

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1028

H.P. 765 House of Representatives, March 31, 1987
Reference to the Committee on Business Legislation
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Senator BERUBE of Androscooggin,
Representatives MCGOWAN of Canaan and CURRAN of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend the Maine Optometric Code.

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

5 Sec. 1. 32 MRSa §2411, sub-§1, ¶A, as enacted by
6 PL 1975, c. 563, §1, is repealed and the following
7 enacted in its place:

8 A. The examination of the eye and related struc-
9 tures to ascertain the nature of defects, abnor-
10 malities or diseases of the eye;

11 Sec. 2. 32 MRSa §2411, sub-§1, ¶C, as enacted by
12 PL 1975, c. 563, §1, is repealed and the following
13 enacted in its place:

1 C. The correction, treatment or referral of vi-
2 sion problems and ocular abnormalities by the
3 prescribing, adapting and application of ophthal-
4 mic lenses, devices containing lenses, prisms,
5 contact lenses, orthoptics, vision therapy, phar-
6 macetical agents and prosthetic devices and oth-
7 er optical aids, and by using other corrective
8 procedures, except invasive surgery, to preserve,
9 restore or improve vision;

10 **Sec. 3.** 32 MRSa §2411, sub-§3, as repealed and
11 replaced by PL 1975, c. 563, §1, is repealed and the
12 following enacted in its place:

13 3. Ocular pharmaceutical agents. Ocular pharma-
14 ceutical agents are those medicinal substances and
15 preparations recognized by the United States
16 Pharmacopeia and National Formulary and all sub-
17 stances and preparations intended for use in the di-
18 agnosis, cure, treatment or prevention of ocular dis-
19 ease. Diagnostic pharmaceuticals are those required
20 to detect and diagnose an abnormal condition or eye
21 disease. Therapeutic pharmaceuticals are those re-
22 quired to prevent, manage or treat abnormal ocular
23 conditions or diseases.

24 **Sec. 4.** 32 MRSa §2417, sub-§3, ¶D, as enacted by
25 PL 1973, c. 788, §156, is repealed and the following
26 enacted to read:

27 D. Advice for medical treatment or referral, or
28 both;

29 **Sec. 5.** 32 MRSa §2417, sub-§4, ¶D is enacted to
30 read:

31 D. For pharmaceutical agents:

32 (1) Patient's name;

33 (2) Date;

34 (3) Name, quantity and dosage of drugs;

35 (4) Number of refills;

36 (5) Name of prescriber; and

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(6) Drug license number of prescriber.

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Sec. 6. 32 MRSA §2419, sub-§1, as amended by PL 1983, c. 378, §26, is repealed and the following enacted in its place:

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1. Use of pharmaceuticals. Use of diagnostic and therapeutic pharmaceuticals by an optometrist requires a review of credentials by the Board of Optometry, including the successful completion of a transcript quality course in general and ocular pharmacology by an institution accredited by a regional or professional accrediting organization approved by the United States Office of Education, Council on Post-secondary Education and approved by the Maine Board of Optometry. After reviewing an applicant's credentials, the board may require further evidence of competency and examination before certifying the candidate by issuing a diagnostic and therapeutic drug license. The board further reserves the right to review performance and remove the diagnostic or therapeutic drug licenses, or both, as outlined in section 2431-A.

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Sec. 7. 32 MRSA §2422, as amended by PL 1975, c. 563, §3, is further amended to read:

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§2422. Examination; fees; registration

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Except as provided in section 2424, every person before beginning the practice of optometry in this State shall pass an examination before the board. At the discretion of the board, such examination may consist of tests in basic sciences; in anatomy and physiology of the eye; pathology; practical, theoretical and physiological optics; practical and theoretical optometry; clinical diagnosis and therapeutics; and such other phases of optometric knowledge and skill as the board may deem essential. 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 pharmaceutical agents 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.~~ Any person, having signi-

1 fied to said the board his desire to be examined,
2 shall appear before the board at such time and place
3 as they may designate and, before such examination,
4 shall pay to said the board a sum not in excess of
5 \$100, as established by the board. All persons suc-
6 cessfully passing such examination shall be regis-
7 tered, in a record which shall be kept by the secre-
8 tary of said the board, as licensed to practice op-
9 tometry and shall receive a certificate of such reg-
10 istration issued by said the board.

11 Sec. 8. 32 MRSA §2425, as enacted by PL 1973, c.
12 788, §156, is amended to read:

13 §2425. Display of certificates

14 Every person to whom a certificate of registra-
15 tion and current certificate of annual license renew-
16 al are granted shall display the same in a conspicu-
17 ous part of his office wherein the practice of optom-
18 etry is conducted. Optometrists credentialed by the
19 board in the use of diagnostic and therapeutic
20 pharmaceuticals are required to affix current docu-
21 mentation of these privileges to their registration
22 as provided by the board upon annual license renewal.

23 Sec. 9. 32 MRSA §2427, as amended by PL 1983, c.
24 378, §28, is repealed.

25 Sec. 10. 32 MRSA §2431-A, sub-§2, ¶O, as enacted
26 by PL 1983, c. 378, §30, is amended to read:

27 O. Failure to display a diagnostic or
28 therapeutic drug license issued under section
29 2427 section 2419 or 2425; or

30 Sec. 11. 32 MRSA §2446, as amended by PL 1977,
31 c. 564, §121, is further amended to read:

32 §2446. Drugs

33 Any optometrist who uses diagnostic-drugs pharma-
34 ceutical agents, without first having obtained a li-
35 cense under section 2427-or-being-duly-registered-as
36 provided-in-section-2421-and-2424--after--October--17
37 1975, 2419 shall be deemed guilty of a misdemeanor
38 and shall be punished by a fine of not less than \$50
39 nor more than \$200.

1 STATEMENT OF FACT

2 Currently, optometrists are authorized to utilize
3 pharmaceuticals to aid in the diagnosis of eye dis-
4 ease. This bill authorizes optometrists to utilize
5 therapeutic pharmaceuticals in the diagnosis and
6 treatment of diseases and conditions of the human
7 eye. Since optometrists provide most of the primary
8 eye care services in the State, this bill contains
9 several positive implications for consumers of the
10 State.

11 In small Maine communities, where optometrists
12 are the only easily accessible health care profes-
13 sionals trained as eye care specialists, the effects
14 will be particularly poignant. For example, because
15 no ophthalmological specialists are located in Oxford
16 or Washington County and there is only one
17 ophthalmologist in Franklin and Somerset Counties,
18 residents in these areas must travel considerable
19 distances to obtain the same eye care service that
20 their local optometrist is trained to administer, but
21 is not authorized to perform under current law. This
22 bill enables optometrists to attend to their
23 patient's primary eye care needs and eliminate extra
24 visits to other eye care specialists. In addition to
25 reduced travel and time away from work or home, eye
26 care consumers will be able to avoid the costs and
27 imposition of 2 virtually identical examinations.

28 Twelve states now authorize optometrists to use
29 therapeutic pharmaceutical agents. This year, 23 ad-
30 ditional states have introduced such legislation. In
31 1975, Maine became one of the first states to autho-
32 rize the use of diagnostic pharmaceutical agents. To
33 date, the use of diagnostics has been a complete suc-
34 cess, improving the eye care market for Maine consum-
35 ers. This bill will continue that trend.

1 This bill contains educational requirements as a
2 prerequisite to use of therapeutic pharmaceutical
3 agents. The bill does not authorize invasive surgi-
4 cal procedures. The bill also requires that any op-
5 tometrist seeking authority pursuant to this bill
6 fulfill both continuing education and testing re-
7 quirements.

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