

**Title 10**  
**Maryland Department of Health**  
**Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY**  
**Chapter 02 Continuing Education Requirements**

**.01 Scope.**

This regulation governs all optometrists licensed to practice in the State of Maryland.

**.02 Definition**

A. In this chapter, the following terms have the meanings indicated.

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.

(2) "Council on Optometric Practitioner Education (COPE)" means the program of the Association of Regulatory Boards of Optometry, which accredits continuing education courses and activities accepted as substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME) accreditation system for optometrists.

(3) "Credit hour" means the increment of educational instruction time.

(4) "Pro bono work" means work provided in Maryland within the scope of practice of the licensee without financial reimbursement or direct financial gain.

**.03 Registration Renewal**

A. A licensee shall submit a signed form attesting to the licensee's completion of the required credit hours at the time of license renewal.

B. A licensee shall retain supporting documents for inspection by the Board for 4 years after the date of renewal.

C. If a licensee submits the renewal form after the deadline, the Board shall:

(1) Assess a late fee; and

(2) Audit the licensee.

D. Failure to meet continuing education requirements or failure to substantiate credit hours submitted upon request of the Board may result in suspension, revocation, or denial of licensure.

**.04 Continuing Education Audit Procedure**

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

B. The Board shall send notification of audit to licensees to be audited.

C. The licensee being audited shall submit to the Board, within 60 days, a report of the continuing education hours required for renewal on a form approved by the Board, along with the appropriate documentation.

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

A. Credit for continuing professional education shall be:

- (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.

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

(1) Scheduled post-graduate or continuing education courses given by schools or colleges of optometry which have been approved by the Board;

(2) Courses, either in-person, online, or both, that have received 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) Courses given by local optometric societies or health-related sponsors, or both, upon prior approval by the Board.

(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 16 hours per renewal cycle;

(6) Published papers in professional journals, papers approved for publication, or papers that have been peer-reviewed for which credit will be awarded at 2 hours per paper, up to a maximum of 12 hours per renewal cycle;

(7) Courses given in optometric or other professional journals with a post test, or online courses with a post test, up to a maximum of 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 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 §I of this regulation;

- (11) Public board meeting attendance as outlined in §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.

D. Credit hours will be allowed on the basis of 50 minutes being equivalent to an hour, except for pro bono work. Fractional credit hours are allowed.

E. Credit may not be allowed when a specific product, technique, procedure, or company is promoted or promulgated for the economic benefit of a particular person, company, group, etc.

F. Unless there are extenuating circumstances, credit is allowed only in and for the license year in which the course was actually attended.

G. The determination of whether or not a course meets these standards shall be entirely within the Board's province. The Board shall also determine whether or not credit for an entire course, or any lesser number of hours, may be granted.

- H. The Board may waive continuing education requirements for, but not limited to, licensees who:
- (1) Have applied for licensure within 1 year of graduation from an accredited school or college of optometry; and
  - (2) Are renewing their license for the first time.

I. Pro Bono Work.

(1) Pro bono work shall earn 1 credit hour for each 3 hours of approved continuing education activity, up to a maximum of 6 credit hours per renewal cycle.

(2) The licensee shall provide to the Board a written application for approval of pro bono work. The application shall include:

- (a) The place where the pro bono will be provided;
  - (b) The type of work to be provided;
  - (c) The number of hours of actual work provided for which the licensee desires credit hours; and
  - (d) A statement guaranteeing that the work provided no financial benefit to the licensee.
- (3) Upon completion of the work, the licensee shall obtain from the facility evidence of completion of pro bono hours.

(4) Credit hours for pro bono work are in the general category.

J. Public Board Meeting Attendance.

(1) Licensees may receive 2 credit hours for attending in its entirety an open session meeting of the Board of Examiners in Optometry.

(2) The Board shall issue to the licensee a certificate of proof of attendance.

(3) A licensee may not earn more than 4 credit hours in this area per renewal cycle.

**06. Proof of Education**

A. Each optometrist is responsible for obtaining proof of hour credits and maintaining this documentation for inspection by the Board for 4 years after the date of renewal.

B. To obtain credit, one's participation shall be attested to in writing by someone in charge of the program.

C. Failure to do so shall be grounds for nonrenewal of the license.

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

The Board, by majority vote, may change the number of required hours of continuing education, subject to the requirements in Health Occupations Article, §11-309, Annotated Code of Maryland. 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.

## **08. Severability**

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, this invalidity may not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are declared severable.

