

MAINE STATE LEGISLATURE

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R. & S.

L.D. 1814

DATE: 3/19/96

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BUSINESS AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1326, L.D. 1814, Bill, "An Act Concerning the Treatment of Ocular Diseases by Optometrists"

Amend the bill in section 1 in subsection 3 in the last line (page 1, line 12 in L.D.) by striking out the following: "2437" and inserting in its place the following: '2430'

Further amend the bill in section 2 in that part designated "§2415." in the indented paragraph in the 3rd line (page 1, line 21 in L.D.) by striking out the following: "6 5" and inserting in its place the following: '6'

Further amend the bill in section 2 in that part designated "§2415." in the indented paragraph in the 3rd and 4th lines (page 1, lines 21 and 22 in L.D.) by striking out the following: "Five Four" and inserting in its place the following: 'Five'

Further amend the bill in section 2 in that part designated "§2415." in the indented paragraph in the 7th line (page 1, line 25 in L.D.) by striking out the following: "1996" and inserting in its place the following: '1999'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 32 MRSA §2420 is enacted to read:

§2420. Notification to Board of Commissioners of the Profession of Pharmacy

Every year at the completion of the license renewal cycle, the board shall provide to the Board of Commissioners of the

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2 Profession of Pharmacy a current listing of all licensees
3 designating licensees who may prescribe pharmaceuticals and the
4 pharmaceuticals those licensees may prescribe.'

6 Further amend the bill in section 5 in that part designated
7 "~~§2422.~~" in subsection 1 in the 4th line (page 2, line 23 in
8 L.D.) by striking out the following: "~~2437~~" and inserting in its
9 place the following: '2430'

10 Further amend the bill in section 8 by striking out all of
11 the first line (page 3, line 42 in L.D.) and inserting in its
12 place the following:

14 'Sec. 8. 32 MRSA §§2430 and 2430-A are enacted to read:'

16 Further amend the bill in section 8 in the 2nd line (page 3,
17 line 44 in L.D.) by striking out the following: "~~§2437.~~" and
18 inserting in its place the following: '§2430.'

20 Further amend the bill in section 8 in that part designated
21 "~~§2437.~~" in subsection 1 in the 3rd line (page 4, line 2 in L.D.)
22 by inserting after the following: "diseases" the following: 'and
23 except for the treatment of glaucoma.'

24 Further amend the bill in section 8 in that part designated
25 "~~§2437.~~" in subsection 1 in paragraph A in the last line (page 4,
26 line 17 in L.D.) by striking out the following: "instruction" and
27 inserting in its place the following: 'participation'

30 Further amend the bill in section 8 in that part designated
31 "~~§2437.~~" in subsection 1 in the last line (page 4, line 25 in
32 L.D.) by striking out the following: "This subsection is repealed
33 October 1, 1996." and inserting in its place the following:
34 'Effective October 1, 1996, the board may not issue new
35 therapeutic licenses.'

36 Further amend the bill in section 8 in that part designated
37 "~~§2437.~~" in subsection 2 in the 3rd line (page 4, line 29 in
38 L.D.) by inserting after the following: "agent" the following: 'and
39 except for the treatment of glaucoma unless the requirements of
40 section 2430-A have been met.'

42 Further amend the bill in section 8 in that part designated
43 "~~§2437.~~" in subsection 2 in the 6th line (page 4, line 32 in
44 L.D.) by striking out the following: "except for the treatment of
45 glaucoma as required by section 2438"

46 Further amend the bill in section 8 in that part designated
47 "~~§2437.~~" in subsection 3 in paragraph A in subparagraph (1) in
48 the next to the last line (page 5, line 18 in L.D.) by striking
49

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2 out the following: "instruction" and inserting in its place the following: 'participation'

4 Further amend the bill in section 8 in that part designated
 6 "§2437." in subsection 3 in paragraph A in subparagraph (3) in
 the 4th line (page 5, line 31 in L.D.) by inserting after the
 8 following: "equivalent," the following: 'and 3 additional hours
of a board-approved course in pharmacology dealing solely with
 10 antiglaucoma agents. The requirements of this subparagraph may
be'

12 Further amend the bill in section 8 in that part designated
 14 "§2437." in subsection 3 in paragraph B in subparagraph (1) in
 the first line (page 5, line 37 in L.D.) by striking out the
 following: "The" and inserting in its place the following:
 16 'Successful completion of the'

18 Further amend the bill in section 8 in that part designated
 20 "§2437." in subsection 3 in paragraph B in subparagraph (1) in
 the 3rd line (page 5, line 39 in L.D.) by inserting after the
 following: "primarily to" the following: 'the study of'

22 Further amend the bill in section 8 in that part designated
 24 "§2437." in subsection 3 in paragraph B in subparagraph (1) in
 the 3rd to 5th lines (page 5, lines 39 to 41 in L.D.) by striking
 26 out the following: "and 3 additional hours of a board-approved
course in pharmacology dealing solely with antiglaucoma agents"

28 Further amend the bill in section 8 in that part designated
 30 "§2438." in the first line (page 6, line 4 in L.D.) by striking
 out the following: "§2438." and inserting in its place the
 32 following: '§2430-A.'

34 Further amend the bill in section 8 by striking out all of
 that part designated "§2439." (page 7, lines 13 to 21 in L.D.)

36 Further amend the bill in section 9 in that part designated
 38 "§2446." by striking out all of the indented paragraph (page 7,
 lines 28 to 30 in L.D.) and inserting in its place the following:

40
 42 'An optometrist who uses pharmaceutical agents without first
 having obtained a the appropriate license under ~~section 2419-A~~
this chapter commits a Class E crime.'

44
 46 Further amend the bill in section 10 in the 2nd line (page
 7, line 33 in L.D.) by striking out the following: "subsection 1"
 and inserting in its place the following: 'subsection 6'

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2 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

4
6 Further amend the bill by inserting at the end before the
statement of fact the following:

8
FISCAL NOTE

10

The State Board of Optometry, which is affiliated with the
12 Department of Professional and Financial Regulation, will incur
some minor additional costs to fund a glaucoma consultation
14 subcommittee and to provide the Board of Commissioners of the
Profession of Pharmacy with an annual listing of certain
16 licensees. These costs can be absorbed within the board's
existing budgeted resources.

18
20 This bill may increase prosecutions for Class E crimes. If
a jail sentence is imposed, the additional costs to the counties
are estimated to be \$83.70 per day per prisoner. These costs are
22 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
24 jail system are expected to be insignificant.

26 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
28 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
30 General Fund revenue by minor amounts.'

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34
STATEMENT OF FACT

36 This amendment removes those portions of the bill that
reduce the State Board of Optometry membership from 6 to 5
38 members and provide 3 years for board members to achieve advanced
therapeutic licensure. This amendment relocates 3 proposed
40 sections of law to the appropriate subchapters. This amendment
clarifies that therapeutic licensees may not use topical
42 therapeutic agents to treat glaucoma and that the board may not
issue new therapeutic licenses after October 1, 1996. This
44 amendment makes further technical changes consistent with the
Optometry Study Panel's recommendations. The rule-making
46 provision repealed in section 3 of the original bill is
duplicative of the board's general rule-making authority and
48 therefore unnecessary.

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