

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 447 (Senator Pinsky, *et al.*)  
Education, Health, and Environmental Affairs

---

Health Occupations - Requirements for the Practice of Optometry -  
Miscellaneous Revisions

---

This bill alters various provisions relating to the practice of optometry, including (1) altering criteria for a licensed optometrist to become certified to administer topical ocular diagnostic pharmaceutical agents; (2) altering criteria for a licensed optometrist to become a therapeutically certified optometrist (TCO); and (3) establishing “therapeutically certified optometrist II” as an additional level of certification available to licensed optometrists. The bill also adds specificity to the definition of “practice optometry.”  
**The bill takes effect July 1, 2019.**

---

Fiscal Summary

**State Effect:** The bill’s requirements can be handled with existing resources, as discussed below. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

---

Analysis

**Bill Summary/Current Law:**

*Definition of “Practice Optometry”*

Under current law, an individual must be licensed by the State Board of Examiners in Optometry to practice optometry in the State. Currently, “practice optometry” is defined,

among other things and subject to specified certification restrictions, as the use of any means known in science of optics or eye care, except surgery, to (1) detect, diagnose, and treat any optical or diseased condition in the human eye or (2) to prescribe eyeglasses, lenses, or contact lenses to correct any optical or visual condition. Subject to specified certification restrictions, the definition also includes (1) the administration of topical ocular diagnostic pharmaceutical agents; (2) the administration and prescription of therapeutic pharmaceutical agents; and (3) the removal of superficial foreign bodies from the cornea and conjunctiva.

The bill expands the definition of practice optometry to include, subject to specified certification restrictions, (1) the administration and prescription of therapeutic pharmaceutical devices and treatments; (2) the removal of a foreign body or residual particulate matter that is embedded in the conjunctiva or cornea and has not penetrated beyond the mid stroma; (3) the ordering, evaluating, or performing of patient blood tests, cultures, and imaging tests; and (4) the assessment, diagnosis, or treatment for conditions of the visual system, including patient care that requires vision therapy, light therapy, visual training or rehabilitation, orthoptics, or eye exercises for specified rehabilitation or treatment plans and management of care for a patient who has been prescribed specified devices.

The bill exempts students who are participating in a residency training program under the direct supervision of a licensed *physician* from the definition of “practice optometry.”

#### *Administration of Topical Ocular Diagnostic Pharmaceutical Agents*

Under current law, a licensed optometrist may not administer a topical ocular diagnostic pharmaceutical agent unless certified by the board. In order to become certified, a licensed optometrist must submit evidence to the board that the optometrist (1) meets the board’s educational requirements and (2) has completed a course in pharmacology within seven years before certification that meets the board’s requirements and that is not less than 70 hours.

The bill reduces the minimum timeframe for coursework completion to within four years before certification and reduces the minimum length of the coursework to 30 hours. These changes do not apply to licensed optometrists who were certified to administer topical ocular diagnostic pharmaceutical agents before July 1, 2019.

The bill additionally specifies that a licensed optometrist who is certified to administer a topical ocular diagnostic pharmaceutical agent may not (1) administer or prescribe any therapeutic pharmaceutical agents, devices, or treatments; (2) remove any foreign bodies or residual particulate matter from the human eye; (3) order, evaluate, or perform blood tests, cultures, or imaging test; or (4) diagnose or treat glaucoma.

The bill also repeals the requirement for the Maryland Department of Health to collect and report specified statistical data related to optometrists' administration of topical ocular diagnostic pharmaceutical agents. Instead, a licensed optometrist certified to administer such agents must report to the board any adverse event that occurs in response to the administration of such agents.

#### *Therapeutically Certified Optometrists*

Under current law, a licensed optometrist may not administer or prescribe any therapeutic pharmaceutical agents or remove superficial foreign bodies from a human eye, adnexa, or lacrimal system, unless the licensed optometrist is a TCO.

The bill specifies that a TCO may also administer topical ocular diagnostic pharmaceutical agents.

