

## **FINAL AND PROPOSAL**

### **FINAL**

**Maryland Register**

**Issue Date: May 10, 2019**

**Volume 46 • Issue 10 • Page 488**

### **Title 10**

## **MARYLAND DEPARTMENT OF HEALTH**

### **Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY**

#### **Notice of Final Action**

[19-029-F]

On April 18, 2019, the Secretary of Health adopted amendments to:

- (1) Regulations **.02, .04, .05, and .07** under **COMAR 10.28.02 Continuing Education Requirements**; and
- (2) Regulation **.02** under **COMAR 10.28.12 Therapeutic Pharmaceutical Agents**.

This action, which was proposed for adoption in 46:3 Md. R. 131—133 (February 1, 2019), has been adopted as proposed.

**Effective Date: May 20, 2019.**

ROBERT R. NEALL  
Secretary of Health

### **PROPOSAL**

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**Issue Date: February 1, 2019**

**Volume 46 • Issue 3 • Page 131-133**

### **Title 10**

## **MARYLAND DEPARTMENT OF HEALTH**

### **Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY**

#### **Notice of Proposed Action**

[19-029-P]

The Secretary of Health proposes to amend:

- (1) Regulations **.02, .04, .05, and .07** under **COMAR 10.28.02 Continuing Education Requirements**; and
- (2) Regulation **.02** under **COMAR 10.28.12 Therapeutic Pharmaceutical Agents**.

This action was considered by the Board of Examiners in Optometry at a public meeting held on October 23, 2018, notice of which was given by publication on the Board's website at <https://health.maryland.gov/optometry/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to amend:

- (1) And clarify accreditation language;
- (2) Certain continuing education requirements; and
- (3) Therapeutic Pharmaceutical Agent certification requirements.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 4, 2019. A public hearing has not been scheduled.

## **10.28.02 Continuing Education Requirements**

Authority: Health Occupations Article, §§11-205, 11-308(c), and 11-309, Annotated Code of Maryland

### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Accredited" means continuing education activities produced and delivered by:

(a) COPE administrators in compliance with COPE accreditation criteria, standards for commercial support, and policies and procedures; or

(b) Non-COPE administrators in compliance with a program accepted as substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME) accreditation system.

[(1)] (2) "Council on Optometric Practitioner Education (COPE)" means the [committee] program of the Association of Regulatory Boards of Optometry, which [acts as a national clearinghouse for continuing] accredits continuing education courses [of a state-wide, regional, or national scope] and activities accepted as substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME) accreditation system for optometrists.

[(2)] (3) "Credit hour" means [participation in 1 hour of education] the increment of educational instruction time.

[(3)] (4) (text unchanged)

### **.04 Continuing Education Audit Procedure.**

A. At the time of renewal, the Board shall audit [randomly] a minimum of 20 percent of the renewal applications.

B.—C. (text unchanged)

### **.05 Required Credit and Other Course Credit.**

A. Credit for continuing professional education [will] shall be [approved]:

(1) Accredited; or

(2) Approved by the Board solely on whether or not it constitutes improvement, advancement, and extension of one's professional skill and knowledge relating to the practice of optometry.

B. In-Person Trainings.

(1) Except for those identified in §H of this regulation, an optometrist who is issued a license by the Board shall complete a minimum of 10 hours of continuing professional education per renewal cycle by attending in-person trainings conducted in Maryland by an accredited administrator. The in-person trainings may include:

(a) Courses given by:

(i) The Maryland Optometric Association;

(ii) Another Statewide association; or

(iii) A nonprofit organization approved by the Board;

(b) Observation of ophthalmic procedures at sites approved by the Board; or

(c) Other continuing professional education activities given by:

(i) The Maryland Optometric Association;

(ii) Another Statewide association; or

(iii) A nonprofit organization approved by the Board.

(2) If requested pursuant to Regulation .04 of this chapter, an optometrist shall provide to the Board a certificate of attendance or other method of verifying attendance at an event conducted by an accredited event administrator.

(3) In accordance with §A of this regulation, events conducted by an accredited event administrator shall have Board approval.

