

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 556

S. P. 169

In Senate, February 6, 1975

On motion of Senator Speers of Kennebec, referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cianchette of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Further the Conservation of Vision.

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

Sec. 1. 32 MRSA, § 2411, as enacted by PL 1973, c. 788, § 156, is repealed and the following enacted in place thereof:

§ 2411. Definitions

1. Practice of optometry. The practice of optometry is defined as any one or any combination of the following practices:

A. Eye examination. The examination of the eye and related structures to ascertain defects or abnormalities and to detect the presence of eye diseases.

B. Functional examination. The determination of the accommodative or refractive states of the human eye and evaluation of visual functions.

C. Correctional treatment. The correction of vision problems without the use of drugs, medicine or surgery by prescribing or adapting ophthalmic lenses, including contact lenses and other optical aids, and by using other corrective procedures to preserve, restore or improve vision.

D. Fitting of eyeglasses. The fitting, bending and adjusting of eyeglasses with ophthalmic lenses, except that this subsection shall not be considered as the practice of optometry providing the fitting, bending and adjusting is by order of and under the responsibility of an optometrist or ophthalmologist.

E. Replacement of lens. The replacement or duplication of an ophthalmic lens without a written prescription from a person licensed under the laws of this State to practice either optometry or medicine.

Nothing in this section shall be construed to prevent an optical mechanic from doing the merely mechanical work associated with adapting, fitting, bending, adjusting, replacing or duplicating of eyeglasses with ophthalmic lenses.

An ophthalmic lens within the means of this section shall be any spectacle lens or contact lens which has a spherical, cylindrical or prismatic power or value or any lens ground pursuant to a written prescription.

2. Optometrist. "Optometrist" means a person who has obtained a certificate of registration from the Maine State Board of Optometry and a license to practice optometry in the State of Maine.

3. Diagnostic drug. "Diagnostic drug" means a diagnostic pharmaceutical agent known generically as topical anesthetic, cycloplegic, mydriatic and miotic which is administered topically. The Commissioner of Health and Welfare shall designate the specific agents to be used under the generic classifications.

Sec. 2. 32 MRSA, § 2419, is enacted to read:

§ 2419. Use of drugs

1. Diagnostic drugs. The use of diagnostic drugs is permitted only by an optometrist who has obtained a diagnostic drug license under section 2427 or who has passed the examination under section 2422.

2. Standards for use of diagnostic drugs. The following shall constitute the minimum standards for use of diagnostic drugs:

A. The optometrist shall complete or have completed a course in general and ocular pharmacology as it applies to optometry approved by the board.

B. The diagnostic drug shall be used solely for the purpose of detecting any pathological condition or functional abnormality of the eye.

C. Each use of a diagnostic drug shall be noted in writing and shall be made part of the permanent record of each examination and placed on file in accordance with section 2417, subsection 3.

Sec. 3. 32 MRSA, § 2422, as enacted by PL 1973, c. 788, § 156, is amended by adding after the 2nd sentence 2 new sentences to read:

The board shall include an examination on the subject of general and ocular pharmacology as it relates to optometry and the use of topically applied diagnostic drugs for all new applicants for a certificate of registration and license. Presently licensed optometrists shall be permitted to use diagnostic drugs only if they obtained a diagnostic drug license under section 2427.

Sec. 4. 32 MRSA, § 2427, is enacted to read:

§ 2427. Diagnostic drug license

Every presently licensed optometrist desiring to use diagnostic drugs shall:

1. Have satisfactorily completed a course and examination in general and ocular pharmacology as it applies to optometry approved by the board.
2. Upon satisfying the foregoing requirements, an optometrist shall be granted a diagnostic drug license.

Sec. 5. 32 MRSA, § 2432, sub-§§ 13 and 14, are enacted to read:

13. If such person uses diagnostic drugs without first obtaining either a diagnostic drug license or passing the examination under section 2424 after the effective date of this Act;

14. If such person fails to display his diagnostic drug license issued under section 2427.

Sec. 6. 32 MRSA, § 2446, is enacted to read:

Any optometrist who uses diagnostic drugs, without first having obtained a license under section 2427 or being duly registered as provided in section 2421 and 2424 after the effective date of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

STATEMENT OF FACT

The purpose of this bill is to permit optometrists to use topical drugs in conducting eye examinations. It will greatly assist in the early detection of glaucoma and other eye diseases.