

Maine Board of Optometry Report 2019

A. Enabling or authorizing law

The Maine Optometry Law 1996 - Chapter 34-A subchapter 1-5

B. Programs Administered

- Licensing of Optometrists
- Set state standards for optometric practice by rule
- To conduct state optometric licensing examinations according to standards set out in statute
- To investigate complaints about statute violations
- To pursue disciplinary actions in accordance with the requirements of the Administrative Procedure Act

C. Composition of Board

The Board consists of six members. Five members, who are resident optometrists that have been engaged in the practice of optometry in the state of Maine for at least five years before appointment and hold a therapeutic license. One member is a "consumer member" who has no financial interest in optometry or optometry related business. Terms of service are for five years. Vacancies are filled by Gubernatorial appointment as they arise. Board members elect a President, Complaint Officer and a Continuing Education Officer annually. Members are compensated for service at a rate of \$35 per day plus expenses. Primary responsibilities of the President are to act as administrator for all Board activities. The Office Specialist II shall account for all fees/charges/expenses and keep a full record of the proceedings of the Board. These proceedings must be open to public inspection at all reasonable times. (32 M.R.S.A. § 2416) Names and term information of current Board members are listed in Appendix A.

D. Compliance with Health and Safety Laws

Both state and federal health and safety laws govern optometrists in this state.

E. Financial Summary

In General, the Board operates exclusively with the funds raised through license fee receipts. No General Fund monies are appropriated for Board activities. (See chart below)

PROGRAM: **STATE BOARD OF OPTOMETRY (0385)**

FUNDING SOURCE: **Dedicated Revenue**

	FISCAL YEAR	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
ALLOCATED	PERSONAL SERVICES	\$47,479	\$48,480	\$47,666	\$45,071	\$40,161	\$42,731	\$46,771	\$46,793	\$48,313	\$48,783
	ALL OTHER	\$19,052	\$17,474	\$14,637	\$17,437	\$21,669	\$26,861	\$28,208	\$28,127	\$34,419	\$34,413
	TOTAL	\$66,531	\$65,954	\$62,303	\$62,508	\$61,830	\$69,592	\$74,979	\$74,920	\$82,732	\$83,196
EXPENDED	PERSONAL SERVICES	\$45,488	\$45,577	\$46,916	\$36,862	\$39,031	\$41,291	\$45,474	\$46,208	\$47,328	\$48,367
	ALL OTHER	\$15,929	\$10,479	\$12,633	\$14,709	\$21,153	\$26,498	\$22,495	\$27,538	\$23,978	\$21,775
	TOTAL	\$61,417	\$56,057	\$59,549	\$51,570	\$60,184	\$67,788	\$67,970	\$73,746	\$71,306	\$70,142

**Allocated includes funds allotted by Financial Order*

F. Regulatory Agenda

1. Licensing Activity

The Board, through its licensing power, regulates optometrists practicing in the state of Maine. There are five licensing levels, depending on when the first license to practice in Maine was issued, and whether the licensee had pursued an advanced license.

Optometrist: before 1971 no diagnostic or therapeutic privileges

Diagnostic Drug License: between 1971 and 1987

Therapeutic Drug License: between 1987 and 1993

Advanced Therapeutic License: after 1993

Advanced Therapeutic License with Glaucoma Authority: granted when all requirements of 32 M.R.S.A. § 2430-A have been met.

Every applicant to the Board for Optometric licensure must pass all parts of the National Board of Examiners in Optometry, as well as an exam administered by the state Board of Optometry. (32 M.R.S.A. § 2422)

The prior levels of licenses are still in force for those Optometrists that have not sought advanced licensure, but lower levels of licensure are not granted for new applicants. Therefore, the Board maintains five levels of licensure. They are divided as follows:

Basic - 0

Diagnostic Drug license - 2

Therapeutic Drug license - 9

Advanced Therapeutic Drug license - 37

Advanced Therapeutic Drug License with Glaucoma Authority – 198

2. License Examinations

The Board administers examination by appointment for all applicants wishing to practice optometry in this state. Interested parties may find the application license information on the Board website.

Number of new licenses issued:

2010: 6	2015: 11
2011: 4	2016: 13
2012: 11	2017: 12
2013: 13	2018: 9
2014: 10	2019: 17

A person may not practice optometry in this state without passing examination by the Board.

