

**BOARD OF OPTOMETRY  
BOARD MEETING  
AUGUST 3, 2006**

- TIME AND PLACE:** The meeting was called to order at 11:20 a.m. on August 3, 2006 at the Department of Health Professions, Conference Room 3, 6603 W. Broad St., Richmond, VA.
- PRESIDING OFFICER:** David H. Hettler, O.D, President
- MEMBERS PRESENT:** Paula H. Boone, O.D.  
Gregory P. Jellenek, O.D.  
W. Ernest Schlabach, Jr., O.D.  
Jacquelyn S. Thomas, Citizen Member  
William T. Tillar, O.D.
- STAFF PRESENT:** Emily Wingfield, Assistant Attorney General, Board Counsel  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Sandra W. Ryals, Chief Deputy Director  
Carol Stamey, Administrative Assistant
- MEMBERS ABSENT:** All board members were present.
- OTHERS PRESENT:** Bruce Keeney, VA Optometric Association  
Cal Whitehead, VA Society of Ophthalmology  
Betty Graumlich, NAOO  
Bill Ferguson, Board for Opticians
- QUORUM:** With six members of the Board present, a quorum was established.
- ADOPTION OF AGENDA:** Two items were added to the agenda:  
1) ARBO Report and  
2) CE Report.
- PUBLIC COMMENT:** Bruce Keeney, VOA, presented public comment with regard to use of DEA numbers on optometrists' TPA prescriptions. Mr. Keeney stated that Schedule VI drugs do not require a DEA number. Further, that the DEA and the American Optometric Association have confirmed that DEA numbers are not intended to be used for the purposes of insurance tracking. Mr. Keeney noted that pharmacies could use "dummy" numbers to process Schedule VI prescriptions.
- Mr. Keeney also presented comment on the continuance of publishing the CPT Code listing. He stated that the Board's previous Counsel had approved the use of the guidelines as well under the authority of the Acts of the General Assembly.

Further, that the CPT Code listing serves as direction to the licensees.

**APPROVAL OF MINUTES:**

◆**Action** On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the minutes of the May 10, 2006 meeting.

**DISCUSSION ITEMS:**

**Budget – Fee Reduction**

The proposed fee reduction was reviewed and on properly seconded motion by Dr. Schlabach, the Board voted unanimously to amend the fees as follows:

Initial application and licensure (including TPA certification) from \$300 to \$250,  
Reinstatement application fee (including renewal and late fees) from \$350 to \$400,  
Annual licensure renewal without TPA certification from \$75 to \$125,  
Annual licensure renewal with TPA certification from \$100 to \$90.

**FAQ Update**

The Board reviewed the suggested revisions to the FAQ section of the optometry website with the addition of “Failure to renew a professional designation”.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the website’s FAQ section as proposed with amendment.

**Writing Prescriptions without DEA Numbers**

The Board was informed of continued inquiries regarding OD prescriptions for Schedule VI drugs without DEA numbers. The Board noted that there is no statute requiring a DEA number for Schedule VI drugs. It was suggested that an article could be included in the next newsletter and item in the FAQ's to reiterate this fact. Essentially, this is a reimbursement matter outside of the Board's jurisdiction.

**CPT Codes**

Ms. Wingfield stated that the proposed CPT code disclaimer which removes the term "Board approved" was acceptable as presented. The Board also reviewed the addition of CPT Codes 99307-99311, Subsequent Nursing Facility Care.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to adopt the proposed disclaimer and

accepted the addition of CPT Codes 99307-99311.

**ARBO REPORT:**

**Report of the ARBO Annual Meeting and CE Conference**

The report from Dr. Boone and Dr. Schlabach is incorporated into the minutes as Attachment 1.

Dr. Boone noted that COPE continues to need CE Course Reviewers and agreed to serve as a reviewer upon approval of the Board. The Board unanimously approved Dr. Boone as a COPE reviewer.

**PRESIDENT'S REPORT:**

Dr. Hettler apprised the Board that he had been reappointed.

Dr. Hettler encouraged the Board members to contact Carol Stamey, Administrative Assistant for the Board, with assistance in filling out expense vouchers.

