

## 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 [S 1321]

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.*

ENROLLED

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