



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **18 VAC 105-20 – Regulations Governing the Practice of Optometry and 18 VAC 105-30 – Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents**

**Department of Health Professions**

April 19, 2005

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

Pursuant to Chapter 744 of the 2004 Acts of Assembly, the Board of Optometry (board) proposes to require that all initial applicants for optometrist licensure meet Therapeutic Pharmaceutical Agent (TPA) certification requirements. Additionally, the board proposes to repeal 18 VAC 105-30 – Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents, and to incorporate TPA certification requirements into 18 VAC 105-20 – “Regulations Governing the Practice of Optometry.” The board also proposes to amend fees for licensure.

### **Estimated Economic Impact**

Under current board regulations, it is optional for a licensed optometrist to become TPA certified. A licensed optometrist may become a TPA-certified optometrist if he meets the requirements set out in 18 VAC 105-30 – “Regulations on Certification of Optometrists to Use

Therapeutic Pharmaceutical Agents.” In 2002, 940 out of 1,300 optometrists licensed in the Commonwealth were TPA certified. Chapter 744, 2004 Acts of Assembly, amended the Code of Virginia to require that, after June 30, 2004, every person initially licensed to practice optometry must meet the qualifications for a TPA certified optometrist, i.e., be trained to prescribe therapeutic pharmaceutical agents for treatment of diseases of the human eye and its adnexa. Since the Code of Virginia now requires that all newly licensed optometrists meet the qualifications for a TPA-certified optometrist, the board proposes to repeal 18 VAC 105-30 and incorporate most of its provisions into the board’s main regulation under 18 VAC 105-20. Currently licensed optometrists who do not have TPA certification will be able to continue practicing without meeting the qualifications for a TPA-certified optometrist.

According to the Department of Health Professions, all approved optometric educational programs have incorporated didactic and clinical training in TPA use since 1988. Also, in recent years over 99 percent of successful licensure applicants have also obtained TPA certification. Thus, other than payment of fees, the proposed requirement will have little impact.

The application fee is currently \$245 for an optometric license and \$200 for TPA certification. Under the proposed regulations the application fee is \$300 for the license and certification. Thus, applicants will save \$145.<sup>1</sup> There are approximately 50 persons who apply for licensure each year. The current annual renewal fees for licensure and certification are \$150 and \$75, respectively. The proposed annual renewal fee for combined licensure and certification is \$200, representing a saving of \$25 per year.<sup>2</sup> Annual licensure renewal without TPA certification will be unchanged at \$150.

## **Businesses and Entities Affected**

The proposed regulations affect the 1,340 persons licensed as optometrists, as well as individuals who intend to apply for licensure in the future.<sup>3</sup>

## **Localities Particularly Affected**

The proposed regulations affect all Virginia localities.

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<sup>1</sup>  $(\$245 + \$200) - \$300 = \$145$

<sup>2</sup>  $(\$150 + \$75) - \$200 = \$25$

<sup>3</sup> Source: Department of Health Professions

## **Projected Impact on Employment**

The proposed amendments will not significantly affect employment levels.

## **Effects on the Use and Value of Private Property**

The proposed regulations reduce fees for initial licensure and certification applicants by \$145, and annual licensure and certification renewal fees by \$25. The value of individual optometric practices will increase commensurately.