

DRAFT
BOARD OF OPTOMETRY
PROFESSIONAL DESIGNATION COMMITTEE
MAY 5, 2010

TIME AND PLACE: The Board of Optometry's (Board) Professional Designation Committee (PDC) meeting was called to order at 9:10 a.m. at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia.

CHAIRMAN: W. Ernest Schlabach, Jr., O.D., Chair

MEMBERS PRESENT: David H. Hettler, O.D., Ex-officio

MEMBERS NOT PRESENT: Jonathan R. Noble, O.D.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Eric Gregory, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager

OTHERS PRESENT: Gregory P. Jellenek, O.D., Board Member

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Dr. Hettler moved to approve the minutes of the January 26, 2010, PDC meeting. The motion was seconded and carried.

DISCUSSION ITEMS: **Research on What Other States are Doing with Regard to Professional Designation Titles**
Ms. Knachel informed the committee that a survey of 14 states revealed that the majority of the states do not require registration fees for the use of titles.

Cost of Professional Designation Investigations
Ms. Knachel reported that the cost to investigate a complaint involving a professional designation issue averaged between \$1000 and \$1500 per case.

With regard to the budget, it was determined that the current registration of professional designations attributed approximately \$10,000 on a yearly basis.

CLOSED SESSION: Dr. Hettler moved that the Board convene a closed meeting pursuant to § 2.2-3711.A(7) of the Code of Virginia for consultation with legal counsel to address the issues of: Status

of Pennsylvania Regulations and Lawsuits Pertaining to Professional Designation Titles, Opinion on Difference Between Commercial and Free Speech and Interpretation of 18VAC105-20-50, 18VAC105-20.B.4 and Application Approval Process. Additionally, Dr. Hettler moved that Ms. Knachel, Ms. Yeatts, Mr. Gregory, Dr. Jellenek and Ms. Stamey, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the board in its deliberations.

OPEN SESSION:

Dr. Hettler moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the board. The motion was seconded and passed.

**DISCUSSION ITEMS
CONTINUED:**

Recommended Proposed Changes to the PD Regulations
Per the previous PDC meeting, Dr. Schlabach and Dr. Noble were to independently prepare suggested changes to the professional designation regulations. Drafts with suggested changes were discussed during the PDC. The draft that the PDC moved forward with is incorporated into the minutes as Attachment 1. Upon further review of the draft by the PDC and staff, the following recommendations for changes were made:

18VAC105-20-50.B.1 – further discuss the issue of the definition of “practice” and the number of hours in which an optometrist must be physically present in a PD location;

18VAC105-20-50.B.2.b – replace “infers” with “implies”;

18VAC105-20-50.B.3 – it was determined that more research is required;

18VAC105-20-50.B.4 – delete the last sentence as it is already required by statute and it was also noted that singular language implies plural and

18VAC105-20-50.B.5 – delete, is a requirement of all licensees and is addressed in the regulations regarding standards of conduct and in statute, 54.1-3203;

The PDC requested that Ms. Yeatts, Ms. Knachel and Mr. Gregory draft a proposed statute to mirror the trade name statute under the Board of Dentistry for review by Dr. Noble

and Dr. Schlabach. Additionally, the PDC requested an additional meeting in early June.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The meeting adjourned at 10:50 a.m.

W. Ernest Schlabach, O.D., Chair

Leslie L. Knachel, Executive Director