



February 8, 2019
Board Room 3
9:00 a.m.

Call to Order – Helene Clayton-Jeter, O.D., Board President

- Welcome
- Emergency Egress Procedures

9:05 a.m. Public Hearing – Dr. Clayton-Jeter

Pages 3-6

To receive public comments on the proposed changes to the *Regulations of the Virginia Board of Optometry* (18VAC105-20-05 et seq.) – prescribing opioids for acute and chronic pain

Public Hearing Adjournment

Business Meeting of the Board

Ordering of Agenda – Dr. Clayton-Jeter

Public Comment – Dr. Clayton-Jeter

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Approval of Minutes – Dr. Clayton-Jeter

Pages 7-11

- November 2, 2018 – Public Hearing
- November 2, 2018 – Continuing Education Committee Meeting
- November 2, 2018 – Full Board Meeting

Director’s Report – Dr. Brown

Legislative/Regulatory Update – Elaine Yeatts

Pages 12-39

- Legislative update
- Update on regulatory actions
 - Periodic review – Board action required to adopt final regulations
 - Prescribing of opioids – Extension of emergency regulations
 - Inactive licenses
 - Continuing Education Committee recommendations

Discussion Items

Pages 40-44

Update of Guidance Document 150-12 Guidance for Continuing Education Audits (CE) and Sanctioning for Failure to Complete CE –**Leslie Knachel**

Board Member Training

Administrative Hearings – Kelli Moss

Board Counsel Report – Charis Mitchell

President’s Report – Dr. Clayton-Jeter

Board of Health Professions Report – Dr. Clayton-Jeter

Staff Reports

Pages 45-47

- Executive Director’s Report – **Leslie Knachel**
 - Statistics

-
-
- Association of Regulatory Boards of Optometry's 2019 Annual Meeting
 - Discipline Report – **Kelli Moss**
-
-

New Business – Dr. Clayton-Jeter

Next Meeting – June 28, 2019

Consideration of Possible Resolution of Case No. 170532 – Dr. Clayton-Jeter/Ms. Moss

Meeting Adjournment – Dr. Clayton-Jeter

This information is in **DRAFT** form and is subject to change.

Proposed Text

18VAC105-20-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Acute pain" means pain that occurs within the normal course of a disease or condition for which controlled substances may be prescribed for no more than three months.

"Board" means the Virginia Board of Optometry.

"Chronic pain" means nonmalignant pain that goes beyond the normal course of a disease or condition for which controlled substances may be prescribed for a period greater than three months.

"Controlled substance" means drugs listed in The Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) in Schedules II through V.

"MME" means morphine milligram equivalent.

"NBEO" means the National Board of Examiners in Optometry.

"Prescription Monitoring Program" means the electronic system within the Department of Health Professions that monitors the dispensing of certain controlled substances.

"TPA" means therapeutic pharmaceutical agents.

"TPA certification" means authorization by the Virginia Board of Optometry for an optometrist to treat diseases and abnormal conditions of the human eye and its adnexa and to prescribe and administer certain therapeutic pharmaceutical agents.

18VAC105-20-48. Prescribing an opioid for acute pain.

A. Nonpharmacologic and non-opioid treatment for pain shall be given consideration prior to treatment with opioids. If an opioid is considered necessary for the treatment of acute pain, a TPA-certified optometrist shall follow the regulations for prescribing and treating with opioids.

B. Prior to initiating treatment with a controlled substance containing an opioid for a complaint of acute pain, a TPA-certified optometrist shall perform a health history and physical examination appropriate to the complaint, query the Prescription Monitoring Program as set forth in § 54.1-2522.1 of the Code of Virginia, and conduct an assessment of the patient's history and risk of substance abuse.

C. Initiation of opioid treatment for all patients with acute pain shall include the following:

1. A prescription for an opioid shall be a short-acting opioid in the lowest effective dose for the fewest number of days, not to exceed seven days as determined by the manufacturer's directions for use, unless extenuating circumstances are clearly documented in the patient record.

2. A TPA-certified optometrist shall carefully consider and document in the patient record the reasons to exceed 50 MME per day.

3. A prescription for naloxone should be considered for any patient when any risk factor of prior overdose, substance misuse, or concomitant use of benzodiazepine is present.

D. If another prescription for an opioid is to be written beyond seven days, a TPA-certified optometrist shall:

1. Reevaluate the patient and document in the patient record the continued need for an opioid prescription; and

2. Check the patient's prescription history in the Prescription Monitoring Program.

E. The patient record shall include a description of the pain, a presumptive diagnosis for the origin of the pain, an examination appropriate to the complaint, a treatment plan, and the medication prescribed (including date, type, dosage, strength, and quantity prescribed).

F. Due to a higher risk of fatal overdose when opioids are prescribed for a patient also taking benzodiazepines, sedative hypnotics, tramadol, or carisoprodol, a TPA-certified optometrist shall only co-prescribe these substances when there are extenuating circumstances and shall document in the patient record a tapering plan to achieve the lowest possible effective doses if these medications are prescribed.

18VAC105-20-49. Prescribing an opioid for chronic pain.

If a TPA-certified optometrist treats a patient for whom an opioid prescription is necessary for chronic pain, he shall either:

1. Refer the patient to a doctor of medicine or osteopathic medicine who is a pain management specialist; or

2. Comply with regulations of the Board of Medicine, 18VAC85 21 60 through 18VAC85 21 120 (see 33:16 VA.R. 1930 1931 April 3, 2017), if he chooses to manage the chronic pain with an opioid prescription.

18VAC105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products.

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or; new or advanced clinical devices, techniques, modalities, or procedures; or pain management.

3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.

4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).

5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to December 31 unless an extension or waiver has been granted by the Continuing Education Committee. A request for an extension or waiver shall be received prior to December 31 of each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically, or in person, shall be sponsored, accredited, or approved by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.

7. The Virginia Academy of Optometry.
8. Council on Optometric Practitioner Education (COPE).
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.
12. Providers of training in cardiopulmonary resuscitation (CPR).
13. Optometric Extension Program.

