

§19101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 580, §8 (NEW).]

1. ACCME. "ACCME" means the Accreditation Council for Continuing Medical Education. [PL 2023, c. 580, §8 (NEW).]

2. ACOE. "ACOE" means the Accreditation Council on Optometric Education, which is the accrediting body for professional optometric degree programs, optometric residency programs and optometric technician programs in the United States and Canada. [PL 2023, c. 580, §8 (NEW).]

3. Board. "Board" means the State Board of Optometry. [PL 2023, c. 580, §8 (NEW).]

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation. [PL 2023, c. 580, §8 (NEW).]

5. Contact lens. "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect. "Contact lens" includes, but is not limited to, cosmetic, therapeutic and corrective lenses. [PL 2023, c. 580, §8 (NEW).]

6. COPE. "COPE" means the Council on Optometric Practitioner Education. [PL 2023, c. 580, §8 (NEW).]

7. Department. "Department" means the Department of Professional and Financial Regulation. [PL 2023, c. 580, §8 (NEW).]

8. Dispense. "Dispense" means the act of furnishing drug samples, spectacle lenses or contact lenses to a patient. [PL 2023, c. 580, §8 (NEW).]

9. Drug sample. "Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug. [PL 2023, c. 580, §8 (NEW).]

10. Entrance visual acuity. "Entrance visual acuity" means the corrected or uncorrected acuity presented by the patient prior to the actual eye examination of the patient. [PL 2023, c. 580, §8 (NEW).]

11. Eye examination. "Eye examination" means an assessment of the ocular health and visual status of a patient that meets the minimum requirements of this chapter and that does not consist solely of objective refractive data or information generated by an automated testing device or computer application, including a kiosk or autorefractor, in order to establish a medical diagnosis or refractive error. [PL 2023, c. 580, §8 (NEW).]

12. Individual. "Individual" means a natural person, not an association of individuals or a legally created entity. [PL 2023, c. 580, §8 (NEW).]

13. In person. "In person" means, with regard to a visit between a licensee and a patient, that the licensee and the patient are physically in the same room. [PL 2023, c. 580, §8 (NEW).]

14. Kiosk. "Kiosk" means automated equipment, or a computer application designed to be used on a telephone, computer or Internet-based device that can be used either in person or remotely to provide refractive data or information.
[PL 2023, c. 580, §8 (NEW).]

15. License applicant. "License applicant" means an individual who has applied for licensure to practice optometry in this State, but who has not yet been granted such licensure by the board.
[PL 2023, c. 580, §8 (NEW).]

16. Licensee. "Licensee" means an individual who holds a license under this chapter.
[PL 2023, c. 580, §8 (NEW).]

17. National Board of Examiners in Optometry. "National Board of Examiners in Optometry," or "NBEO," means an organization that develops, administers, scores and reports results of valid examinations that assess competence in optometry.
[PL 2023, c. 580, §8 (NEW).]

18. Nonlegend agent. "Nonlegend agent" means a pharmaceutical drug for which a prescription is not required.
[PL 2023, c. 580, §8 (NEW).]

19. Ophthalmic lens. "Ophthalmic lens" means:

A. A spectacle lens or contact lens that has a sphere, cylinder, axis, prism value or a lens ground or formed pursuant to a written prescription; and [PL 2023, c. 580, §8 (NEW).]

B. An optical instrument or device worn or used by an individual that has one or more ophthalmic lenses designed to correct or enhance the individual's vision. [PL 2023, c. 580, §8 (NEW).]

Ophthalmic lenses are also known as glasses or spectacles. "Ophthalmic lens" includes an ophthalmic lens that may be adjusted by the wearer to achieve different types of visual correction or enhancement.

"Ophthalmic lens" does not include an optical instrument or device that is sold without consideration of the visual status of the individual who will use the optical instrument or device.
[PL 2023, c. 580, §8 (NEW).]

20. Optometrist. "Optometrist" means an individual who is licensed to practice optometry in the State.
[PL 2023, c. 580, §8 (NEW).]

21. Optometrist-patient relationship. "Optometrist-patient relationship" means the relationship that begins when:

A. An individual with an ocular or health-related matter seeks assistance from the licensee; [PL 2023, c. 580, §8 (NEW).]

B. The licensee agrees to undertake examination, diagnosis, consultation or treatment of the individual; and [PL 2023, c. 580, §8 (NEW).]

C. The individual agrees to receive ocular or health care services from the licensee and there has been an in-person encounter between the licensee and the individual, unless the standard of care requires that an individual be seen without an in-person visit, such as in an emergent situation as reasonably determined by the licensee. [PL 2023, c. 580, §8 (NEW).]

"Optometrist-patient relationship" includes the relationship established between a licensee who uses telehealth in providing optometric care and a patient who receives telehealth services through consultation with another licensee or other health care provider who has an established relationship with the patient upon agreement to participate in, or supervise, the patient's care through telehealth, if the standard of care does not require an in-person encounter, and in accordance with evidence-based

standards of practice and telehealth practice guidelines that address the clinical and technological aspects of telemedicine.

[PL 2023, c. 580, §8 (NEW).]

22. Person. "Person" means an individual, corporation, partnership, professional association or any other entity.

[PL 2023, c. 580, §8 (NEW).]

23. Pharmaceutical agent. "Pharmaceutical agent" means any diagnostic and therapeutic substance for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, but does not include drugs administered exclusively by injection, except injections for the emergency treatment of anaphylactic shock.

[PL 2023, c. 580, §8 (NEW).]

24. Practice of optometry. "Practice of optometry" means one or a combination of the following practices:

A. The examination, diagnosis, treatment and management of diseases, injuries and disorders of the eye and associated structures, as well as identification of related systemic conditions affecting the eye without the use of invasive surgery or tissue-altering lasers; and [PL 2023, c. 580, §8 (NEW).]

B. The provision, replacement or duplication of an ophthalmic lens without a written prescription from an individual licensed under the laws of this State to practice either optometry or medicine. [PL 2023, c. 580, §8 (NEW).]

Nothing in this definition prevents an individual or person from merely doing the mechanical work associated with adapting, fitting, bending, adjusting, providing, replacing or duplicating of eyeglasses with ophthalmic lenses.

[PL 2023, c. 580, §8 (NEW).]

25. Provider. "Provider" means an individual licensed as an optometrist under this chapter or an individual licensed as an osteopathic physician or medical doctor under chapter 36, 48 or 145 who has also completed a residency in ophthalmology.

[PL 2023, c. 580, §8 (NEW).]

26. Successor licensee. "Successor licensee" means a licensee with no fewer than 5 years of licensed optometry experience, who is willing and able to assume responsibility for a licensee's practice on a temporary or permanent basis when the licensee is unwilling or unable to practice optometry pursuant to this chapter.

[PL 2023, c. 580, §8 (NEW).]

27. Therapeutic pharmaceutical. "Therapeutic pharmaceutical" means a pharmaceutical agent required to diagnose, prevent, manage or treat abnormal ocular conditions or diseases.

[PL 2023, c. 580, §8 (NEW).]

28. Treatment and management of ocular disease. "Treatment and management of ocular disease" means the examination given by the National Board of Examiners in Optometry.

[PL 2023, c. 580, §8 (NEW).]

SECTION HISTORY

PL 2023, c. 580, §8 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--