL REHABILITATION, ORTHOPTICS, OR EYE  
17 EXERCISES AS PART OF AN APPROPRIATE REHABILITATION OR TREATMENT PLAN OF  
18 PHYSICAL, PHYSIOLOGICAL, SENSORIMOTOR, NEUROMUSCULAR, OR PERCEPTUAL  
19 ANOMALY OF THE EYES OR VISION SYSTEM; AND~~

20                      2. ~~MANAGEMENT OF CARE FOR A PATIENT WHO HAS  
21 BEEN PRESCRIBED OR USES LENSES, PRISMS, FILTERS, OCCLUSION, OR OTHER  
22 DEVICES FOR THE ENHANCEMENT, REHABILITATION, OR TREATMENT OF THE  
23 VISUAL SYSTEM OR PREVENTION OF VISUAL DYSFUNCTION.~~

24           ~~(h) “Therapeutically certified optometrist” means a licensed optometrist who is  
25 certified by the Board to practice optometry to the extent permitted under [§  
26 11-404.2] § 11-404.1 of this title.~~

27           ~~(i) “THERAPEUTICALLY CERTIFIED OPTOMETRIST II” MEANS A LICENSED  
28 OPTOMETRIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE OPTOMETRY TO THE  
29 EXTENT PERMITTED UNDER § 11-404.2 OF THIS TITLE.~~

30 ~~11-301.~~

1       ~~(a) (1) Except as otherwise provided in this title, an individual shall be~~  
2 ~~licensed by the Board before the individual may practice optometry in this State.~~

3       ~~[(b)] (2) This [section] SUBSECTION does not apply to a student while~~  
4 ~~participating in a residency training program under the direct supervision of a licensed~~  
5 ~~optometrist OR A PHYSICIAN.~~

6       ~~(B) A LICENSED OPTOMETRIST SHALL BE CERTIFIED UNDER § 11 404, §~~  
7 ~~11 404.1, OR § 11 404.2 OF THIS TITLE BEFORE THE LICENSED OPTOMETRIST MAY~~  
8 ~~PRACTICE OPTOMETRY WITHIN THE SCOPE OF THE CERTIFICATION.~~

9 ~~11 309.~~

10       ~~(a) In addition to any other qualifications and requirements established by the~~  
11 ~~Board, the Board shall establish continuing education requirements as a condition to the~~  
12 ~~renewal of licenses and certificates under this title.~~

13       ~~(b) (1) The continuing education required by the Board shall be in courses~~  
14 ~~approved by the Board.~~

15               ~~(2) The Board may not require a nontherapeutically certified optometrist~~  
16 ~~to attend more than 50 hours in any licensing period.~~

17               ~~(3) The Board shall require a therapeutically certified optometrist OR A~~  
18 ~~THERAPEUTICALLY CERTIFIED OPTOMETRIST II to attend at least 50 hours of~~  
19 ~~continuing education in a licensing period.~~

20               ~~(4) (i) In each licensing period, a therapeutically certified optometrist~~  
21 ~~OR A THERAPEUTICALLY CERTIFIED OPTOMETRIST II shall attend 30 hours of~~  
22 ~~continuing education on [the use and management of therapeutic pharmaceutical agents]~~  
23 ~~DISEASE TREATMENT AND MANAGEMENT.~~

24               ~~(ii) The 30 hours of continuing education required under~~  
25 ~~subparagraph (i) of this paragraph shall be counted toward the total number of required~~  
26 ~~hours of continuing education in a licensing period.~~

27       ~~(5) A COURSE COMPLETED BY A LICENSED OPTOMETRIST AS~~  
28 ~~REQUIRED BY THE BOARD TO BE CERTIFIED UNDER § 11 404.1 OR § 11 404.2 OF~~  
29 ~~THIS TITLE SHALL BE COUNTED TOWARD THE TOTAL NUMBER OF REQUIRED HOURS~~  
30 ~~OF CONTINUING EDUCATION FOR THE LICENSING PERIOD IN WHICH THE COURSE~~  
31 ~~WAS COMPLETED.~~

32       ~~(e) At the time a licensee applies for license renewal, the licensee shall submit to~~  
33 ~~the Board, on a form provided by the Board, a certification that the licensee has attended~~  
34 ~~the required courses.~~

1 ~~(d) The Board may refuse to renew the license of a licensee who has failed:~~

2 ~~(1) To attend the required courses; or~~

3 ~~(2) To submit certification of attendance at the required courses.~~

4 ~~(e) The Board may waive the continuing education requirements in cases of~~  
 5 ~~illness or other undue hardship on the licensee.~~

6 ~~(f) The Board may use any funds allocated to it for continuing education as State~~  
 7 ~~funds to match federal funds for providing continuing education.~~

8 ~~11-402.~~

9 ~~[(a) If, while providing optometric services to a patient, [an] A LICENSED~~  
 10 ~~optometrist [or diagnostically certified optometrist] detects or diagnoses an active eye~~  
 11 ~~pathology which the optometrist is not [licensed or] certified to treat under [§ 11-404 or §~~  
 12 ~~11-404.2 of] this subtitle, the optometrist shall, AS APPROPRIATE, refer the patient to:~~

13 ~~(1) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS~~  
 14 ~~SUBTITLE TO TREAT THE ACTIVE EYE PATHOLOGY;~~

15 ~~(2) An ophthalmologist [or a therapeutically certified optometrist, as~~  
 16 ~~appropriate];~~

17 ~~[(2)] (3) The patient's physician;~~

18 ~~[(3)] (4) A physician if required under a managed care contract; or~~

19 ~~[(4)] (5) A hospital emergency room or ambulatory surgical center [if~~  
 20 ~~necessary].~~

21 ~~[(b) If, while providing optometric services to a patient, a therapeutically certified~~  
 22 ~~optometrist diagnoses an active eye pathology that the optometrist is not certified to treat~~  
 23 ~~under § 11-404.2 of this subtitle, the optometrist shall refer the patient to:~~