Under current law, in order to be a TCO, a licensed optometrist must submit evidence to the board that the optometrist (1) completed at least 110 hours of a board-approved course in therapeutic pharmaceutical agents; (2) passed a specified examination; (3) is currently certified by the board to administer topical ocular diagnostic pharmaceutical agents; and (4) completed an eight-hour course in the management of topical steroids approved by the board.

The bill alters these requirements to specify that a licensed optometrist must, within six years before certification, have completed at least 60 hours of board-approved coursework in pharmacology with an emphasis on the application, administration, and use of therapeutic pharmaceutical agents. The bill repeals the requirement to complete an 8-hour course in topical steroids management. These changes do not apply to TCOs who became certified before July 1, 2019.

#### *Therapeutically Certified Optometrist II*

The bill establishes "therapeutically certified optometrist II" as an additional level of certification for licensed optometrists. Therapeutically certified optometrists II may (1) administer topical ocular diagnostic pharmaceutical agents; (2) administer or prescribe a delivery mechanism, drug, therapy, device, or treatment for the management of ocular diseases, conditions, and abnormalities; (3) remove foreign bodies or residual particulate matter from the human eye or the adnexa of the eye; or (4) order, evaluate, or perform blood tests, cultures, and imaging tests. Licensed optometrists with this certification are not subject to specified restrictions that apply to TCOs.

In order to be a therapeutically certified optometrist II, a licensed optometrist must submit evidence to the board that the optometrist (1) is currently a TCO or can demonstrate equivalent education; (2) completed a course in advanced pharmacology that meets specified requirements; and (3) completed a course in the treatment and management of patients with eye diseases and conditions that meets specified requirements.

An optometrist who graduates on or after December 1, 2019, from an accredited school of optometry is not subject to the specified requirements for becoming a therapeutically certified optometrist II.

A therapeutically certified optometrist II may not administer or prescribe controlled substances. A therapeutically certified optometrist II is held to the same standard of care as an ophthalmologist licensed by the Maryland Board of Physicians who provides similar services. Additionally, under the bill, a therapeutically certified optometrist II is subject to the same continuing education requirements as a TCO.

#### *Other Provisions*

Under current law, the Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons must recommend quality assurance guidelines to the Secretary of Health for TCOs and optometric care. The Secretary must adopt regulations for (1) standards of quality; (2) an ongoing quality assurance program; (3) a program to evaluate the cost of optometric care; and (4) a plan to monitor complaint investigation. The regulations must also require the board to study, investigate, and report on the quality of care provided by TCOs. The board's study and investigation must include a peer review program and review of patient records for data regarding drugs and treatment that are prescribed and administered.

Under the bill, *the board* must recommend to the Secretary quality assurance guidelines for TCOs, therapeutically certified optometrists II, and optometric care. The Secretary must adopt regulations for standards of quality care for therapeutically certified optometrists II. The requirement to adopt regulations regarding an ongoing quality assurance program, a program to evaluate the cost of optometric care, a plan to monitor complaint investigation, and a requirement that the board study, investigate, and report on the quality of care provided by TCOs is repealed.

**Background:** According to the State Board of Examiners in Optometry, there are currently 945 licensed optometrists in the State. Of these, 868 are TCOs, 69 are certified to administer topical ocular diagnostic pharmaceutical agents, and 11 have no certifications.

**State Fiscal Effect:** The board estimates that approximately 30% to 40% of TCOs (between approximately 250 and 350 individuals) may apply to become “therapeutically certified optometrists II” under the bill and advises that these applications can be handled with existing resources. Further, the board does not anticipate charging a fee for the additional certification. The bill’s requirements relating to regulations establishing standards for therapeutically certified optometrists II can be handled with existing resources.

---

### **Additional Information**

**Prior Introductions:** HB 1296 of 2018, a bill with similar provisions, was withdrawn. HB 807 and SB 611 of 2017, bills with similar provisions, received hearings in the House Health and Government Operations and Education, Health, and Environmental Affairs committees, respectively. Both bills were referred to interim study.

**Cross File:** HB 471 (Delegate K. Young, *et al.*) - Health and Government Operations.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2019  
md/jc

---

Analysis by: Amber R. Gundlach

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510