



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Optometry, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC105-20-10 et seq.
Regulation title	Regulations Governing the Practice of Optometry
Action title	Restricted volunteer license
Final agency action date	May 9, 2008
Document preparation date	May 9, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

House Bill 1222 of the 2008 General Assembly amended § [54.1-3202](#) of the Code of Virginia, which sets out exemptions for which the requirement for licensure as an optometrist does not apply. House Bill 1222 of the 2008 General Assembly amended § [54.1-3001](#) of the Code of Virginia, which sets out exemptions for which the requirement for licensure as a nurse does not apply. The legislation deleted the requirement that the volunteer, nonprofit organization have no paid employees and the requirement that it sponsor of health care to populations of underserved people *throughout the world*. It also changed the notification requirement from 15 days to five business days. The regulations are amended accordingly.

Changes to Code section are noted:

2. Any optometrist rendering free health care to an underserved population in Virginia who (i) does not regularly practice optometry in Virginia, (ii) holds a current valid license or certificate

to practice optometry in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care in an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization ~~with no paid employees~~ that sponsors the provision of health care to populations of underserved people ~~throughout the world~~, (iv) files a copy of his license or certification in such other jurisdiction with the Board, (v) notifies the Board at least ~~fifteen~~-five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any optometrist whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. *However, the board shall allow an optometrist who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.*

The amendments to section 75 of the regulations are promulgated as an exempt action because they are: *“Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”* (§ 2.2-4006. 4 A 4)

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On May 9, 2008, the Board of Optometry amended section 75 of 18VAC105-20-10 et seq., Regulations Governing the Practice of Optometry.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the institution of the family and family stability.