24 ~~(1) An ophthalmologist;~~

25 ~~(2) The patient's physician;~~

26 ~~(3) A physician if required under a managed care contract; or~~

27 ~~(4) A hospital emergency room if necessary.]~~

28 ~~11-403.~~

1 (a) ~~A licensed optometrist may:~~

2 (1) ~~Use the title "optometrist";~~

3 (2) ~~If the optometrist holds the degree of doctor of optics or doctor of~~  
4 ~~optometry from a college or university authorized to give the degree, use the title "Doctor"~~  
5 ~~or the abbreviations "Dr." or "O.D." with the optometrist's name;~~

6 (3) ~~If the optometrist is certified under § 11-404 of this subtitle, use the~~  
7 ~~title "diagnostically certified optometrist"; [and]~~

8 (4) ~~If the optometrist is certified under § 11-404.1 of this subtitle, use the~~  
9 ~~title "therapeutically certified optometrist"; AND~~

10 (5) ~~IF THE OPTOMETRIST IS CERTIFIED UNDER § 11-404.2 OF THIS~~  
11 ~~SUBTITLE, USE THE TITLE "THERAPEUTICALLY CERTIFIED OPTOMETRIST II".~~

12 (b) ~~Except as otherwise provided in this section, a licensed optometrist may not~~  
13 ~~attach to the optometrist's name or use as a title:~~

14 (1) ~~The words or abbreviations "Doctor", "Dr.", "M.D.", "physician", or~~  
15 ~~"surgeon", or any other word or abbreviation that suggests that the optometrist practices~~  
16 ~~medicine; or~~

17 (2) ~~Any word or abbreviation that suggests that the optometrist treats~~  
18 ~~diseases or injuries of the human eye, including the words "eye specialist", "eyesight~~  
19 ~~specialist", "oculist", or "ophthalmologist".~~

20 ~~11-404.~~

21 (a) ~~[Unless certified under this section] EXCEPT AS PROVIDED IN §§ 11-404.1~~  
22 ~~AND 11-404.2 OF THIS SUBTITLE, a licensed optometrist SHALL BE CERTIFIED UNDER~~  
23 ~~THIS SECTION BEFORE THE OPTOMETRIST may [not] administer a topical ocular~~  
24 ~~diagnostic pharmaceutical agent to a patient.~~

25 (b) ~~The Board shall certify a licensed optometrist as qualified to administer~~  
26 ~~topical ocular diagnostic pharmaceutical agents if the licensed optometrist submits to the~~  
27 ~~Board evidence satisfactory to the Board that the licensed optometrist:~~

28 (1) ~~Meets the educational requirements that the Board establishes for~~  
29 ~~certification of qualification to administer topical ocular diagnostic pharmaceutical agents;~~  
30 ~~and~~

~~(2) Has within [7] 4 years before certification UNDER THIS SECTION SUCCESSFULLY completed [a course] COURSEWORK in pharmacology that meets the requirements of subsection (c) of this section.~~

~~(e) The [course] COURSEWORK in pharmacology required by subsection (b) of this section shall:~~

~~(1) Be of at least the length that the Board establishes but not less than [70] 30 course hours;~~

~~(2) Place emphasis on:~~

~~(i) [Topical] THE application AND ADMINISTRATION of ocular diagnostic pharmaceutical agents for the purpose of examining and analyzing ocular functions; and~~

~~(ii) Allergic reactions to ocular diagnostic pharmaceutical agents; and~~

~~(3) Be given by an institution that is:~~

~~(i) Accredited by a regional or professional accrediting organization that is recognized or approved by the United States Commissioner of Education; and~~

~~(ii) Approved by the Board.~~

~~(d) The Board shall revoke the certification of qualification to administer topical ocular diagnostic pharmaceutical agents of any licensed optometrist who does not annually take a course of study, approved by the Board, that relates to the use of those agents.~~

~~(e) Certification of qualification under this section authorizes the licensed optometrist who is certified under this section to administer a topical ocular diagnostic pharmaceutical agent to a patient for diagnostic purposes but not for purposes of treatment.~~

~~[(f) Except as expressly authorized under this section for diagnostic purposes or under § 11 404.1 of this subtitle for therapeutic purposes, an optometrist may not administer drugs or medicine to any patient.]~~

~~(F) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION MAY NOT:~~

~~(1) ADMINISTER OR PRESCRIBE ANY THERAPEUTIC PHARMACEUTICAL AGENTS, DEVICES, OR TREATMENTS;~~

~~(2) REMOVE ANY FOREIGN BODIES OR RESIDUAL PARTICULATE MATTER FROM THE HUMAN EYE;~~



1           ~~(3) ORDER, EVALUATE, OR PERFORM BLOOD TESTS, CULTURES, AND~~  
 2 ~~IMAGING TESTS; OR~~

3           ~~(4) DIAGNOSE OR TREAT GLAUCOMA.~~

4           ~~(g) [The Department shall collect and report statistical information on the~~  
 5 ~~incidences of negative reactions to the administration by optometrists] A LICENSED~~  
 6 ~~OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION SHALL REPORT TO THE~~  
 7 ~~BOARD AN ADVERSE EVENT THAT OCCURS IN RESPONSE TO THE ADMINISTRATION~~  
 8 ~~of topical ocular diagnostic pharmaceutical agents BY THE LICENSED OPTOMETRIST.~~

9 ~~11-404.1.~~

10           ~~(a) [Unless certified under this section] EXCEPT AS PROVIDED IN §§ 11-404~~  
 11 ~~AND 11-404.2 OF THIS SUBTITLE, a licensed optometrist SHALL BE CERTIFIED UNDER~~  
 12 ~~THIS SECTION BEFORE THE OPTOMETRIST may [not administer];~~

