

UNOFFICIAL COPY OF HOUSE BILL 807

HOUSE BILL 807

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7r0534
CF SB 611

By: **Delegates K. Young, Krimm, Pendergrass, and Turner**
Introduced and read first time: February 3, 2017
Assigned to: Health and Government Operations

A BILL ENTITLED

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
12 hospital emergency room under certain circumstances; authorizing an optometrist
13 certified under certain provisions of this Act to use a certain title; requiring certain
14 optometrists to be certified under certain provisions of law before administering
15 certain pharmaceutical agents to a patient; altering the coursework requirements
16 for certain certifications; prohibiting a certain optometrist certified under a certain
17 provision of law from taking certain actions; repealing the requirement that the
18 Department of Health and Mental Hygiene collect and report certain statistical
19 information; requiring certain optometrists to report certain adverse events to the State Board of
20 Examiners in Optometry; establishing a new level of certification for licensed optometrists;
21 providing that certain restrictions do not apply to optometrists certified under
22 certain provisions of this Act; requiring the ~~State Board of Examiners in Optometry~~
23 to certify certain optometrists that submit certain evidence of certain certification or
24 education, and completion of certain courses, ~~and certain registration with a certain~~
25 ~~federal agency;~~ requiring that certain courses be of a certain length, emphasize
26 certain topics, and be given by certain associations or organizations; providing that
27 certain optometrists are not subject to certain requirements for certain certification;
28 requiring a certain optometrist to refer a certain patient to a medical or osteopathic
29 doctor under certain circumstances; prohibiting a certain optometrist from administering
or prescribing certain controlled substances unless the optometrist holds a certain registration with a
certain federal agency; authorizing a certain optometrist to administer or prescribe certain controlled
substances on a certain list and commonly used for the management of certain ocular conditions as
determined by the Board, the State Board of Pharmacy, and the State Board of Physicians; providing
30 that certain
31 optometrists be held to certain standards of care; requiring the Maryland Optometric
Association and the Maryland Society of Eye Physicians and Surgeons to recommend

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1 to the Secretary of Health and Mental Hygiene certain quality assurance guidelines
2 for certain optometrists; requiring the Secretary to adopt certain regulations;
3 altering certain definitions; defining certain terms; making certain clarifying and
4 conforming changes; providing for the application of certain provisions of this Act;
5 and generally relating to requirements for the practice of optometry.

6 BY repealing and reenacting, with amendments,

7 Article - Health Occupations
8 Section 11-101(g) and (h), 11-301, 11-309, 11-402 through 11-404, 11-404.1,
9 11-404.2, and 11-404.3
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2016 Supplement)

12 BY adding to

13 Article - Health Occupations
14 Section 11-101(h) and (j) and 11-404.2
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article - Health Occupations**

20 11-101.

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,] any optical or diseased condition in the
26 human eye, ~~INCLUDING GLAUCOMA 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.

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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) The administration and prescription of therapeutic
6 pharmaceutical agents, **DEVICES, AND TREATMENTS; [and]**

7 (iii) The removal of superficial foreign bodies **OR RESIDUAL**
8 **PARTICULATE MATTER ~~from the [cornea and conjunctiva.] HUMAN EYE THAT IS~~**
EMBEDDED IN THE CONJUNCTIVA OR CORNEA BUT THAT HAS NOT PENETRATED THE CORNEAL STROMA;

9 **(IV) ORDERING, EVALUATING, OR PERFORMING PATIENT TESTS**
10 **TO DIAGNOSE AND MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES,**
11 **INCLUDING GLAUCOMA; AND**

12 **(V) THE ASSESSMENT, DIAGNOSIS, OR TREATMENT FOR**
13 **CONDITIONS OF THE VISUAL SYSTEM INCLUDING:**

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

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

23 **(H) (1) "SURGERY" MEANS THE PERFORMANCE OF PROCEDURES THAT**
24 **REQUIRE THE USE OF INJECTABLE OR GENERAL ANESTHESIA, MODERATE**
25 **SEDATION, AND ANY FULL-THICKNESS PENETRATION OF THE GLOBE OR A PARTIAL-THICKNESS**
PENETRATION THAT EXTENDS POSTERIOR BEYOND THE FULL THICKNESS OF THE CORNEAL STROMA.