H. In order to maintain approval for continuing education courses, providers, or sponsors shall:

1. Provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course, and contact information of the provider or sponsor for verification. The certificate of attendance shall be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.

2. Maintain documentation about the course and attendance for at least three years following its completion.

I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.

**BOARD OF VETERINARY MEDICINE
PUBLIC HEARING ON PROPOSED REGULATIONS
DEPARTMENT OF HEALTH PROFESSIONS
November 2, 2018**

TIME AND PLACE: The Public Hearing was called to order at 9:05 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233. The purpose of the hearing was to receive public comment on the proposed regulations from the periodic review.

PRESIDING OFFICER: Helene Clayton-Jeter, O.D., President

MEMBERS PRESENT: Fred E. Goldberg, O.D.
Steven A Linas, O.D., Chair

STAFF PRESENT: Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Anthony C. Morales, Operations Manager

OTHERS PRESENT: No others were present.

PUBLIC HEARING No public comment was presented.

ADJOURNMENT: With no further comment received, the hearing adjourned at 9:11 a.m.

Helene Clayton-Jeter, O.D.
President

Leslie L. Knachel, M.P.H.
Executive Director

Date

Date

**BOARD OF OPTOMETRY
CONTINUING EDUCATION COMMITTEE MEETING
MEETING MINUTES
November 2, 2018**

TIME AND PLACE: The Continuing Education Committee meeting was called to order at 9:15 a.m. on Friday, November 2, 2018, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Henrico, Virginia.

PRESIDING OFFICER: Clifford A. Roffis, O.D.

COMMITTEE MEMBERS: Lisa Wallace-Davis, O.D.

OTHER MEMBERS PRESENT: Steven A. Linas, O.D., Chair
Helene Clayton-Jeter, O.D.
Fred E. Goldberg, O.D.

STAFF PRESENT: Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Director
Anthony C. Morales, Operations Manager

OTHERS PRESENT: No others present.

PUBLIC COMMENT: No public comment was presented.

DISCUSSION: The Committee reviewed continuing education (CE) regulations for a sampling of other states. In addition, they discussed possible changes to Virginia's list of the entities that could sponsor, accredit or approve CE courses or programs.

The Committee requested that Ms. Knachel work with Ms. Yeatts to prepare a draft of changes to the list of entities that are allowed by the regulations to sponsor, accredit or approve CE courses or programs. The draft should include a broader statement that would reduce the number of organizations specifically named.

ADJOURNMENT: The meeting adjourned at 10:08 a.m.

Clifford A. Roffis, O.D..
Board Member

Leslie L. Knachel, M.P.H
Executive Director

Date

Date

**BOARD OF OPTOMETRY
FULL BOARD MEETING
November 2, 2018**

TIME AND PLACE: The Virginia Board of Optometry (Board) meeting was called to order at 10:32 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233.

PRESIDING OFFICER: Helene Clayton-Jeter, O.D., President

MEMBERS PRESENT: Steven A. Linas, O.D., Chair
Fred E. Goldberg, O.D.
Clifford A. Roffis, O.D.
Lisa Wallace-Davis, O.D.

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Director
Charis Mitchell, Assistant Attorney General, Counsel
Elaine Yeatts, Senior Policy Analyst
Anthony C. Morales, Operations Manager

OTHERS PRESENT: Peggy Wood, Health Practitioners' Monitoring Program, (HPMP)

QUORUM: With five members of the Board present, a quorum was established.

ORDERING OF AGENDA No changes or additions were made to the agenda.

INTRODUCTION OF NEW STAFF: Ms. Knachel introduced new staff members

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Dr. Wallace-Davis moved to approve the meeting minutes for the following meetings as presented:

- July 12, 2018 – Formal Hearing
- July 13, 2018 – Full Board Meeting

The motion was seconded and carried.

DIRECTOR'S REPORT: Dr. Allison-Bryan provided an update of building security and the opioid crisis.

LEGISLATIVE/REGULATORY UPATE: **Update on Regulatory Actions**
Ms. Yeatts provided the following regulatory information:

- Inactive Licenses for the board of Optometry
 - NOIRA published with no comments
 - Discussed proposed regulations which could be promulgated by a fast-track action

Dr. Wallace-Davis moved to adopt the proposed regulations as amended. The motion was seconded and carried.

Ms. Knachel reported that the CE Committee asked that Ms. Yeatts and she work on drafting changes to the list of entities that are allowed by the regulations to sponsor, accredit or approve CE courses or programs.

DISCUSSION ITEMS:

Continuing Education Audits

- **Update on CE Audit**

Ms. Knachel reported that the CE Audit is under way and thanked Dr. Linas for his help with the audit.

- **Use of OE Tracker during CE audits**

Ms. Knachel identified the difficulties encountered in using OE tracker during the CE audit process. She indicated that the CE Committee might need to be engaged in future audits. She commented that the regulations do not require an annual audit and recommended that the Board determine by each year after the renewal period is over whether a CE will be conducted.

- **Updates to Guidance Document 150-12 Guidance for Continuing Education Audits and Sanctioning for Failure to Complete CE**

Ms. Knachel discussed the proposed changes to the guidance document.150-12 including the following amendments:

- Q: Does the Board grant CE extensions or waivers?
A: Delete: "Yes, the Board does grant CE extensions and waivers" and add "The Board may choose to grant an extension or waiver."
- Q: What is the Board's process for conducting CE audits?
A: Delete: Licensees must complete Continuing Education Reporting Form and submit certificates" because this is duplicate information.

Dr. Linas moved to accept draft with the discussed amendments of Guidance Document 150-12. The motion was seconded and carried.

Updates to Guidance Document 105-14 Virginia Board of Optometry By-Laws

Ms. Knachel discuss the draft amendments to Guidance Document 150-14.

Dr. Roffis moved to accept the draft amendments to the by-laws as proposed. The motion was seconded and carried

BOARD MEMBER TRAINING:

Board Member, Devon Cabot, joined the meeting during Board Member Training.

Health Practitioners' Monitoring Program

Ms. Wood provided information on the HPMP program.

Confidentiality

Ms. Moss and Ms. Knachel provided information on a board member's need to maintain confidentiality in certain circumstances.

