

**Maine Board of Optometry  
113 State House Station  
Augusta, Maine 04333**

**MINUTES OF DECEMBER 3, 2025  
BOARD MEETING**

CALL TO ORDER: The meeting was called to order by Dr. Smith, O.D., at 1:01 p.m. Members present, James Murphy, Public Member, Timothy Rioux, O.D., (zoom) and Todd Hamilton, O.D. and Jame Patric Smith(zoom). Seven citizens listened by zoom.

Others present: Tina Carpentier, Office Specialist II, Lisa Wilson, Assistant Attorney (zoom)

OLD BUSINESS:

~~Action on November 7, 2025 Meeting:~~ A motion was made by James Murphy, second by Dr. Hebert, to accept the minutes as written.

The motion passes 5 in favor and 0 abstain.

NEW BUSINESS

A. The Board reviewed the Stakeholder meeting question for December 15, 2025.

1. Identify which State of Maine health care boards delegate all scope of practice authority to its regulatory board.

The question of whether any health care boards have delegated the ability to set scope of practice is complicated, and the ability to do so varies among boards. At least two Boards, the Board of Complementary Health Care Providers (see 32 MRS 12503, 12535, and 12536) and the Emergency Medical Services Board (see 32 MRS 85) have some regulatory ability to set the scope of practice. There are other more ambiguous areas, such as for physicians, who have a broad scope but there are limits, such as state statutes limiting opioid prescriptions and prohibiting a type of psychotherapy.

2. What role would the state legislature have in determining future changes in scope of practice?

The current draft statute provides that any change in the scope of practice will be made by substantive rulemaking, which means any rule proposing a change in scope would go to the legislature for its consideration, at which point the legislature can disapprove of the change if it wishes. The Board also remains subject to its statute, and the legislature may also change the statute to specify the scope of practice if it wishes.

3. Does the Board have subject matter expertise and staff support to regulate the proposed and any future scope of practice expansions? What additional expertise and support may be needed?

Yes. The information needed by the State Board to implement the law is readily available. The proposed legislation is very similar to legislation that has been enacted in over 15 states, depending on the procedure. There is an abundance of information available, and the State Board will rely heavily on the processes undertaken by other states to draft its own rules. Board Members are committed to a time-intensive rule-making process. The Board also believes there is adequate administrative support and legal support to implement and apply the law. In case it is necessary, additional administrative and legal support will be requested. If needed, support from public agencies is also available (ie. Association of Regulatory Boards in Optometry, American Optometric Association, Maine Optometric Association.)

With regards to determining if a procedure falls within the scope of optometry, the Board's process will remain unchanged. Situations will be reviewed case by case and compared to the law. The Board will then make a collective decision regarding appropriateness. The decision will be reviewed with legal counsel, and any further documentation will take place (eg. Advisory Ruling, Rule Change). The Board feels the inclusive and exclusive wording of the law will greatly facilitate the decision-making process. The law specifically details what can and cannot be done to all areas of the eye and adnexa. This approach leaves little room for interpretation, and it will make procedure decisions simpler for the Board.

4. Question specific to staff/chair of Maine Board of Optometry. Please provide data on:

- a. How often, on average, the board meets and average length of board meetings. The Board's official schedule is to meet quarterly; however, in the past few years we have met 7 to 8 times per year due to statute and rule changes. Meetings average 2 hours in duration.

- b. The board's annual budget.

2026-\$145,674

- c. The board's budget projections.

2027-\$154,006

2028-\$163,385

5. The number and titles of the board's staff. One full time, Office Specialist II

- a. What capacities would the board need to provide oversight to this expansion and any future expansion if scope becomes within boards exclusive purview (e.g., research, rulemaking, continuing education, development and oversight of additional certifications or authorities).

The State Board recognizes the following components that will require oversight (to the extent they are not defined in the legislation) : The Didactic (Classroom/Lab) requirement for certification, demonstration of competency for certification, the application process and forms, continuing education requirements, and outcomes reporting.

The Board has gained familiarity with the licensing processes outlined above from other states where optometrists are performing laser and minor lid procedures. It reviewed statutes and rules from each state and communicated with State Board representatives across the country. The collective experience of other states suggests the processes are front-end heavy, rulemaking is time consuming, designing the application process and handling the initial rush of new licensees looking to expand scope translates into significant amount of work, and clear statute and clear rules are very important for a well-run program. The research has positioned the board to establish a robust credentialing and monitoring process that will ensure the delivery of quality eye care and help guarantee public safety should LD 1803 pass to become law.

6. Can the board support this expanded role through their current licensing fees or would fees need to increase and by how much?

The Board would begin implementation of LD1803 without raising fees. If a fee raise is necessary, it will be requested. The Board will request an additional fee for licensees applying for advanced procedures. The additional fee will be used to financially support board related activities, including the implementation and execution of LD 1803. An exact amount has not been identified, but in other states where Optometrists perform similar procedures fees range from \$100-\$1000 dollars per application.

7. ADVANCED PROCEDURES CERTIFICATION

- a. For the years 2001 – 2025 (or if that time frame is too burdensome of a data request, we would appreciate at least the licensing numbers for actively licensed optometrists in 2001-2011 and 2025), the number of active, licensed optometrists in Maine by type of licensure:

- i. All actively licensed optometrists 269
- ii. Therapeutic advanced glaucoma license 239
- iii. Therapeutic advanced license 27
- iv. Therapeutic license 2
- v. Diagnostic license 1

B. Budget update/potential fee changes

The board discussed financial challenges, including the need to increase fees beyond the current cap of \$600.00, potentially reaching \$800, due to rising costs and unexpected expenses. Tina Carpentier, who is leaving July 1, 2026, plays a crucial role as an office specialist, and there are plans to elevate her position to an executive director role, which would require a broader skill set and increased responsibilities. The board acknowledged the need to strategically plan for Tina's replacement and address the organization's financial situation, as transitioning to the OPOR is not an option due to their staffing constraints.

OTHER BUSINESS: PUBLIC COMMENT: Bruce Geritty of PretiFlaherty suggested implementing a time delay before new procedures could take effect if they required legislative approval.

PRESIDENT'S REPORT: Dr. Smith thanked the Board member for helping with all the research to prepare for the Stakeholders' meeting.

SECRETARY REPORT: Tina will send reminder letter to all licensees about renewal dates and CE requirements.

ADJOURNED: A motion was made by Dr. Hebert, seconded by James Murphy to adjourn the meeting at 2:16 p.m.

The next meeting will be held on January 30, 2026.

Respectfully submitted,

Tina Carpentier

Office Specialist II

Maine Board of Optometry