26 **(2) "SURGERY" INCLUDES:**

27 **(I) THE REMOVAL OF PTERYGIA AND SALZMANN'S NODULES;**

28 **(II) INCISIONAL CORNEAL REFRACTIVE SURGERY; ~~AND~~**

29 **(III) STRABISMUS SURGERY ;**

(IV) USE OF SURGICAL LASERS TO CUT, BURN, OR VAPORIZE TISSUE;

AND

(V) THE FOLLOWING PROCEDURES:

1. **RETINA LASER PROCEDURES, LASER-ASSISTED IN SITU**
KERATOMILEUS, PHOTOREGRACTIVE KERATECTOMY, LASER EPITHELIAL KERATOMILEUSIS,
AND ANY FORM OF REFRACTIVE SURGERY;

2. **PENETRATING KERATOPLASTY, CORNEAL TRANSPLANT, OR**
LAMELLAR KERATOPLASTY;

3. **LASER OR NONLASER INJECTION INTO THE VITREOUS CHAMBER**
OF THE EYE TO TREAT ANY MACULAR OR RETINAL DISEASE; AND

4. **SURGERY OF THE EYELID FOR SUSPECT EYELID MALIGNANCIES**

OR FOR INCISIONAL COSMETIC OR MECHANICAL REPAIR OF BLEPHAROCALASIS, PTOSIS, AND TARSORRHAPHY.

(3) "SURGERY" DOES NOT INCLUDE PREOPERATIVE OR POSTOPERATIVE CARE FOR A PROCEDURE LISTED IN PARAGRAPH (2)(V) OF THIS SUBSECTION.

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1 [(h)] (I) "Therapeutically certified optometrist" means a licensed optometrist
2 who is certified by the Board to practice optometry to the extent permitted under [§
3 11-404.2] § 11-404.1 of this title.

4 (J) "THERAPEUTICALLY CERTIFIED OPTOMETRIST II" MEANS A LICENSED
5 OPTOMETRIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE OPTOMETRY TO THE
6 EXTENT PERMITTED UNDER § 11-404.2 OF THIS TITLE.

7 11-301.

8 (a) (1) Except as otherwise provided in this title, an individual shall be licensed by
9 the Board ~~AND CERTIFIED UNDER § 11-404, § 11-404.1, OR § 11-404.2 OF THIS TITLE~~
10 before the individual may practice optometry in this State ~~WITHIN THE SCOPE OF THE~~
11 ~~CERTIFICATION.~~

(2) A LICENSED OPTOMETRIST SHALL BE CERTIFIED UNDER § 11-404, § 11-404.1, OR § 11-404.2 OF THIS TITLE BEFORE THE INDIVIDUAL MAY PRACTICE OPTOMETRY WITHIN THE SCOPE OF THE CERTIFICATION.

12 (b) This section does not apply to a student while participating in a residency
13 training program under the direct supervision of a licensed optometrist ~~OR A PHYSICIAN.~~

14 11-309.

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

18 (b) (1) The continuing education required by the Board shall be in courses
19 approved by the Board.

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

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

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

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

32 (5) A COURSE COMPLETED BY A LICENSED OPTOMETRIST AS
33 REQUIRED BY THE BOARD TO BE CERTIFIED UNDER § 11-404.1 OR § 11-404.2 OF

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1 **THIS TITLE SHALL BE COUNTED TOWARD THE TOTAL NUMBER OF REQUIRED HOURS**
 2 **OF CONTINUING EDUCATION FOR THE LICENSING PERIOD IN WHICH THE COURSE**
 3 **WAS COMPLETED.**

4 (c) At the time a licensee applies for license renewal, the licensee shall submit to
 5 the Board, on a form provided by the Board, a certification that the licensee has attended
 6 the required courses.