Freedom of Information Act (FOIA)

Ms. Knachel provided information on FOIA.

Virtru Encryption

Mr. Morales provided information on the new encryption program that board staff will use to ensure confidentiality of sensitive information sent via email.

COUNSEL REPORT:

Ms. Mitchell stated that she did not have anything to report.

PRESIDENT'S REPORT:

Dr. Clayton-Jeter stated that she felt it was important to remind the Board at each meeting of its mission. She restated the Board's mission.

**BOARD OF HEALTH
PROFESSION'S REPORT:**

Dr. Clayton-Jeter reported on activities of the Board of Health Professions.

STAFF REPORTS:

Executive Director's Report – Ms. Knachel

Ms. Knachel provided an update on the licensure statistics and budget.

Discipline Report – Ms. Moss

Ms. Moss provided an overview of the caseload statistics.

NEW BUSINESS:

Ms. Knachel provided information on the 2019 proposed legislation in response to a question from a board member.

NEW MEETING:

The next scheduled full board meeting is February 8, 2018.

ADJOURNMENT:

The meeting adjourned at 1:20 p.m.

Helene Clayton-Jeter, O.D.,
President

Leslie L. Knachel, M.P.H.
Executive Director

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
(As of January 28, 2019)**

Board		Board of Optometry
Chapter	Action / Stage Information	
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Periodic review</u> [Action 4780] Proposed - Register Date: 10/29/18 Comment closed: 12/28/18 Board to adopt final: 2/8/19
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Prescribing of opioids</u> [Action 4892] Proposed - Register Date: 2/4/19 Comment period: 2/4/19 to 4/6/19
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Inactive licenses</u> [Action 5006] Proposed - At Secretary's Office for 10 days

Agenda Item: Board action on Periodic review

Included in your agenda package are:

Copy of proposed regulations

Staff note:

There was a public comment period on the proposed regulations from 10/29/18 to 12/28/18; no comment was received.

Board action:

To adopt the proposed regulations as final amendments.



Logged in as

Elaine J. Yeatts

Agency Department of Health Professions

Board Board of Optometry

Chapter Regulations of the Virginia Board of Optometry [18 VAC 105 – 20]

Action: Periodic review


Action 4780 / Stage 8042

Proposed Stage

[Edit Stage](#) [Withdraw Stage](#) [Go to RIS Project](#)

Documents		
Proposed Text	10/17/2018 12:50 pm	Sync Text with RIS
Agency Statement	9/5/2017	Upload / Replace
Attorney General Certification	9/13/2017	
DPB Economic Impact Analysis	10/28/2017	
Agency Response to EIA	10/30/2017	Upload / Replace
Governor's Approval Memo	10/4/2018	
Registrar Transmittal	10/4/2018	

Status	
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
Attorney General Review	Submitted to OAG: 9/5/2017 Review Completed: 9/13/2017 Result: Certified
DPB Review	Submitted on 9/13/2017 Economist: Larry Getzler Policy Analyst: Jeannine Rose Review Completed: 10/28/2017 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 5/9/2018

Governor's Review	Review Completed: 10/4/2018 Result: Approved
Virginia Registrar	Submitted on 10/4/2018 The Virginia Register of Regulations Publication Date: 10/29/2018  Volume: 35 Issue: 5
Public Hearings	11/02/2018 9:05 AM
Comment Period	Ended 12/28/2018 0 comments

Contact Information	
Name / Title:	Leslie L. Knachel / <i>Executive Director</i>
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*This person is the primary contact for this board.
This stage was created by Elaine J. Yeatts on 09/05/2017*

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**BOARD OF VETERINARY MEDICINE
PUBLIC HEARING ON PROPOSED REGULATIONS
DEPARTMENT OF HEALTH PROFESSIONS
November 2, 2018**

TIME AND PLACE: The Public Hearing was called to order at 9:05 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233. The purpose of the hearing was to receive public comment on the proposed regulations from the periodic review.

PRESIDING OFFICER: Helene Clayton-Jeter, O.D., President

MEMBERS PRESENT: Fred E. Goldberg, O.D.
Steven A Linas, O.D., Chair

STAFF PRESENT: Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Anthony C. Morales, Operations Manager

OTHERS PRESENT: No others were present.

PUBLIC HEARING No public comment was presented.

ADJOURNMENT: With no further comment received, the hearing adjourned at 9:11 a.m.

Helene Clayton-Jeter, O.D.
President

Leslie L. Knachel, M.P.H.
Executive Director

Date

Date

Project 5114 - Proposed

BOARD OF OPTOMETRY

Periodic review

18VAC105-20-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active clinical practice" means as an average of 20 hours per week or 640 hours per year of providing patient care.

"Adnexa" is defined as the conjoined, subordinate, or immediately associated anatomic parts of the human eye, including eyelids and eyebrows.

"Board" means the Virginia Board of Optometry.

"NBEO" means the National Board of Examiners in Optometry.

"TMOD" means the treatment and management of ocular disease portion of the NBEO examination.

"TPA" means therapeutic pharmaceutical agents.

"TPA certification" means authorization by the Virginia Board of Optometry for an optometrist to treat diseases and abnormal conditions of the human eye and its adnexa and to prescribe and administer certain therapeutic pharmaceutical agents.

18VAC105-20-10. ~~Licensure by examination~~ Requirements for licensure.

A. The applicant, in order to be eligible for licensure ~~by examination~~ to practice optometry in the Commonwealth, shall meet the requirements for TPA certification in 18VAC105-20-16 and shall:

1. Be a graduate of a school of optometry accredited by the Accreditation Council on Optometric Education or other accrediting body deemed by the board to be substantially equivalent; have an official transcript verifying graduation sent to the board;
2. Request submission of an official report from the NBEO of a score received on each required part of the NBEO examination or other board-approved examination; ~~and~~
3. Submit a completed application and the prescribed fee; and
4. Sign a statement attesting that the applicant has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

~~B. Applicants who passed the National Board Examination prior to May 1985 shall apply for licensure by endorsement as provided for in 18VAC105-20-15. The board may waive the requirement of graduation from an accredited school of optometry for an applicant who holds a current, unrestricted license in another United States jurisdiction and has been engaged in active clinical practice for 36 out of the 60 months immediately preceding application for licensure in Virginia.~~

C. Required examinations. 4. For the purpose of § 54.1-3211 of the Code of Virginia, the board adopts all parts of the NBEO examination as its written examination for licensure. After July 1, 1997, the board shall require passage as determined by the board of Parts I, II, and III of the NBEO examination, including passage of TMOD.

