

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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ORIGINAL

**Bill Number:** SB212

**Patron:** Boysko

**Bill Title:** TPA-certified optometrists; sale and dispensation of Schedule VI controlled substances; requirements.

**Bill Summary:** Permits TPA-certified optometrists to sell and dispense Schedule VI controlled substances provided that they obtain a license to do so from the Board of Pharmacy and comply with requirements related to dispensation, storage, packaging, labeling, recordkeeping, and reporting of the controlled substances sold and dispensed. The bill directs the Board of Optometry and the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill and establish a limited license for TPA-certified optometrists pursuant to the act.

**Budget Amendment Necessary:** Yes

**Items Impacted:** Item 288

**Explanation:** The Department of Health Professions will require additional nongeneral fund appropriation and two positions to comply with the requirements of this legislation, attributable to Item 288 (Regulation of Professions and Occupations).

**Fiscal Summary:** The proposed legislation will require additional nongeneral fund expenditures on the part of the Department of Health Professions (DHP) for which they are not currently appropriated. See table and fiscal analysis below.

**Nongeneral Fund Expenditure Impact:**

Agency	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
DHP (223)	-	\$254,900	\$254,900	\$254,900	\$254,900	\$254,900
<b>TOTAL</b>	<b>-</b>	<b>\$254,900</b>	<b>\$254,900</b>	<b>\$254,900</b>	<b>\$254,900</b>	<b>\$254,900</b>

**Position Impact:**

Agency	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
DHP (223)	-	2.0	2.0	2.0	2.0	2.0
<b>TOTAL</b>	<b>-</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

**Fiscal Analysis:** This bill allows TPA-certified optometrists to sell and dispense Schedule VI controlled substances under a license from the Board of Pharmacy. Under the provisions of the bill, regulatory boards at the Department of Health Professions (DHP) will be responsible for jointly developing a limited license application, processing applications for the new license type, and validating practitioner eligibility for the limited license. Consistent with similar regulations for the dispensation of controlled substances, the Board of Pharmacy will also need to inspect optometrist offices that sell and dispense Schedule VI controlled substances to ensure compliance with regulations and applicable law. DHP reports that there are over 800

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optometrist office locations in the Commonwealth; the agency expects that eligible optometrists at most, if not all, of these locations, will apply for the limited license created by this bill. DHP reports that the Board of Pharmacy is currently working under financial strain and does not have sufficient resources to comply with the licensing and inspection requirements as set forth by this bill.

In order to process the expected volume of applications without negatively impacting other licensing workflows, DHP indicates that the Board of Pharmacy will require one full-time licensing specialist position at pay band 3, resulting in a nongeneral fund impact of \$100,000. Additionally, to accommodate an expected increase in the volume of site inspections, the Board of Pharmacy will also require one full-time inspector position at pay band 5, resulting in a nongeneral fund impact of \$154,900. The costs for both positions are inclusive of salary, fringe benefits, and non-personnel costs related to operation, training, supplies, and travel. The Board of Pharmacy expects to impose a fee for the limited license in order to generate the nongeneral fund revenue necessary to sustain these positions.

This legislation also requires the Board of Pharmacy and the Board of Optometry to promulgate new regulations; it is expected that any impacts associated with this requirement will be minimal and absorbable within existing resources.

**Other:** SB212 may be a companion to HB1006.