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

- 8 (1) To attend the required courses; or
- 9 (2) To submit certification of attendance at the required courses.

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

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

14 11-402.

15 (a) If, while providing optometric services to a patient, an optometrist or
 16 diagnostically certified optometrist detects or diagnoses an active eye pathology which the
 17 optometrist is not [licensed or] certified to treat under § 11-404 [or § 11-404.2] of this
 18 subtitle, the optometrist shall refer the patient to:

- 19 (1) An ophthalmologist [or], **A THERAPEUTICALLY CERTIFIED**
 20 **OPTOMETRIST II, OR** a therapeutically certified optometrist, as appropriate;
- 21 (2) The patient's physician;
- 22 (3) A physician if required under a managed care contract; or
- 23 (4) A hospital emergency room or ambulatory surgical center if necessary.

24 (b) If, while providing optometric services to a patient, a therapeutically certified
 25 optometrist diagnoses an active eye pathology that the optometrist is not certified to treat
 26 under [§ 11-404.2] **§ 11-404.1** of this subtitle, the optometrist shall refer the patient to:

- 27 (1) An ophthalmologist **OR A THERAPEUTICALLY CERTIFIED**
 28 **OPTOMETRIST II, AS APPROPRIATE;**
- 29 (2) The patient's physician;
- 30 (3) A physician if required under a managed care contract; or

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(4) A hospital emergency room if necessary.

(C) IF, WHILE PROVIDING OPTOMETRIC SERVICES TO A PATIENT, A THERAPEUTICALLY CERTIFIED OPTOMETRIST II DIAGNOSES AN ACTIVE EYE PATHOLOGY THAT THE OPTOMETRIST IS NOT CERTIFIED TO TREAT UNDER § 11-404.2 OF THIS SUBTITLE, THE OPTOMETRIST SHALL REFER THE PATIENT TO:

- (1) AN OPHTHALMOLOGIST;
(2) THE PATIENT'S PHYSICIAN;
(3) A PHYSICIAN IF REQUIRED UNDER A MANAGED CARE CONTRACT;
OR
(4) A HOSPITAL EMERGENCY ROOM IF NECESSARY.

11-403.

(a) A licensed optometrist may:

- (1) Use the title "optometrist";
(2) If the optometrist holds the degree of doctor of optics or doctor of optometry from a college or university authorized to give the degree, use the title "Doctor" or the abbreviations "Dr." or "O.D." with the optometrist's name;
(3) If the optometrist is certified under § 11-404 of this subtitle, use the title "diagnostically certified optometrist"; [and]
(4) If the optometrist is certified under § 11-404.1 of this subtitle, use the title "therapeutically certified optometrist"; AND

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

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

- (1) The words or abbreviations "Doctor", "Dr.", "M.D.", "physician", or "surgeon", or any other word or abbreviation that suggests that the optometrist practices medicine; or
(2) Any word or abbreviation that suggests that the optometrist treats diseases or injuries of the human eye, including the words "eye specialist", "eyesight specialist", "oculist", or "ophthalmologist".

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1 11-404.

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

6 (b) The Board shall certify a licensed optometrist as qualified to administer
 7 topical ocular diagnostic pharmaceutical agents if the licensed optometrist submits to the
 8 Board evidence satisfactory to the Board that the licensed optometrist:

9 (1) Meets the educational requirements that the Board establishes for
 10 certification of qualification to administer topical ocular diagnostic pharmaceutical agents;
 11 and

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

15 (c) The [course] **COURSEWORK** in pharmacology required by subsection (b) of
 16 this section shall:

17 (1) Be of at least the length that the Board establishes but not less than
 18 [70] **30** course hours;

19 (2) Place emphasis on:

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

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

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

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

28 (ii) Approved by the Board.