~~2. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.~~

~~D. If an applicant has been licensed in another jurisdiction and has not been engaged in active clinical practice for at least 36 out of the last 60 months preceding application, as required for~~

~~licensure by endorsement, he may apply for licensure by examination, and, the following requirements shall also apply:~~

1. The applicant shall attest that ~~he~~ the applicant is not a respondent in a pending or unresolved malpractice claim; ~~and,~~
2. Each jurisdiction in which the applicant is or has been licensed shall verify that:
 - a. The license is current and unrestricted, or if the license has lapsed, it is eligible for reinstatement;
 - b. All continuing education requirements have been completed, if applicable;
 - c. The applicant is not a respondent in any pending or unresolved board action; and
 - d. The applicant has not committed any act that would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia.

~~E. 3. An applicant who completed all parts of the board approved examination more than five years prior to the date of the board's receipt of his application for licensure may be required to take up to 32 hours of board approved continuing education licensed in another jurisdiction who has not been engaged in active practice within the 12 months immediately preceding application for licensure in Virginia shall be required to complete 20 hours of continuing education as specified in 18VAC105-20-70.~~

~~4. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing.~~

18VAC105-20-15. Licensure by endorsement. (Repealed.)

~~A. An applicant for licensure by endorsement shall meet the requirements for TPA certification in 18VAC105-20-16, pay the fee as prescribed in 18VAC105-20-20, and file a completed application that certifies the following:~~

- ~~1. The applicant has successfully passed the examination required for licensure in optometry in any jurisdiction of the United States at the time of initial licensure.~~
- ~~2. The applicant has been engaged in active clinical practice for at least 36 months out of the last 60 months immediately preceding application.~~
- ~~3. The applicant is not a respondent in a pending or unresolved malpractice claim.~~
- ~~4. The applicant is currently licensed in another jurisdiction of the United States.~~
- ~~5. Each jurisdiction in which the applicant is or has been licensed shall verify that:
 - ~~a. The license is current and unrestricted, or if the license has lapsed, it is eligible for reinstatement;~~
 - ~~b. All continuing education requirements have been completed, if applicable;~~
 - ~~c. The applicant is not a respondent in any pending or unresolved board action;~~
 - ~~d. The applicant has not committed any act that would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia; and~~
 - ~~e. The applicant has graduated from an accredited school or college of optometry.~~~~

~~B. The applicant shall also provide proof of competency in the use of diagnostic pharmaceutical agents (DPAs) that shall consist of a report from the national board of passing scores on all sections of Parts I and II of the NBEO examination taken in May 1985 or thereafter. If the applicant does not qualify through examination, he shall provide other proof of meeting the requirements for the use of DPA as provided in §§ 54.1-3220 and 54.1-3221 of the Code of Virginia.~~

~~C. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.~~

~~D. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing and provide proof of credentialing and quality assurance review to satisfy compliance with applicable requirements of subsection A of this section.~~

~~E. An optometrist previously licensed in Virginia is not eligible for licensure by endorsement but may apply for reinstatement of licensure under 18VAC105-20-60.~~

18VAC105-20-16. Requirements for TPA certification.

A. An applicant for licensure shall meet the following requirements for TPA certification:

1. Complete a full-time, postgraduate or equivalent graduate-level optometric training program that is approved by the board and that shall include a minimum of 20 hours of clinical supervision by an ophthalmologist; and
2. ~~Take and pass~~ Submit a passing score on the TPA certification examination, which shall be ~~Treatment and Management of Ocular Disease (TMOD) of the NBEO~~ TMOD or, if ~~be~~ TPA-certified by a state examination, ~~provide evidence of comparability to the NBEO examination that is an examination~~ satisfactory to the board.

B. A candidate for certification by the board who fails the examination as required in subdivision A 2 of this section, following three attempts, shall complete additional postgraduate training as determined by the board to be eligible for TPA certification.

18VAC105-20-20. Fees.

A. Required fees.

Initial application and licensure (including TPA certification)	\$250
Application for TPA certification	\$200
Annual licensure renewal without TPA certification	\$150
Annual licensure renewal with TPA certification	\$200
Late renewal without TPA certification	\$50
Late renewal with TPA certification	\$65

Returned check	\$35
Professional designation application	\$100
Annual professional designation renewal (per location)	\$50
Late renewal of professional designation	\$20
Reinstatement application fee (including renewal and late fees)	\$400
Reinstatement application after disciplinary action	\$500
Duplicate wall certificate	\$25
Duplicate license	\$10
Licensure verification	\$10

B. Unless otherwise specified, all fees are nonrefundable.

C. From October 31, 2018, to December 31, 2018, the following fees shall be in effect:

Annual licensure renewal without TPA certification	\$75
Annual licensure renewal with TPA certification	\$100
Annual professional designation renewal (per location)	\$25

18VAC105-20-40. Standards of conduct.

The board has the authority to ~~deny, refuse to issue or renew a license,~~ suspend, revoke, or otherwise discipline a licensee for a violation of the following standards of conduct. A licensed optometrist shall:

1. Use in connection with the optometrist's name wherever it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."
2. ~~Disclose to~~ Notify the board of any disciplinary action taken by a regulatory body in another jurisdiction.
3. Post in an area of the optometric office which is conspicuous to the public, a chart or directory listing the names of all optometrists practicing at that particular location.

