

**BOARD OF OPTOMETRY
FULL BOARD MEETING
FEBRUARY 13, 2015**

TIME AND PLACE: The Board of Optometry (Board) meeting was called to order at 10:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233.

PRESIDING OFFICER: Joseph E. Droter, O.D., Chair

MEMBERS PRESENT: Devon Cabot, Citizen Member
Helene Clayton-Jeter, O.D.
Steven A Linas, O.D.
Jonathan R. Noble, O.D.
Douglas Weberling, O.D.

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Elaine Yeatts, Senior Policy Analyst
Jamie Hoyle, Chief Deputy Director
Faye Lemon – Director of Enforcement
Paul Dauby – Deputy Director of Enforcement
Pam Twombly – Deputy Director of Enforcement
Carol Stamey, Operations Manager
Tamara Farmer, Administrative Assistant

OTHERS PRESENT: No members of the public were present.

QUORUM: With all members of the Board present, a quorum was established.

ORDERING OF AGENDA Dr. Weberling moved to approve the agenda as presented. The motion was seconded and carried.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Dr. Weberling moved to approve the September 26, 2014, meeting minutes as presented. The motion was seconded and carried.

DIRECTOR’S REPORT: Ms. Hoyle reported that Dr. Brown was unable to attend the board meeting today due to his involvement with General Assembly activities.

**REGULATORY/
LEGISLATIVE UPDATE:** **Legislative update from 2015 General Assembly Session**
Ms. Yeatts provided an overview of the 2015 legislation that may affect DHP boards.

Consideration of draft legislation for 2016 General Assembly Session

- **Adding email notification option to §54.1-2405**
The Board discussed adding email notification as an option to notify patients of transfer of records due to closure, sale or relocation of a practice.

Dr. Droter requested that any action on this issue be moved to the “New Business” section of the agenda.

- **Continuing education (CE) requirements - §54.1-3219**

The Board discussed increasing the number of required CE hours from 16 to 20 per year, requiring face-to-face hours and allowing carryover of hours obtained in one year to the next year.

Dr. Droter moved to endorse and pursue revision of §54.1-3219 of the *Code of Virginia* to change the continuing education requirement from “shall not exceed 16 hours” to “shall not exceed 20 hours” in one calendar year. The motion was seconded and carried.

Further discussion of CE requirements was suspended in order to allow Ms. Lemon’s report under “Discussion Items.”

Regulatory reform changes – effective 1/15/2015

Ms. Yeatts provided an overview of the regulatory reform changes that became effective on January 15, 2015.

DISCUSSION ITEMS:

Selling of decorative contact lenses by unlicensed individuals

Ms. Lemon introduced Mr. Dalby and Ms. Twombly and provided an overview of the agency’s current procedures for processing cases involving unlicensed activity.

It was the consensus of the Board that the Enforcement Unit should send an investigator to follow-up on cases that involved the sale of contact lenses by unlicensed individuals. The investigator is to determine if the contact sales by the individual have been discontinued. If allowed by law, the Enforcement Unit should share information about possible illegal activity with the Food and Drug Administration (FDA) and provide a link on the Board’s website to the agency’s policy for processing cases involving unlicensed activity.

Continuing education requirements - §54.1-3219 continued

The Board discussed its intent to publish a Notice of Intended Regulatory Action (NOIRA) regarding changes to the current CE regulatory requirements. The proposed changes to include in the NOIRA are the following:

- Requirement of real-time, interactive CE

Dr. Weberling moved to require 50 percent of the total CE be real-time, interactive activities. The motion was seconded and carried.

- Allowance of carry over

Dr. Clayton-Jeter moved to provide a provision in the regulations to allow up to 50 percent of the required annual CE

hours to be carried over to the following year. The motion was seconded and carried.

- Acceptance of coding courses

Main Motion - Dr. Weberling moved to provide a provision in the regulations that the required annual CE hours may include up to two hours of recordkeeping for patient care and coding. The motion was seconded.

Secondary Motion - Dr. Linas moved to amend the main motion to reduce the two hours of recordkeeping for patient care and coding to one hour. The motion was seconded, discussed and failed with a vote of 4-no and 2-yes.

Secondary Motion - Dr. Noble moved to amend the main motion to allow up to one hour of CE as practice management. The motion was seconded, discussed and carried with a vote of 4-yes and 2-no.

- Change requirement for TPA-certified optometrists

Dr. Linas moved to require 50 percent of CE hours for TPA-certified optometrists to be in the field of ocular and general pharmacology, diagnosis and therapeutics or advanced clinical procedures. The motion was seconded and carried.

Continued Professional Development in Optometry (CPDO) Exam

The Board discussed the CPDO exam which assesses competency. It was the consensus of the Board that the exam could be utilized as a tool in disciplinary matters and count as acceptable CE.

Dr. Clayton-Jeter moved to add to the NOIRA the intent to allow the CPDO exam to count towards a portion of the annual CE requirements. The motion was seconded and carried with a vote of 4-yes and 2-no.

State Law Examination

The Board discussed the requirement of a state law examination and it was the consensus of the Board that a state law exam could be used for disciplinary purposes. Test questions would have to be developed by the Board.

Federal Trade Commission (FTC) Announcement – Regulation Review Notification

Ms. Knachel reported that the FTC had announced a review of its regulations regarding the Contact Lens Rule and Eyeglass Rule. The notification was included in the Board's agenda packet.

Updates

- Guidance Document Review

Ms. Knachel reported that none of the board members requested any updates to the guidance documents following a requested review.

- **Healthcare Workforce Data Center Survey (HWDC)**

Ms. Knachel reported that the results of the HWDC survey would be provided at the June 2015 meeting.

Association of Regulatory Boards of Optometry (ARBO) Annual Meeting

Ms. Knachel reported that ARBO was offering a \$500 stipend and a \$500 scholarship to Virginia to have a Virginia representative attend the meeting. She noted that two members of the Board could attend. Dr. Droter will identify the board members who will attend.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Clayton-Jeter reported that the Board of Health Professions had not met, so there was no report.

PRESIDENT'S REPORT:

Dr. Droter thanked the Board for its work.

**EXECUTIVE DIRECTOR'S
REPORT:**

Statistics

Ms. Knachel presented an overview of the Board's licensure and disciplinary statistics.

Budget

Ms. Knachel reported that the budget information specific to the Board had been included in the packet.

Update on Licensee Communications

Ms. Knachel provided an update on the Board's recent electronic notifications to licensees.

Activities of Executive Director

Ms. Knachel provided an overview of her activities as required by the Bylaws.

NEW BUSINESS:

Adding email notification option to §54.1-2405 continued

Dr. Weberling moved that it was the Board's intent to request a legislative proposal to include electronic notification as an option in §54.1-2405 of the *Code of Virginia*. The motion was seconded and carried.

ADJOURNMENT:

The meeting adjourned at 1:02 p.m.

Joseph E. Droter, O.D.
Chair

Leslie L. Knachel, M.P.H.
Executive Director