

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 800

H.P. 590

House of Representatives, March 14, 1995

An Act to Amend the Laws Related to Optometry.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMERON of Rumford.
Cosponsored by Representatives: BARTH of Bethel, CLARK of Millinocket, DiPIETRO of South Portland, DONNELLY of Presque Isle, GUERRETTE of Pittston, GWADOSKY of Fairfield, KEANE of Old Town, KONTOS of Windham, MURPHY of Berwick, PLOWMAN of Hampden, VIGUE of Winslow, Senators: BEGLEY of Lincoln, FAIRCLOTH of Penobscot, KIEFFER of Aroostook, LAWRENCE of York, PARADIS of Aroostook, STEVENS of Androscoggin.

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

2
4 **Sec. 1. 32 MRSA §2411, sub-§1, ¶A**, as amended by PL 1987, c. 542, Pt. K, §§2 and 20, is further amended to read:

6 A. The examination of the eye and related structures
8 without the use of invasive surgery ~~or--either--invasive~~
9 ~~techniques~~ to ascertain defects, abnormalities or diseases
10 of the eye;

12 **Sec. 2. 32 MRSA §2411, sub-§1, ¶C**, as repealed and replaced by
13 PL 1987, c. 542, Pt. K, §§3 and 20, is amended to read:

14 C. The correction, treatment or referral of vision problems
15 and ocular abnormalities by the prescribing, adapting and
16 application of ophthalmic lenses, devices containing lenses,
17 prisms, contact lenses, orthoptics, vision therapy, ~~ocular~~
18 pharmaceutical agents and prosthetic devices and other
19 optical aids, and by using other corrective procedures to
20 preserve, restore or improve vision, excluding ~~invasive,~~
21 ~~laser--or--either~~ surgery;

22 **Sec. 3. 32 MRSA §2411, sub-§3**, as repealed and replaced by PL
23 1987, c. 542, Pt. K, §§4 and 20, is amended to read:

24 **3. Pharmaceutical agents.** "Pharmaceutical agents" means
25 ~~topical~~ any medicinal diagnostic and therapeutical substances for
26 use in the diagnosis, cure, treatment or prevention of ocular
27 disease.

28 **Sec. 4. 32 MRSA §2411, sub-§5**, as enacted by PL 1987, c. 542,
29 Pt. K, §§5 and 20, is amended to read:

30 **5. Therapeutic pharmaceuticals.** "Therapeutic
31 pharmaceuticals" means those pharmaceutical agents required to
32 prevent, manage or treat abnormal ocular conditions or diseases,
33 ~~excluding--glaucoma.~~

34 Nothing in this section may be construed to permit the optometric
35 use of pharmaceutical agents ~~which~~ that are:

36 A. Controlled substances identified in schedules I and II
37 as described in the United States Code, Title 21, Section
38 812;

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

2 C. Any pharmaceutical agent for the specific treatment of a
3 systemic disease, unless the agent is used specifically for
4 an ocular disease.

6 Notwithstanding any other provision of this Act, an optometrist
7 may dispense, prescribe and administer nonlegend agents.

8 **Sec. 5. 32 MRSA §2417, sub-§6** is enacted to read:
10

11 **6. Determination of the scope of the practice of**
12 **optometry.** The board, in accordance with the Maine
13 Administrative Procedure Act, shall adopt reasonable rules to
14 establish what practices, procedures, treatments or actions
15 constitute the practice of optometry as defined in this chapter.
16

17 **STATEMENT OF FACT**

18
19 **20** This bill makes several amendments to the statute governing
20 the practice of optometry. First, the bill expands the scope of
21 the practice of optometrists to include the treatment of glaucoma
22 and the administration of certain oral medications.
23

24
25 Optometrists who desire to use therapeutic pharmaceuticals
26 are required to receive additional educational training and must
27 have been in practice for at least one year. Optometrists
28 currently diagnose glaucoma. This bill allows them to treat the
29 disease and to prescribe oral as well as topical pharmaceuticals
30 as do other health care professionals.

31
32 In addition, this bill authorizes the Board of Optometry to
33 clarify the scope of the practice of optometry within the
34 parameters established by the Legislature.

35
36 Finally, the bill clarifies optometric use of lasers.