## **Administrative History**

*Effective date: September 9, 1974*

Regulation .04 amended effective June 6, 1983 (10:11 Md. R. 975)

Regulation .04F adopted effective December 3, 1984 (11:24 Md. R. 2069)

-----

Chapter revised effective April 8, 1996 (23:7 Md. R. 552)

Regulation .02 amended effective October 19, 2009 (36:21 Md. R. 1591)

Regulation .02B amended effective May 20, 2019 (46:10 Md. R. 488)

Regulation .04 amended effective October 19, 2009 (36:21 Md. R. 1591)

Regulation .04A amended effective May 20, 2019 (46:10 Md. R. 488)

October 1, 2012 (39:19 Md. R. 1237); May 20, 2019 (46:10 Md. R. 488)

Regulation .05 amended effective March 26, 2007 (34:6 Md. R. 627); October 19, 2009 (36:21 Md. R. 1591);

Regulation .05B amended effective April 16, 2012 (39:7 Md. R. 493)

Regulation .05J adopted effective April 16, 2012 (39:7 Md. R. 493)

Regulation .06B, C amended effective October 19, 2009 (36:21 Md. R. 1591)

Regulation .07 amended effective May 20, 2019 (46:10 Md. R. 488)

**Title 10**  
**Maryland Department of Health**  
**Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY**  
**Chapter 12 Therapeutic Pharmaceutical Agents**

*Authority: Health Occupations Article, §§11-101, 11-205, 11-302-11-309, 11-401.1, 11-404, and 11-404.1, Annotated Code of Maryland*

**.01 Definitions**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Adverse drug reaction" means a physical or psychological reaction experienced by a patient which:

- (a) Results from the administration of diagnostic or therapeutic pharmaceutical agents;
- (b) Poses a threat to the health of the patient; and
- (c) Requires treatment or medical intervention.

(2) "Adverse reaction" means the unintended or unexpected effect of treatment on a patient caused by or resulting from:

- (a) An adverse drug reaction; or
- (b) The removal of a superficial foreign body from the eye.

(3) "Board" means the Board of Examiners in Optometry:

(4) "Comanagement plan" means the formal, written individualized treatment plan signed and agreed to by an ophthalmologist and an optometrist with TPA certification for the treatment and management of primary open angle glaucoma.

(5) "Diagnostic pharmaceutical agent (DPA)" means a medication which directly or indirectly affects the pupil of the eye or the sensitivity of the cornea as defined in COMAR 10.28.11.

(6) "Ophthalmologist" means a physician:

- (a) Who practices in the specialty of ophthalmology and who is licensed by the Maryland Board of Physicians;
- (b) Licensed in an adjoining state who practices the specialty of ophthalmology

and meets the following requirements:

- (i) The physician's participation in the comanagement plan has been requested by a Maryland TPA-certified optometrist and a justification for the request has been submitted to the Board, and
- (ii) The Board concludes that the physician's participation is permitted by State law and no other means of meeting patient care needs is reasonably available.

(7) "Primary open angle glaucoma" means glaucomatous changes characterized by:

- (a) Adult onset;
- (b) The presence of open, normal appearing angles as demonstrated by gonioscopy, and not otherwise explained; and
- (c) One or more of the following:

(i) The appearance of optic disc damage or optic nerve fiber layer damage as evidenced by the size or shape of the optic disc cup, thinning or notching of the optic disc rim, progressive changes in the appearance of the optic disc cup, optic disc hemorrhage, or nerve fiber layer defects,

(ii) The presence of abnormalities in the visual field including arcuate defect, nasal step, paracentral scotoma, or general depression, in the absence of other causes or explanations for a visual field defect,

(iii) Intraocular pressure repeatably above 21mm Hg (by Goldmann applanation or its equivalent) at some course during observation which is thought to pose a threat to the health of the optic nerve.

(8) "Quality assurance program" means the process which includes peer review, record review, self-assessment, and data collection.

(9) "Secretary" means the Secretary of Health.

(10) "Therapeutic pharmaceutical agent (TPA)" means a medication used for the treatment of a disease or condition of the eye as specified in Health Occupations Article, §11-404.2, Annotated Code of Maryland.

(11) "Therapeutically certified optometrist" means a licensed optometrist who has fulfilled the requirements of the Board and is certified by the Board to use therapeutic pharmaceutical agents in the practice of optometry and provides therapeutic services to patients in Maryland.

(12) "TPA record" means the optometrist's documentation of a patient's visit, the result of which involved the prescribing of medication or the performance of a procedure for treatment of a medical eye condition by a therapeutically certified optometrist.