13           ~~(1) ADMINISTER TOPICAL OCULAR DIAGNOSTIC PHARMACEUTICAL~~  
 14 ~~AGENTS;~~

15           ~~(2) ADMINISTER or prescribe any therapeutic pharmaceutical agents IN~~  
 16 ~~ACCORDANCE WITH THIS SECTION; or [remove superficial];~~

17           ~~(3) REMOVE foreign bodies from a human eye, adnexa, or lacrimal system~~  
 18 ~~IN ACCORDANCE WITH THIS SECTION.~~

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

23           ~~(i) Has WITHIN 6 YEARS BEFORE CERTIFICATION UNDER THIS~~  
 24 ~~SECTION successfully completed at least [110] 60 hours of [a] COURSEWORK:~~

25                   ~~1. IN PHARMACOLOGY WITH AN EMPHASIS ON THE~~  
 26 ~~APPLICATION, ADMINISTRATION, AND USE OF therapeutic pharmaceutical agents~~  
 27 ~~[course approved]; AND~~

28                   ~~2. APPROVED by the Board;~~

29           ~~(ii) Has successfully passed a pharmacology examination relating to~~  
 30 ~~the treatment and management of ocular disease, which is prepared, administered, and~~  
 31 ~~graded by the National Board of Examiners in Optometry or any other nationally~~  
 32 ~~recognized optometric organization as approved by the Secretary; AND~~

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

3                   (iv) ~~Has successfully completed an 8-hour course in the management~~  
4 ~~of topical steroids approved by the Board];~~

5                   (2) (i) ~~Except as provided in subparagraph (ii) of this paragraph, an~~  
6 ~~optometrist who has graduated on or after July 1, 2005 from an accredited school of~~  
7 ~~optometry recognized by the Board is not subject to the requirements of paragraph (1) of~~  
8 ~~this subsection.~~

9                   (ii) ~~If an optometrist who has graduated on or after July 1, 2005 from~~  
10 ~~an accredited school of optometry recognized by the Board is not certified under this section~~  
11 ~~within 3 years of graduation, the optometrist shall successfully complete a therapeutic~~  
12 ~~pharmaceutical agents course and successfully pass a pharmacology exam under paragraph~~  
13 ~~(1) of this subsection before the Board may certify the optometrist.~~

14 ~~§ 11-404.2.]~~

15           ~~[(a) In this section, “refer” means that a therapeutically certified optometrist:~~

16                   (1) ~~Informs the patient that the patient should see an ophthalmologist and~~  
17 ~~give the ophthalmologist an opportunity to physically examine the patient; and~~

18                   (2) ~~Refrains from rendering further treatment for the specific condition~~  
19 ~~that is the basis for the referral until the patient has been physically examined by an~~  
20 ~~ophthalmologist.];~~

21           ~~[(b)] (c) (1) A therapeutically certified optometrist may administer and~~  
22 ~~prescribe topical therapeutic pharmaceutical agents limited to:~~

23                   (i) ~~Ocular antihistamines, decongestants, and combinations~~  
24 ~~thereof;~~

25                   (ii) ~~Ocular anti-allergy pharmaceutical agents;~~

26                   (iii) ~~Ocular antibiotics and combinations of ocular antibiotics,~~  
27 ~~excluding specially formulated or fortified antibiotics;~~

28                   (iv) ~~Anti-inflammatory agents;~~

29                   (v) ~~Ocular lubricants and artificial tears;~~

30                   (vi) ~~Tropicamide;~~

1 ~~(vii) Homatropine;~~

2 ~~(viii) Nonprescription drugs that are commercially available; and~~

3 ~~(ix) Primary open angle glaucoma medications, in accordance with~~  
4 ~~subsection [(e)] (D) of this section.~~

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

9 ~~(i) The therapeutically certified optometrist shall consult with an~~  
10 ~~ophthalmologist; and~~

11 ~~(ii) The ophthalmologist may determine that the ophthalmologist~~  
12 ~~needs to physically examine the patient.~~

13 ~~(3) Except as provided in paragraph (4) of this subsection, if a~~  
14 ~~therapeutically certified optometrist administers or prescribes a topical therapeutic~~  
15 ~~pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified~~  
16 ~~optometrist shall communicate with the patient to determine the response of the patient to~~  
17 ~~the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the~~  
18 ~~agent was administered or prescribed.~~

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

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

22 ~~(i) Antiviral agents;~~

23 ~~(ii) Antifungal agents;~~

24 ~~(iii) Antimetabolite agents; or~~

25 ~~(iv) Antiparasitic agents.~~

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

28 ~~(i) No charge is imposed for the therapeutic pharmaceutical agent~~  
29 ~~or for dispensing the agent; and~~

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

- 1        ~~[(c)] (D)~~ (1) ~~A therapeutically certified optometrist may administer and~~  
2 ~~prescribe topical therapeutic pharmaceutical agents for glaucoma only.~~
- 3                    ~~(i) For patients with primary open angle glaucoma;~~
- 4                    ~~(ii) After the optometrist refers the patient to an ophthalmologist;~~  
5 ~~and~~
- 6                    ~~(iii) After the ophthalmologist and optometrist jointly and promptly~~  
7 ~~develop a written individualized treatment plan that is signed by the ophthalmologist and~~  
8 ~~optometrist and includes:~~
- 9                            ~~1. All tests and examinations that led to the diagnosis;~~
- 10                           ~~2. An initial schedule of all tests and examinations necessary~~  
11 ~~to treat the patient's condition;~~
- 12                           ~~3. A medication plan;~~
- 13                           ~~4. A target intraocular pressure; and~~
- 14                           ~~5. Criteria for surgical intervention by the ophthalmologist.~~
- 15        ~~(2)~~ (i) ~~A treatment plan developed under this subsection may be~~  
16 ~~modified only after both the optometrist and the ophthalmologist consult together and~~  
17 ~~consent to the modification.~~
- 18                    ~~(ii) Each modification shall be noted in the optometric record of the~~  
19 ~~patient.~~
- 20        ~~(3) A therapeutically certified optometrist who treats a patient with~~  
21 ~~primary open angle glaucoma in accordance with this section:~~
- 22                    ~~(i) Shall refer the patient to an ophthalmologist at least once a year~~  
23 ~~after the initial mandatory referral under paragraph (1) of this subsection;~~
- 24                    ~~(ii) May continue to render treatment under the joint treatment plan~~  
25 ~~until the patient is examined by an ophthalmologist;~~
- 26                    ~~(iii) Shall consult with an ophthalmologist if:~~
- 27                            ~~1. The patient does not have the expected response to~~  
28 ~~treatment;~~
- 29                            ~~2. The target intraocular pressure is not reached; or~~

