

132nd Maine Legislature  
An Act to Amend the Laws Governing Optometric Practice  
L.D.

## An Act to Amend the Laws Governing Optometric Practice

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

**Sec. 1. 32 MRSA §19101, sub-§11-A** is enacted to read:

**11-A. Hydrocodone combination product.** "Hydrocodone combination product" means a pharmaceutical containing specified doses of hydrocodone in combination with other drugs in specified amounts.

**Sec. 2. 32 MRSA §19101, sub-§24**, as enacted by PL 2023, c. 580, §8, is repealed and the following enacted in its place:

**24. Practice of optometry.** "Practice of optometry" has the same meaning as described in section 19102.

**Sec. 3. 32 MRSA §19102** is enacted to read:

**§19102. Practice of optometry**

The following provisions describe the practice of optometry for the purposes of this chapter.

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Diagnostic and therapeutic pharmaceutical agent" means any prescription or nonprescription drug delivered by any route of administration, which may be used or prescribed for the diagnosis, treatment, prevention or mitigation of abnormal conditions and diseases of the visual system or the human eye and its adnexa, including approved narcotics when used in the treatment of disorders or diseases of the eye and its adnexa.

B. "Ophthalmic surgery" means a procedure upon the human eye and its adnexa in which in vivo tissue is injected, cut, burned, frozen, sutured, vaporized, coagulated or photo disrupted by the use of surgical instrumentation, including, but not limited to, a scalpel, cryoprobe, laser or electric cautery, or by the use of ionizing radiation. "Ophthalmic surgery" does not include any surgical procedures that do not involve the eye or its adnexa.

**2. Practice of optometry.** The practice of optometry is the evaluation, diagnosis, prevention or treatment of diseases, disorders or conditions of the human vision system, eyes and adjacent and associated structures, including, *in addition to all forms of care and treatment currently approved:*

- A. Measuring the powers and range of vision of the human eye using subjective and objective means, including the use of lenses, prisms and automated testing devices, to determine its accommodative and refractive state and general scope of function of human vision;
- B. The adaptation, sale and dispensing of frames and lenses in all their forms to overcome errors of refraction and restore as near as possible normal human vision;
- C. Ordering appropriate diagnostic laboratory or imaging tests for the purpose of prescribing contact lenses for prosthetic or therapeutic purposes, including orthokeratology;
- D. The dispensing of samples to initiate treatment;
- E. The use or prescription of lenses, prisms, vision therapy and vision rehabilitation;
- F. The prescription of diagnostic and therapeutic pharmaceutical agents for ocular disease, by any delivery system necessary, including schedule II narcotic agents limited to hydrocodone combination products and schedule III, IV and V controlled substances as described in 21 United States Code, Section 812;

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- G. The use and prescription of medical devices;
- H. Ophthalmic surgery, except for the performance of the procedures described in subsection 3. The practice of optometry includes the adaptation, sale and dispensing of plano or zero power contact lenses and ordering appropriate diagnostic laboratory or imaging tests to facilitate the provision of contact lenses for cosmetic purposes;
- I. Removal of benign skin lesions of the eyelid;
- J. Kenalog injection for chalazions;
- K. Removal of chalazion benign skintags of the eyelid, independently order biopsy, bloodwork, and other testing;
- L. Independently prescribe oral and topical antihistamines/anti-allergy medications and prescribe medicated contact lenses;
- M. Independently prescribe oral and topical anti-inflammatory, including steroids such as prednisone;
- N. Independently prescribe oral & topical anti-glaucoma medications including oral acetazolamide;
- O. Independently perform therapeutic ultrasound, radiofrequency, and intense pulsed light treatments;
- P. Independently perform corneal collagen crosslinking;
- Q. Independently perform subconjunctival injections;
- R. Perform YAG capsulotomy;
- S. Perform YAG peripheral iridotomy; and
- T. Selective laser trabeculoplasty.

