

§2411. Definitions

1. Practice of optometry. The practice of optometry is defined as one or a combination of the following practices:

- A. The examination of the eye and related structures without the use of invasive surgery or tissue-altering lasers to diagnose defects, abnormalities or diseases of the eye; [PL 2009, c. 195, §1 (AMD).]
- B. The determination of the accommodative or refractive states of the human eye and evaluation of visual functions; [PL 1993, c. 600, Pt. A, §142 (AMD).]
- C. The correction, treatment or referral of vision problems and ocular abnormalities by the prescribing, adapting and application of ophthalmic lenses, devices containing lenses, prisms, contact lenses, orthoptics, vision therapy, pharmaceutical agents and prosthetic devices and other optical aids, and by using other corrective procedures to preserve, restore or improve vision, excluding invasive surgery and tissue-altering lasers; [PL 1995, c. 439, §2 (AMD).]
- D. The fitting, bending and adjusting of eyeglasses with ophthalmic lenses, except that activities covered by this subsection are not considered the practice of optometry if the fitting, bending and adjusting are by order of and under the responsibility of an optometrist or ophthalmologist; and [PL 1993, c. 600, Pt. A, §142 (AMD).]
- E. The replacement or duplication of an ophthalmic lens without a written prescription from an individual licensed under the laws of this State to practice either optometry or medicine.

Nothing in this subsection may be construed to prevent an optical mechanic from doing the merely mechanical work associated with adapting, fitting, bending, adjusting, replacing or duplicating of eyeglasses with ophthalmic lenses.

An ophthalmic lens is a spectacle lens or contact lens that has a spherical, cylindrical or prismatic power or value or a lens ground pursuant to a written prescription. [PL 1993, c. 600, Pt. A, §142 (AMD).]

[PL 2009, c. 195, §1 (AMD).]

2. Optometrist. "Optometrist" means an individual who has obtained a license to practice optometry in the State.

[PL 1993, c. 600, Pt. A, §143 (AMD).]

3. Pharmaceutical agent. "Pharmaceutical agent" means any diagnostic and therapeutic substances for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, but does not include drugs administered exclusively by injection, except injections for the emergency treatment of anaphylactic shock.

[PL 2009, c. 195, §2 (AMD).]

4. Diagnostic pharmaceuticals. "Diagnostic pharmaceuticals" means those pharmaceutical agents required to detect and diagnose an abnormal condition or eye disease.

[PL 1987, c. 439, §5 (NEW); PL 1987, c. 542, Pt. K, §§5, 20 (NEW).]

5. Therapeutic pharmaceuticals. "Therapeutic pharmaceuticals" means those pharmaceutical agents required to prevent, manage or treat abnormal ocular conditions or diseases.

Nothing in this section 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 the United States Code, Title 21, Section 812; [PL 1995, c. 439, §4 (AMD).]

B. Any pharmaceutical agent administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injections, except injections for the emergency treatment of anaphylactic shock; and [PL 2009, c. 195, §3 (AMD).]

C. Any pharmaceutical agent for the specific treatment of a systemic disease, unless the agent is used specifically for an ocular disease. [PL 1995, c. 439, §4 (AMD).]

Notwithstanding any other provision of this Act, an optometrist may dispense, prescribe and administer nonlegend agents.

[PL 2009, c. 195, §3 (AMD).]

6. Contact lens. "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect. "Contact lens" includes, but is not limited to, cosmetic, therapeutic and corrective lenses.

[PL 2015, c. 173, §1 (NEW).]

7. Dispense. "Dispense" means the act of furnishing a pair of ophthalmic or contact lenses to a patient.

[PL 2015, c. 173, §1 (NEW).]

8. Eye examination. "Eye examination" means an assessment of the ocular health and visual status of a patient that does not consist solely of objective refractive data or information generated by an automated testing device, including an autorefractor, in order to establish a medical diagnosis or for the determination of a refractive error.

[PL 2015, c. 173, §1 (NEW).]

9. Kiosk. "Kiosk" means automated equipment or an application designed to be used on a phone, computer or Internet-based device that can be used either in person or remotely to provide refractive data or information.

[PL 2015, c. 173, §1 (NEW).]

10. Ophthalmic lens. "Ophthalmic lens" means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or enhance vision addressing the visual needs of the individual wearer and commonly known as glasses or spectacles, including ophthalmic lenses that may be adjusted by the wearer to achieve different types or levels of visual correction or enhancement. "Ophthalmic lens" does not include an optical instrument or device not intended to correct or enhance vision or that is sold without consideration of the visual status of the individual who will use the optical instrument or device.

[PL 2015, c. 173, §1 (NEW).]

11. Provider. "Provider" means an individual licensed as an optometrist under this chapter or an individual licensed as an osteopathic or medical doctor under chapter 36 or 48, respectively, who has also completed a residency in ophthalmology.

[PL 2015, c. 173, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 788, §156 (NEW). PL 1975, c. 293, §4 (AMD). PL 1975, c. 563, §1 (RPR). PL 1985, c. 748, §42 (AMD). PL 1987, c. 542, §§K2-K5, K20 (AMD). PL 1993, c. 600, §§A142, 143 (AMD). PL 1995, c. 439, §§1-4 (AMD). PL 1995, c. 439, §8 (AFF). PL 1995, c. 606, §1 (AMD). PL 2009, c. 195, §§1-3 (AMD). PL 2015, c. 173, §1 (AMD).

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