1                       3.    ~~There is worsening in a patient's visual field or optic nerve~~  
2 ~~head; and~~

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

6       ~~[(d)] (E)~~   (1)   ~~Except as provided in paragraphs (2) and (3) of this subsection, a~~  
7 ~~therapeutically certified optometrist may not administer or prescribe any oral~~  
8 ~~pharmaceutical agent for any purpose.~~

9                       (2)   (i)   ~~A therapeutically certified optometrist may administer and~~  
10 ~~prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of~~  
11 ~~meibomitis and seborrheic blepharitis.~~

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

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

18       ~~[(e)] (F)~~   (1)   ~~Except as provided in paragraph (2) of this subsection, a~~  
19 ~~therapeutically certified optometrist may not perform any procedure on the eyelid of a~~  
20 ~~patient.~~

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

23       ~~[(f)] (G)~~   ~~A therapeutically certified optometrist may remove superficial foreign~~  
24 ~~bodies from the human eye only if:~~

25                      (1)   ~~The foreign body may be removed with a cotton tipped applicator or~~  
26 ~~blunt spatula; and~~

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

29       ~~[(g)] (H)~~   (1)   ~~Except as provided in paragraph (2) of this subsection, a~~  
30 ~~therapeutically certified optometrist may not order laboratory tests for a patient.~~

31                      (2)   ~~A therapeutically certified optometrist may order a conjunctival~~  
32 ~~culture.~~

1 ~~[(h)] (I) A therapeutically certified optometrist may not provide any therapeutic~~  
 2 ~~treatment listed in this section for a child under the age of 1 year.~~

3 ~~[(i)] (J) Unless the standard of care requires an earlier referral, if a~~  
 4 ~~therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient~~  
 5 ~~does not have the expected response within 48 hours, the optometrist immediately shall~~  
 6 ~~refer the patient to an ophthalmologist.~~

7 ~~[(j)] (K) A therapeutically certified optometrist shall be held to the same~~  
 8 ~~standard of care as an ophthalmologist who is licensed under Title 14 of this article and~~  
 9 ~~who is providing similar services.~~

10 ~~11 404.2.~~

11 ~~(A) (1) EXCEPT AS PROVIDED UNDER §§ 11 404 AND 11 404.1 OF THIS~~  
 12 ~~SUBTITLE AND SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION, A LICENSED~~  
 13 ~~OPTOMETRIST SHALL BE CERTIFIED UNDER THIS SECTION BEFORE THE~~  
 14 ~~OPTOMETRIST MAY:~~

15 ~~(I) ADMINISTER TOPICAL OCULAR DIAGNOSTIC~~  
 16 ~~PHARMACEUTICAL AGENTS;~~

17 ~~(II) ADMINISTER OR PRESCRIBE, AS APPROPRIATE, A DELIVERY~~  
 18 ~~MECHANISM, DRUG, THERAPY, DEVICE, OR TREATMENT FOR THE MANAGEMENT OF~~  
 19 ~~OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES;~~

20 ~~(III) REMOVE FOREIGN BODIES OR RESIDUAL PARTICULATE~~  
 21 ~~MATTER FROM THE HUMAN EYE OR THE ADNEXA OF THE EYE; OR~~

22 ~~(IV) ORDER, EVALUATE, OR PERFORM BLOOD TESTS,~~  
 23 ~~CULTURES, AND IMAGING TESTS.~~

24 ~~(2) THE RESTRICTIONS PROVIDED FOR THERAPEUTICALLY~~  
 25 ~~CERTIFIED OPTOMETRISTS UNDER § 11 404.1(C) THROUGH (I) OF THIS SUBTITLE~~  
 26 ~~DO NOT APPLY TO A LICENSED OPTOMETRIST CERTIFIED UNDER THIS SECTION.~~

27 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~  
 28 ~~BOARD SHALL CERTIFY A LICENSED OPTOMETRIST AS A THERAPEUTICALLY~~  
 29 ~~CERTIFIED OPTOMETRIST II IF THE LICENSED OPTOMETRIST SUBMITS TO THE~~  
 30 ~~BOARD EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSED~~  
 31 ~~OPTOMETRIST:~~

1           ~~(1) (i) IS CURRENTLY CERTIFIED BY THE BOARD AS A~~  
2 ~~THERAPEUTICALLY CERTIFIED OPTOMETRIST UNDER § 11-404.1 OF THIS SUBTITLE;~~  
3 ~~OR~~

4           ~~(ii) CAN DEMONSTRATE TO THE BOARD THE EQUIVALENT~~  
5 ~~EDUCATIONAL REQUIREMENTS OF A THERAPEUTICALLY CERTIFIED OPTOMETRIST~~  
6 ~~UNDER § 11-404.1 OF THIS SUBTITLE;~~

7           ~~(2) HAS SUCCESSFULLY COMPLETED A COURSE IN ADVANCED~~  
8 ~~PHARMACOLOGY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF THIS~~  
9 ~~SECTION; AND~~

10           ~~(3) HAS SUCCESSFULLY COMPLETED A COURSE IN THE TREATMENT~~  
11 ~~AND MANAGEMENT OF PATIENTS WITH EYE DISEASES AND CONDITIONS THAT MEETS~~  
12 ~~THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION.~~