(13) "Universal precautions" has the meaning stated in COMAR 10.06.01.02B(10).

## **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 education before applying for certification to use TPAs;

(2) Has successfully passed the National Board of Examiners in Optometry's (NBOE) Treatment and Management of Ocular Disease (TMOD) Examination;

(3) Is currently certified by the Board to administer topical ocular DPAs; and

(4) Has successfully completed 8 hours of Board-approved and accredited courses in the management of topical steroids, which includes anterior segment pharmacological treatment.

B. The Board shall certify an optometrist who has graduated from an accredited school of optometry within 3 years before applying for certification to use TPAs if the optometrist:

(1) Submits proof of current certification in cardiopulmonary resuscitation (CPR) to the Board; and

(2) Completes the process to become certified to use TPAs within 3 years of the date of graduation from an accredited school of optometry.

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 education before applying for certification to use TPAs;

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

(3) Submits proof of current certification in cardiopulmonary resuscitation (CPR) to the Board.

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.

E. The credit hours taken for initial certification in TPAs may be included as part of the hours of continuing education required for biennial license renewal.

.03-07 Text Unchanged

## Administrative History

### *Effective date:*

*Regulations .01—.08 adopted as an emergency provision effective May 17, 1996 (23:12 Md. R. 867); adopted permanently effective October 21, 1996 (23:21 Md. R. 1467)*

*Regulation .01B amended effective October 19, 2009 (36:21 Md. R. 1591)*

*Regulations .02 amended as an emergency provision effective December 7, 2001 (28:26 Md. R. 2270); amended permanently effective March 4, 2002 (29:4 Md. R. 417)*

*Regulation .02 amended effective October 19, 2009 (36:21 Md. R. 1591); May 20, 2019 (46:10 Md. R. 488)*

*Regulations .06 amended effective October 15, 2001 (28:20 Md. R. 1783)*

*Regulation .06A, C amended effective October 19, 2009 (36:21 Md. R. 1591)*

*Regulations .08 repealed effective October 15, 2001 (28:20 Md. R. 1783)*

# Scope Expansion Language 2019

## §11-404.

(a) Unless certified under this section, a licensed optometrist may not administer a topical ocular diagnostic pharmaceutical agent to a patient.

(b) The Board shall certify a licensed optometrist as qualified to administer topical ocular diagnostic pharmaceutical agents if the licensed optometrist submits to the Board evidence satisfactory to the Board that the licensed optometrist:

(1) Meets the educational requirements that the Board establishes for certification of qualification to administer topical ocular diagnostic pharmaceutical agents; and

(2) Has within 7 years before certification completed a course in pharmacology that meets the requirements of subsection (c) of this section.

(c) The course in pharmacology required by subsection (b) of this section shall:

(1) Be of at least the length that the Board establishes but not less than 70 course hours;

(2) Place emphasis on:

(i) Topical application of ocular diagnostic pharmaceutical agents for the purpose of examining and analyzing ocular functions; and

(ii) Allergic reactions to ocular diagnostic pharmaceutical agents; and

(3) Be given by an institution that is:

(i) Accredited by a regional or professional accrediting organization that is recognized or approved by the United States Commissioner of Education; and

(ii) Approved by the Board.

(d) The Board shall revoke the certification of qualification to administer topical ocular diagnostic pharmaceutical agents of any licensed optometrist who does not annually take a course of study, approved by the Board, that relates to the use of those agents.

(e) Certification of qualification under this section authorizes the licensed optometrist who is certified under this section to administer a topical ocular diagnostic pharmaceutical agent to a patient for diagnostic purposes but not for purposes of treatment.

(f) Except as expressly authorized under this section for diagnostic purposes or under § 11-404.1 of this subtitle for therapeutic purposes, an optometrist may not administer drugs or medicine to any patient.

(g) The Department shall collect and report statistical information on the incidences of negative reactions to the administration by optometrists of topical ocular diagnostic pharmaceutical agents.

## §11-404.1.

(a) Unless certified under this section, 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.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board shall certify a licensed optometrist as a therapeutically certified optometrist if the licensed optometrist submits to the Board evidence satisfactory to the Board that the licensed optometrist:

(i) Has successfully completed at least 110 hours of a therapeutic pharmaceutical agents course approved by the Board;

(ii) Has successfully passed a pharmacology examination relating to the treatment and management of ocular disease, which is prepared, administered, and graded by the National Board of Examiners in Optometry or any other nationally recognized optometric organization as approved by the Secretary;

(iii) Is currently certified by the Board to administer topical ocular diagnostic pharmaceutical agents under § 11-404 of this subtitle; and

(iv) Has successfully completed an 8-hour course in the management of topical steroids approved by the Board.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an optometrist who has graduated on or after July 1, 2005 from an accredited school of optometry recognized by the Board is not subject to the requirements of paragraph (1) of this subsection.

