

Project 7555 - Proposed

Board of Optometry

Regulations for laser surgery certifications

18VAC105-20-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Acute pain" means pain that occurs within the normal course of a disease or condition for which controlled substances may be prescribed for no more than three months.

"Active clinical practice" means an average of 20 hours per week or 640 hours per year of providing patient care.

"Adnexa" is defined as the conjoined, subordinate, or immediately associated anatomic parts of the human eye, including eyelids and eyebrows.

"Board" means the Virginia Board of Optometry.

"Chronic pain" means nonmalignant pain that goes beyond the normal course of a disease or condition for which controlled substances may be prescribed for a period greater than three months.

"Controlled substance" means drugs listed in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) in Schedules II through V.

"Laser surgery certification" means a certification issued by the board to a Virginia-licensed TPA-certified optometrist who has demonstrated compliance with the board's criteria for performance of peripheral iridotomy, selective laser trabeculoplasty, and YAG capsulotomy.

"LSPE" means the Laser and Surgical Procedures Examination administered by the NBEO.

"MME" means morphine milligram equivalent.

"NBEO" means the National Board of Examiners in Optometry.

"Prescription Monitoring Program" means the electronic system within the Department of Health Professions that monitors the dispensing of certain controlled substances.

"Proctored session" means any surgery on a live patient or procedure performed on a model eye that is observed and evaluated by a proctor for the purpose of obtaining laser surgery certification pursuant to 18VAC105-20-80 4 b.

"Proctoring" means an objective evaluation of an optometrist's clinical competence to perform laser surgery pursuant to § 54.1-3225 of the Code of Virginia.

"TMOD" means the treatment and management of ocular disease portion of the NBEO examination.

"TPA" means therapeutic pharmaceutical agents.

"TPA certification" means authorization by the Virginia Board of Optometry for an optometrist to treat diseases and abnormal conditions of the human eye and its adnexa and to prescribe and administer certain therapeutic pharmaceutical agents.

18VAC105-20-10. Requirements for licensure.

A. The applicant, in order to be eligible for licensure to practice optometry in the Commonwealth, shall meet the requirements for TPA certification in 18VAC105-20-16 and shall:

1. Be a graduate of a school of optometry accredited by the Accreditation Council on Optometric Education or other accrediting body deemed by the board to be substantially equivalent; and have an official transcript verifying graduation sent to the board;
2. Request submission of an official report from the NBEO of a score received on each required part of the NBEO examination or other board-approved examination;

3. Submit a completed application and the prescribed fee; and
4. Sign a statement attesting that the applicant has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

B. On or after January 1, 2033, all applicants to practice optometry in the Commonwealth shall meet the requirements for laser surgery in 18VAC105-20-80.

C. The board may waive the requirement of graduation from an accredited school of optometry for an applicant who holds a current, unrestricted license in another United States jurisdiction and has been engaged in active clinical practice for 36 out of the 60 months immediately preceding application for licensure in Virginia.

~~C.~~ D. Required examinations. For the purpose of § 54.1-3211 of the Code of Virginia, the board adopts all parts of the NBEO examination as its written examination for licensure. After July 1, 1997, the board shall require passage as determined by the board of Parts I, II, and III of the NBEO examination, including passage of TMOD.

~~D.~~ E. If an applicant has been licensed in another jurisdiction, the following requirements shall also apply:

1. The applicant shall attest that the applicant is not a respondent in a pending or unresolved malpractice claim.
2. Each jurisdiction in which the applicant is or has been licensed shall verify that:
 - a. The license is current and unrestricted, or if the license has lapsed, it is eligible for reinstatement;
 - b. All continuing education requirements have been completed, if applicable;
 - c. The applicant is not a respondent in any pending or unresolved board action; and

d. The applicant has not committed any act that would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia.

3. An applicant licensed in another jurisdiction who has not been engaged in active practice within the 12 months immediately preceding application for licensure in Virginia shall be required to complete 20 hours of continuing education as specified in 18VAC105-20-70.

4. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing.

18VAC105-20-20. Fees.

A. Required fees.

Initial application and licensure (including <u>with</u> TPA certification)	\$250
<u>Initial application for licensure with TPA certification and laser surgery certification</u>	<u>\$350</u>
<u>Application for laser surgery certification</u>	<u>\$200</u>
Annual licensure renewal without TPA certification	\$150
Annual licensure renewal with TPA certification	\$200
<u>Annual licensure renewal with TPA certification and laser surgery certification</u>	<u>\$250</u>
Annual renewal of inactive license	\$100
Late renewal without TPA certification <u>of any license</u>	\$50
Late renewal with TPA certification	\$65
Late renewal of inactive license	\$35
Handling fee for returned check or dishonored credit card or debit card	\$50
Reinstatement application fee (including renewal and late fees)	\$400
Reinstatement application after disciplinary action	\$500

Duplicate wall certificate	\$25
Duplicate license	\$10
Licensure verification	\$10

B. Unless otherwise specified, all fees are nonrefundable.

C. ~~From October 31, 2018, to December 31, 2018, the following fees shall be in effect:~~

Annual licensure renewal without TPA certification	\$75
Annual licensure renewal with TPA certification	\$100
Annual professional designation renewal (per location)	\$25

18VAC105-20-60. Renewal of licensure; reinstatement; ~~renewal fees.~~

A. Every person authorized by the board to practice optometry shall, on or before ~~December 31 of 2018~~ March 31 of each year, submit a completed renewal form and pay the prescribed annual licensure fee. ~~Beginning with calendar year 2020, the renewal of licensure deadline shall be March 31 of each year. For calendar year 2019, no renewal is required.~~

B. It shall be the duty and responsibility of each licensee to ~~assure~~ ensure that the board has the licensee's current address of record and the public address, if different from the address of record. All changes of address or name shall be furnished to the board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address of record given and shall not relieve the licensee of the obligation to comply.

