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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

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(717) 783-5417
Fax (717) 783-2664

November 5, 2003

Steven J. Reto, O.D., Chairman
State Board of Optometry
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5211 (IRRC #2354)
State Board of Optometry
Continuing Education, Fees, Certification to Treat Glaucoma

Dear Chairman Reto:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director
sfh
Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Optometry Regulation No. 16A-5211

Continuing Education, Fees, Certification to Treat Glaucoma

November 5, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Optometry (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 6, 2003. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 23.205. Application procedure. - Consistency with the enabling statute.

The Optometric Practice and Licensure Act (Act) (63 P.S. § 244.3(a)(2.5)(i)) requires optometrists to maintain professional liability insurance in the amounts of \$200,000 per occurrence and \$600,000 per annual aggregate. However, therapeutically certified optometrists are required to have professional liability insurance in the amounts of \$1,000,000 per occurrence and \$3,000,000 per annual aggregate (63 P.S. § 244.4b(b)).

It is our understanding that when an applicant applies for a license as a therapeutically certified optometrist, the applicant must verify, by signature under a statement, that the optometrist has the greater amount of insurance coverage. However, this requirement is not set forth in the proposed regulation. To provide sufficient notice to prospective applicants, the final-form regulation should include the greater insurance requirements established by the Act.



Facsimile Cover Sheet

Kristine M. Shomper
Administrative Officer



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333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

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INDEPENDENT REGULATORY REVIEW COMMISSION

To: Suzanne Hoy
Agency: Department of State
Licensing Boards and Commissions
Phone: 7-2628
Fax: 7-0251
Date: 11/5/03
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Optometry regulation #16A-5211 (IRRC #2354). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: _____

Suzanne Hoy

Date: _____

11/5/03