4. Maintain patient records, perform procedures or make recommendations during any eye examination, contact lens examination or treatment as necessary to protect the health and welfare of the patient and consistent with requirements of 18VAC105-20-45.
5. Notify patients in the event the practice is to be terminated or relocated, giving a reasonable time period within which the patient or an authorized representative can request in writing that the records or copies be sent to any other like-regulated provider of the patient's choice or destroyed in compliance with requirements of § 54.1-2405 of the Code of Virginia on the transfer of patient records in conjunction with closure, sale, or relocation of practice.
6. Ensure his access to the practice location during hours in which the practice is closed in order to be able to properly evaluate and treat a patient in an emergency.
7. Provide for continuity of care in the event of an absence from the practice or, in the event the optometrist chooses to terminate the practitioner-patient relationship or make his services unavailable, document notice to the patient that allows for a reasonable time to obtain the services of another practitioner.
8. Comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records and related to the provision of patient records to another practitioner or to the patient or his personal representative.
9. Treat or prescribe based on a bona fide practitioner-patient relationship consistent with criteria set forth in § 54.1-3303 of the Code of Virginia. A licensee shall not prescribe a controlled substance to himself or a family member other than Schedule VI as defined in § 54.1-3455 of the Code of Virginia. When treating or prescribing for self or family, the practitioner shall maintain a patient record documenting compliance with statutory criteria for a bona fide practitioner-patient relationship.

10. Comply with provisions of statute or regulation, state or federal, relating to the diversion, distribution, dispensing, prescribing, or administration of controlled substances as defined in § 54.1-3401 of the Code of Virginia.

11. Not enter into a relationship with a patient that constitutes a professional boundary violation in which the practitioner uses his professional position to take advantage of the vulnerability of a patient or his family to include, ~~but not be limited to,~~ actions that result in personal gain at the expense of the patient, a nontherapeutic personal involvement, or sexual conduct with a patient. The determination of when a person is a patient is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient does not change the nature of the conduct nor negate the prohibition.

12. Cooperate with the board or its representatives in providing information or records as requested or required pursuant to an investigation or the enforcement of a statute or regulation.

13. Not practice with an expired or unregistered professional designation.

14. Not violate or cooperate with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) or 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia or regulations of the board.

18VAC105-20-45. Standards of practice.

A. An optometrist shall legibly document in a patient record the following:

1. During a routine or medical eye examination:

- a. An adequate case history, including the patient's chief complaint;
- b. The performance of appropriate testing;
- c. The establishment of an assessment or diagnosis; and
- d. A recommendation for an appropriate treatment or management plan, including any necessary follow up.

2. During an initial contact lens examination:

- a. The requirements of a routine or medical eye examination as prescribed in subdivision 1 of this subsection;
- b. Assessment of corneal curvature;
- c. Evaluation of contact lens fitting;
- d. Acuity through the lens; and
- e. Directions for the wear, care, and handling of lenses.

3. During a follow-up contact lens examination:

- a. Evaluation of contact lens fitting and anterior segment health;
- b. Acuity through the lens; and
- c. Such further instructions as necessary for the individual patient.

4. In addition, the record of any examination shall include the signature of the attending optometrist and, if indicated, refraction of the patient.

B. The following information shall appear on a prescription for ophthalmic goods:

1. The printed name of the prescribing optometrist;
2. The address and telephone number at which the patient's records are maintained and the optometrist can be reached for consultation;

3. The name of the patient;
4. The signature of the optometrist;
5. The date of the examination ~~and an expiration date, if medically appropriate; and~~
6. If an expiration date is placed on a prescription for ophthalmic goods, the date shall not be less than one year unless the medical reason for a shorter expiration date is documented in the patient record; and
7. Any special instructions.

C. Contact lens.

1. Sufficient information for complete and accurate filling of an established contact lens prescription shall include ~~but not be limited to~~ (i) the power, (ii) the material or manufacturer or both, (iii) the base curve or appropriate designation, (iv) the diameter when appropriate, and (v) medically appropriate expiration date.
2. An optometrist shall provide a patient with a copy of the patient's contact lens prescription at the end of the contact lens fitting, even if the patient does not ask for it. An optometrist may first require all fees to be paid, but only if he requires immediate payment from patients whose eye examinations reveal no need for corrective eye products.
3. An optometrist shall provide or verify the prescription to anyone who is designated to act on behalf of the patient, including contact lens sellers.
4. An optometrist shall not require patients to buy contact lens lenses, pay additional fees, or sign a waiver or release in exchange for a copy of the contact lens prescription.
5. An optometrist shall not disclaim liability or responsibility for the accuracy of an eye examination.

D. Spectacle lens.

1. A licensed optometrist shall provide a written prescription for spectacle lenses immediately after the eye examination is completed. He may first require all fees to be paid, but only if he requires immediate payment from patients whose eye examinations reveal no need for corrective eye products.
2. An optometrist shall not require patients to buy ophthalmic goods, pay additional fees, or sign a waiver or release in exchange for a copy of the spectacle prescription.
3. An optometrist shall not disclaim liability or responsibility for the accuracy of an eye examination.

E. Practitioners shall maintain a patient record for a minimum of ~~five~~ six years following the last patient encounter with the following exceptions:

1. Records that have previously been transferred to another practitioner or health care provider or provided to the patient or his personal representative; or
2. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

F. Practitioners shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality.

G. For the purpose of prescribing spectacles, eyeglasses, lenses, or contact lenses to a patient, a licensee shall establish a bona fide provider-patient relationship in accordance with requirements of § 54.1-2400.01:2 of the Code of Virginia.

18VAC105-20-46. Treatment guidelines for TPA-certified optometrists.

A. TPA-certified optometrists may treat diseases and abnormal conditions of the human eye and its adnexa that may be treated with medically appropriate pharmaceutical agents as

referenced in 18VAC105-20-47. ~~The adnexa is defined as conjoined, subordinate or immediately associated anatomic parts of the human eye, including eyelids and eyebrows.~~

B. In addition, the following may be treated:

1. Glaucoma (excluding the treatment of congenital and infantile glaucoma). Treatment of angle closure shall follow the definition and protocol prescribed in subsection C of this section.
2. Ocular-related post-operative care in cooperation with patient's surgeon.
3. Ocular trauma to the above tissues as in subsection A of this section.
4. Uveitis.
5. Anaphylactic shock (limited to the administration of intramuscular epinephrine).