Dr. Hettler reported that he will be attending the Citizen Advocacy Center meeting in October. Ms. Ryals presented a brief overview of the CAC's agenda noting that the Department of Health Professions serves as the host agency. Ms. Ryals asked that the Board send a second member to this important event. Ms. Jacqueline Thomas volunteered to attend on behalf of the Board of Optometry in addition to Dr. Hettler.

**COMMITTEE REPORTS:**

**TPA Formulary Ad Hoc Committee**

Dr. Tillar reported that the Committee had met prior to the full board's meeting. It was the Committee's recommendation that the Committee meet on an "as needed" basis as opposed to perfunctorily meeting annually. The Board accepted the Committee's recommendation.

**Professional Designation Committee**

Dr. Boone reported that the Committee had reviewed four applications. She stated that there had been an increase in the number of professional designation disciplinary related cases. Dr. Boone requested that the Committee meet prior to the November 17<sup>th</sup> meeting to discuss the disciplinary case issues and opinions.

**Credentials Committee**

Dr. Boone reported that the Committee had reviewed three licensure applications.

**Continuing Education Committee**

Dr. Jellenek reported that the Committee continues to receive public comment on the CE NOIRA. Dr. Schlabach presented

a brief summary of the proposed CE regulatory changes. Dr. Jellenek noted that the deadline for public comment is August 23, 2006 and a Committee meeting should be scheduled after the deadline date and prior to the November 17<sup>th</sup> meeting to review public comment.

**Newsletter Committee**

Dr. Hettler requested that a full newsletter be published in December. He requested submission of news articles by the November 17<sup>th</sup> board meeting date.

**EXECUTIVE DIRECTOR'S REPORT:**

**Advisory Letters**

Dr. Carter reported that the AG's office is developing an advisory shell letter to be utilized for questionable, minor misconduct that does not violate statutes and regulations but reflects behavior that could become problematic if continued. A listing of examples of such minor misconduct is also being developed and the option for an advisory letter will be added to the informal conference opinion sheets. Dr. Carter requested that Ms. Wingfield also review the possibility of issuing a Confidential Consent Agreement as well as an advisory letter. Ms. Wingfield will research this question and report back to the Board.

**Case Agency Standards and Other Statistics**

Dr. Carter presented a brief summary of the agency's disciplinary performance standards and a statistical analysis of the case and licensee counts. Dr. Carter noted that there had been a 25 percent increase in disciplinary cases and a three percent increase in applicants for licensure. Dr. Carter reported that even though there had been an overall increase in case load, cases were closing faster. She reported that performance in meeting case standards had improved this fiscal year compared with last by 157 percent.

Dr. Boone requested a breakdown of the proportion of licensure applications made based upon examination and those made based upon endorsement from another state.

**2007 CALENDAR:**

The Board's meeting dates were set as follows:

January 30, 2007	Informal Conference Hearings
February 13, 2007	Full Board and Hearings
May 18, 2007	Full Board and Hearings
June 11, 2007	Hearings
August 16, 2007	Hearings
September 26, 2007	Full Board and Hearings
November 6, 2007	Hearings
December 6, 2007	Full Board and Hearings

February 12, 2008 Full Board and Hearings

**NEW BUSINESS:**

Dr. Hettler requested that the CE Committee explore options regarding CE course monitoring and compliance.

**ADJOURNMENT:**

The Board concluded its meeting at 12:40 p.m.

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David H. Hettler, O.D.  
President

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Elizabeth A. Carter, Ph.D.  
Executive Director

## Notes Summarizing the 2006 ARBO Annual Meeting

### National Board of Examiners in Optometry (NBEO) Examination Update

NBEO has been revised periodically in response to the profession's evolution nationally. In 1987, the Human Biology subsection was added and the overall exam was divided into two parts (Part I - Basic Sciences and Part II, Clinical Sciences). In 1993, Therapeutic Management of Ocular Disease (TMOD) emerged as a separate examination to address states' needs for a national therapeutics competence assessment, and Part III was added to reflect greater emphasis on patient care management issues (Patient Care, Visual Recognition and Interpretation of Clinical Signs (VRICS), and Patient Management Problems (PMP) were the subsections). In 2000, PMP and VRICS were combined into a new Patient Assessment and Management (PAM) examination.