13           ~~(c) (1) A COURSE IN ADVANCED PHARMACOLOGY REQUIRED UNDER~~  
14 ~~SUBSECTION (B)(2) OF THIS SECTION SHALL:~~

15                   ~~(i) BE 10 HOURS;~~

16                   ~~(ii) PLACE EMPHASIS ON THE USE OF TOPICAL AND ORAL~~  
17 ~~PHARMACEUTICAL AGENTS AND OTHER THERAPEUTIC TREATMENTS AND DEVICES~~  
18 ~~THAT MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES, INCLUDING~~  
19 ~~POSSIBLE SIDE EFFECTS AND ALLERGIC REACTIONS TO TOPICAL AND ORAL~~  
20 ~~PHARMACEUTICAL AGENTS; AND~~

21                   ~~(iii) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION~~  
22 ~~OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED~~  
23 ~~BY THE BOARD.~~

24           ~~(2) A COURSE IN THE TREATMENT AND MANAGEMENT OF PATIENTS~~  
25 ~~WITH EYE DISEASES AND CONDITIONS REQUIRED BY SUBSECTION (B)(3) OF THIS~~  
26 ~~SECTION SHALL:~~

27                   ~~(i) BE 10 HOURS;~~

28                   ~~(ii) PLACE EMPHASIS ON:~~

29                           ~~1. CURRENT BEST PRACTICES FOR THE DIAGNOSIS,~~  
30 ~~MANAGEMENT, AND TREATMENT OF EYE DISEASES AND CONDITIONS;~~

31                           ~~2. THE MISDIAGNOSIS OF EYE DISEASES AND~~  
32 ~~CONDITIONS; AND~~

1 ~~3. MEDICALLY NECESSARY REFERRALS AND~~  
 2 ~~PERIOPERATIVE PATIENT COMANAGEMENT FOR EYE DISEASES AND CONDITIONS;~~  
 3 ~~AND~~

4 ~~(iii) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION~~  
 5 ~~OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED~~  
 6 ~~BY THE BOARD.~~

7 ~~(d) AN OPTOMETRIST WHO HAS GRADUATED ON OR AFTER DECEMBER 31,~~  
 8 ~~2019, FROM AN ACCREDITED SCHOOL OF OPTOMETRY RECOGNIZED BY THE BOARD~~  
 9 ~~IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.~~

10 ~~(e) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II MAY NOT~~  
 11 ~~ADMINISTER OR PRESCRIBE CONTROLLED SUBSTANCES.~~

12 ~~(f) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II SHALL BE HELD TO~~  
 13 ~~THE SAME STANDARD OF CARE AS AN OPHTHALMOLOGIST WHO IS LICENSED UNDER~~  
 14 ~~TITLE 14 OF THIS ARTICLE AND PROVIDES SIMILAR SERVICES.~~

15 11-101.

16 (a) In this title the following words have the meanings indicated.

17 (b) “Board” means the State Board of Examiners in Optometry.

18 (c) “Diagnostically certified optometrist” means a licensed optometrist who is  
 19 certified by the Board to administer topical ocular diagnostic pharmaceutical agents to the  
 20 extent permitted under § 11-404 of this title.

21 (d) “License” means, unless the context requires otherwise, a license issued by the  
 22 Board to practice optometry.

23 (e) “Licensed optometrist” means, unless the context requires otherwise, an  
 24 optometrist who is licensed by the Board to practice optometry.

25 (f) “Optometrist” means an individual who practices optometry.

26 (g) (1) “Practice optometry” means:

27 (i) Subject to §§ 11-404 and 11-404.2 of this title, to use any means  
 28 known in the science of optics or eye care, except surgery:



1                   1.     To detect, diagnose, **MANAGE**, and **TREAT**, subject to §§  
 2 11-404 and 11-404.2 of this title, [treat, subject to this title,] any optical or diseased  
 3 condition in the human eye **AND THE ADNEXA OF THE EYE**; or

4                   2.     To prescribe eyeglasses, lenses, or contact lenses to correct  
 5 any optical or visual condition in the human eye;

6                   (ii)   To give advice or direction on the fitness or adaptation of  
 7 eyeglasses or lenses to any individual for the correction or relief of a condition for which  
 8 eyeglasses or lenses are worn; or

9                   (iii)   To use or permit the use of any instrument, test card, test type,  
 10 test eyeglasses, test lenses, or other device to aid in choosing eyeglasses or lenses for an  
 11 individual to wear.

12               (2)     Subject to §§ 11-404 and 11-404.2 of this title, “practice optometry”  
 13 includes:

14                   (i)     The administration of [topical ocular diagnostic] pharmaceutical  
 15 agents;

16                   [(ii)   The administration and prescription of therapeutic  
 17 pharmaceutical agents; and]

18                   [(iii)] (II)   The removal of superficial foreign bodies from the cornea  
 19 and conjunctiva;

20                   (III)   **THE DIAGNOSIS, TREATMENT, AND MANAGEMENT OF**  
 21 **OPEN-ANGLE GLAUCOMA;**

22                   (IV)   **THE ORDERING OF CULTURES AND BLOODWORK TESTING;**  
 23 **AND**

24                   (V)     **THE ORDERING AND PERFORMING OF IN-OFFICE,**  
 25 **NONINVASIVE, NONRADIOGRAPHIC IMAGING.**

26               ~~(h)     “Therapeutically certified optometrist” means a licensed optometrist who is~~  
 27 ~~certified by the Board to practice optometry to the extent permitted under § 11-404.2 of~~  
 28 ~~this title.~~

