

**§19304. Levels of licensure and license requirements for use of pharmaceutical agents**

**1. Pharmaceutical agents or drug samples.** Only an optometrist licensed under this section may use or dispense pharmaceutical agents or drug samples.

[PL 2023, c. 580, §8 (NEW).]

**2. Levels of licensure.** The following are the levels of licensure.

A. The board may only issue a therapeutic advanced glaucoma license for a new licensee except that a licensee who meets requirements established by the board by rule may apply for a therapeutic advanced glaucoma license.

(1) An optometrist who holds a therapeutic advanced glaucoma license may dispense drug samples at no charge and may use and prescribe any therapeutic pharmaceutical, for ocular conditions including for the treatment of glaucoma. An optometrist with a therapeutic advanced glaucoma license may prescribe any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents.

(2) Nothing in this paragraph may be construed to permit the optometric use of pharmaceutical agents that are:

(a) Controlled substances identified in schedules I and II as described in 21 United States Code, Section 812;

(b) Administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except injections for the emergency treatment of anaphylactic shock; and

(c) For the specific treatment of a systemic disease unless the pharmaceutical agent is used specifically for an ocular disease.

(3) Notwithstanding any other provision of this chapter, an optometrist with a therapeutic advanced glaucoma license may provide drug samples at no charge for nonlegend agents, and dispense, prescribe and administer nonlegend agents.

(4) An optometrist who is licensed and practiced under the laws of another state and is not authorized to independently treat glaucoma in that state must meet the requirements in the rules established by the board.

(5) A therapeutic advanced glaucoma license includes all the rights and responsibilities of licensees with therapeutic advanced, therapeutic and diagnostic license levels described in paragraphs B to D but allows for the treatment of glaucoma. [PL 2023, c. 580, §8 (NEW).]

B. The therapeutic advanced license includes all the rights and responsibilities of licensees with therapeutic and diagnostic license levels described in paragraphs C and D but excludes the right to treat glaucoma. An optometrist who holds a therapeutic advanced license may provide drug samples at no charge for and may use and prescribe any therapeutic pharmaceutical agent, except for the treatment of glaucoma unless the requirements of paragraph A have been met, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received a therapeutic advanced license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812, or any drug that had previously been identified as a schedule III, IV or V drug that has now been reclassified as a schedule I or II drug.

Nothing in this paragraph may be construed to permit the optometric use of pharmaceutical agents that are:

- (1) Identified as controlled substances in schedules I and II as described in 21 United States Code, Section 812;
- (2) Administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except injections for the emergency treatment of anaphylactic shock; and
- (3) Used for the specific treatment of a systemic disease unless the pharmaceutical agent is used specifically for an ocular disease.

Notwithstanding any other provision of this chapter, an optometrist with a therapeutic advanced license may provide drug samples at no charge for nonlegend agents and may dispense, prescribe and administer nonlegend agents.

The board may not issue new therapeutic advanced licenses. [PL 2023, c. 580, §8 (NEW).]

C. The therapeutic license includes all the rights and responsibilities of licensees with a diagnostic license level described in paragraph D. An optometrist who holds a therapeutic license may provide drug samples at no charge for and may use topical therapeutic pharmaceuticals for any purpose associated with ocular conditions and diseases, except for the treatment of glaucoma.

The board may not issue new therapeutic licenses. [PL 2023, c. 580, §8 (NEW).]

D. The diagnostic license level does not permit treatment of eye pathology. A licensee who holds a diagnostic license may use pharmacologic agents only for diagnosing eye disease.

The board may not issue new diagnostic licenses. [PL 2023, c. 580, §8 (NEW).]

[PL 2023, c. 580, §8 (NEW).]

#### SECTION HISTORY

PL 2023, c. 580, §8 (NEW).

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