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An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §2411, sub-§1, ¶A, as amended by PL 1995, c. 439, §1, is further amended to read:

A. The examination of the eye and related structures without the use of invasive surgery or tissue-altering lasers to ~~ascertain~~diagnose defects, abnormalities or diseases of the eye;

Sec. 2. 32 MRSA §2411, sub-§3, as amended by PL 1995, c. 606, §1, is further amended to read:

3. Pharmaceutical agent. "Pharmaceutical agent" means any ~~topical medicinal~~ diagnostic and ~~therapeutic~~therapeutic substances for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, ~~and oral medicinal diagnostic and therapeutic substances and quantities for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases under section 2430, subsection 2~~ but does not include drugs administered exclusively by injection, except injections for the emergency treatment of anaphylactic shock.

Sec. 3. 32 MRSA §2411, sub-§5, ¶B, as amended by PL 1995, c. 439, §4, is further amended to read:

B. Any pharmaceutical agent administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injections, except injections for the emergency treatment of anaphylactic shock; and

Sec. 4. 32 MRSA §2417, sub-§4, ¶D, as amended by PL 1993, c. 600, Pt. A, §146, is further amended to read:

D. For pharmaceutical agents all prescriptions must include:

- (1) The patient's name;
- (2) The date;
- (3) The name, quantity and dosage of drugs;
- (4) The number of refills;

- (5) The name of the prescriber;
- (6) The drug license number of the prescriber;
- (7) A sequential number; and
- (8) The prescriber's directions for usage.

~~Sale of pharmaceutical agents by an optometrist is prohibited. Nothing in this paragraph may be construed to restrict the dispensation or sale by an optometrist of contact lenses that contain and deliver pharmaceutical agents authorized under this chapter for use or prescription.~~

Sec. 5. 32 MRSA §2417, sub-§5, ¶C, as enacted by PL 1973, c. 788, §16, is amended to read:

C. The conduct of the lawful practice of optometry in accordance with the standards established by this sectionchapter.

Sec. 6. 32 MRSA §2430, sub-§2, as enacted by PL 1995, c. 606, §9, is amended to read:

2. Therapeutic pharmaceutical agents; use permitted. An optometrist who has received an advanced therapeutic license may use and prescribe any topical therapeutic pharmaceutical agent, except for the treatment of glaucoma unless the requirements of section 2430-A2430-B have been met, and any of the following types and quantities of oral therapeutic pharmaceutical agentsincluding any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases:except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812.

- A. One 10-day supply of oral antibiotics;
- B. One 72-hour supply of oral antivirals with referral to a physician;
- C. One 72-hour supply of oral antihistamines;
- D. One 7-day supply of oral nonsteroidal antiinflammatories; and
- E. One 3-day supply of any analgesic identified in schedules III, IV and V as described in the United States Code, Title 21, Section 812.

Sec. 7. 32 MRSA §2430-A, as enacted by PL 1995, c. 606, §9, is repealed.

Sec. 8. 32 MRSA §2430-B is enacted to read:

§ 2430-B. Treatment of glaucoma

1. Optometrists qualified. An optometrist who graduated from optometric college in the year 1996 or thereafter and who is an advanced therapeutic licensee is authorized to independently treat glaucoma.

2. Consultation required. In order to be authorized to independently treat glaucoma, an advanced therapeutic licensee who graduated from optometric college prior to 1996 must provide evidence to the board of no more than 30 glaucoma-related consultations with a physician in accordance with this section. For purposes of this section, "physician" means a licensed physician specializing in diseases of the eye. The board shall form a glaucoma consultation subcommittee comprised of 2 optometrists appointed by the board and 2 physicians appointed by the Board of Licensure in Medicine to review evidence of consultations submitted pursuant to this section in accordance with the following criteria.

A. The glaucoma-related consultations must be conducted as follows:

(1) A new or existing glaucoma or glaucoma-suspect patient is examined and diagnosed by the optometrist;

(2) The optometrist develops a proposed treatment plan and forwards the plan with examination documentation to a physician for consultation;

(3) The physician examines the patient and reviews the optometrist's examination documentation and proposed treatment plan; and

(4) The physician, optometrist and patient mutually agree to and document a treatment plan.

B. An advanced therapeutic licensee may petition the glaucoma consultation subcommittee to reduce or waive the number of consultations required. A reduction or waiver may be granted by a majority vote of the subcommittee. If the subcommittee is evenly divided on the question of a specific waiver or reduction, then the request for waiver or reduction must be referred to the board. The board shall hold a hearing on the request for waiver or reduction and shall render a decision. The subcommittee or the board, in evaluating a request for a waiver or reduction in the number of cases, shall consider, among other things:

(1) Optometric college education and course work;

(2) Any residency or practical experience;

(3) Certifications in other states;

(4) Any partial completion of the consultation regimen under paragraph A;

(5) Ongoing education; and

(6) Any other factors considered relevant by the subcommittee or board.

C. An optometrist who has been licensed and practiced under the laws of another state and has been authorized to independently treat glaucoma in that state may petition the glaucoma consultation subcommittee for a waiver of the consultation requirement. If the optometrist graduated from optometric college in 1996 or thereafter, the waiver must be granted. The subcommittee shall evaluate the education, licensure and experience of an optometrist who graduated prior to 1996 and, if they are equivalent to that of an advanced therapeutic licensee in this State authorized under this section to treat glaucoma independently, shall waive the consultation requirements of this section.

Effective September 12, 2009