**02-382**

**BOARD OF OPTOMETRY**

Maine Administrative Procedure Act

2024 – 2025 Amended Regulatory Agenda

Prepared: September 16, 2024

AGENCY UMBERLLA-UNIT NUMBER: **02-382**

AGENCY NAME: **Maine Board of Optometry (**Department of Professional and Financial Regulation, Affiliated Board)

**CONTACT PERSON** FOR THIS AGENCY: Tina Carpentier, Office Specialist II, 113 State House Station, Augusta, ME 04333, 207-624-8691, [tina.carpentier@maine.gov](mailto:tina.carpentier@maine.gov)

**RULEMAKING LIASON** FOR THE BOARD: Dr. Thomas Nadeau, O.D., Board Chair, 143 Townsend Ave., Boothbay Harbor, ME 04538, 207-592-0412, [tpnod@roadrunner.com](mailto:tpnod@roadrunner.com)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**  None.

**EXPECTED 2024-2025 RULEMAKING ACTIVITY**: The Board is undergoing a repeal and replace of the rules of all existing chapters including application for examination, license endorsement approved schools, license renewal requirements, fees, continuing education, telehealth Standards, use, and Limitations, and ethics. Such broad rulemaking is required because the Governor signed a full repeal and replace of the laws as enacted by the 131st legislative sessions and the new law needs clarifying rules. Rulemaking authority is conferred by 32 M.R.S.A. § 19204

CHAPTER 1: Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §19202 (3), 19305 (1)

PURPOSE: This chapter establishes fees for licenses, applications, and related services. The Board expects to increase the annual License fee from $380.00 to $490.00 and late fee from $100.00 to $300.00 to adequately provide revenue for the Board to meet the expenditures and salary for Board staff. The changes ensure compliance with the new statute, update outdated references, and provide clarification as necessary.

CHAPTER 1 (3): LICENSURE AUTHORIZED TO LICENSE BY ENDORSEMENT:

STATUTORY AUTHORITY: 32 M.R.S.A. §19303

PURPOSE: This chapter consists of rules and regulations regarding the process for licensure by endorsement. A license applicant who presents proof of licensure by another jurisdiction of the United States or territory of the United States as long as the other jurisdiction or territory maintains substantially equivalent license requirements for the licensed profession.

CHAPTER 2: ADVISORY RULINGS

STATUTORY AUTHORITY: 5 M.R.S.A., Section 8051

PURPOSE: This chapter consists of the procedure for rendering advisory rulings.

CHAPTER 3: ENFORCEMENT, DISCIPLINARY PROCEDURES AND APPEALS

STATUTORY AUTHORITY: 5 M.R.S.A., Section 8051 *et seq.;*32 M.R.S.A. Section 2417(5)

PURPOSE: This chapter outlines the Board's Complaint Procedures.

ANTICIPATED NEW CHAPTER 4: TELEHEALTH STANDARDS, USES, AND LIMITATIONS:

STATUTORY AUTHORITY: 32 M.R.S.A. §19601-19605

PURPOSE: This chapter establishes standards for the practice of optometry using telehealth in providing optometrist care. The changes will ensure compliance with the new law, update outdated references, and provide clarification as necessary.

ANTICIPATED NEW CHAPTER 5: CODE OF ETHICS:

STATUTORY AUTHORITY: 32 M.R.S.A. § 19402(1)(B)

PURPOSE: This chapter sets forth a new code of ethics applicable to licensed optometrists.