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

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

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

7 **(F) A LICENSED OPTOMETRIST WHO IS CERTIFIED UNDER THIS SECTION**
8 **MAY NOT:**

9 **(1) ADMINISTER OR PRESCRIBE ANY THERAPEUTIC**
10 **PHARMACEUTICAL AGENTS, DEVICES, OR TREATMENTS;**

11 **(2) REMOVE ANY SUPERFICIAL FOREIGN BODIES OR RESIDUAL**
12 **PARTICULATE MATTER FROM THE HUMAN EYE;**

13 **(3) ORDER, EVALUATE, OR PERFORM ANY PATIENT TESTS TO**
14 **DIAGNOSE AND MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES,**
15 **INCLUDING GLAUCOMA; OR**

16 **(4) DIAGNOSE OR TREAT GLAUCOMA.**

17 ~~[(g) The Department shall collect and report statistical information on the~~
18 ~~incidences of negative reactions to the administration by optometrists~~ **A LICENSED OPTOMETRIST WHO**
IS CERTIFIED UNDER THIS SECTION SHALL REPORT TO THE BOARD AN ADVERSE EVENT THAT OCCURS IN RESPONSE TO

THE

ADMINISTRATION BY THE OPTOMETRIST of topical ocular
19 diagnostic pharmaceutical agents.]

20 11-404.1.

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

24 **(1) ADMINISTER TOPICAL OCULAR DIAGNOSTIC PHARMACEUTICAL**
25 **AGENTS;**

26 **(2) ADMINISTER** or prescribe any therapeutic pharmaceutical agents **IN**
27 **ACCORDANCE WITH THIS SECTION;** or

28 **(3) [remove] REMOVE** superficial foreign bodies from a human eye,
29 adnexa, or lacrimal system **IN ACCORDANCE WITH THIS SECTION.**

30 (b) (1) Except as provided in paragraph (2) of this subsection, the Board shall
31 certify a licensed optometrist as a therapeutically certified optometrist if the licensed

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1 optometrist submits to the Board evidence satisfactory to the Board that the licensed
2 optometrist:

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

5 **1. IN PHARMACOLOGY WITH AN EMPHASIS ON THE**
6 **APPLICATION, ADMINISTRATION, AND USE OF** therapeutic pharmaceutical agents
7 **[course approved]; AND**

8 **2. APPROVED** by the Board;

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

13 (iii) Is currently certified by the Board to administer topical ocular
14 diagnostic pharmaceutical agents under § 11-404 of this subtitle[]; and

15 (iv) Has successfully completed an 8-hour course in the management
16 of topical steroids approved by the Board].

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

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

26 [11-404.2.]

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

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

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

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1 **[(b)] (C)** (1) A therapeutically certified optometrist may administer and
 2 prescribe topical therapeutic pharmaceutical agents limited to:

3 (i) Ocular antihistamines, decongestants, and combinations
 4 thereof;

5 (ii) Ocular antiallergy pharmaceutical agents;

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

8 (iv) Anti-inflammatory agents;

9 (v) Ocular lubricants and artificial tears;

10 (vi) Tropicamide;

11 (vii) Homatropine;

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

13 (ix) Primary open-angle glaucoma medications, in accordance with
 14 subsection **[(c)] (D)** of this section.

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

19 (i) The therapeutically certified optometrist shall consult with an
 20 ophthalmologist; and

21 (ii) The ophthalmologist may determine that the ophthalmologist
 22 needs to physically examine the patient.

23 (3) Except as provided in paragraph (4) of this subsection, if a
 24 therapeutically certified optometrist administers or prescribes a topical therapeutic
 25 pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified
 26 optometrist shall communicate with the patient to determine the response of the patient to
 27 the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the
 28 agent was administered or prescribed.

