

In its Economic Impact Analysis, the Department of Planning and Budget was concerned that new language in Section 18 VAC 100-20-40A (Fees) seemed to imply that internal administrative expenses in addition to the vendor fee would both be included in the examination fee; whereas previously the exam fee was based on the vendor fee only and administrative expenses were all incorporated into the application fee. DPB felt that the effect could be very different, as the new language could allow an adjustment in the examination fee without any change in vendor charges. As possible solutions DPB suggested two options: (a) incorporating the exam administrative expenses into the application for licensure fee; or (b) explicitly stating the administrative part of the fee and allowing the other part to flex depending on the vendor.

In order to address this concern the language was changed to specify the various costs associated with the examination. The new language reads as follows:

The fee for examination(s) shall consist of the combination of an administrative charge \$10.00 (spectacle), \$25.00 (contact lens), and the appropriate contract charges. Examination service contracts shall be established in compliance with the Virginia Public Procurement Act (§11-35 et seq. of the Code of Virginia). The total examination fee shall not exceed a cost of \$300 to the applicant.

Further, in order to eliminate confusion for the applicants the section was modified to clarify that the Board's application for licensure fees cover both the applicant for "licensure by exam" and the applicant who is applying as an "out-of-state applicant."

These limited changes were submitted to the Office of the Attorney General for a Letter of Assurance on May 2, 2000. In a letter dated May 5, 2000, Assistant Attorney General William A. Diamond (Board Counsel) provided a statement of legal authority to amend the Regulations for the Board for Opticians under the authority granted the Board under §§ 54.1-201(5) of the Code of Virginia. The Board approved the changes on June 9, 2000.