



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
BOARD OF LICENSURE IN MEDICINE



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**TESTIMONY OF TIMOTHY TERRANOVA
EXECUTIVE DIRECTOR
BOARD OF LICENSURE IN MEDICINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
L.D. 1803**

**An Act to Amend the Laws Governing Optometric Practice
Presented by Senator Brenner
Before the Joint Standing Committee on Health Coverage, Insurance & Financial Services**

May13, 2025 at 1:00 p.m.

Senator Bailey, Representative Mathieson, and members of the Health Coverage, Insurance and Financial Services Committee, I am Tim Terranova, Executive Director of the Maine Board of Licensure in Medicine ("BOLIM"). I am here today to testify neither for nor against LD 1803.

BOLIM licenses and regulates allopathic physicians and physician assistants in Maine. BOLIM is composed of 11 members: 6 physicians who actively practice medicine; 2 physician assistants who actively render medical services; and 3 public members. BOLIM's mission is to protect the public by ensuring its licensees are ethical, professional and competent. It fulfills this mission by licensing, regulating, and educating physician and physician assistants.

BOLIM provides the following points for discussion purposes.

The United States and the State of Maine are still in an opioid epidemic. While fatal overdoses have decreased, the numbers are still high and opioid addiction and abuse remain significant problems. In short, much work to address the opioid epidemic still needs to be done. Hydrocodone is among the most frequently prescribed opioid in the United States. Last session, the legislature was asked to reduce the requirement for regular continuing medical education on the topic of opioids for opioid prescribers and the legislature chose to maintain the current requirement due to continued concerns and to respond to this evolving field of medicine. Those health care practitioners licensed in Maine and authorized to prescribe controlled substances are subject to evidence-based professional standards in their areas of practice related to controlled substance prescribing and monitoring. These licenses are also subject to clear board rules related to controlled substance prescribing. However, the Boards still see numerous complaints involving controlled substance prescribing and monitoring practices. BOLIM asks the committee to consider whether this is the right time to add another class of opioid prescriber and, if so, how much and what kinds of initial and ongoing training for those new prescribers would be required to ensure appropriate prescribing and monitoring practices and the safety of Maine patients.

Section number 3 of the bill lists procedures excluded from the practice of optometry. In BOLIM's experience, statutes describing the scope of practice for a health care profession normally include either broad descriptions

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of permitted scopes of practice or list approved procedures rather stating what is prohibited or listing excluded procedures. Creation of an exclusionary list creates confusion, enforcement issues, and would potentially allow licensees to perform any new procedures that are developed after this list was created, regardless of whether they have the appropriate level of training or relevant competencies to perform such procedures. BOLIM asks the committee to consider amending the bill to include specifically what procedures are allowed, instead of those which are excluded.

Section 5 of the bill delegates to the board exclusive authority to determine what constitutes the practice of optometry by rulemaking. Scope of practice is usually defined by the Legislature to ensure that the scope of the board's authority and jurisdiction are clear, and to provide appropriate standards for the legal delegation of the Legislature's power. The language in the bill could potentially be interpreted to mean that the Board of Optometry has the authority to change its jurisdiction and authority and its profession's scope of practice without the Legislature's input or guidance and may be too broad a delegation of the Legislature's lawmaking authority.

This bill appears to significantly broaden and change the scope of practice for the optometry profession as well as apparently granting authority well beyond that usually granted to a board regarding the scope of practice. Given these significant changes, BOLIM suggests a sunrise review be considered at this stage.

Thank you for the opportunity to provide these comments regarding LD 1803. I would be happy to answer questions now or at the work session.