29               ~~(H) (1)~~ **(1) “SURGERY” MEANS A PROCEDURE USING ANY INSTRUMENTS,**  
 30 **INCLUDING LASERS, SCALPELS, NEEDLES, CAUTERY, A CRYOPROBE, OR SUTURES IN**  
 31 **WHICH HUMAN TISSUE IS CUT, BURNED, VAPORIZED, REMOVED, OR OTHERWISE**  
 32 **PERMANENTLY ALTERED BY ANY MECHANICAL MEANS, LASER, IONIZING**  
 33 **RADIATION, ULTRASOUND, OR OTHER MEANS.**

1           **(2) “SURGERY” DOES NOT INCLUDE:**

2                   **(I) PREOPERATIVE AND POSTOPERATIVE CARE PROVIDED IN**  
 3 **ACCORDANCE WITH §§ 11-404 AND 11-404.2 OF THIS TITLE;**

4                   **(II) NONSURGICAL LIGHT THERAPIES USED ONLY FOR THE**  
 5 **TREATMENT OF MEIBOMIAN GLAND DISEASE AND VISION THERAPY BUT NOT FOR**  
 6 **CORNEAL COLLAGEN CROSS LINKING;**

7                   **(III) ORTHOKERATOLOGY;**

8                   **(IV) A NONINVASIVE PROCEDURE TO REMOVE A SUPERFICIAL**  
 9 **FOREIGN BODY IN ACCORDANCE WITH § 11-404.2(D) OF THIS TITLE;**

10                   **(V) CORNEAL SCRAPING OR CONJUNCTIVAL SWABS FOR**  
 11 **CULTURES IN ACCORDANCE WITH § 11-404.2(E) OF THIS TITLE;**

12                   **(VI) EPILATING WITH FORCEPS AN EYELASH FROM THE EYELID,**  
 13 **ADNEXA, OR LACRIMAL SYSTEM OF A PATIENT; OR**

14                   **(VII) NONINVASIVE MEIBOMIAN GLAND EXPRESSION.**

15           **(I) “THERAPEUTICALLY CERTIFIED OPTOMETRIST” MEANS A LICENSED**  
 16 **OPTOMETRIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE OPTOMETRY TO THE**  
 17 **EXTENT PERMITTED UNDER § 11-404.2 OF THIS TITLE.**

18 11-404.2.

19           **[(a) In this section, “refer” means that a therapeutically certified optometrist:**

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

22                   **(2) Refrains from rendering further treatment for the specific condition**  
 23 **that is the basis for the referral until the patient has been physically examined by an**  
 24 **ophthalmologist.]**

25           **[(b)] (A) (1) [A] EXCEPT AS PROVIDED IN THIS SUBSECTION AND IN**  
 26 **SUBSECTION (D) OF THIS SECTION FOR THE TREATMENT OF OPEN-ANGLE**  
 27 **GLAUCOMA, A therapeutically certified optometrist may administer and prescribe [topical**  
 28 **therapeutic pharmaceutical agents limited to:**

29                   **(i) Ocular antihistamines, decongestants, and combinations**  
 30 **thereof;**

- 1                   (ii) Ocular antiallergy pharmaceutical agents;
- 2                   (iii) Ocular antibiotics and combinations of ocular antibiotics,  
3 excluding specially formulated or fortified antibiotics;
- 4                   (iv) Anti-inflammatory agents;
- 5                   (v) Ocular lubricants and artificial tears;
- 6                   (vi) Tropicamide;
- 7                   (vii) Homatropine;
- 8                   (viii) Nonprescription drugs that are commercially available; and
- 9                   (ix) Primary open-angle glaucoma medications, in accordance with  
10 subsection (c) of this section] THERAPEUTIC PHARMACEUTICAL AGENTS FOR THE  
11 PREVENTION, MANAGEMENT, OR TREATMENT OF CONDITIONS AND DISEASES OF  
12 THE EYE AND OCULAR ADNEXA.

13                   **(2) (I) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT**  
14 **ADMINISTER OR PRESCRIBE:**

15                               **1. CONTROLLED DANGEROUS SUBSTANCES;**

16                               **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
17 **PARAGRAPH, NONTOPICAL SYSTEMIC IMMUNOSUPPRESSIVE AND**  
18 **IMMUNOMODULATORY AGENTS;**

19                               **3. ORAL ANTIFUNGAL AGENTS; OR**

20                               **4. ORAL AND TOPICAL ANTIMETABOLITE AGENTS.**

21                               **(II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY**  
22 **ADMINISTER OR PRESCRIBE ORAL CORTICOSTEROIDS FOR NOT MORE THAN 1**  
23 **MONTH UNLESS THE THERAPEUTICALLY CERTIFIED OPTOMETRIST CONSULTS WITH**  
24 **A PHYSICIAN.**

25                   **(3) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT**  
26 **ADMINISTER OR PRESCRIBE PHARMACEUTICAL AGENTS THAT ARE:**

27                               **(I) DELIVERED INTRAVENOUSLY;**

1           (II) GIVEN BY INJECTION, EXCEPT A THERAPEUTICALLY  
2 CERTIFIED OPTOMETRIST MAY GIVE AN INJECTION OF EPINEPHRINE IN THE  
3 APPROPRIATE DOSE FOR THE TREATMENT OF ACUTE ANAPHYLAXIS OR EMERGENCY  
4 RESUSCITATION;

5           (III) GIVEN OR DELIVERED BY A SUSTAINED DELIVERY DEVICE,  
6 EXCEPT FOR PUNCTAL PLUGS, CONTACT LENSES, OR OTHER EXTRAOCULAR  
7 DEVICES THAT RELEASE MEDICATION INTO THE TEAR FILM; OR

8           (IV) FOR THE TREATMENT OF A SYSTEMIC DISEASE UNLESS  
9 SPECIFIC TO THE TREATMENT OF AN OCULAR CONDITION OR DISEASE.

10        (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
11 THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY NOT ADMINISTER OR PRESCRIBE  
12 ANY ORAL PHARMACEUTICAL AGENT TO A PATIENT UNDER THE AGE OF 18 YEARS.

