

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 683

S.P. 258

In Senate, February 24, 2009

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**An Act To Promote Cost-effective and Broad-based Vision Care for  
Maine Citizens by Clarifying the Scope of Prescription Authority by  
an Optometrist**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.  
Cosponsored by Representative SMITH of Monmouth and  
Senators: RECTOR of Knox, SULLIVAN of York, Representatives: BEAUDETTE of  
Biddeford, GILES of Belfast, HUNT of Buxton, MacDONALD of Boothbay, MARTIN of  
Orono, WRIGHT of Berwick.

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

2           **Sec. 1. 32 MRSA §2411, sub-§1, ¶A,** as amended by PL 1995, c. 439, §1, is  
3 further amended to read:

4           A. The examination of the eye and related structures without the use of invasive  
5 surgery or tissue-altering lasers to ~~ascertain~~ diagnose defects, abnormalities or  
6 diseases of the eye;

7           **Sec. 2. 32 MRSA §2411, sub-§3,** as amended by PL 1995, c. 606, §1, is further  
8 amended to read:

9           **3. Pharmaceutical agent.** "Pharmaceutical agent" means any ~~topical medicinal~~  
10 diagnostic and ~~therapeutic~~ therapeutic substances for use in the diagnosis, cure,  
11 treatment, management or prevention of ocular conditions and diseases, ~~and oral~~  
12 ~~medicinal diagnostic and therapeutic substances and quantities for use in the diagnosis,~~  
13 ~~cure, treatment or prevention of ocular conditions and diseases under section 2430,~~  
14 ~~subsection 2.~~

15           **Sec. 3. 32 MRSA §2417, sub-§4, ¶D,** as amended by PL 1993, c. 600, Pt. A,  
16 §146, is further amended to read:

17           D. For pharmaceutical agents all prescriptions must include:

- 18           (1) The patient's name;  
19           (2) The date;  
20           (3) The name, quantity and dosage of drugs;  
21           (4) The number of refills;  
22           (5) The name of the prescriber;  
23           (6) The drug license number of the prescriber;  
24           (7) A sequential number; and  
25           (8) The prescriber's directions for usage.

26           ~~Sale of pharmaceutical agents by an optometrist is prohibited. Nothing in this~~  
27 paragraph may be construed to restrict the dispensation or sale by an optometrist of  
28 ocular devices, such as contact lenses, that contain and deliver pharmaceutical agents  
29 for use or prescription.

30           **Sec. 4. 32 MRSA §2417, sub-§5, ¶C,** as enacted by PL 1973, c. 788, §16, is  
31 amended to read:

32           C. The conduct of the lawful practice of optometry in accordance with the standards  
33 established by this ~~section~~ chapter, including procedures within the scope of practice  
34 of optometry and accepted standards of care in optometry that do not require invasive  
35 surgery or the use of tissue-altering lasers, as recognized by the board.

1           **Sec. 5. 32 MRSA §2430, sub-§1**, as enacted by PL 1995, c. 606, §9, is amended  
2 to read:

3           **1. Therapeutic license.** An optometrist may use topical therapeutic agents for any  
4 purpose associated with ocular conditions and diseases, ~~except for the treatment of~~  
5 ~~glaucoma~~, if the optometrist has received a therapeutic license in accordance with the  
6 following requirements.

7           A. Licensure requires a review of credentials by the board including the successful  
8 completion of a transcript quality course in general and ocular pharmacology. For  
9 the purposes of this section, "transcript quality course" means a course given by a  
10 regional or professional accrediting organization approved by the Council on Post-  
11 secondary Accreditation of the United States Department of Education and approved  
12 by the board. The board may not approve a course that does not include a minimum  
13 of 100 hours of ocular therapeutics including at least 25 hours of supervised clinical  
14 training in the examination, diagnosis and treatment of conditions of the eye and its  
15 adnexa. That course must include participation by an ophthalmologist.

16           B. An applicant must be a graduate from an accredited optometric institution and  
17 successfully complete a graded written examination administered by the board or the  
18 National Board of Examiners in Optometry, demonstrating competency in the use of  
19 therapeutic pharmaceutical agents.

20 Effective October 1, 1996, the board may not issue new therapeutic licenses.

21           **Sec. 6. 32 MRSA §2430, sub-§2**, as enacted by PL 1995, c. 606, §9, is amended  
22 to read:

23           **2. Therapeutic pharmaceutical agents; use permitted.** An optometrist who has  
24 received an advanced therapeutic license may use any topical therapeutic pharmaceutical  
25 agent, ~~except for the treatment of glaucoma unless the requirements of section 2430-A~~  
26 ~~have been met, and any of the following types and quantities of oral therapeutic~~  
27 ~~pharmaceutical agents including any drug identified in schedules II, IV and V as~~  
28 ~~described in 21 United States Code, Section 812~~, for any purpose associated with ocular  
29 conditions and diseases:

30           A. ~~One 10 day supply of oral antibiotics;~~

31           B. ~~One 72 hour supply of oral antivirals with referral to a physician;~~

32           C. ~~One 72 hour supply of oral antihistamines;~~

33           D. ~~One 7 day supply of oral nonsteroidal antiinflammatories; and~~

34           E. ~~One 3 day supply of any analgesic identified in schedules III, IV and V as~~  
35 ~~described in the United States Code, Title 21, Section 812.~~

36           **Sec. 7. 32 MRSA §2430-A**, as enacted by PL 1995, c. 606, §9, is repealed.

**SUMMARY**

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This bill amends several provisions of the laws governing optometrists to clarify the scope of prescription authority, particularly regarding the sale and dispensing of therapeutic lenses. It also clarifies rule-making authority of the State Board of Optometry and the use of therapeutic drugs.