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

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

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- 1 (i) Antiviral agents;
- 2 (ii) Antifungal agents;
- 3 (iii) Antimetabolite agents; or
- 4 (iv) Antiparasitic agents.

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

- 7 (i) No charge is imposed for the therapeutic pharmaceutical agent
 8 or for dispensing the agent; and
- 9 (ii) The amount dispensed does not exceed a 72-hour supply, except
 10 that if the minimum available quantity for dispensing is greater than a 72-hour supply,
 11 the minimum available quantity may be dispensed.

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

- 14 (i) For patients with primary open-angle glaucoma;
- 15 (ii) After the optometrist refers the patient to an ophthalmologist;
- 16 **[and]**

17 **(III) AFTER THE OPHTHALMOLOGIST PHYSICALLY EXAMINES**
 18 **THE PATIENT; AND**

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

- 22 1. All tests and examinations that led to the diagnosis;
- 23 2. An initial schedule of all tests and examinations necessary
 24 to treat the patient's condition;
- 25 3. A medication plan;
- 26 4. A target intraocular pressure; and
- 27 5. Criteria for surgical intervention by the ophthalmologist.

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1 (2) (i) A treatment plan developed under this subsection may be
2 modified only after both the optometrist and the ophthalmologist consult together and
3 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 **FOR A PHYSICAL**
9 **EXAMINATION** at least once a year after the initial mandatory referral under paragraph
10 (1) of this subsection;

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

13 (iii) Shall consult with an ophthalmologist if:

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

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

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

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

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

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

28 (ii) If a therapeutically certified optometrist administers or
29 prescribes oral tetracycline or its derivatives to a patient in accordance with subparagraph
30 (i) of this paragraph and the patient does not improve within 3 weeks of treatment, the
31 optometrist **[shall]:**

32 1. **SHALL** refer the patient to an ophthalmologist **FOR A**
33 **PHYSICAL EXAMINATION; AND**

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1 **2. MAY NOT RENDER FURTHER TREATMENT UNTIL THE**
 2 **PATIENT HAS BEEN PHYSICALLY EXAMINED BY THE OPHTHALMOLOGIST.**

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

5 **[(e)] (F)** (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)] (G)** 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 or
 13 blunt spatula; and

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

16 **[(g)] (H)** (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)] (I)** 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)] (J)** Unless the standard of care requires an earlier referral, if a
 23 therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient
 24 does not have the expected response within 48 hours, the optometrist **[immediately]:**

25 **(1) IMMEDIATELY** shall refer the patient to an ophthalmologist **FOR A**
 26 **PHYSICAL EXAMINATION; AND**

27 **(2) MAY NOT RENDER FURTHER TREATMENT UNTIL THE PATIENT**
 28 **HAS BEEN PHYSICALLY EXAMINED BY THE OPHTHALMOLOGIST.**

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

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1 11-404.2.

2 (A) (1) EXCEPT AS PROVIDED UNDER §§ 11-404 AND 11-404.1 OF THIS
3 SUBTITLE AND SUBJECT TO SUBSECTIONS (G) AND (H) OF THIS SECTION, A LICENSED OPTOMETRIST
4 SHALL BE CERTIFIED UNDER THIS SECTION
5 BEFORE THE OPTOMETRIST MAY:

6 (I) ADMINISTER TOPICAL OCULAR DIAGNOSTIC
7 PHARMACEUTICAL AGENTS;

8 (II) ADMINISTER OR PRESCRIBE ~~ALL THERAPEUTIC~~
9 ~~PHARMACEUTICAL AGENTS, DEVICES, AND TREATMENTS, INCLUDING LIGHT~~
10 ~~THERAPY, THAT HAVE BEEN APPROVED BY THE U.S. FOOD AND DRUG~~
11 ~~ADMINISTRATION~~, AS APPROPRIATE, A DELIVERY MECHANISM, DRUG, THERAPY, DEVICE, OR
12 TREATMENT FOR THE MANAGEMENT OF OCULAR DISEASES, CONDITIONS, AND
13 ABNORMALITIES, INCLUDING GLAUCOMA;