13        (2) (I) AFTER A THERAPEUTICALLY CERTIFIED OPTOMETRIST  
14 CONSULTS WITH A PHYSICIAN, THE THERAPEUTICALLY CERTIFIED OPTOMETRIST  
15 MAY PRESCRIBE AND ADMINISTER ORAL ANTIBIOTICS TO A MINOR WHO IS AT LEAST  
16 16 YEARS OLD AND UNDER THE AGE OF 18 YEARS.

17        (II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST SHALL  
18 PROVIDE THE PHYSICIAN CONSULTED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF  
19 THIS PARAGRAPH WITH A WRITTEN REPORT.

20        [(2) Except as provided in paragraph (4) of this subsection, if a  
21 therapeutically certified optometrist administers or prescribes a topical therapeutic  
22 pharmaceutical agent listed in paragraph (1)(i) through (vii) of this subsection, and the  
23 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) Except as provided in paragraph (4) of this subsection, if a  
29 therapeutically certified optometrist administers or prescribes a topical therapeutic  
30 pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified  
31 optometrist shall communicate with the patient to determine the response of the patient to  
32 the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the  
33 agent was administered or prescribed.

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

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

2                   (i) Antiviral agents;

3                   (ii) Antifungal agents;

4                   (iii) Antimetabolite agents; or

5                   (iv) Antiparasitic agents.

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

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

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

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

15                   (i) For patients with primary] **FOR A PATIENT WHO:**

16                   **(I) IS AT LEAST 18 YEARS OLD; AND**

17                   **(II) HAS open-angle glaucoma[:**

18                   (ii) After the optometrist refers the patient to an ophthalmologist;  
19 and

20                   (iii) After the ophthalmologist and optometrist jointly and promptly  
21 develop a written individualized treatment plan that is signed by the ophthalmologist and  
22 optometrist and includes:

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

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

26                           3. A medication plan;

27                           4. A target intraocular pressure; and

5. Criteria for surgical intervention by the ophthalmologist].

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

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

[(3) (2) (I) A therapeutically certified optometrist who treats a patient with [primary] open-angle glaucoma in accordance with this section]:

(i) Shall] SHALL refer the patient to an ophthalmologist [at least once a year after the initial mandatory referral under paragraph (1) of this subsection;] FOR AN EXAMINATION WITHIN 3 MONTHS AFTER THE INITIAL DIAGNOSIS OR PRESENTATION TO THE THERAPEUTICALLY CERTIFIED OPTOMETRIST UNLESS THE INTRAOCULAR PRESSURE HAS BEEN REDUCED 20% OR MORE FROM THE INITIAL PRESSURE.

(II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO TREATS A PATIENT WITH OPEN-ANGLE GLAUCOMA IN ACCORDANCE WITH THIS SECTION SHALL REFER THE PATIENT TO AN OPHTHALMOLOGIST FOR AN EXAMINATION WITHIN 12 MONTHS AFTER THE INITIAL DIAGNOSIS OR PRESENTATION TO THE THERAPEUTICALLY CERTIFIED OPTOMETRIST UNLESS CLINICAL STABILITY HAS BEEN DOCUMENTED BY VISUAL FIELD OR IMAGING OF THE OPTIC NERVE STRUCTURE.

(3) FOR A PATIENT ON GLAUCOMA MEDICATIONS AT THE TIME OF PRESENTATION TO A THERAPEUTICALLY CERTIFIED OPTOMETRIST, IF THE THERAPEUTICALLY CERTIFIED OPTOMETRIST IS UNABLE TO CONFIRM EITHER THE DATE OF INITIAL OPEN-ANGLE GLAUCOMA DIAGNOSIS OR THE INTRAOCULAR PRESSURE AT THE TIME THE PATIENT WAS INITIALLY DIAGNOSED, THE THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY RENDER TREATMENT TO A PATIENT WITH OPEN-ANGLE GLAUCOMA WITHOUT REFERRING THE PATIENT TO AN OPHTHALMOLOGIST IF:

(I) THE INTRAOCULAR PRESSURE OF THE PATIENT REMAINS STABLE; AND

(II) CLINICAL STABILITY IS DOCUMENTED BY VISUAL FIELD OR IMAGING OF THE OPTIC NERVE STRUCTURE WITHIN 12 MONTHS AFTER THE PATIENT IS FIRST EXAMINED BY THE OPTOMETRIST.

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

3 (iii) Shall consult with an ophthalmologist if:

4 1. The patient does not have the expected response to  
5 treatment;

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

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

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

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

15 (2) (i) A therapeutically certified optometrist may administer and  
16 prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of  
17 meibomitis and seborrhic blepharitis.

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

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

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

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

28 **(4) (I) FOR A PATIENT WHO IS AT LEAST 18 YEARS OLD, A**  
29 **THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY ONLY ADMINISTER OR**  
30 **PRESCRIBE ORAL GLAUCOMA MEDICATIONS FOR UP TO 24 HOURS AFTER THE**  
31 **PATIENT PRESENTS IN THE OFFICE WITH UNCONTROLLED INTRAOCULAR**  
32 **PRESSURE.**

1 (II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO  
 2 ADMINISTERS OR PRESCRIBES ORAL GLAUCOMA MEDICATIONS UNDER  
 3 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL IMMEDIATELY CONSULT WITH AN  
 4 OPHTHALMOLOGIST AND REFER THE PATIENT TO AN OPTHALMOLOGIST.

5 [(f)] (D) A therapeutically certified optometrist may remove superficial  
 6 CONJUNCTIVAL OR CORNEAL foreign bodies from the human eye only if:

7 [(1) The foreign body may be removed with a cotton-tipped applicator or  
 8 blunt spatula; and]

9 [(2)] (1) The foreign body [has]:

10 (I) HAS not penetrated beyond the Bowman's membrane of the  
 11 cornea and is [not] within 2.5 millimeters of the visual axis OF THE CORNEA; OR

12 (II) IS PERIPHERAL AND ANTERIOR TO THE MID-STROMA; AND

13 (2) REMOVAL WILL NOT REQUIRE PERMANENT ALTERATION OF  
 14 TISSUE.