**3. Ophthalmic surgical procedures excluded from practice of optometry.** The following ophthalmic surgery procedures are excluded from the practice of optometry, except for the preoperative and postoperative care for those procedures:

- A. Retina laser procedures;
- B. Penetrating keratoplasty or corneal transplant of any kind;
- C. Surgery performed with general anesthesia, regional anesthesia or monitored anesthesia care or the administration of such anesthesia;
- D. Injection into the vitreous chamber of the eye to treat any retinal or macular disease;
- E. Laser-assisted in situ keratomileusis;
- F. Corneal implants;
- G. Surgery related to removal of the eye from a living human being;
- H. Surgery requiring full thickness incision or excision of the cornea or sclera;
- I. Surgery requiring incision of the iris and ciliary body, including diathermy or cryotherapy;
- J. Vitrectomy;
- K. Retinal surgery;
- L. Surgical extraction of an intraocular or crystalline lens;
- M. Surgical implantation of an intraocular lens;
- N. Incisional or excisional surgery of the extraocular muscles;
- O. Surgery of the eyelid for confirmed malignancies or for incisional cosmetic or incisional mechanical repair;

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P. Surgery of the orbit;

Q. Incisional or excisional surgery of the lacrimal system; and

R. Surgery requiring full thickness conjunctivoplasty, including pterygium or pinguecula excision.

**4. Credentialing requirements for surgical and laser procedures.** A person may not perform ophthalmic surgery or laser procedures unless the person has satisfied the credentialing requirements established by the board.

This section does not prevent a person from doing the mechanical work associated with adapting, fitting, bending, adjusting, providing, replacing or duplicating eyeglasses with ophthalmic lenses.

This chapter may not be construed to limit the ability of an optometrist to use diagnostic or therapeutic instruments using laser, light, radiofrequency or ultrasound technology in the performance of eye care or limit an optometrist's ability to perform ophthalmic surgical procedures other than those surgical procedures excluded under subsection 3 as long as the optometrist has satisfied the appropriate credentialing requirements of the board.

**Sec. 4. 32 MRSA §19103** is enacted to read:

**§19103. Scope of practice**

The following provisions govern the determination of the scope of practice of optometry.

- 1. Rules; board authority.** The board shall adopt rules to further define the scope of practice of optometry as set out in section 19102, and as set out in subsection 19103§(2) and (3).
- 2. *The Board may adopt rules to further expand the scope of optometry as appropriate. Any such rules are major substantive rules.***
- 3. Scope of practice and public health emergencies.** The board, when there is a public health emergency, may authorize an optometrist with a license under section 19304, subsection 2, paragraph A, B or C to administer an inoculation that would not otherwise be permitted within the optometrist's scope of practice under this chapter in order to support systemic public health needs.

**Sec. 5. 32 MRSA §19201-A** is enacted to read:

**§19201-A. Exclusive authority**

The board has exclusive authority to determine what constitutes the practice of optometry as set out in section 19102 and as further defined by the board by rule. This chapter may not be construed to permit any agency, board or other entity of this State other than the board to determine what constitutes the practice of optometry.

The board has sole jurisdiction to exercise any other powers and duties of the board established under this chapter.

**Sec. 6. 32 MRSA §19202, sub-§8,** as enacted by PL 2023, c. 580, §8, is amended to read:

**8. Authority to order a mental or physical examination.** The authority to direct a licensee or license applicant, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination of the board's choice. With respect to a licensee, the board may order that licensee to submit to an examination whenever information is received by the board that would cause the board to reasonably determine that the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that the use is preventing the licensee from practicing optometry competently and safely. A licensee or license applicant examined pursuant to an order of the board may not

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prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of the examining individual in a proceeding under this chapter. The board may petition the District Court for immediate suspension of license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection; ~~and~~

**Sec. 7. 32 MRSA §19202, sub-§9**, as enacted by PL 2023, c. 580, §8, is amended to read:

**9. Report.** The duty to submit to the commissioner, on or before August 1st of each year, the board's annual report of its operations and financial position for the preceding fiscal year ending June 30th, together with comments and recommendations the board considers essential; and

**Sec. 8. 32 MRSA §19202, sub-§10** is enacted to read:

**10. Advisory opinions; declaratory rulings.** The authority to issue advisory opinions and declaratory rulings related to this chapter and any rules adopted pursuant to this chapter.