Currently, the restructuring efforts have been rooted in the Domains of Conditions Study begun in 2004. This job analysis focused on determining the conditions facing an optometrist in every day practice, to enable the gleaning the most important, "real world" factors to shape the new content domains. The final report, "Profile of Contemporary Optometric Practice" was completed in late June 2006 and is expected to be published shortly. The major changes include a much greater emphasis on *applied* basic science and clinical thinking skills.

A new NEBO product, the Advanced Competence in Medical Optometry (ACMO) Examination became available in 2005. This exam was developed by NBEO at the request of the National Association of VA Optometrists (NAVAO). The VA has been charged by Congress to provide outcome measures for all of their residency programs. Optometry was the only health profession that did not have a psychometrically sound standard tool to assess resident competence. ACMO now serves that purpose. The eligibility to sit for the ACMO is limited to current and former VA residents who meet the following criteria:

- Completion of a VA residency program by June 30, 2006
- Active license with therapeutic privileges as of March 10, 2006 (3 months prior to the test administration)
- No licensure sanctions or active state board investigations

ACMO is a computer-administered examination consisting of 40 simulated patient cases related to ocular disease and associated systemic conditions. Each case begins with a scenario in which the patient history and clinical data are presented. These scenarios place considerable emphasis on the use of visuals. Each scenario includes at least one visual (e.g., color ophthalmic photographs, visual fields and other instrumentation printouts, laboratory analyses, and/or other clinically relevant imaging data).

Every scenario is followed by 4 multiple-choice test items, each of which may contain as many as 10 options, only one of which is correct. The combination of one scenario and the 4 accompanying test items comprises a patient case. Thus, the 40 cases contain 160 test items. There is a similar sequence of test items for each case, covering diagnosis, diagnostic follow-up, including clinical correlations, pathophysiology, and/or systemic issues, treatment, and treatment follow-up, including prognosis, patient education, systemic issues, medication side effects, and/or further patient assessment.

This year, **National Board scores** were transmitted to the state boards electronically for the first time. Candidates can select to have their scores transmitted to up to 10 states. These are password protected electronic files. The feedback from the Board offices (including ours) has been very positive.

**The Norman Wallis Award for Excellence in NBEO Examination Performance** was instituted this year. For the student with the highest score, the \$625 examination fee is waived. Also the winner receives a plaque presented at a special recognition ceremony.

### **Report on National Optometric Continuing Education Conference**

Also referred to as the "CE Summit," the National Optometric Continuing Education Conference was held in May of 2006. There were over 75 participants representing a wide range of stakeholders (i.e., state licensing boards, faculty, professional associations, and industry). Several issues were addressed, including the need for quality assurance measures and the need for the establishment of ethical standards for CE administrators who are also product vendors. In Medicine, such ethical guidelines have been developed and may serve as useful guidelines for optometry (e.g., the company, AdvaMed, and the Accreditation Council for Medical Education (ACCME)). The final report on the conference will be provided later in the year.

### **COPE**

COPE reviewers are recertified periodically through the online certification course. The reviewer is assigned a PIN. They note that there the National Optometric Continuing Education Conference will likely request that there be quality assurance measures put into place so that COPE reviewers (or others) can audit the courses to ensure that they are administered appropriately and that they comport with their outlines provided to COPE. There may be some Vistakon funding for this, but the details have not been worked through.

### **OETracker**

Essilor and Alcon provide the sole funding for this project, presumably to provide for a database of all optometrists in the country, something not attainable through any other means to date. Individual optometrists have unique identifiers. Courses do not have to be COPE approved. The number of minutes are recorded per course, per person. Scanners are not required. Paper submission by the administrator of the CE is accepted as long as an OETracker number is used. An instructor validation signature is required. They intend to add Canadian participants. Each state is provided a secured password so that the state board office can download data for auditing. West Virginia is using OE Tracker for their renewals so that they can monitor 100% of their licensees.

It was mentioned that about 250 Virginia licensees were registered with OETracker.

NOTE: If Virginia wants to use their services, we would need to develop a contract that complies with our statutory procurement requirements.

## **CELMO**

Six CELMO certificates have now been awarded. Four were presented at SECO. There were 26 applicants at the time of the meeting. CELMO is good for up to two years.

## **Resolutions**

**None this year.**

## **Elections**

Robert M. Easton, O.D., from Florida, is the new President  
Christiana Sorenson, O.D., from Arizona, is the Vice-President  
Jerry Richt, O.D., from Tennessee, is the newest Board member.