**02-382**

**BOARD OF OPTOMETRY**

Maine Administrative Procedure Act

2023 – 2024 Regulatory Agenda

Prepared: May 13, 2024

AGENCY UMBERLLA-UNIT NUMBER: **02-382**

AGENCY NAME: **Maine Board of Optometry (**Department of Professional and Financial Regulation, Affiliated Board)

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**RULEMAKING LIASON** FOR THE BOARD: Dr. Thomas Nadeau, O.D., Board Chair, 143 Townsend Ave., Boothbay Harbor, ME 04538, 207-592-0412, [tpnod@roadrunner.com](mailto:tpnod@roadrunner.com)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**  None.

**EXPECTED 2024-2025 RULEMAKING ACTIVITY**: The Board is undergoing a review of all existing chapters including application for examination, license endorsement, approved schools, license renewal requirements, fees, ethics, and continuing education. Such broad rulemaking is required because the Governor signed a full repeal and replace of the laws as enacted by the 131st legislative sessions and the new law needs clarifying rules. Rulemaking authority is conferred by 32 M.R.S.A. § 19204

**CHAPTER 1: Fees**

STATUTORY AUTHORITY: 32 M.R.S.A. §19202 (3), 19305 (1)

PURPOSE: This chapter establishes fees for licenses, applications, and related services. The Board expects to increase the annual License fee from $380.00 to $490.00 to adequately provide revenue for the Board to meet the expenditures and salary for Board staff. The changes ensure compliance with the new statute, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2024 - 2025.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: No

**CHAPTER 3: LICENSURE** AUTHORIZED **TO LICENSE BY ENDORSEMENT:**

STATUTORY AUTHORITY: 32 M.R.S.A. §19303

PURPOSE: This chapter consists of rules and regulations regarding the process for licensure by endorsement. A license applicant who presents proof of licensure by another jurisdiction of the United States or territory of the United States as long as the other jurisdiction or territory maintains substantially equivalent license requirements for the licensed profession.

SCHEDULE FOR ADOPTION: Anticipated completion 2024 - 2025.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: No

**ANTICIPATED NEW CHAPTER 4: PROCEDURE TO BECOME** AUTHORIZED **TO TREAT GLAUCOMA:**

STATUTORY AUTHORITY: 32 M.R.S.A. §19304

PURPOSE: This chapter consists of rules and regulations regarding the process for licensees not previously authorized to treat glaucoma and for applicants who have graduated from Optometry School before 1996 to be issued a Therapeutic Advance Glaucoma license. The changes will ensure compliance with the new law, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2024 - 2025.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: No

**ANTICIPATED NEW CHAPTER 5: TELEHEALTH STANDARDS, USES, AND LIMITATIONS:**

STATUTORY AUTHORITY: 32 M.R.S.A. §19601-19605

PURPOSE: This chapter establishes standards for the practice of optometry using telehealth in providing optometrist care. The changes will ensure compliance with the new law, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2024 - 2025.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: No

**ANTICIPATED NEW CHAPTER 6: CODE OF ETHICS:**

STATUTORY AUTHORITY: 32 M.R.S.A. § 19402(1)(B)

PURPOSE: This chapter sets forth a new code of ethics applicable to licensed optometrists.

SCHEDULE FOR ADOPTION: Anticipated completion 2024 - 2025.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: No