**Sec. 9. 32 MRSA §19204**, as enacted by PL 2023, c. 580, §8, is amended to read:

**§19204. Rulemaking Rule-making authority**

The board shall adopt rules that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, license renewal and license reinstatement as well as practice setting standards, including scope of practice, that apply to individuals licensed under this chapter. Rules relating to scope of practice are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. All other rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10. 32 MRSA §19304, sub-§2, ¶A**, as enacted by PL 2023, c. 580, §8, is amended by amending subparagraph (1) to read:

(1) An optometrist who holds a therapeutic advanced glaucoma license may dispense drug samples at no charge and may use and prescribe any therapeutic pharmaceutical, for ocular conditions including for the treatment of glaucoma. An optometrist with a therapeutic advanced glaucoma license may prescribe any drug identified in schedules III, IV and V and schedule II narcotic agents limited to hydrocodone combination products as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents.

**Sec. 11. 32 MRSA §19304, sub-§2, ¶A**, as enacted by PL 2023, c. 580, §8, is amended by amending subparagraph (2) to read:

(2) ~~Nothing in this~~ This paragraph may not be construed to permit the optometric use of pharmaceutical agents that are:

(a) Controlled substances identified in schedules I and II as described in 21 United States Code, Section 812, except for schedule II narcotic agents limited to hydrocodone combination products;  
and

~~(b) Administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except injections for the emergency treatment of anaphylactic shock; and~~

(c) For the specific treatment of a systemic disease unless the pharmaceutical agent is used specifically for an ocular disease.

**Sec. 12. 32 MRSA §19312, sub-§2, ¶D**, as enacted by PL 2023, c. 580, §8, is amended to read:

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D. The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that an optometrist may fill a prescription of another optometrist or a physician without a copy of the prescription. Mail order contact lens suppliers must be licensed by and register with the Maine Board of Pharmacy pursuant to ~~Title 32~~, section 13751 and are subject to discipline by that board for violations of that board's rules and the laws governing the board. An individual who fills a contact lens prescription shall maintain a copy of that prescription for a period of ~~5~~ 10 years. A dispensing party other than an optometrist with an optometrist-patient relationship shall forward a copy of the details of a prescription for contact lenses to the optometrist with the optometrist-patient relationship.

**Sec. 13. 32 MRSA §19602**, as enacted by PL 2023, c. 580, §8, is amended to read:

**§19602. Telehealth services permitted**

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this ~~subchapter~~ chapter and in accordance with standards of practice.

**Sec. 14. 32 MRSA §19605**, as enacted by PL 2023, c. 580, §8, is amended to read:

**§19605. Rulemaking**

The board shall adopt rules governing the provision of telehealth services ~~by a person licensed under this chapter~~ in accordance with section 19204. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

**Sec. 15** This statute will take effect on July 1, 2026.

**SUMMARY**

This bill amends provisions of the law governing optometrists.

The bill provides a more detailed explanation of what constitutes the practice of optometry. The definition of "practice of optometry" in current law does not include surgical procedures. Under the bill, certain types of ophthalmic procedures are included in the practice of optometry and certain procedures are specifically excluded. An optometrist may only perform ophthalmic procedures if the optometrist meets credentialing requirements established by the State Board of Optometry. The bill also broadens the authority of an optometrist to dispense drugs by expanding the types of drugs an optometrist may dispense to include schedule II narcotics limited to pharmaceuticals containing specified doses of hydrocodone combined with doses of another drug and by removing language that prohibits an optometrist from administering drugs by injection or intravenously. The bill directs the board to adopt rules to further define the scope of practice of optometry and establish credentialing requirements for surgical procedures. Such rules are major substantive rules.

The bill clarifies that the board, and no other board or commission in the State, has the authority to define the scope of practice of optometry and to exercise the powers of the board. The bill authorizes the board to issue advisory opinions and declaratory rulings.

The bill also makes minor changes to the provisions relating to telehealth services and filling contact lens and spectacle prescriptions.