C. The definition and protocol for treatment of angle closure glaucoma shall be as follows:

1. As used in this chapter, angle closure glaucoma shall mean a closed angle in the involved eye with significantly increased intraocular pressure, and corneal microcystic edema;
2. Treatment shall be limited to the initiation of immediate emergency care with appropriate pharmaceutical agents as prescribed by this chapter;
3. Once the diagnosis of angle closure glaucoma has been established by the optometrist, the ophthalmologist to whom the patient is to be referred should be contacted immediately;
4. If there are no medical contraindications, an oral osmotic agent may be administered as well as an oral carbonic anhydrase inhibitor and any other medically accepted, Schedule III, IV or VI, oral antiglaucomatic agent as may become available; and
5. Proper topical medications as appropriate may also be administered by the optometrist.

D. An oral Schedule VI immunosuppressive agent shall only be used when (i) the condition fails to appropriately respond to any other treatment regimen; (ii) such agent is prescribed in consultation with a physician; and (iii) treatment with such agent includes monitoring of systemic effects.

18VAC105-20-47. Therapeutic pharmaceutical agents.

A. A TPA-certified optometrist, acting within the scope of his practice, may procure, administer and prescribe medically appropriate therapeutic pharmaceutical agents (or any therapeutically appropriate combination thereof) to treat diseases and abnormal conditions of the human eye and its adnexa within the following categories:

1. Oral analgesics - Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedule III, IV and VI narcotic and nonnarcotic agents.
2. Topically administered Schedule VI agents:
 - a. Alpha-adrenergic blocking agents;
 - b. Anesthetic (including esters and amides);
 - c. Anti-allergy (including antihistamines and mast cell stabilizers);
 - d. Anti-fungal;
 - e. Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);
 - f. Anti-infective (including antibiotics and antivirals);
 - g. Anti-inflammatory;
 - h. Cycloplegics and mydriatics;
 - i. Decongestants; and

j. Immunosuppressive agents.

3. Orally administered Schedule VI agents:

a. Aminocaproic acids (including antifibrinolytic agents);

b. Anti-allergy (including antihistamines and leukotriene inhibitors);

c. Anti-fungal;

d. Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);

e. Anti-infective (including antibiotics and antivirals);

f. Anti-inflammatory (including steroidal and nonsteroidal);

g. Decongestants; and

h. Immunosuppressive agents.

B. Schedule I, ~~II~~ and V drugs and Schedule II drugs with the exception of controlled substances consisting of hydrocodone in combination with acetaminophen are excluded from the list of therapeutic pharmaceutical agents.

C. Over-the-counter topical and oral medications for the treatment of the eye and its adnexa may be procured for administration, administered, prescribed or dispensed.

18VAC105-20-60. Renewal of licensure; reinstatement; renewal fees.

A. Every person authorized by the board to practice optometry shall, on or before December 31 of 2018, submit a completed renewal form and pay the prescribed annual licensure fee. Beginning with calendar year 2020, the renewal of licensure deadline shall be March 31 of each year. For calendar year 2019, no renewal is required.

B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address of record and the public address, if different from the address of record.

All changes of address or name shall be furnished to the board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address of record given and shall not relieve the licensee of the obligation to comply.

C. The license of every person who does not complete the renewal form and submit the renewal fee each year may be renewed for up to one year by paying the prescribed renewal fee and late fee, provided the requirements of 18VAC105-20-70 have been met. After the renewal deadline, a license that has not been renewed is lapsed. Practicing optometry in Virginia with a lapsed license may subject the licensee to disciplinary action ~~and additional fines by the board.~~

D. An optometrist whose license has been lapsed for more than one year and who wishes to resume practice in Virginia shall apply for reinstatement. The executive director may grant reinstatement provided that:

1. The applicant ~~can demonstrate continuing competence~~ has a current, unrestricted license in another United States jurisdiction and has been engaged in active clinical practice within the 12 months immediately preceding application for reinstatement; or
2. The applicant has satisfied current requirements for continuing education as specified in 18VAC105-20-70 for the period in which the license has been lapsed, not to exceed two years; and
3. The applicant has paid the prescribed reinstatement application fee.

~~E. The board may require an applicant who has allowed his license to expire and who cannot demonstrate continuing competency to pass all or parts of the board approved examinations.~~

18VAC105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee

who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products.
2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.
3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.
4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).
5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to the renewal deadline unless an extension ~~or waiver~~ has been granted by the Continuing Education Committee. A request for an extension ~~or waiver~~ shall be received prior to the renewal deadline each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection ~~G~~ H of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses within ~~44~~ 30 days of the ~~renewal date~~ audit notification.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection ~~G~~ H of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date ~~on which the post-test was graded~~ as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

H. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored, accredited, or approved by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.
7. The Virginia Academy of Optometry.
8. Council on Optometric Practitioner Education (COPE).
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.
12. Providers of training in cardiopulmonary resuscitation (CPR).
13. Optometric Extension Program.

H. I. In order to ~~maintain approval~~ receive credit for continuing education courses, ~~providers~~ or sponsors a licensee shall submit a certificate that shows:

1. ~~Provide a certificate of attendance that shows the~~ The date, location, presenter or lecturer, content hours of the course and contact information of the provider or sponsor for verification. The certificate of attendance shall be based on verification by the sponsor

of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.

2. ~~Maintain documentation about the course and attendance for at least three years following its completion.~~ Whether the course was in real-time and interactive, including in-person or electronic presentations.

I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.

Agenda Item: Regulations for Opioid Prescribing

Staff Note:

Emergency regulations expire on April 29, 2019. A 6-month extension is necessary because permanent regulations will not be effective by that date. The replacement regulations are at the proposed stage, have not been published, and have not been adopted as final.

No action by the Board is necessary, the extension will be requested by the Agency Regulatory Coordinator.

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18VAC105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products.

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.

3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.

4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).

5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to the renewal deadline unless an extension or waiver has been granted by the Continuing Education Committee. A request for an extension or waiver shall be received prior to the renewal deadline each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board, which will require that the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

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E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored, accredited, or approved by one of the following:

~~1. The American Optometric Association and its constituent organizations.~~

~~2. Regional optometric organizations.~~

~~3. State optometric associations and their affiliate local societies.~~ An organization, association, academy or society of optometry or ophthalmology recognized by the professions.

