

DRAFT
BOARD OF OPTOMETRY
TPA FORMULARY ADVISORY COMMITTEE MEETING
SEPTEMBER 13, 2005
RICHMOND, VA

TIME AND PLACE: The meeting was called to order at 8:40 a.m. on Tuesday, September 13, 2005 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia.

PRESIDING CHAIR: William T. Tillar, O.D.

MEMBERS PRESENT: Thomas Cheezum, O.D.
Akshay V. Dave, M.D.
Susan Keene, O.D.
Ralph Small, R.Ph.
E. Winston Trice, M.D.

MEMBERS NOT PRESENT: Samuel C. Smart, O.D.

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

OTHERS PRESENT: Bruce Keeney, Virginia Optometric Association (VOA)
Cal Whitehead, VA Society of Ophthalmology
Marc Hudson, O.D., VOA
Betty Graumlich, NAOO
Cori Berersdorf

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

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Cheezum, the Committee voted unanimously to approve the minutes of the August 9, 2004 meeting.

OVERVIEW OF REGULATIONS AND DISCUSSION: Dr. Small inquired as to whether the full Board had made any revisions to the TPA formulary. A review of the minutes reflected no substantial changes were made by the full Board at its December 2004 meeting.

Dr. Tillar reported that there had been no mandated regulatory changes. Additionally, that there had been no disciplinary complaints in violation of the TPA Formulary Section of the regulations.

ADJOURNMENT:

Dr. Cheezum moved to adjourn the meeting at 8:55 a.m.

William T. Tillar, O.D., Chairman

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

TPA-FORMULARY COMMITTEE

August 9, 2004

Comments from J. Thomas O'Brien, Jr.

I. Overview

My name is Tom O'Brien. I'm an attorney with Spotts Fain, P.C. here in Richmond.

I am here today representing the Virginia Optometric Association, which represents approximately 85% of the active, practicing optometrists in the Commonwealth.

The Virginia Optometric Association (which I will sometimes refer to as the "VOA") supported the passage of House Bill 856. This Bill made changes to the regulation of the practice of optometry, and now permits a "TPA Certified Optometrist" to prescribe and administer, within his scope of practice, Schedules III through VI controlled substances and devices to treat diseases and abnormal conditions of the human eye and its adnexa.

The Code of Virginia requires the Board of Optometry to adopt a "TPA Formulary." The TPA Formulary is the inclusive list of the therapeutic Pharmaceutical agents that a TPA-certified optometrist may prescribe. To assist the Board in the specification of the TPA Formulary, this Committee is tasked with

recommending to the Board those therapeutic pharmaceutical agents to be included on the TPA-Formulary.

In June, this Committee met and proposed a Formulary that was questioned by Ms. Emily Wingfield of the Attorney General's Office as being flawed, in part due to references to the current edition of "Drug Facts and Comparisons". A minority recommendation was also proposed by some members of the TPA Formulary Committee.

The Board at its June 30 meeting asked that the TPA Formulary Committee reconvene to prepare a new recommendation for the Formulary.

At the request of the VOA, I contacted Ms. Wingfield and we talked about her concern that the TPA Formulary Committee's original recommendation was legally questionable. I then worked, with the VOA and its Executive Director, Bruce Keeney, to prepare a draft TPA-Formulary that met the technical requirements of the Virginia Code. In preparing these regulations, we sought the input of various optometrists who are members of VOA, as well as other professionals, including several pharmacists.

In July, I offered to meet with Ms. Wingfield to discuss the draft TPA- Formulary that my firm has prepared *on behalf of* the YOA. Although Ms. Wingfield declined to meet with me in light of her role as counsel to the Board of Optometry, based on my previous discussions with her and our reading of the Virginia Code, we believe the draft TPA Formulary fully complies with Virginia

law.

{HAND OUT draft TPA-Formulary}. The VOA supports the draft that is being circulated and would ask you to consider adopting the draft as your recommendation to the Board of Optometry.

I will be present throughout this meeting today. If you have any questions at Time, I would be happy to offer my thoughts on behalf of the VOA.

Draft TPA Formulary, Recommended by the TPA Formulary Committee

August 9, 2004

18 V AC 105-30-70. Therapeutic pharmaceutical agents.

- A. A TPA-certified optometrist, acting within the scope of his practice, may procure, administer and prescribe the following pharmaceutical therapeutic agents (or any therapeutically appropriate combination thereof) appropriate to treat diseases and abnormal conditions of the human eye and its adnexa within the following categories:
1. Oral Analgesics:
 - a. Schedule III narcotic and non-narcotic oral analgesic preparations;
 - b. Schedule IV narcotic and non-narcotic oral analgesic preparations; and
 - c. Schedule VI oral analgesics within the following categories:
 - Steroidal and Non-steroidal anti-inflammatory agents; and
 - Centrally acting analgesics.
 2. Topically administered Schedule VI agents:
 - a. Alpha-Adrenergic Blocking Agents;
 - b. Anesthetics (including Esters and Amides);
 - c. Anti-allergies (including Antihistamines and Mast Cell Stabilizers);
 - d. Antifungals;
 - e. Anti-glaucoma;
 - f. Anti-Infectives (including Antibiotics and Antivirals);
 - g. Anti-Inflammatories (including Steroidal and Non-steroidal);
 - h. Cycloplegics and Mydriatics;
 - i. Decongestants;
 - j. Hypotensive Agents (including Carbonic Anhydrase Inhibitors and Hyperosmotics); and
 - k. Immunosuppressive Agents.
 3. Orally administered Schedule VI agents within the following categories:
 - a. Aminocaproic Acids (including Antifibrinolytic Agents);
 - b. Anti-allergies (including Antihistamines and Leukotriene Inhibitors);
 - c. Antifungals;
 - d. Anti-glaucoma;
 - e. Anti-Infectives (including Antibiotics and Antivirals);
 - f. Anti-Inflammatories (including Steroidal and Non-steroidal);
 - g. Decongestants;
 - h. Hypotensive Agents (including Carbonic Anhydrase Inhibitors and Hyperosmotics) and
 - i. Immunosuppressive Agents.

- B. The following drugs are excluded from the list of pharmaceutical therapeutic agents: Any Schedule I, U or V drug. *[List any other drugs to be excluded]*
- C. Over-the-counter topical and oral medications appropriate to treat the eye and its adnexa may be procured for administration, administered, prescribed or dispensed.
- D. Any optometrist may prescribe and dispense contact lenses for therapeutic purposes.
- E. A TPA-certified optometrist may inject epinephrine intramuscularly for emergency treatment of anaphylactic shock.

Suggested Reference Materials: Ophthalmic Drug Facts®, published by Wolters Kluwer Health, Inc., edited by Jimmy D. Bartlett, OD, DOS, DSC (Hon).

Attachment 3

A TPA-certified optometrist, acting within the scope of his practice, may procure, administer and prescribe 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 III, IV and VI narcotic and non-narcotic 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 Mydratics
 - i. Decongestants
 - 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 non-steroidal)
 - g. Decongestants

B. Schedule I, II and V drugs 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.