14 (III) REMOVE SUPERFICIAL FOREIGN BODIES OR RESIDUAL
15 PARTICULATE MATTER FROM THE HUMAN EYE; ~~OR~~

16 (IV) ORDER, EVALUATE, OR PERFORM PATIENT TESTS,
17 INCLUDING IN-OFFICE TESTS, TO DIAGNOSE AND MANAGE OCULAR DISEASES,
18 CONDITIONS, AND ABNORMALITIES, INCLUDING GLAUCOMA ; OR

19 (V) AFTER CONSULTATION WITH AN OPHTHALMOLOGIST AND IN
20 ACCORDANCE WITH A TREATMENT PLAN DEVELOPED BY THE OPHTHALMOLOGIST, COMANAGE
21 TREATMENT OF A MINOR PATIENT WITH CONGENITAL GLAUCOMA, INFANTILE GLAUCOMA, OR
22 JUVENILE GLAUCOMA OR ANY PATIENT WITH ACTIVE NEOVASCULAR GLAUCOMA OR ACUTE
23 ANGLE CLOSURE GLAUCOMA;

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:

32 (1) (I) IS CURRENTLY CERTIFIED BY THE BOARD AS A
33 THERAPEUTICALLY CERTIFIED OPTOMETRIST UNDER § 11-404.1 OF THIS SUBTITLE;
34 OR

35 (II) CAN DEMONSTRATE TO THE BOARD THE EQUIVALENT
36 EDUCATIONAL REQUIREMENTS OF A THERAPEUTICALLY CERTIFIED OPTOMETRIST
37 UNDER § 11-404.1 OF THIS SUBTITLE;

38 (2) HAS SUCCESSFULLY COMPLETED A COURSE IN ADVANCED
39 PHARMACOLOGY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF THIS
40 SECTION; AND

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1 (3) HAS SUCCESSFULLY COMPLETED A COURSE IN THE TREATMENT
2 AND MANAGEMENT OF PATIENTS WITH GLAUCOMA THAT MEETS THE
3 REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION;~~AND~~

4 ~~(4) HOLDS A CURRENT AND VALID REGISTRATION WITH THE U.S.~~
5 ~~DRUG ENFORCEMENT AGENCY IN ACCORDANCE WITH THE FEDERAL CONTROLLED~~
6 ~~SUBSTANCES ACT.~~

7 (C) (1) A COURSE IN ADVANCED PHARMACOLOGY REQUIRED UNDER
8 SUBSECTION (B)(2) OF THIS SECTION SHALL:

9 (I) ~~BE OF A LENGTH ESTABLISHED BY THE BOARD, BUT NO~~
10 ~~MORE THAN 10~~ HOURS;

11 (II) PLACE EMPHASIS ON THE USE OF TOPICAL AND ORAL
12 PHARMACEUTICAL AGENTS AND OTHER THERAPEUTIC TREATMENTS AND DEVICES
13 THAT MANAGE OCULAR DISEASES, CONDITIONS, AND ABNORMALITIES, INCLUDING
14 POSSIBLE SIDE EFFECTS AND ALLERGIC REACTIONS TO TOPICAL AND ORAL
15 PHARMACEUTICAL AGENTS; AND

16 (III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION
17 OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED
18 BY THE BOARD.