15 [(g)] (E) (1) Except as provided [in paragraph (2)] IN PARAGRAPHS (2) AND  
 16 (3) of this subsection, a therapeutically certified optometrist may not order ANY laboratory  
 17 tests, GENETIC TESTS, EXTRAOCULAR IMAGING, OR OTHER TESTING for a patient.

18 [(2)] (I) A therapeutically certified optometrist may order [a]:

19 1. A conjunctival OR CORNEAL culture; OR

20 2. AFTER CONSULTING WITH A PHYSICIAN, A  
 21 NONGENETIC BLOOD TEST.

22 (II) A THERAPEUTICALLY CERTIFIED OPTOMETRIST WHO  
 23 ORDERS NONGENETIC BLOOD TESTS SHALL SEND THE WRITTEN RESULTS TO THE  
 24 PHYSICIAN CONSULTED IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS  
 25 PARAGRAPH.

26 (3) A THERAPEUTICALLY CERTIFIED OPTOMETRIST MAY ORDER AND  
 27 PERFORM IN-OFFICE, NONINVASIVE, NONRADIOGRAPHIC IMAGING.

28 [(h)] (F) A therapeutically certified optometrist may not provide any therapeutic  
 29 treatment listed in this section for a child under the age of 1 year.



1 [(i)] (G) Unless the standard of care requires an earlier referral, if a  
 2 therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient  
 3 does not have the expected response within 48 hours, the optometrist immediately shall  
 4 refer the patient to an ophthalmologist.

5 [(i)] (H) A therapeutically certified optometrist shall be [held]:

6 (1) HELD to the same standard of care as an ophthalmologist who is  
 7 licensed under Title 14 of this article and who is providing similar services; AND

8 (2) REQUIRED TO COMPLY WITH THE NOTICE REQUIREMENT UNDER  
 9 § 14-508 OF THIS ARTICLE.

10 11-404.3.

11 (a) The [Maryland Optometric Association and the Maryland Society of Eye  
 12 Physicians and Surgeons] **BOARD** shall recommend to the Secretary quality assurance  
 13 guidelines for therapeutically certified optometrists, ~~THERAPEUTICALLY CERTIFIED~~  
 14 ~~OPTOMETRISTS II~~, and optometric care.

15 (b) [(1)] After considering the recommendations of the [Maryland Optometric  
 16 Association and the Maryland Society of Eye Physicians and Surgeons] **BOARD**, the  
 17 Secretary shall adopt regulations that establish[:

18 (i) Standards] **STANDARDS** of quality for therapeutically certified  
 19 optometrists, ~~THERAPEUTICALLY CERTIFIED OPTOMETRISTS II~~, and optometric care[;

20 (ii) An ongoing quality assurance program that includes the  
 21 monitoring and study of the joint management of primary open-angle glaucoma patients  
 22 under § 11-404.2(c) of this subtitle;

23 (iii) A program to evaluate the cost of optometric care; and

24 (iv) A plan to monitor complaint investigation.

25 (2) The regulations shall require the Board to:

26 (i) Conduct a continuing study and investigation of therapeutically  
 27 certified optometrists to ensure the quality of care they provide; and

28 (ii) Report to the Secretary, as the Secretary requires, on the results  
 29 of the Board's study and investigation.

30 (3) The Board's study and investigation shall include:

1 (i) A peer review program; and

2 (ii) A review of patient optometric records that includes the  
3 collection and evaluation of data on the drugs being prescribed and administered and the  
4 appropriateness of treatment by therapeutically certified optometrists].

5 [11-503.

6 An optometrist practicing in the State may not:

7 (1) Use surgical lasers;

8 (2) Perform any surgery, including cataract surgery or cryosurgery;

9 (3) Perform a radial keratotomy;

10 (4) Give an injection, except that an optometrist may give an injection of  
11 epinephrine in the appropriate dose for the treatment of acute anaphylaxis or emergency  
12 resuscitation; or

13 (5) Except as provided under this title, dispense a therapeutic  
14 pharmaceutical agent to any person.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 ~~(a) The requirements for certification under § 11-404(b) of the Health~~  
17 ~~Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed~~  
18 ~~optometrist certified under § 11-404 of the Health Occupations Article on or before July 1,~~  
19 ~~2019.~~

20 ~~(b) The requirements for certification under § 11-404.1(b) of the Health~~  
21 ~~Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed~~  
22 ~~optometrist certified under § 11-404.1 of the Health Occupations Article on or before July~~  
23 ~~1, 2019.~~

24 (a) This section does not apply to an individual who graduates on or after July 1,  
25 2019, from an accredited college of optometry, an accredited university school of optometry,  
26 or an equivalent program of education as determined by the State Board of Examiners in  
27 Optometry.

28 (b) (1) Before July 1, 2020, a therapeutically certified optometrist certified  
29 under Title 11 of the Health Occupations Article shall demonstrate to the State Board of  
30 Examiners in Optometry successful completion of a 10-hour course in advanced  
31 pharmacology with emphasis on the use of oral pharmaceutical agents in treating ocular  
32 diseases.

1           (2) To fulfill the requirement of paragraph (1) of this subsection, a  
2 therapeutically certified optometrist may complete a course given by the Maryland  
3 Optometric Association or any other statewide association or nonprofit association.

4           (3) A course completed by a therapeutically certified optometrist in  
5 accordance with this section shall be counted toward the total number of hours of  
6 continuing education required under § 11-309 of the Health Occupations Article for the  
7 licensing period in which the course was completed.

8           SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take  
9 effect March 1, 2020.

10           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in  
11 Section 3 of this Act, this Act shall take effect ~~July~~ June 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.