(ii) 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 under this section within 3 years of graduation, the optometrist shall successfully complete a therapeutic pharmaceutical agents course and successfully pass a pharmacology exam under paragraph (1) of this subsection before the Board may certify the optometrist.

#### **§11-404.2. IN EFFECT**

(a) In this section, "refer" means that a therapeutically certified optometrist:

(1) Informs the patient that the patient should see an ophthalmologist and give the ophthalmologist an opportunity to physically examine the patient; and

(2) Refrains from rendering further treatment for the specific condition that is the basis for the referral until the patient has been physically examined by an ophthalmologist.

(b) (1) A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents limited to:

(i) Ocular antihistamines, decongestants, and combinations thereof;

(ii) Ocular antiallergy pharmaceutical agents;

(iii) Ocular antibiotics and combinations of ocular antibiotics, excluding specially formulated or fortified antibiotics;

(iv) Anti-inflammatory agents;

(v) Ocular lubricants and artificial tears;

(vi) Tropicamide;

- (vii) Homatropine;
- (viii) Nonprescription drugs that are commercially available; and
- (ix) Primary open-angle glaucoma medications, in accordance with subsection (c) of this section.

(2) Except as provided in paragraph (4) of this subsection, if a therapeutically certified optometrist administers or prescribes a topical therapeutic pharmaceutical agent listed in paragraph (1)(i) through (vii) of this subsection, and the patient does not have the expected response within 72 hours:

- (i) The therapeutically certified optometrist shall consult with an ophthalmologist; and
- (ii) The ophthalmologist may determine that the ophthalmologist needs to physically examine the patient.

(3) Except as provided in paragraph (4) of this subsection, if a therapeutically certified optometrist administers or prescribes a topical therapeutic pharmaceutical agent under paragraph (2) of this subsection, the therapeutically certified optometrist shall communicate with the patient to determine the response of the patient to the therapeutic pharmaceutical agent as soon as practicable after 72 hours of the time the agent was administered or prescribed.

(4) A therapeutically certified optometrist may administer or prescribe topical steroids in accordance with a practice protocol established by the Board.

(5) A therapeutically certified optometrist may not administer or prescribe:

- (i) Antiviral agents;
- (ii) Antifungal agents;
- (iii) Antimetabolite agents; or
- (iv) Antiparasitic agents.

(6) A therapeutically certified optometrist may dispense a topical therapeutic pharmaceutical agent listed in paragraph (1) of this subsection only if:

- (i) No charge is imposed for the therapeutic pharmaceutical agent or for dispensing the agent; and
- (ii) The amount dispensed does not exceed a 72-hour supply, except that if the minimum available quantity for dispensing is greater than a 72-hour supply, the minimum available quantity may be dispensed.

(c) (1) A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents for glaucoma only:

- (i) For patients with primary open-angle glaucoma;
- (ii) After the optometrist refers the patient to an ophthalmologist; and
- (iii) After the ophthalmologist and optometrist jointly and promptly develop a written individualized treatment plan that is signed by the ophthalmologist and optometrist and includes:
  - 1. All tests and examinations that led to the diagnosis;
  - 2. An initial schedule of all tests and examinations necessary to treat the patient's condition;

3. A medication plan;
4. A target intraocular pressure; and
5. Criteria for surgical intervention by the ophthalmologist.

(2) (i) A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification.

(ii) Each modification shall be noted in the optometric record of the patient.

(3) A therapeutically certified optometrist who treats a patient with primary open-angle glaucoma in accordance with this section:

(i) Shall refer the patient to an ophthalmologist at least once a year after the initial mandatory referral under paragraph (1) of this subsection;

(ii) May continue to render treatment under the joint treatment plan until the patient is examined by an ophthalmologist;

(iii) Shall consult with an ophthalmologist if:

1. The patient does not have the expected response to treatment;
2. The target intraocular pressure is not reached; or
3. There is worsening in a patient's visual field or optic nerve head; and

(iv) May perform and evaluate visual field tests, nerve fiber layer photos, and optic disc photos. The tests or photos shall be provided to an ophthalmologist for review by the ophthalmologist.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a therapeutically certified optometrist may not administer or prescribe any oral pharmaceutical agent for any purpose.