19 (2) A COURSE IN THE TREATMENT AND MANAGEMENT OF PATIENTS
20 WITH GLAUCOMA REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION SHALL:

21 (I) ~~BE OF A LENGTH ESTABLISHED BY THE BOARD, BUT NO~~
22 ~~MORE THAN 10~~ HOURS;

23 (II) PLACE EMPHASIS ON:

24 1. THE DIAGNOSIS, MANAGEMENT, AND TREATMENT OF
25 GLAUCOMA, INCLUDING POSSIBLE SIDE EFFECTS AND ALLERGIC REACTIONS TO
26 TOPICAL AND ORAL PHARMACEUTICAL AGENTS THAT TREAT GLAUCOMA; AND

27 2. THE MISDIAGNOSIS OF GLAUCOMA AND MEDICALLY
28 NECESSARY REFERRALS AND PERIOPERATIVE PATIENT COMANAGEMENT; AND

29 (III) BE GIVEN BY THE MARYLAND OPTOMETRIC ASSOCIATION
30 OR ANOTHER STATEWIDE ASSOCIATION OR NONPROFIT ORGANIZATION APPROVED
31 BY THE BOARD.

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1 (D) (1) AN OPTOMETRIST WHO HAS GRADUATED ON OR AFTER JULY 1,
 2 2017, FROM AN ACCREDITED SCHOOL OF OPTOMETRY RECOGNIZED BY THE BOARD
 3 IS NOT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B)(1) THROUGH (3) OF
 4 THIS SECTION.

5 (2) A LICENSED OPTOMETRIST WHO CAN DEMONSTRATE TO THE
 6 BOARD PROOF OF 12 MONTHS OF CREDENTIALLED PRIVILEGES TO TREAT GLAUCOMA
 7 BY THE U.S. DEPARTMENT OF DEFENSE, THE U.S. DEPARTMENT OF VETERANS
 8 AFFAIRS, OR THE INDIAN HEALTH SERVICE IS NOT SUBJECT TO THE
 9 REQUIREMENTS OF SUBSECTION (B)(1) THROUGH (3) OF THIS SECTION.

10 (E) IF PROFESSIONALLY NECESSARY, A THERAPEUTICALLY CERTIFIED
 11 OPTOMETRIST II SHALL REFER A PATIENT DIAGNOSED WITH GLAUCOMA TO A
 12 MEDICAL OR AN OSTEOPATHIC DOCTOR.

13 (F) UNLESS THE STANDARD OF CARE REQUIRES AN EARLIER REFERRAL, IF
 14 A THERAPEUTICALLY CERTIFIED OPTOMETRIST II DIAGNOSES A CORNEAL ULCER
 15 OR INFILTRATE, AND THE PATIENT DOES NOT HAVE THE EXPECTED RESPONSE
 16 WITHIN 48 HOURS, THE OPTOMETRIST:

17 (1) IMMEDIATELY SHALL REFER THE PATIENT TO AN
 18 OPHTHALMOLOGIST FOR A PHYSICAL EXAMINATION; AND

19 (2) MAY NOT RENDER FURTHER TREATMENT UNTIL THE PATIENT
 20 HAS BEEN PHYSICALLY EXAMINED BY THE OPHTHALMOLOGIST.

(G) IF A THERAPEUTICALLY CERTIFIED OPTOMETRIST II DIAGNOSES A
 MINOR PATIENT WITH CONGENITAL GLAUCOMA, INFANTILE GLAUCOMA, OR JUVENILE
 GLAUCOMA, OR ANY PATIENT WITH ACTIVE NEOVASCULAR GLAUCOMA OR ACUTE ANGLE
 CLOSURE GLAUCOMA, THE THERAPEUTICALLY CERTIFIED OPTOMETRIST II:

(I) IMMEDIATELY SHALL REFER THE PATIENT TO AN OPHTHALMOLOGIST
 FOR A PHYSICAL EXAMINATION; AND

(II) MAY NOT RENDER FURTHER TREATMENT UNTIL:

