

MAINE STATE LEGISLATURE

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MAJORITY
BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 590, L.D. 800, Bill, "An Act to Amend the Laws Related to Optometry"

Amend the bill in section 1 in paragraph A in the 3rd line (page 1, line 8 in L.D.) by inserting after the following: "techniques" the following: 'or tissue-altering lasers'

Further amend the bill in section 2 in paragraph C in the last line (page 1, line 21 in L.D.) by inserting after the following: "surgery" the following: 'and tissue-altering lasers'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 32 MRSA §2411, sub-§3, as repealed and replaced by PL 1987, c. 542, Pt. K, §§4 and 20, is repealed and the following enacted in its place:

3. Pharmaceutical agent. "Pharmaceutical agent" means any medicinal diagnostic and therapeutical substances for use in the diagnosis, cure, treatment or prevention of glaucoma, and any topical medicinal diagnostic and therapeutical substances for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases other than glaucoma.'

Further amend the bill in section 5 in subsection 6 in the last 2 lines (page 2, lines 14 and 15 in L.D.) by striking out the following: "establish what practices, procedures, treatments or actions constitute the practice of optometry as defined in" and inserting in its place the following: 'carry out the purposes of'

Further amend the bill by inserting after section 5 the following:

Sec. 6. Optometry Study Panel.

1. **Panel established.** There is created the Optometry Study Panel, referred to in this section as the "panel."

2. **Membership.** The panel consists of 5 members to be appointed as follows:

A. Two licensed optometrists appointed by the State Board of Optometry;

B. One licensed ophthalmologist appointed by the Board of Licensure in Medicine;

C. One licensed pharmacist appointed by the Board of Commissioners of the Profession of Pharmacy; and

D. One member of the general public appointed by the Governor.

3. **Convening.** The Commissioner of Professional and Financial Regulation shall call the first meeting of the panel within 15 days of the effective date of this Act.

4. **Chair.** The panel shall elect a chair from among its members.

5. **Staff.** Staffing must be provided from within the existing personnel of the Board of Licensure in Medicine and the State Board of Optometry.

6. **Duties.** The panel shall:

A. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of glaucoma;

B. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma;

C. Determine what, if any, restrictions or limitations should be placed on prescription and use of medicinal

diagnostic and therapeutical substances by optometrists for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma; and

D. Develop a detailed evaluation program to determine the incidence of mistreatment of glaucoma by optometrists. The panel shall include in its recommendations the agency or agencies to be responsible for final design, conduct and review of this evaluation.

7. Report to the Legislature. The panel shall prepare and submit a report to the Joint Standing Committee on Business and Economic Development with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The report must summarize the findings of the panel and must be signed by all members of the panel as either in favor of or opposed to the recommendations. The report must include specific proposed legislation for putting the specific recommended qualifications of treating glaucoma into statute. The report must be submitted on January 1, 1996. The Joint Standing Committee on Business and Economic Development may submit legislation based on the recommendations of the panel.

Sec. 7. Effective date. Those sections of this Act that repeal and replace the Maine Revised Statutes, Title 32, section 2411, subsection 3 and amend Title 32, section 2417, subsection 6 take effect October 1, 1996.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The State Board of Optometry will incur some minor additional costs to adopt rules pertaining to the scope of the practice of optometry. These costs can be absorbed within the board's existing budgeted resources.

The State Board of Optometry, the Board of Licensure in Medicine and the Board of Commissioners of the Profession of Pharmacy, all within the Department of Professional and Financial Regulation, will incur some minor additional costs to participate in a study pertaining to glaucoma. These costs can be absorbed within the boards' existing budgeted resources.'

STATEMENT OF FACT

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This is the majority report of the Joint Standing Committee on Business and Economic Development.

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Current law prohibits the use of surgery, laser or other invasive techniques for care of the eyes by optometrists. The bill would have changed that prohibition to include invasive surgery only. This amendment prohibits the use of tissue-altering lasers and invasive surgery.

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With special education, current law allows the use of ocular topical pharmaceutical agents for the treatment of eye conditions or diseases other than glaucoma, except for the use of controlled substances, injections and agents for the treatment of diseases that affect the entire system. The bill would have allowed the use of any pharmaceutical agent, including Schedule III, IV and V controlled substances, for the treatment of any eye condition including glaucoma.

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This amendment submits to an optometry study panel the issue of extending the types of drugs that optometrists can use, excluding those for the treatment of glaucoma. It allows the treatment of glaucoma beginning October 1, 1996 and submits to the study panel the issue of the qualifications required for an optometrist to be able to treat glaucoma.

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