(2) (i) A therapeutically certified optometrist may administer and prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of meibomitis and seborrheic blepharitis.

(ii) If a therapeutically certified optometrist administers or prescribes oral tetracycline or its derivatives to a patient in accordance with subparagraph (i) of this paragraph and the patient does not improve within 3 weeks of treatment, the optometrist shall refer the patient to an ophthalmologist.

(3) A therapeutically certified optometrist may administer or prescribe nonprescription drugs that are commercially available.

(e) (1) Except as provided in paragraph (2) of this subsection, a therapeutically certified optometrist may not perform any procedure on the eyelid of a patient.

(2) A therapeutically certified optometrist may epilate with forceps an eyelash from the eyelid, adnexa, or lacrimal system of a patient.

(f) A therapeutically certified optometrist may remove superficial foreign bodies from the human eye only if:

- (1) The foreign body may be removed with a cotton-tipped applicator or blunt spatula; and

(2) The foreign body has not penetrated beyond the bowman's membrane of the cornea and is not within 2.5 millimeters of the visual axis.

(g) (1) Except as provided in paragraph (2) of this subsection, a therapeutically certified optometrist may not order laboratory tests for a patient.

(2) A therapeutically certified optometrist may order a conjunctival culture.

(h) A therapeutically certified optometrist may not provide any therapeutic treatment listed in this section for a child under the age of 1 year.

(i) Unless the standard of care requires an earlier referral, if a therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient does not have the expected response within 48 hours, the optometrist immediately shall refer the patient to an ophthalmologist.

(j) A therapeutically certified optometrist shall be held to the same standard of care as an ophthalmologist who is licensed under Title 14 of this article and who is providing similar services.

**§11-404.2. \*\* TAKES EFFECT MARCH 1, 2020 PER CHAPTER 344 OF 2019 \*\***

(a) (1) Except as provided in this subsection and in subsection (d) of this section for the treatment of open-angle glaucoma, a therapeutically certified optometrist may administer and prescribe therapeutic pharmaceutical agents for the prevention, management, or treatment of conditions and diseases of the eye and ocular adnexa.

(2) (i) A therapeutically certified optometrist may not administer or prescribe:

1. Controlled dangerous substances;
2. Except as provided in subparagraph (ii) of this paragraph, nontopical systemic immunosuppressive and immunomodulatory agents;
3. Oral antifungal agents; or
4. Oral and topical antimetabolite agents.

(ii) A therapeutically certified optometrist may administer or prescribe oral corticosteroids for not more than 1 month unless the therapeutically certified optometrist consults with a physician.

(3) A therapeutically certified optometrist may not administer or prescribe pharmaceutical agents that are:

- (i) Delivered intravenously;
- (ii) Given by injection, except a therapeutically certified optometrist may give an injection of epinephrine in the appropriate dose for the treatment of acute anaphylaxis or emergency resuscitation;
- (iii) Given or delivered by a sustained delivery device, except for punctal plugs, contact lenses, or other extraocular devices that release medication into the tear film; or
- (iv) For the treatment of a systemic disease unless specific to the treatment of an ocular condition or disease.

(b) (1) Except as provided in paragraph (2) of this subsection, a therapeutically certified optometrist may not administer or prescribe any oral pharmaceutical agent to a patient under the age of 18 years.

(2) (i) After a therapeutically certified optometrist consults with a physician, the therapeutically certified optometrist may prescribe and administer oral antibiotics to a minor who is at least 16 years old and under the age of 18 years.

(ii) A therapeutically certified optometrist shall provide the physician consulted in accordance with subparagraph (i) of this paragraph with a written report.

(c) (1) A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents for glaucoma only for a patient who:

(i) Is at least 18 years old; and

(ii) Has open-angle glaucoma.

(2) (i) A therapeutically certified optometrist who treats a patient with open-angle glaucoma in accordance with this section shall refer the patient to an ophthalmologist for an examination within 3 months after the initial diagnosis or presentation to the therapeutically certified optometrist unless the intraocular pressure has been reduced 20% or more from the initial pressure.

(ii) A therapeutically certified optometrist who treats a patient with open-angle glaucoma in accordance with this section shall refer the patient to an ophthalmologist for an examination within 12 months after the initial diagnosis or presentation to the therapeutically certified optometrist unless clinical stability has been documented by visual field or imaging of the optic nerve structure.