C. The license of ~~every~~ any person who does not complete the renewal form and submit the renewal fee ~~each year~~ for a licensure period may be renewed for up to one year by paying the prescribed renewal fee and late fee, provided the requirements of 18VAC105-20-70 have been met. After the renewal deadline, a license that has not been renewed is lapsed. Practicing optometry in Virginia with a lapsed license may subject the licensee to disciplinary action.

D. An optometrist whose license has been lapsed for more than one year and who wishes to resume practice in Virginia shall apply for reinstatement. The executive director may grant reinstatement, provided that:

1. a. The applicant has a current, unrestricted license in another United States jurisdiction and has been engaged in active clinical practice within the 12 months immediately preceding application for reinstatement; or
2. b. The applicant has satisfied current requirements for continuing education as specified in 18VAC105-20-70 for the period in which the license has been lapsed, not to exceed two years; and
3. 2. The applicant has paid the prescribed reinstatement application fee.

18VAC105-20-80. Requirements for laser surgery certification.

An applicant for laser surgery certification shall submit to the board:

1. A completed application for laser surgery certification;
2. The prescribed fee;
3. An educational attestation from a dean or designee of a school of optometry or an instructor of a laser surgery certification course approved by the board that verifies that the applicant received didactic and clinical laser surgery training in the following subjects:
 - a. Laser physics, hazards, and safety;
 - b. Biophysics of laser;
 - c. Laser application in clinical optometry;
 - d. Laser tissue interactions;
 - e. Laser indications, contraindications, and potential complications;

- f. Gonioscopy;
- g. Laser therapy for open-angle glaucoma;
- h. Posterior capsulotomy;
- i. Common complications, lids, lashes, and lacrimal;
- j. Medicolegal aspects of anterior segment procedures;
- k. Peripheral iridotomy; and
- l. Laser trabeculoplasty.

The required attestation from the dean or designee of a school of optometry or an instructor of a laser surgery certification course approved by the board shall be submitted on a form prescribed by the board; and

4. Evidence of one of the following:

- a. Passage of the Laser Section of the LSPE, for which the applicant must request submission of an official report from the NBEO of the score received on the Laser Section of the LSPE; or
- b. Proctored sessions in compliance with 18VAC105-20-90, which may be obtained during education training described in subdivision 3 of this section.

18VAC105-20-90. Requirements for proctoring.

A. Applicants for laser surgery certification who have not provided the board with a passing score on the Laser Section of the LSPE must submit evidence on a form provided by the board of at least two proctored sessions for each of the following laser procedures:

- 1. Peripheral iridotomy;
- 2. Selective laser trabeculoplasty; and

3. YAG capsulotomy.

B. Proctors.

1. Pursuant to § 54.1-2400.01:1 of the Code of Virginia, a proctored session performed within the Commonwealth to qualify a TPA-certified optometrist for a laser surgery certification that consists of surgery on a live patient must be proctored by a licensed doctor of medicine or osteopathy who specializes in ophthalmology.

2. A proctored session performed within the Commonwealth to qualify a TPA-certified optometrist for a laser surgery certification that is performed on a model eye may be proctored by an individual holding a license in the Commonwealth or another jurisdiction who is authorized or certified to perform laser surgery on the eye and who does so as part of a regular course of practice.

3. The proctor must be in attendance in the room while the proctored session is performed, regardless of the jurisdiction in which the proctoring occurs.

4. Evidence of proctored sessions shall include a report by the proctor on a form provided by the board that:

a. Evaluates the clinical competency of the individual being proctored;

b. Describes the number and type of cases proctored; and

c. Includes the proctor's name, license type, license number, and state of licensure.

18VAC105-20-100. Reporting requirements.

A. An optometrist certified to perform laser surgery by the board shall report the following information to the board on a quarterly basis:

1. The number and type of laser surgeries performed by the optometrist;

2. The conditions treated for each laser surgery performed; and

3. Any adverse treatment outcomes associated with such procedures that required a referral to an ophthalmologist for treatment.

B. The requirements of subsection A shall expire on July 1, 2025.

18VAC105-20-110. Quality assurance review process.

A. Effective July 1, 2025, an optometrist certified to perform laser surgery by the board shall maintain documentation of the following for not less than three years:

1. The number and type of laser surgeries performed by the optometrist; and

2. Any adverse treatment outcomes associated with such procedures that required referral to an ophthalmologist for treatment.

B. The board may conduct a random audit of licensees requiring a subject licensee to provide documentation required in subsection A to the board within 30 days of notification of the audit.