



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 105-20 – Regulations Governing the Practice of Optometry
Department of Health Professions
January 14, 2008

Summary of the Proposed Amendments to Regulation

The Board of Optometry (Board) proposes to make amendments to the regulation that include: (1) requiring licensees to include four hours of courses that are face-to-face or real-time interactive in the 16 hours of continuing education courses required to renew an optometry license; (2) requiring optometrists who are certified in the use of therapeutic pharmaceutical agents to have at least four hours of continuing education directly related to the treatment of the human eye and its adnexa with pharmaceutical agents; (3) if a licensee wishes to request an extension or waiver for the fulfillment of continuing education hours, requiring a request for the extension or waiver to be received by the Continuing Education Committee prior to December 31 of each year; (4) requiring at least eight of the 16 hours of continuing education be accredited by the Council on Optometric Practitioner Education (COPE) or the Accreditation Council for Continuing Medical Education (ACCME); and (5) requiring that in order to maintain approval for continuing education courses, providers or sponsors provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course, and contact information of the provider/sponsor for verification, *and* maintain documentation about the course and attendance for at least three years following its completion.

Result of Analysis

The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

The proposed regulation includes language requiring that of the 16 hours of continuing education required for license renewal, four hours be obtained from courses that are face-to-face or real-time interactive. (Real-time interactive courses are courses in which the learner has the opportunity to interact with the presenter and participants during the time of the presentation.) The benefit of this amendment is that the Board feels that the exchange of ideas and experiences with other practitioners improves the quality of the learning experience. Since many optometrists practice solo or in small practices, the Board believes that face-to-face or real-time interactive courses will have a positive impact on the health and safety of patients in care. The Virginia Optometric Association supports the face-to-face requirement, and, according to the Board, it is a common continuing education requirement across states. The cost of this amendment lies in the cost to licensees of finding and attending face-to-face or real-time interactive courses. From looking at the Council on Optometric Practitioner Education (COPE) web site course search¹, however, there seem to be considerable options for face-to-face and real-time interactive courses in most topics of optometry. In addition, the real-time interactive option allows licensees to avoid the travel costs associated with attending live sessions. Therefore, requiring that four hours of continuing education be completed in a face-to-face or real-time interactive setting does not seem to impose significant cost on licensees. To the extent that there is a benefit to these types of courses, then, the benefits of this amendment should outweigh the costs.

Under current regulation, for optometrists who are certified in the use of therapeutic pharmaceutical agents, at least two of the 16 required continuing education hours must be directly related to the prescribing and administration of such drugs. Under the proposed amendment, these optometrists would have to complete at least four hours in courses related to the treatment of the human eye and its adnexa with pharmaceutical agents. This change is being proposed because in the past three years, there has been a significant expansion in the use of therapeutic pharmaceutical agents in the practice of optometry. The Board feels that there is a lot for optometrists to learn that might not have been a part of their initial education. In addition, the Board feels that the new language of “treatment of the human eye and its adnexa...” is more inclusive and descriptive of the types of courses related to patient care. By requiring more hours,

¹ <http://www.arbo.org/index.php?action=cope>

the Board is ensuring that optometrists have sufficient information about pharmaceutical agents to administer quality patient care. The cost of this amendment is that optometrists will not be able to maximize their own net benefit from the continuing education course options, since they will be required to increase the continuing education time spent on this topic. If an optometrist would prefer to take other courses, or if these courses are difficult to access in certain areas of the Commonwealth, this amendment could carry cost for an individual optometrist. However, given the importance of pharmaceutical agents and their recent expansion, and given the number of relevant online courses available at the COPE site, it seems likely that the benefits of this amendment outweigh the costs.

The proposed regulation includes language that “A request for an extension or a waiver [for meeting continuing education requirements] shall be received prior to December 31 of each year.” This change is being proposed because the Board has had instances in which licensees realize that they are missing continuing education hours at the time of renewal and request an extension after the renewal date has passed. The license renewal period is January 1 to December 31, so this amendment ensures that the hours be completed, or an extension be granted, before the renewal deadline. This proposal should not impose any cost on licensees. Therefore, the benefit of this amendment outweighs the cost.

The proposed regulation includes language requiring that eight of the 16 hours of continuing education required for license renewal be accredited by the Council on Optometric Practitioner Education (COPE) or by the Accreditation Council for Continuing Medical Education of the American Medical Association (ACCME). The Board is proposing this change because they are concerned that they are not aware of the quality of continuing education that optometrists are using for license renewal. COPE and ACCME provide an assurance of quality for the content offerings and maintain records of attendance for verification in an audit. The benefit, then, is an assurance of quality in at least half of the required hours of continuing education.

