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HOUSE BILL NO. 160

Offered January 14, 2004

Prefiled January 5, 2004

A BILL to amend and reenact § 54.1-3215 of the Code of Virginia, relating to causes for revocation or suspension of an optometrist's license or reprimand of an optometrist.

Patrons—Reid and McDonnell

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3215 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-3215. Reprimand, revocation and suspension.

The Board may revoke or suspend a license or reprimand the licensee for any of the following causes:

1. Fraud or deceit in his practice;
2. Conviction of any felony under the laws of the Commonwealth, another state, the District of Columbia or any United States possession or territory or of any misdemeanor under such laws involving moral turpitude;
3. Conducting his practice in such a manner as to endanger the health and welfare of his patients or the public;
4. Use of alcohol or drugs to the extent such use renders him unsafe to practice optometry or mental or physical illness rendering him unsafe to practice optometry;
5. Knowingly and willfully employing an unlicensed person to do anything for which a license to practice optometry is required;
6. Practicing optometry while suffering from any infectious or contagious disease;
7. Neglecting or refusing to display his license and the renewal receipt for the current year;
8. Obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient;
9. Advertising which directly or indirectly deceives, misleads or defrauds the public, claims professional superiority, or offers free optometrical services or examinations;
10. Employing, procuring, or inducing a person not licensed to practice optometry to so practice;
11. Aiding or abetting in the practice of optometry any person not duly licensed to practice in this Commonwealth;
12. Advertising, practicing or attempting to practice optometry under a name other than one's own name as set forth on the license;
13. Lending, leasing, renting or in any other manner placing his license at the disposal or in the service of any person not licensed to practice optometry in this Commonwealth;
14. Splitting or dividing a fee with any person or persons other than with a licensed optometrist who is a legal partner or comember of a professional limited liability company formed to engage in the practice of optometry;
15. Practicing optometry where any officer, employee, or agent of a commercial or mercantile establishment, as defined in subsection C of § 54.1-3205, who is not licensed in Virginia to practice optometry or medicine directly or indirectly controls, dictates, or influences the professional judgment, including but not limited to the level or type of care or services rendered, of the licensed optometrist;
16. *Practicing optometry in any setting or location in which there is access to or from the practice through a common door or doorway between both the practice and a commercial or mercantile establishment;*
17. Violating other standards of conduct as adopted by the Board; *and*
18. Violating, assisting, inducing or cooperating with others in violating any provisions of law relating to the practice of optometry, including the provisions of this chapter, or of any regulation of the Board.

INTRODUCED

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