

**BOARD OF OPTOMETRY  
BOARD MEETING  
SEPTEMBER 27, 2002**

**TIME AND PLACE:** The meeting was called to order at 11:05 p.m. on Friday, September 27, 2002, at the Department of Health Professions, 6606 West Broad Street, 5<sup>th</sup> Floor, Room 3, Richmond, Virginia.

**PRESIDING OFFICER:** Samuel C. Smart, O.D.

**MEMBERS PRESENT:** Thomas R. Cheezum, O.D.  
David H. Hettler, O.D.  
Roxann L. Robinson, O.D.  
Paula H. Boone, O.D.

**MEMBERS NOT PRESENT:** Jeff Smith, Citizen Member

**STAFF PRESENT:** Howard M. Casway, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Policy Analyst  
Elizabeth A. Carter, Ph.D., Executive Director  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** John Marshall, McSweeney & Crump

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

**PUBLIC COMMENT:** No public comment was presented.

**REVIEW AND APPROVAL OF AGENDA:** The agenda was approved with the addition of the letters from Charles W. Cook and Charles W. Pegram, III, O.D. and placed under *New Business*.

**APPROVAL OF MINUTES:** On properly seconded motion by Dr. Cheezum, the Board voted unanimously to approve the minutes of the July 12, 2002 meeting.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to approve the minutes of the July 12, 2002 Public Hearing.

**INTRODUCTION OF STAFF AND NEW BOARD MEMBER:** The Board welcomed Gail Jaspen, Esquire, Deputy Executive Director, Department of Health Professions and David H. Hettler, O.D., new Board member.

Ms. Jaspen reported that a Board member training/orientation session is scheduled on October 30,

2002.

**BOARD DISCUSSION:**

**Executive Order 21, (2002)**

Ms. Yeatts presented an overview of Governor Warner's Executive Order 21, (2002) and the Order is incorporated into the minutes as Attachment 1.

**Proposed Regulations for Volunteer Practice**

Ms. Yeatts requested that the Board review and adopt the proposed language for volunteer practice.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to adopt the proposed language to replace the emergency volunteer practice regulation in effect until July 2003.

**Withdrawal of 1998 Proposed Mercantile Regulations**

The Registrar's Office notified Ms. Yeatts that the Notice of Intended Regulatory Action (NOIRA) on the proposed mercantile regulations was beyond the 180-day timeframe and should be officially withdrawn.

On properly seconded motion by Dr. Boone, the Board voted unanimously to withdraw the NOIRA.

**Summary of Comments on Proposed Regulations  
Periodic Review**

The Board reviewed specifically the public comment that was addressed in the proposed amendments to the regulations. Public comment that was not related to the proposed amendments could be addressed in a future NOIRA.

The following amendments were made to the proposed NOIRA:

18 VAC 105-20-70.G – An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored or approved by one of the following.

18 VAC 105-20-70.D – Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that licensee provide evidence substantiating participation in required continuing education courses within fourteen (14) days of the renewal date.

18 VAC 105-20-70.G.11- The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 or Category 2 credit.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to adopt the final regulations as amended.

On properly seconded motion by Dr. Boone, the Board voted unanimously to adopt the final therapeutic pharmaceutical regulations as amended. What was the changes?????

Dr. Smart requested that Dr. Cheezum and Dr. Hettler provide an information sheet regarding the requirements for approval of continuing education.?????

**ELECTIONS:**

On properly seconded motion by Dr. Cheezum the following nominations were closed.

President – Samuel C. Smart, O.D.

Vice-President – Thomas R. Cheezum, O.D.

Sec-Treasurer – Paula H. Boone, O.D.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously acclamation of the nominations.

**Committee Assignments**

Newsletter – Dr. Robinson & Dr. Cheezum

CE – Dr. Smart & Dr. Robinson

Credentials – Dr. Hettler & Boone

Professional Designation – Dr. Cheezum & Dr. Boone

CPT Codes – Dr. Hettler & Dr. Smart

**CALENDAR:**

The 2003 schedule of full board meeting and informal conference dates are as follows:

January 17, 2003

April 25, 2003

July 18, 2003

October 24, 2003

**COMMITTEE REPORTS:**

**Credentials Committee:**

Dr. Robinson reported that the Credentials Committee had been busy and challenging.

**Continuing Education:**

Dr. Smart reported that there had been some confusion among the licensees regarding obtaining CE in the renewal period.

**Professional Designation Committee:**

Dr. Boone reported that the Committee had no issues.

**CPT Codes:**

Dr. Cheezum reported that the A codes should be reviewed at the next board meeting.

**PRESIDENT'S REPORT:**

Dr. Smart reported that he will be attending a Mobility Committee Meeting on October 20, 2002 regarding the development of uniform standards for licensure by endorsement.

**EXECUTIVE DIRECTOR'S REPORT:**

**Agency Move**

Dr. Carter updated the Board on the agency's move.

**Budget**

Dr. Carter reported that the budget reflected surplus funds of \$199,000. It was noted that a one-time fee reduction may be required to balance the budget.

**NEW BUSINESS:**

**Request from Dr. Pegram, III, O.D./Vision Source**

The Board requested that staff review previous professional designation information in consultation with Mr. Casway and respond to Dr. Pegram's request.

**Request for Charles E. Cook, O.D.**

**CLOSED SESSION:**

On properly seconded motion by Dr. Robinson, the Committee recessed Open Session and convened in Closed Session pursuant to § 2.2-3711.A.15 of the Code of Virginia for the purpose of consideration and discussion of medical records of Charles E. Cook, O.D. that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705. Additionally, it was moved that Howard Casway, Esquire, Dr. Carter and Carol Stamey attend the closed meeting because their presence will aid the Board in its consideration of this matter.

**OPEN SESSION:**

On properly seconded motion by Dr. Robinson, the Board moved to certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for Closed Session were heard, discussed or considered during the Closed Session.

On properly seconded motion by Dr. Robinson, the Board voted unanimously that a Pre-Hearing Consent Order be issued with the following language:

Dr. Cook be exempted from the continuing education requirements from the date of the entry of the Order upon the

condition that he shall not actively practice, that should he return to practice he shall appear before a Special Conference Committee of the Board.

**ADJOURNMENT:**

The Board concluded its meeting at 2:15 p.m.

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Samuel C. Smart, O.D., President

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Elizabeth A. Carter, Ph.D., Executive Director