3. Lawful Practice

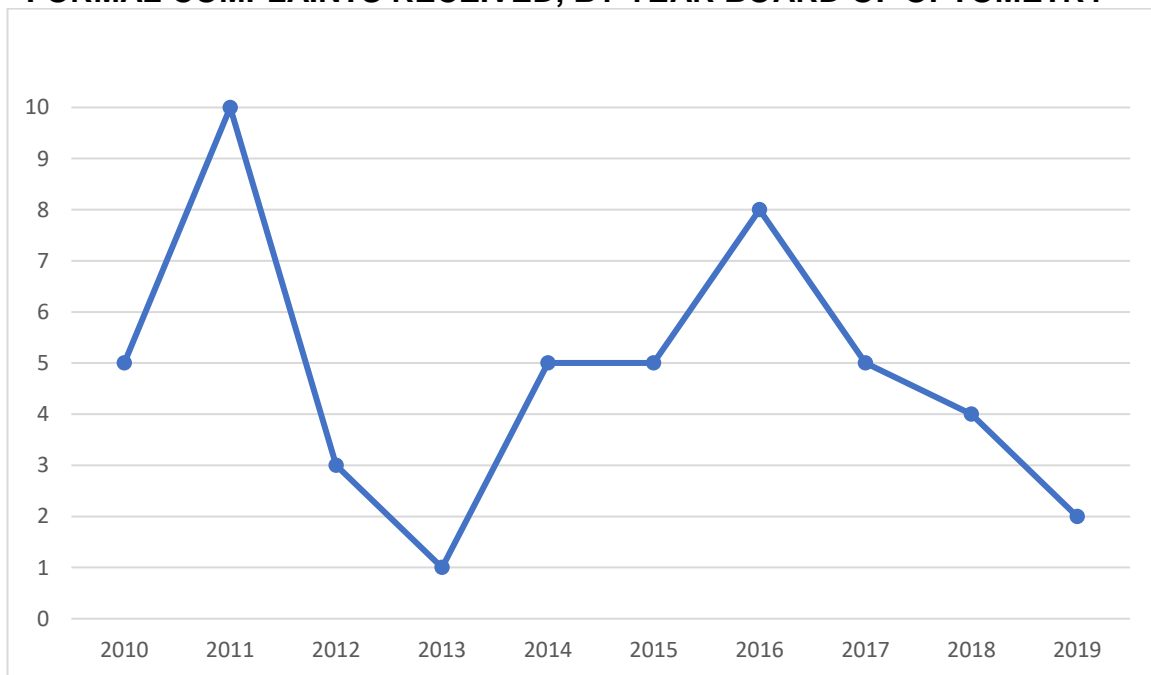
By statute (32 M.R.S.A. § 2411) the Board regulates the conduct of lawful practice of Optometry, in accordance with standards set forth in law: sets the fees for “Application and Licensing” within limits set forth in law; and decides the time, place and manner of conducting state board examinations on optometry.

The Board is empowered to hold adjudicatory hearings and make findings concerning violations of the licensing law, take certain disciplinary actions; including revocation of Optometrist’s license (10 M.R.S.A. § 8003 (5)); and make rules and regulations necessary to its performance. (See Complaint Procedure in Appendix B)

4. Complaint Process and Resolution, since 2010 = 48

Resolution: 41 (dismissed); 3 (letter of guidance); 2 (fines) and 2 (consent agreements)

FORMAL COMPLAINTS RECEIVED, BY YEAR BOARD OF OPTOMETRY



Board Rulemaking Activity:

2019 – 2020 Chapter 1
EXAMINATION; APPROVED SCHOOLS; LICENSE RENEWAL; FEES;
CONTINUING EDUCATION
STATUTORY AUTHORITY: 34-A M.R.S.A. §2423 (1) AND (4)

PROPOSED BILL TITLE: 2019-2020 An Act to update the Maine Board of Optometry Laws

DESCRIPTION OF BILL: This bill is a technical/housekeeping proposal that will allow the Maine State Board of Optometry to update grammar, language, organization, and clean up the law.

The proposed statute provides for a more organized framework that identifies 5 subchapters: 1. General Provisions; 2. Board of Optometry Powers and Duties; 3. Licensure Requirements; 4. Investigations and Disciplinary Actions; 5. Unauthorized Practice. This reduces the duplicative language that appears in various subchapters and sections of the current statute.

G. Coordination with other State and Federal Agencies

Members of the Board attend, when feasible, the American Regulatory Board of Optometry where state Boards are invited to meet to discuss national and regional issues. Foremost topics include illegal Kiosk and telemedicine.

H. Constituencies Served

The population of the state of Maine who seeks out optometric care.

I. Alternative Delivery Systems

The Board has made extensive and effective use of newer information technologies. Available is a website, from which the public can access information regarding Board members, Maine Law and Rules, Agenda, Meeting minutes, find a licensee feature, complaint, renewal and application process and forms.

The Maine Board of Optometry website is a multi-purpose public information tool that not only allows licensees to serve themselves by submitting initial license applications and renewing their licenses, but it also allows licensees and the public to check the license status of a professional, obtain disciplinary information about the licensee, and download relevant statutes and rules. Public licensing information can be accessed online at www.main.gov/professionallicensing. The licensing process has been streamlined. An applicant whose application is approved receives an e-mail notification that the license has been activated in the Agency Licensing Management System (ALMS). The licensee may then print the license, thus avoiding any delay traditionally associated with the printing and mailing of a license.

J. Emerging Issues

- Telemedicine – Is a national issue with respect to patients seeking care or consultation across state lines. The Board keeps informed about this new technology, but it has not impacted us at this time.
- Budgetary concerns – Expenses are rising due primarily to increasing costs of personal services, legal fees and rent the Board may need to increase the statutory cap in license fees from \$400 to \$500. This should alleviate budgetary concerns for several years.

K. Any other information specifically requested by the committee of jurisdiction

None requested.

L. Comparison of related federal laws

- Contact lens release and Internet sales – There is legislation on the national level to prohibit the illegal sales of contact lenses over the internet and by mail. The state of Maine maintains a list of registered companies who are able to provide these items to the public. By statute, mail order companies are required to register with the Board of Pharmacy before doing business in this state.
- Privacy and Security – HIPAA requirements are in effect for all optometrists in the state of Maine. The Board has made available a link on its website for optometrists to obtain the necessary information to comply with all federal laws.

M. Agency policy for personnel information

All personnel information that is presented to the Board goes through our Office Specialist II. All paperwork is maintained at the State Offices under security provided by Professional and Financial Regulation.

N. Not Applicable

O. Not Applicable

P. (See Appendix C)

Q. Not applicable