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HOUSE JOINT RESOLUTION NO. 172

Offered January 9, 2008

Prefiled January 9, 2008

Directing the Joint Legislative Audit and Review Commission to study the impact of current law impeding accessibility to vision care services and products by Virginia consumers. Report.

Patrons—Putney, Nutter, O'Bannon, Purkey, Shannon and Sickles

Referred to Committee on Rules

WHEREAS, the professional practice of optometry is regulated by the statutes of the Commonwealth of Virginia and the Board of Optometry, which establish the qualifications and standards of practice for delivering optometric services to vision care consumers; and

WHEREAS, since 1938, the Commonwealth of Virginia has prohibited optometrists from practicing in or as a lessee of a commercial or mercantile establishment; and

WHEREAS, studies have shown a correlation between higher prices and diminished accessibility in states where these types of business restrictions are in place; and

WHEREAS, the "graying of America" necessitates increased vision care services to ensure maximum visual acuity; and

WHEREAS, in many families both spouses must work, thereby limiting shopping opportunities to receive optometric care; and

WHEREAS, medical doctors specializing in ophthalmology are currently leasing space in commercial and mercantile establishments providing quality and convenient vision care services to vision care consumers; and

WHEREAS, competition is the hallmark of America's free market economy, producing lower prices and better quality goods and services; and

WHEREAS, certain restrictive Virginia laws hinder vision care consumers from enjoying the benefits of purchasing optometric services adjacent to an optical dispensary located in commercial or mercantile establishments; and

WHEREAS, solo practicing Doctors of Optometry engaged in the sale of optical merchandise are not subject to the same restrictive laws, thereby creating an unfair marketplace for competition; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the impact of current law impeding accessibility to vision care services and products by Virginia consumers.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review those independent studies reported by and conducted by the Federal Trade Commission, and (ii) review complaints relating to quality issues against all optometrists in selected states as determined by the Joint Legislative Audit and Review Commission that do not have a similar commercial or mercantile prohibition.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its review by November 30, 2008, and the chairman of the Commission shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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