

DRAFT

**BOARD OF OPTOMETRY
LEGISLATIVE/REGULATORY REVIEW COMMITTEE MEETING
MARCH 19, 2004
RICHMOND, VA**

TIME AND PLACE: The meeting was called to order at 8:40 a.m. on Friday, March 19, 2004 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia.

PRESIDING CHAIR: Thomas R. Cheezum, O.D.

MEMBERS PRESENT: David H. Hettler, O.D.
Kelly Burk, Citizen Member

STAFF PRESENT: Howard M. Casway, Senior Assistant Attorney General, Board Counsel
Emily Wingfield, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Elizabeth A. Carter, Ph.D.
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Jon D. Bright, Board for Opticians
Bill Ferguson, Board for Opticians
Betty S. Graumlich, NAOO
Bruce Keeney, VOA
Stefan Cox, VSO

QUORUM: With all members of the Committee present, a quorum was established.

PUBLIC COMMENT: No public comment was presented.

AGENDA: There were no revisions or additions to the agenda.

DISCUSSION ITEMS: **Elements needed for emergency regulations in response to HB 856**

Ms. Yeatts recommended that Chapter 30 (TPA 18 VAC 105-30-30) of the TPA regulations be repealed and the requirements of 18 VAC 105-30-30 be incorporated into the general regulations, Sections 18 VAC 105-20-10 *et seq.* A draft of this incorporation was presented. Ms. Yeatts noted that the TPA Formulary Committee had not met; therefore, staff had made no changes to the Treatment Guidelines Section (18 VAC 105-30-60).

The Chair requested Mr. Casway and Ms. Wingfield to review the requirements for licensure by endorsement in reference to § 54.1-3214 and provide recommendations to the Committee.

Ms. Yeatts also noted that in the revision, the TPA application/renewal fees would be incorporated into the general regulations and that the Board should consider fee revisions to include fee reductions. With regard to fee reductions, the Committee deferred the discussion to the full Board.

Dr. Carter stated that licensees who have TPA certification now hold two permits -- the base license with prefix 0601 and the TPA certification with prefix 0618. She requested the Committee to consider allowing TPA holders to retain the "0618" permit and drop the "0601" permit, altogether. Those without TPA certification would continue to hold "0601" permits. The agency's database already has the data for both numbers merged. This distinction would simplify and reduce paperwork and, since the DEA and Board of Pharmacy licensees and others are already aware of the meaning of 0618 permits, it should pose no communication problems.

“Fast-track” regulatory amendment for application expiration

Because there are no regulations regarding the expiration of an incomplete optometric application, it was proposed that language be drafted utilizing the “fast-track” method. Ms. Yeatts informed the Committee that the proposed language would need to include exemption language for active duty military personnel.

On properly seconded motion by Dr. Hettler, the Committee voted unanimously that the deadline to complete an application, with the exception of the proposed military law, expire after one year.

Consider requirements for contact lens prescribing and release of prescription, both state and federal

Dr. Cheezum noted that because the regulations to interpret the new Federal law requiring contact lens prescription release are incomplete at this time, staff is directed to forward all inquiries relative to this law to the Federal Trade Commission.

Consider amending 18 VAC 105-20.50.B.4 for clarification of advertising PD titles in their entirety and clarification of PD titles used as locators

The Chair of the Committee deferred discussion of the issue of a possible modification of the regulations or repeal of §54.1-3215.12 to the full Board at its meeting today.

Pre-printed RX prescriptions with twelve (12) month expiration dates

On properly seconded motion by Dr. Hettler, the Committee voted unanimously to defer the issue for discussion at the full Board meeting.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

On properly seconded motion by Dr. Hettler, the meeting adjourned 10:00 a.m.

Thomas R. Cheezum, O.D., Chairman

Elizabeth A. Carter, Ph.D., Executive Director