~~4.2.~~ Accredited colleges and universities providing optometric or medical courses.

~~5. The American Academy of Optometry and its affiliate organizations.~~

~~6. The American Academy of Ophthalmology and its affiliate organizations.~~

~~7. The Virginia Academy of Optometry.~~

~~8.3.~~ Council on Optometric Practitioner Education (COPE).

~~9.4.~~ State or federal governmental agencies.

~~10. College of Optometrists in Vision Development.~~

~~11.5.~~ The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.

~~12.6.~~ Providers of training in cardiopulmonary resuscitation (CPR).

~~13. Optometric Extension Program.~~

H. In order to maintain approval for continuing education courses, providers or sponsors shall:

1. Provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course and contact information of the provider or sponsor for verification. The certificate of attendance shall be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.

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2. Maintain documentation about the course and attendance for at least three years following its completion.

I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.

Virginia Board of Optometry

Guidance for Continuing Education (CE) Audits and Sanctioning for Failure to Complete CE

Applicable Law, Regulation and Guidance

Code of Virginia

§ 54.1-3219. Continuing education.

A. As a prerequisite to renewal of a license or reinstatement of a license, each optometrist shall be required to complete 20 hours of continuing education relating to optometry, as approved by the Board, each year. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle. The courses shall include, but need not be limited to, the utilization and application of new techniques, scientific and clinical advances, and new achievements of research. The Board shall prescribe criteria for approval of courses of study. The Board may approve alternative courses upon timely application of any licensee. Fulfillment of education requirements shall be certified to the Board upon a form provided by the Board and shall be submitted by each licensed optometrist at the time he applies to the Board for the renewal of his license. The Board may waive individual requirements in cases of certified illness or undue hardship.

B. Of the 20 hours of continuing education relating to optometry required pursuant to subsection A:

1. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another;
2. No more than two hours may consist of courses related to recordkeeping, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products; and
3. For TPA-certified optometrists, at least 10 hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.

C. Nothing in this subsection shall prevent or limit the authority of the Board to require additional hours or types of continuing education as part or in lieu of disciplinary action.

Regulations of the Virginia Board of Optometry

18VAC105-20-60. Renewal of licensure; reinstatement; renewal fees.

A. Every person authorized by the board to practice optometry shall, on or before December 31 of 2018, submit a completed renewal form and pay the prescribed annual licensure fee. Beginning with calendar year 2020, the renewal of licensure deadline shall be March 31 of each year. For calendar year 2019, no renewal is required.

B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address of record and the public address, if different from the address of record. All changes of address or name shall be furnished to the board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address of record given and shall not relieve the licensee of the obligation to comply.

C. The license of every person who does not complete the renewal form and submit the renewal fee each year may be renewed for up to one year by paying the prescribed renewal fee and late fee, provided the requirements of 18VAC105-20-70 have been met. After the renewal deadline, a license that has not been renewed is lapsed.

Practicing optometry in Virginia with a lapsed license may subject the licensee to disciplinary action and additional fines by the board.

D. An optometrist whose license has been lapsed for more than one year and who wishes to resume practice in Virginia shall apply for reinstatement. The executive director may grant reinstatement provided that:

- 1. The applicant can demonstrate continuing competence;*
- 2. The applicant has satisfied current requirements for continuing education for the period in which the license has been lapsed, not to exceed two years; and*
- 3. The applicant has paid the prescribed reinstatement application fee.*

E. The board may require an applicant who has allowed his license to expire and who cannot demonstrate continuing competency to pass all or parts of the board-approved examinations.

18VAC105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

- 1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products.*
- 2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.*
- 3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.*
- 4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).*
- 5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.*

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to the renewal deadline unless an extension or waiver has been granted by the Continuing Education Committee. A request for an extension or waiver shall be received prior to the renewal deadline each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board, which will require that the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses

shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored, accredited, or approved by one of the following:

- 1. The American Optometric Association and its constituent organizations.*
- 2. Regional optometric organizations.*
- 3. State optometric associations and their affiliate local societies.*
- 4. Accredited colleges and universities providing optometric or medical courses.*
- 5. The American Academy of Optometry and its affiliate organizations.*
- 6. The American Academy of Ophthalmology and its affiliate organizations.*
- 7. The Virginia Academy of Optometry.*
- 8. Council on Optometric Practitioner Education (COPE).*
- 9. State or federal governmental agencies.*
- 10. College of Optometrists in Vision Development.*
- 11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.*
- 12. Providers of training in cardiopulmonary resuscitation (CPR).*
- 13. Optometric Extension Program.*

H. In order to maintain approval for continuing education courses, providers or sponsors shall:

- 1. Provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course and contact information of the provider or sponsor for verification. The certificate of attendance shall be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.*
 - 2. Maintain documentation about the course and attendance for at least three years following its completion.*
- I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.*

Guidance

Q: How many CE hours are required at renewal time?

A: The Regulations require the completion of 20 CE hours that meet the regulatory requirements per licensure year.

Q: Does the Board approve CE courses or programs?

A: No, the Board does not approve CE courses or programs. The Board accepts CE courses or programs sponsored, accredited, or approved by the list of entities found in 18VAC105-20-70(G).

Q: Does the Board require documentation of CE to be provided at renewal time?

A: No, CE documentation is not to be submitted at renewal. A licensee will be notified if he/she is chosen for a CE audit. The directions for submission of documentation during an audit are provided in the notification.

Q: Are TPA certified optometrists required to have any specific type of CE?

A: Yes, the Code of Virginia and the Regulations require that at least 10 hours of the required 20 shall be in the following areas:

- Ocular and general pharmacology

- Diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents
- New or advanced clinical devices, techniques, modalities, or procedure.

Q: Does the Board have a requirement for in-person CE attendance?

A: The Code of Virginia and the Regulations require that at least 10 hours of the required 20 hours be obtained through real-time, interactive activities that include in-person or electronic attendance provided that during the course of the presentation the licensee and the lecturer may communicate with one another.

Q: Will the Board accept attendance at a webinar that was recorded to satisfy the 10 hour of real-time CE requirement?

