

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 54.1-2400.01:2, relating to
3 requirements for ophthalmic prescriptions.

4 [H 1497]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 54.1-2400.01:2 as follows:**
8 **§ 54.1-2400.01:2. Ophthalmic prescription defined; who may provide ophthalmic prescriptions.**

9 A. As used in this section:

10 "Contact lens" means any lens that is placed directly on the surface of the eye, whether or not the
11 lens is intended to correct a visual defect, including any cosmetic, therapeutic, or corrective contact
12 lens.

13 "Ophthalmic prescription" means a handwritten or electronic order of a provider that includes (i) in
14 the case of contact lenses, all information required by the Fairness to Contact Lens Consumers Act, 15
15 U.S.C. §§ 7601 et seq., (ii) in the case of prescription eyeglasses, all information required by the
16 Ophthalmic Practice Rule, also known as the Eyeglass Rule, 16 C.F.R. Part 456, and (iii) necessary
17 and appropriate information for the dispensing of prescription eyeglasses or contact lenses for a patient,
18 including the provider's name, physical address at which the provider practices, and telephone number.

19 "Provider" means an ophthalmologist licensed by the Board of Medicine pursuant to Chapter 29
20 (§ 54.1-2900 et seq.) or an optometrist licensed by the Board of Optometry pursuant to Chapter 32
21 (§ 54.1-3200 et seq.).

22 B. For the purpose of a provider prescribing spectacles, eyeglasses, lenses, or contact lenses to a
23 patient, a provider shall establish a bona fide provider-patient relationship by an examination (i) in
24 person, (ii) through face-to-face interactive, two-way, real-time communication, or (iii)
25 store-and-forward technologies when all of the following conditions are met: (a) the provider obtains an
26 updated medical history at the time of prescribing; (b) the provider makes a diagnosis at the time of
27 prescribing; (c) the provider conforms to the standard of care expected of in-person care as appropriate
28 to the patient's age and presenting condition, including when the standard of care requires the use of
29 diagnostic testing and performance of a physical examination, which may be carried out through the use
30 of peripheral devices appropriate to the patient's condition; (d) the ophthalmic prescription is not
31 determined solely by use of an online questionnaire; (e) the provider is actively licensed in the
32 Commonwealth and authorized to prescribe; and (f) upon request, the prescriber provides patient
33 records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and
34 federal laws and regulations.

35 C. The requirements of this section shall not apply to (i) the sale of eyeglasses not designed to
36 correct or enhance vision by addressing the visual needs of the individual wearer and that may be
37 known as over-the-counter eyeglasses or readers or (ii) a licensed optician providing services in
38 accordance with § 54.1-1509.

39 D. The provisions of this section shall not apply to ophthalmic prescriptions written prior to July 1,
40 2017.