The process to get COPE-approval for a course is two-step: first the lecture must get approved and then the event where the lecture is being presented must get approved. The cost of getting a lecture approved is \$50 for the first hour of credit and \$40 for each additional hour. For example, a two-hour lecture costs \$90 for approval, a three-hour lecture costs \$130, etc. This

course approval lasts three years for an unlimited number of course presentations. Every time, the course is given, however, the provider must pay event fees and submit an event form with information such as where the course is being presented, when it is being presented, and who is hosting the event. The event fees are as follows: an event with 1-5 COPE-approved lectures is \$30; an event with 6-10 COPE-approved lectures is \$50; and an event with 11+ COPE-approved lectures is \$50 plus \$4 for each COPE-approved lecture over ten. There is no fee for lectures given at the event that are not COPE-Approved.

For a provider of a 2-hour course to get COPE-approval, therefore, the total cost will be \$120.² If there are 30 participants in the class, then, the approval will increase the cost of the class by \$4 per participant. On the other hand, the cost of approval for a course that is being presented at an event with 4 other courses will be \$96³, or \$3.20 per pupil. Since looking at the COPE-approved course offerings⁴ shows that there are already considerable numbers of COPE-approved courses, and since the proposed amendment allows that eight of the 16 hours of continuing education not be COPE- or ACCME-approved, this amendment might not add cost for providers or licensees at all. Even if it does add cost, however, the cost will not be considerable. Therefore, although the benefit of this amendment—assuring the quality of continuing education—is difficult to quantify, it seems likely that the benefit outweighs the cost.

The proposed regulation includes language that requires providers or sponsors to do two things in order to maintain approval for continuing education courses. First, providers or sponsors must provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course, and contact information of the provider/sponsor for verification. This certificate of attendance must be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by an independent monitor. Second, providers or sponsors must maintain documentation about the course and attendance for at least three years following its completion. This amendment is being proposed because by observation and experience with audits of continuing education, the Board is concerned that some sponsors do not provide a certificate of completion that gives sufficient information about the course, nor do they provide verification of attendance. These requirements

² Calculation: \$50+\$40+\$30

³ Calculation: \$50+\$40+(\$30/5)

⁴ <http://www.arbo.org/index.php?action=cope>

will ensure that the certificate of attendance and all necessary information can be verified. The requirement that continuing education providers/sponsors maintain documentation about the course and attendance for at least three years following its completion came about because in conducting an audit of a licensee continuing education, it is often necessary to contact a sponsor or provider to request additional information about a course or about the licensee's attendance.

The cost of these amendments will most likely be born by the continuing education provider. Since most providers offer a certificate of completion—the Board's concern is that the certificates do not give sufficient information—this amendment should not impose prohibitively high costs. For those who do not currently provide certificates, it does not seem that the cost need exceed \$0.50 per participant, which is a cost that will probably be born either by the provider, or passed on to the participant. For those course providers who do not provide a post-test, the proposed amendment would require them to verify the attendee's presence in the course through an independent monitor. The cost of the monitor is difficult to ascertain since, according to the Department of Health Professions (Department), the cost of the monitor is likely to vary widely depending upon how different vendors work out staffing across the different kinds of venues. Some vendors might pay an independent monitor, while some may ask staff members to monitor as a part of their regular duties. The costs associated with the certificate and the three years of recordkeeping are likely to be outweighed by the benefits of being able to conduct an accurate audit of continuing education acquisition, especially since many providers and sponsors already provide certificates and maintain documentation. Many courses already provide post-tests and independent monitors and for those courses, the benefits of this amendment are likely to outweigh the costs. For those courses that, under this proposal, will have to provide an independent monitor for each course delivered, however, it is not clear if the benefits of this particular amendment will outweigh the costs.

Businesses and Entities Affected

There are 1444 optometrists⁵ and 470 offices of optometrists⁶ in Virginia who would be affected by these amendments. Of those optometrists, 1194 are TPA-certified (i.e., who are certified for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents) and therefore would be subject to all of the amendments, including the increase in

⁵ Source: Department of Health Professions

continuing education hours for treatment with pharmaceutical agents. All 470 offices of optometrists qualify as small businesses.

Localities Particularly Affected

The proposals do not disproportionately affect specific localities.

Projected Impact on Employment

The proposed change is not anticipated to have any significant impact on employment.

Effects on the Use and Value of Private Property

The cost of providing an independent monitor could increase costs for certain course providers, thereby decreasing the value of their business.

Small Businesses: Costs and Other Effects

The proposal to require continuing education course providers to provide either a post-test or an independent monitor will increase costs those providers who do not already do so. The requirement is reasonable though, so as to ensure actual course attendance by the licensee claiming continuing education credits.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No alternative methods would reduce cost while still achieving the desired policy goals.

Real Estate Development Costs

The proposed amendments do not create additional costs related to the development of real estate for commercial or residential purposes.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 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

⁶ Source: Virginia Employment Commission

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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.