

§2417. Standards; rules of board

1. Standards for licensure. The following are the requirements applicants must meet before licensure:

- A. Be at least 18 years of age; [PL 1973, c. 788, §156 (NEW).]
- B. [PL 1983, c. 378, §24 (RP).]
- C. Be a graduate of a recognized school of optometry; and [PL 1993, c. 600, Pt. A, §146 (AMD).]
- D. Have succeeded in an examination as described in section 2422. [PL 1973, c. 788, §156 (NEW).]

Upon satisfying these requirements, an applicant may be licensed by the board.
[PL 1993, c. 600, Pt. A, §146 (AMD).]

2. Standards for renewal.
[PL 1983, c. 378, §25 (RP).]

3. Standards for minimum eye examination. The following are the minimum standards for a competent professional eye examination:

- A. A history of the patient's visual problems and care; [PL 1993, c. 600, Pt. A, §146 (AMD).]
- B. A test of the acuity of each eye, uncorrected and with best correction; [PL 1993, c. 600, Pt. A, §146 (AMD).]
- C. An examination for an abnormal condition or any significant characteristics of internal and external ocular tissues; [PL 1993, c. 600, Pt. A, §146 (AMD).]
- D. Advice for medical treatment or referral, or both; [PL 1987, c. 439, §7 (RPR); PL 1987, c. 542, Pt. K, §§7, 20 (RPR).]
- E. Objective and subjective refraction of the eyes; and [PL 1993, c. 600, Pt. A, §146 (AMD).]
- F. A cover test or muscle balance tests, or both. [PL 1993, c. 600, Pt. A, §146 (AMD).]

Each optometrist shall maintain a complete record of all eye examinations given. Each optometrist shall include in the examination record the findings under paragraphs A through F, as well as any prescriptions or programs of corrective procedure. This information for each patient must be available from the optometrist for a period of not less than 10 years.
[PL 1993, c. 600, Pt. A, §146 (AMD).]

4. Minimum prescription requirements. The following are the minimum requirements for optometric prescriptions.

- A. [PL 1993, c. 600, Pt. A, §146 (RP).]
- A-1. For ophthalmic lenses and contact lenses:
 - (1) The prescription must contain all the information necessary to be properly dispensed;
 - (2) The prescription must specify whether it is for contact lenses or ophthalmic lenses;
 - (3) All prescriptions must include the name of the patient, date of prescription, name and office location of prescriber and an expiration date. A prescription may not contain an expiration date of more than 2 years from the date of the eye examination by the provider unless the prescription contains a statement made by the provider of the reasons why a longer time frame is appropriate based on the medical needs of the patient;
 - (4) A person or entity may not dispense ophthalmic lenses or contact lenses to a patient without a valid prescription from a provider issued after an eye examination performed by the provider,

except that a person or entity may dispense without a prescription spectacle lenses, solely for the correction of vision, that are of uniform focus power in each eye of between plano and +3.25 diopters; and

(5) A prescription for ophthalmic lenses or contact lenses may not be made based solely on the diagnosis of a refractive error of the human eye as generated by a kiosk. [PL 2015, c. 173, §2 (AMD).]

B. [PL 1993, c. 600, Pt. A, §146 (RP).]

C. All prescriptions must be reduced to writing and placed on file as provided in subsection 3. [PL 1993, c. 600, Pt. A, §146 (AMD).]

D. For pharmaceutical agents all prescriptions must include:

- (1) The patient's name;
- (2) The date;
- (3) The name, quantity and dosage of drugs;
- (4) The number of refills;
- (5) The name of the prescriber;
- (6) The drug license number of the prescriber;
- (7) A sequential number; and
- (8) The prescriber's directions for usage.

Nothing in this paragraph may be construed to restrict the dispensation or sale by an optometrist of contact lenses that contain and deliver pharmaceutical agents authorized under this chapter for use or prescription. [PL 2009, c. 195, §4 (AMD).]

[PL 2015, c. 173, §2 (AMD).]

4-A. Release of contact lens prescription. After contact lenses have been adequately fitted and the patient released from immediate follow-up care by the optometrist, the patient may request a copy of the contact lens specifications from the optometrist. Upon patient request, the optometrist shall provide a copy of the prescription, at no cost, which must contain the information necessary to properly duplicate the current prescription. The contact lens prescription must contain an expiration date not to exceed 24 months from the date of issue. The prescription may contain fitting guidelines and may also contain specific instructions for use by the patient.

The prescribing optometrist is not liable for an injury or condition to a patient that results from negligence in packaging, manufacturing or dispensing lenses by anyone other than the prescribing optometrist.

The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that an optometrist may fill a prescription of another optometrist or a physician without a copy of the prescription. Mail order contact lens suppliers must be licensed by and register with the Board of Commissioners of the Profession of Pharmacy pursuant to section 13751, subsection 3-A and are subject to discipline by that board for violations of that board's rules and the laws governing the board. An individual who fills a contact lens prescription shall maintain a file of that prescription for a period of 5 years. An individual, corporation or other entity, other than a mail order contact lens supplier, that improperly fills a contact lens prescription or fills an expired prescription commits a civil violation for which a forfeiture of not less than \$250 nor more than \$1,000 may be adjudged.

An individual may file a complaint with the board seeking disciplinary action concerning violations of this subsection. The board shall investigate or cause to be investigated and shall resolve a complaint

in a timely fashion on its own motion or upon receipt of a written complaint. The board shall conduct its actions in accordance with the Maine Administrative Procedure Act.

[PL 1997, c. 117, §1 (AMD).]

5. Rules. The board shall, in accordance with the Maine Administrative Procedure Act, Title 5, sections 8051 to 8059, make reasonable rules, not inconsistent with law, to govern the following:

A. The time, place and manner of conducting state board examinations in optometry and the manner and form in which applications for examination must be filed; [PL 1993, c. 600, Pt. A, §146 (AMD).]

B. The fees for registration and licensing under subchapter III; and [PL 1993, c. 600, Pt. A, §146 (AMD).]

C. The conduct of the lawful practice of optometry in accordance with the standards established by this chapter. [PL 2009, c. 195, §5 (AMD).]

The board may make other reasonable rules, in accordance with Title 5, sections 8051 to 8059, as necessary for the proper performance of its duties, including rules relating to false, deceptive and misleading advertising. Rules adopted relating to such advertising may not be inconsistent with any rules adopted pursuant to Title 5, section 207, subsection 2.

[PL 2009, c. 195, §5 (AMD).]

6. Determination of the scope of the practice of optometry.

[PL 1995, c. 606, §3 (RP); PL 1995, c. 606, §11 (AFF).]

SECTION HISTORY

PL 1973, c. 788, §156 (NEW). PL 1977, c. 458, §4B (AMD). PL 1977, c. 694, §§594,595 (AMD). PL 1983, c. 378, §§24,25 (AMD). PL 1987, c. 542, §§K7,K8,K20 (AMD). PL 1991, c. 675, §1 (AMD). PL 1993, c. 600, §A146 (AMD). PL 1995, c. 439, §5 (AMD). PL 1995, c. 439, §8 (AFF). PL 1995, c. 606, §3 (AMD). PL 1995, c. 606, §11 (AFF). PL 1997, c. 117, §1 (AMD). PL 2009, c. 195, §§4, 5 (AMD). PL 2015, c. 173, §2 (AMD).

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