(3) For a patient on glaucoma medications at the time of presentation to a therapeutically certified optometrist, if the therapeutically certified optometrist is unable to confirm either the date of initial open-angle glaucoma diagnosis or the intraocular pressure at the time the patient was initially diagnosed, the therapeutically certified optometrist may render treatment to a patient with open-angle glaucoma without referring the patient to an ophthalmologist if:

(i) The intraocular pressure of the patient remains stable; and

(ii) Clinical stability is documented by visual field or imaging of the optic nerve structure within 12 months after the patient is first examined by the optometrist.

(4) (i) For a patient who is at least 18 years old, a therapeutically certified optometrist may only administer or prescribe oral glaucoma medications for up to 24 hours after the patient presents in the office with uncontrolled intraocular pressure.

(ii) A therapeutically certified optometrist who administers or prescribes oral glaucoma medications under subparagraph (i) of this paragraph shall immediately consult with an ophthalmologist and refer the patient to an ophthalmologist.

(d) A therapeutically certified optometrist may remove superficial conjunctival or corneal foreign bodies from the human eye only if:

(1) The foreign body:

(i) Has not penetrated beyond the Bowman's membrane of the cornea and is within 2.5 millimeters of the visual axis of the cornea; or

(ii) Is peripheral and anterior to the mid-stroma; and

(2) Removal will not require permanent alteration of tissue.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, a therapeutically certified optometrist may not order any laboratory tests, genetic tests, extraocular imaging, or other testing for a patient.

(2) (i) A therapeutically certified optometrist may order:

1. A conjunctival or corneal culture; or
2. After consulting with a physician, a nongenetic blood test.

(ii) A therapeutically certified optometrist who orders nongenetic blood tests shall send the written results to the physician consulted in accordance with subparagraph (i)2 of this paragraph.

(3) A therapeutically certified optometrist may order and perform in-office, noninvasive, nonradiographic imaging.

(f) A therapeutically certified optometrist may not provide any therapeutic treatment listed in this section for a child under the age of 1 year.

(g) Unless the standard of care requires an earlier referral, if a therapeutically certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient does not have the expected response within 48 hours, the optometrist immediately shall refer the patient to an ophthalmologist.

(h) A therapeutically certified optometrist shall be:

(1) Held to the same standard of care as an ophthalmologist who is licensed under Title 14 of this article and who is providing similar services; and

(2) Required to comply with the notice requirement under § 14-508 of this article.

### **§11-404.3. IN EFFECT**

(a) The Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons shall recommend to the Secretary quality assurance guidelines for therapeutically certified optometrists and optometric care.

(b) (1) After considering the recommendations of the Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons, the Secretary shall adopt regulations that establish:

(i) Standards of quality for therapeutically certified optometrists and optometric care;

(ii) An ongoing quality assurance program that includes the monitoring and study of the joint management of primary open-angle glaucoma patients under § 11-404.2(c) of this subtitle;

(iii) A program to evaluate the cost of optometric care; and

(iv) A plan to monitor complaint investigation.

(2) The regulations shall require the Board to:

(i) Conduct a continuing study and investigation of therapeutically certified optometrists to ensure the quality of care they provide; and

(ii) Report to the Secretary, as the Secretary requires, on the results of the Board's study and investigation.

(3) The Board's study and investigation shall include:

(i) A peer review program; and

(ii) A review of patient optometric records that includes the collection and evaluation of data on the drugs being prescribed and administered and the appropriateness of treatment by therapeutically certified optometrists.

**§11-404.3. \*\* TAKES EFFECT MARCH 1, 2020 PER CHAPTER 344 OF 2019 \*\***

(a) The Board shall recommend to the Secretary quality assurance guidelines for therapeutically certified optometrists and optometric care.

(b) After considering the recommendations of the Board, the Secretary shall adopt regulations that establish standards of quality for therapeutically certified optometrists and optometric care.

**§11-503. IN EFFECT**

**\*\* IN EFFECT UNTIL MARCH 1, 2020 PER CHAPTER 344 OF 2019 \*\***

An optometrist practicing in the State may not:

(1) Use surgical lasers;

(2) Perform any surgery, including cataract surgery or cryosurgery;

(3) Perform a radial keratotomy;

(4) Give an injection, except that an optometrist may give an injection of epinephrine in the appropriate dose for the treatment of acute anaphylaxis or emergency resuscitation; or

(5) Except as provided under this title, dispense a therapeutic pharmaceutical agent to any person.