

**DRAFT**  
**BOARD OF OPTOMETRY**  
**PUBLIC HEARING**  
**JUNE 8, 2005**

**TIME AND PLACE:** The meeting was held at the Department of Health Professions, 6603 West Broad Street, Room 3, at 11:05 a.m.

**CHAIRMAN:** David H. Hettler, O.D., Chair

**MEMBERS PRESENT:** Paula H. Boone, O.D.  
Gregory P. Jellenek, O.D.  
Martha Gilbert  
W. Ernest Schlabach, Jr., O.D.  
William T. Tillar, O.D.

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D.  
Elaine Yeatts, Senior Research Analyst  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** M.E. Jackson, VOA  
Bruce Keeney, VOA  
Bill Ferguson, Board for Opticians  
Betty Graumlich, NAOO

**PUBLIC COMMENT:** **Proposed Regulations to Incorporate TPA Certification Requirements into Chapter 20.**  
The Board held a public hearing on the proposed action to incorporate the current requirements for certification in therapeutic pharmaceutical agents into the regulations governing the practice of optometry.

No public comment was presented.

Dr. Hettler informed the Board that written comment could be received through July 29, 2005.

The proposed regulations are incorporated into the minutes at Attachment 1.

**ADJOURNMENT:** The hearing adjourned at 11:15 a.m.

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David H. Hettler, O.D., Chair

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Elizabeth A. Carter, Ph.D., Executive

## Proposed Regulations Board of Optometry

### CHAPTER 20 REGULATIONS GOVERNING THE PRACTICE OF OPTOMETRY

#### **18VAC105-20-05. Definitions.**

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

"Board" means the Virginia Board of Optometry.

"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. Licensure by examination.**

A. The applicant, in order to be eligible for licensure by examination 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 Council on Optometric Education; have an official transcript verifying graduation sent to the board;
2. Request submission of an official report from the National Board of Examiners in Optometry of a score received on each required part of the examination of the National Board of Examiners in Optometry or other board-approved examination; and
3. Submit a completed application and the prescribed fee.

B. Applicants who passed the National Board Examination prior to May 1985 shall apply for licensure by endorsement as provided for in 18VAC105-20-15.

C. Required examinations.

1. For the purpose of §54.1-3211 of the Code of Virginia, the board adopts all parts of the examination of the National Board of Examiners in Optometry 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 National Board Examination.
2. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

#### **18VAC105-20-15. Licensure by endorsement.**

A. An applicant for licensure by endorsement shall meet the requirements for TPA certification in 18VAC105-20-16, pay the fee as prescribed in 18VAC105-20-20 and file a completed application that certifies the following:

1. The applicant has successfully completed a licensing examination or certification in optometry in any jurisdiction of the United States that is approximately comparable to the Virginia examination at the time of initial licensure.
2. The applicant has been engaged in active clinical practice for at least 36 months out of the last 60 months immediately preceding application.
3. The applicant is not a respondent in a pending or unresolved malpractice claim.
4. Each jurisdiction in which the applicant is currently licensed has verified that:
  - a. The license is full and unrestricted, and all continuing education requirements have been completed, if applicable;

- b. The applicant is not a respondent in any pending or unresolved board action;
  - c. The applicant has not committed any act which would constitute a violation of §54.1-3204 or §54.1-3215 of the Code of Virginia; and
  - d. The applicant has graduated from an accredited school or college of optometry.
- B. The applicant shall also provide proof of competency in the use of diagnostic pharmaceutical agents (DPAs) which shall consist of a report from the national board of passing scores on all sections of Parts I and II of the National Board Examination taken in May 1985 or thereafter. If the applicant does not qualify through examination, he shall provide other proof of meeting the requirements for the use of DPA as provided in §§54.1-3220 and 54.1-3221 of the Code of Virginia.
- C. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.
- D. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing and provide proof of credentialing and quality assurance review to satisfy compliance with applicable requirements of subsection A of this section.
- E. In the event the examinations for initial licensure are determined not comparable, the board may require the applicant to take and pass a regional or national practical examination.
- F. An optometrist previously licensed in Virginia is not eligible for licensure by endorsement but may apply for reinstatement of licensure under 18VAC105-20-60.

**18VAC105-20-16. Requirements for TPA certification.**

A. An applicant for licensure shall meet the following requirements for TPA certification:

1. Complete a full-time, postgraduate or equivalent graduate-level optometric training program which is approved by the board and which shall include a minimum of 20 hours of clinical supervision by an ophthalmologist; and
2. Take and pass the TPA certification examination, which shall be Treatment and Management of Ocular Disease (TMOD) of the National Board of Optometric Examiners or if TPA-certified by a state examination, provide evidence of comparability to the NBOE examination that is satisfactory to the board.

B. A candidate for certification by the board who fails the examination as required in 18VAC105-20-16 B, following three attempts, shall complete additional postgraduate training as determined by the board to be eligible for TPA certification.

**18VAC105-20-20. Fees.**

A. Required fees.

- Initial application and licensure ~~(including TPA certification) \$245~~ \$300
- ~~Endorsement of certification to use diagnostic pharmaceutical agents \$100~~
- Annual licensure renewal without TPA certification \$150
- Annual licensure renewal with TPA certification \$200
- Late renewal without TPA certification \$50
- Late renewal with TPA certification \$65
- Returned check \$25
- Professional designation application \$100
- Annual professional designation renewal (per location) \$50
- Late renewal of professional designation \$20
- Reinstatement application fee (including renewal and late fees) \$450
- Reinstatement application after disciplinary action \$500
- Duplicate wall certificate \$25
- Duplicate license \$10
- Licensure verification \$10

B. Unless otherwise specified, all fees are nonrefundable.

**18VAC105-20-70. Requirements for continuing education.**

A. Each license renewal shall be conditioned upon submission of evidence to the board of 16 hours of continuing education taken by the applicant during the previous license period.

1. Fourteen of the 16 hours shall pertain directly to the care of the patient. The 16 hours may include up to two hours of recordkeeping for patient care and up to two hours of training in cardiopulmonary resuscitation (CPR). Optometrists with TPA certification shall complete at least two hours annually of continuing education directly related to the prescribing and administration of TPA's.

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least two of the required continuing education hours shall be directly related to the prescribing and administration of such drugs.

3. Courses that are solely designed to promote the sale of specific instruments or products and courses offering instruction on augmenting income are excluded and will not receive credit by the board.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to December 31 unless an extension or waiver has been granted by the Continuing Education Committee.

C. All continuing education courses shall be offered by an approved sponsor listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored or approved by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.
7. The Virginia Academy of Optometry.
8. Council on Optometric Practitioner Education (C.O.P.E.).
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 or Category 2 credit.
12. Providers of training in cardiopulmonary resuscitation (CPR).

### 13. Optometric Extension Program.