[B.] C. [Credit] Other than those required in §B of this regulation, credit hours may be approved for the following:

(1) (text unchanged)

(2) Courses, either in-person, online, or both, that have received [COPE approval] accreditation; however, the Board reserves the right to refuse credit when its established criteria are not met;

(3) Courses, either in-person, online, or both, on Practice Management directly related to optometric care, up to a maximum of 4 hours per renewal cycle;

(4) (text unchanged)

(5) Courses, seminars, and lectures prepared and given by Maryland licensed optometrists for which credit will be awarded at the rate of 2 hours for preparation and 1 hour for lecture, up to a maximum of [12] 16 hours per renewal cycle;

(6) (text unchanged)

(7) Courses given in optometric or other professional journals with a post test, or [Internet] *online* courses with a post test, up to a maximum of [20] 30 hours per renewal cycle; however, these courses are subject to approval by the Board;

(8) Observation of ophthalmic procedures at sites approved by the Board, up to a maximum of [6] 8 hours per renewal cycle;

(9) Courses, *either in-person, online, or both*, in optometric ethics, Maryland optometric jurisprudence, or both, as approved by the Board, up to a maximum of 4 hours per renewal cycle;

(10) Pro bono work providing patient eye care as outlined in [§H] §I of this regulation; [and]

(11) Public board meeting attendance as outlined in [§I] §J of this regulation[.];

(12) *Courses, either in-person or online, and certification in cardiopulmonary resuscitation (CPR) up to a maximum of 3 hours per renewal cycle; and*

(13) *Courses in cultural competency, up to a maximum of 4 hours per renewal cycle.*

[C.] D. Credit hours will be allowed on the basis of 50 minutes being equivalent to an hour [for an hour], except for pro bono work. [To receive 1 hour's credit, one shall attend or participate 1 full hour. There shall be no fractional hour credits] *Fractional credit hours are allowed.*

[D.] E.—[F.] G. (text unchanged)

[G.] H. The Board [shall] *may* waive continuing education requirements for, *but not limited to*, licensees who:

(1)—(2) (text unchanged)

[H.] I.—[I.] J. (text unchanged)

#### **.07 Change of Annual Requirements of Number of Hours.**

The Board [of Examiners], by majority [voice] *vote*, may change the number of required hours of continuing education, [not to exceed 50 hours every 2 years] *subject to the requirements in Health Occupations Article, §11-309, Annotated Code of Maryland.* [Each] An optometrist shall be notified of any change at the time of the renewal of the optometrist's license. The change is effective for the year following that renewal.

## **10.28.12 Therapeutic Pharmaceutical Agents**

Authority: Health Occupations Article, §§11-101, 11-205, and 11-404, Annotated Code of Maryland

#### **.02 Requirements for Certification.**

A. Except for an optometrist who qualifies under §B or C of this regulation, the Board shall certify an optometrist licensed to practice in Maryland as qualified to use TPAs if the licensed optometrist submits to the Board evidence satisfactory to the Board that the optometrist:

(1) Has successfully completed at least 110 hours of Board-approved TPA [continuing] education [within 3 years] before applying for certification to use TPAs;

(2)—(3) (text unchanged)

(4) Has successfully completed [a] 8 hours of Board-approved [8-hour course] *and accredited courses* in the management of topical steroids, *which includes anterior segmentpharmacological treatment.*

B. (text unchanged)

C. If an optometrist who has graduated on or after July 1, 2005, from an accredited school of optometry recognized by the Board, is not certified within 3 years of graduation, the Board shall certify the optometrist to use TPAs if the optometrist:

(1) Has successfully completed at least 110 hours of Board-approved TPA [continuing] education [within 3 years] before applying for certification to use TPAs;

(2) Has successfully passed a pharmacology exam under [§A] §A(2) of this regulation; and

(3) (text unchanged)

D. *The Board may consider pharmacology courses that an optometrist successfully completed during a course of study at an accredited school of optometry recognized by the Board when calculating the 110 hours of Board-approved TPA education required under §§A(1) and C(1) of this regulation. If accepted by the Board, then each:*

(1) *Semester credit hour will equal 15 hours of TPA education; and*

(2) *Quarter credit hour will equal 10 hours of TPA education.*

[D.] E. (text unchanged)

ROBERT R. NEALL  
Secretary of Health