1. THE PATIENT HAS BEEN PHYSICALLY EXAMINED BY THE
 OPHTHALMOLOGIST;

2. THE OPTOMETRIST HAS CONSULTED WITH THE
 OPHTHALMOLOGIST; AND

3. THE OPHTHALMOLOGIST HAS AUTHORIZED A TREATMENT PLAN
 FOR THE PATIENT.

(H) (1) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II MAY
 NOT ADMINISTER OR PRESCRIBE CONTROLLED SUBSTANCES UNLESS THE THERAPEUTICALLY
 CERTIFIED OPTOMETRIST II HOLDS A CURRENT AND VALID REGISTRATION WITH THE U. S.
 DRUG ENFORCEMENT AGENCY IN ACCORDANCE WITH THE FEDERAL CONTROLLED SUBSTANCES
 ACT.

(2) A THERAPEUTICALLY CERTIFIED OPTOMETRIST II THAT HOLDS A
 CURRENT AND VALID REGISTRATION WITH THE U.S. DRUG ENFORCEMENT AGENCY MAY
 ADMINISTER OR PRESCRIBE A CONTROLLED SUBSTANCE:

(I) LISTED ON SCHEDULES III, IV, AND V OF THE FEDERAL
 CONTROLLED SUBSTANCES ACT; AND

**(II) COMMONLY USED FOR THE MANAGEMENT OF OCULAR
DISEASES, CONDITIONS, AND ABNORMALITIES, INCLUDING GLAUCOMA, AS DETERMINED BY
THE BOARD, IN CONSULTATION WITH THE STATE BOARD OF PHARMACY AND THE STATE
BOARD OF PHYSICIANS.**

21 ~~(c)~~ **(i)** A THERAPEUTICALLY CERTIFIED OPTOMETRIST II SHALL BE HELD TO
22 THE SAME STANDARD OF CARE AS AN OPHTHALMOLOGIST WHO IS LICENSED UNDER
23 TITLE 14 OF THIS ARTICLE AND PROVIDES SIMILAR SERVICES.

24 11-404.3.

25 (a) The Maryland Optometric Association and the Maryland Society of Eye
26 Physicians and Surgeons shall recommend to the Secretary quality assurance guidelines
27 for therapeutically certified optometrists, **THERAPEUTICALLY CERTIFIED**
28 **OPTOMETRISTS II**, and optometric care.

29 (b) (1) After considering the recommendations of the Maryland Optometric
30 Association and the Maryland Society of Eye Physicians and Surgeons, the Secretary shall
31 adopt regulations that establish:

32 (i) Standards of quality for therapeutically certified optometrists,
33 **THERAPEUTICALLY CERTIFIED OPTOMETRISTS II**, and optometric care;

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1 (ii) An ongoing quality assurance program that includes the
 2 monitoring and study of the [joint management of primary open-angle glaucoma patients]
 3 **DIAGNOSIS AND MANAGEMENT OF GLAUCOMA AS AUTHORIZED** under [§ 11-404.2(c)]
 4 **§§ 11-404.1 AND 11-404.2** of this subtitle;

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

6 (iv) A plan to monitor complaint investigation.

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

8 (i) Conduct a continuing study and investigation of therapeutically
 9 certified optometrists **AND THERAPEUTICALLY CERTIFIED OPTOMETRISTS II** to ensure
 10 the quality of care they provide; and

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

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

14 (i) A peer review program; and

15 (ii) A review of patient optometric records that includes the
 16 collection and evaluation of data on the drugs being prescribed and administered and the
 17 appropriateness of treatment by therapeutically certified optometrists **AND**
 18 **THERAPEUTICALLY CERTIFIED OPTOMETRISTS II**.

19 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

20 (1) The requirements for certification under § 11-404(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 of the Health Occupations Article on or before June
 23 30, 2017; and

24 (2) The requirements for certification under § 11-404.1(b) of the Health
 25 Occupations Article, as enacted by Section 1 of this Act, do not apply to a licensed
 26 optometrist certified under § 11-404.1 of the Health Occupations Article on or before June
 27 30, 2017.

28 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
 29 **1, 2017.**