A: No, the Code of Virginia and the Regulations require that a real-time presentation be one at which the lecturer and the licensee are able to communicate with one another. However, a recorded webinar may be accepted if it is not being used to satisfy the 10-hour real-time requirement.

Q: Does the Board grant CE extensions or waivers?

A: The Board may choose to grant an extension or waiver. Per the Regulations, requests must be received by the Board prior to the renewal deadline each year. A request for an extension or waiver will not be granted for requests received on or after the renewal deadline. Failure to complete required CE may subject a licensee to disciplinary action.

Q: Will the Board grant a CE waiver for a long-standing illness?

A: According to the Code of Virginia, the Board may waive individual requirements in cases of certified illness or undue hardship.

Q: What is the Board’s process for conducting CE audits?

A: The following outlines the Board’s procedures for conducting CE audits:

- After each renewal cycle, the Board may choose to conduct a CE audit. A statistically valid audit sample is determined by a method that ensures randomness of those selected.
- Board office notifies selected licensees.
- Once notified, licensees are to submit a completed Continuing Education Form with copies of certificates.
- Board reviews documentation for compliance with the Regulations.
- Board office notifies licensees when compliance is determined. Board office refers licensees determined to be non-compliant for possible disciplinary action.

The Board adopted the following guidelines for resolution of cases of non-compliance with CE requirements:

Cause	Possible Action
First offense; short 1 – 5 hours or <u>failure to respond prior to initiation of board action</u>	Confidential Consent Agreement; 45 days to make up missing hours
First offense; short 6 – 20 hours	Consent Order; Monetary Penalty of \$500; 45 days to make up missing hours
Second offense; short 1 – 20 hours	Consent Order; Reprimand; Monetary Penalty of \$250 per missing hour; 45 days to make up missing hours
Three or more offenses	Informal Fact-Finding Conference

<u>First Offense: Failure to respond with CE documentation prior to initiation of board action</u>	<u>Confidential Consent Agreement</u>
<u>Second Offense: Failure to respond with CE documentation prior to initiation of board action</u>	<u>Consent Order; Monetary Penalty of \$XXX</u>

Note: The Board may offer a pre-hearing consent order or hold an informal fact finding conference when probable cause is found that a licensee has falsely certified completion of the required CE for renewal of his license.

DRAFT 02.08.19

Criteria for this report:

License Status = Current Active, Current Inactive, Probation - Current Active, Adverse Findings-- Current Active, Current Active-RN Privilege and Expiration Date >= Today or is null.

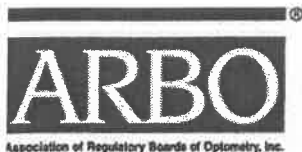
License Count Report for Optometry

Board	Occupation	State	License Status	License Count
Optometry				
	Optometrist			
	Optometrist	Virginia	Current Active	18
	Optometrist	Out of state	Current Active	78
	Total for Optometrist			96
Professional Designation				
	Professional Designation	Virginia	Current Active	244
	Professional Designation	Out of state	Current Active	1
	Total for Professional Designation			245
TPA Certified Optometrist				
	TPA Certified Optometrist	Virginia	Current Active	1,149
	TPA Certified Optometrist	Virginia	Probation - Current Active	2
	TPA Certified Optometrist	Out of state	Current Active	374
	Total for TPA Certified Optometrist			1,525
Total for Optometry				1,866

License Type	FY2013	FY2014	FY2015	2016	FY2017	FY2018	2019
Optometrist	150	143	131	124	117	104	96
Optometrist - Volunteer	0	0	0	0	0	0	0
Profession Designation	245	251	250	247	266	257	245
TPA Certified Optometrist	1480	1512	1527	1486	1538	1552	1525
Total	1875	1906	1908	1857	1921	1913	1866

Virginia Department of Health Professions
Cash Balance
As of December 31, 2018

	<u>105- Optometry</u>
Board Cash Balance as June 30, 2018	\$ 505,645
YTD FY19 Revenue	168,935
Less: YTD FY19 Direct and Allocated Expenditures	<u>191,902</u>
Board Cash Balance as December 31, 2018	<u><u>\$ 482,678</u></u>



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HOT LINKS

OE TRACKER Login
 COPE Reviewer Login
 COPE Administrator Login
 ARBO Member Boards Login
 OE TRACKER Mobile App
 Summer 2018 Greensheet
 OE TRACKER APP Comments

2019 ARBO Annual Meeting

• Celebrating 100 Years •



ARBO 2019 Annual Meeting

June 16-18, 2019
 Four Seasons Hotel
 St. Louis, Missouri

Please join us for the 100th ARBO Annual Meeting in St. Louis, Missouri. Members and staff of Regulatory Boards of Optometry in the United States, Canada, Australia, and New Zealand are invited to attend this important meeting. The ARBO Annual Meeting provides an excellent forum for keeping up-to-date with regulatory issues. This is a great opportunity to interact with your regulatory colleagues discussing hot topics and shared concerns in the regulatory community.

Meeting Agenda (COMING SOON)

Travel Stipends/Scholarships Information (COMING SOON)

Meeting Registration: Complete the delegate registration form to register both voting and non-voting delegates who will be attending the meeting. The registration fee for the 2019 meeting is \$500 for both voting and non-voting delegates.

SPECIAL RATE: Register one delegate by May 18, 2019 and pay the full \$500 registration fee and get a second delegate registration at no charge!

Online Delegate Registration [Online Delegate Registration](#)

Printable Delegate Registration Form

Non-Member/Observer Registration: The registration fee for non-members/observers is \$550.00. Please fill out the registration form and fax or email it to the ARBO office.

Hotel Reservation Information: Rooms are being held at the Four Seasons Hotel St. Louis for attendees of the ARBO Annual Meeting at a group rate of \$175 (+ taxes and fees) per night (single/double). In order to take advantage of the group rate, you must make your room reservation before Friday May 24, 2019

Online Reservations: To make, modify or cancel your hotel reservation online please visit <https://book.passkey.com/e/49514027>

Phone Reservations: To make your reservation by phone call 314-881-5757 and reference ARBO.



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