

**BOARD OF OPTOMETRY
BOARD MEETING
MARCH 8, 2005**

TIME AND PLACE: The meeting was called to order at 10:05 a.m. on Tuesday, March 8, 2005 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.
Martha Gilbert
Gregory P. Jellenek, O.D.
W. Ernest Schlabach, Jr., O.D.
William T. Tiller, O.D.

STAFF PRESENT: Emily Wingfield, Assistant Attorney General, Board Counsel
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant
Sammy Johnson, Enforcement Division

OTHERS PRESENT: C. Cannaday, VSO
Betty Graumlich, NAOO
Zelda Dugger, DPOR

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

PUBLIC COMMENT: No public comment was presented.

REVIEW AND APPROVAL OF AGENDA: The agenda was revised to include the reports of the Professional Designation and Newsletter Committees.

APPROVAL OF MINUTES: **◆Action** On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the minutes of the January 21, 2005 meeting.

DISCUSSION ITEMS: **Special Psychological Services Group**
◆Action On properly seconded motion by Dr. Schlabach, the board voted unanimously that Dr. Carter draft a letter informing Dr. Hibler that color vision testing is allowable by his company's staff provided that they include a protocol to refer patients with abnormal findings.

CELMO
Dr. Schlabach reported that he had attended a SECO meeting and that four (4) states had now accepted CELMO as a

credentialing mechanism for licensure through endorsement. Dr. Carter informed the board that before it accepted the CELMO program, the board needed an official certificate from CELMO attesting that original transcripts, licensure verification/disciplinary actions and national board scores are obtained directly from the schools, states and NBEO (original sourcing). Dr. Carter reported that she would draft a letter informing CELMO that the board took no position at this time; however, the concept appears endorsable and to continue the development of the program. Dr. Carter noted that clarification of outsourcing should be completed for review and approval for the June 8, 2005 meeting.

REGULATORY ACTION:

Adoption of Final Regulations for Delegation of Informal Fact-Finding to an Agency Subordinate

Ms. Yeatts reported that no public comment had been received and adoption of the emergency regulations is required.

◆Action On properly seconded motion by Dr. Tillar, the board voted unanimously to adopt the final regulations replacing the emergency regulations.

The board agreed that a list of approved agency subordinates should consist of a current board member or past board member with disciplinary experience.

Response to Petition for Rulemaking, Paul E. Webb, O.D.

Ms. Yeatts reported that Dr. Webb had petitioned the board to revise section 18 VAC 105-20-15 to accept any examination accepted by another state.

◆Action On properly seconded motion by Dr. Schlabach, the board voted unanimously to deny the petition for rulemaking.

REVIEW OF LEGISLATION:

Ms. Yeatts presented an overview of the 2005 legislation that directly related to optometry. A copy of the legislative bills is incorporated into the minutes as Attachment 1.

DISCUSSION ITEMS CONTINUED:

CE Audit Requirements for New Disciplinary Cases

◆Action On properly seconded motion by Dr. Boone, the board voted unanimously to add to the random audit of five percent of all licensees and those individuals who had complaints resulting in at least a probable cause determination. Additionally, the random audit should not include licensees audited the previous year and that names of licensees who requested CE extensions be given to Enforcement for subsequent auditing.

COMMITTEE REPORTS:

Newsletter

Dr. Carter informed the board that the newsletter requires the board's approval prior to mass mailing. The board recommended the following changes to the current proposed newsletter: revise the February date to March and eliminate the March board meeting date.

Dr. Hettler requested that the Committee begin work on the next newsletter anticipated in October. Suggested articles were expanded prescription monitoring, CELMO, HB160, the website, renewal and an address/e-mail address update reminder.

Professional Designation

Dr. Boone reported that the committee had received eight (8) applications for review and approval. Additionally, the committee had met today and had recommended revisions to the application instruction letter to further explain the regulations regarding renewals and advertising the registered professional designation title in its entirety.

Credentials

Dr. Boone reported that the committee had received five (5) applications for review and approval with no issues before the committee.

Legislative/Regulatory Review

Dr. Hettler reported that the committee had met on January 21st to review a request from Cal Whitehead, VSO, regarding amendments to the TPA formulary and treatment guidelines. The committee requested additional information regarding VSO's proposed amendments. Dr. Hettler noted that the committee is to meet after the full board meeting to review the additional information.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter presented a handout of an updated section of the website, "frequently asked questions." Ms. Stamey provided a brief overview of the revisions. The board approved the update and requested that questions and answers be added under the topic of "professional designations."

Dr. Carter reported that the board had improved its standards for case closure from last year.

PRESIDENT'S REPORT:

Dr. Hettler noted that the January 12th Board of Health Professions report was presented at the board's January 21st meeting. He stated that the next meeting for the Board of

Health Professions is April 13th.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The Board concluded its meeting at 11:30 a.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director