

**BOARD OF OPTOMETRY
AD HOC COMMITTEE ON SANCTIONS REFERENCE STUDY
NOVEMBER 6, 2007
RICHMOND, VA**

TIME AND PLACE: The meeting was called to order at 10:00 a.m. on Tuesday, November 6, 2007 at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 1, Richmond, Virginia.

PRESIDING CHAIRMAN: David H. Hettler, O.D.

MEMBERS PRESENT: Paula H. Boone, O.D.
W. Ernest Schlabach, O.D.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director
Carol Stamey, Operations Manager

OTHERS PRESENT: Neal Kauder, VisualResearch, Inc.
Kim Langston, VisualResearch, Inc.

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

DISCUSSION ITEMS: **Working Session on the Development of the Sanctions Reference Point Worksheet and Instructions**
Mr. Kauder presented an analysis of the Board's historical disciplinary sanctions. Additionally, he presented a draft of the sanctions reference point worksheet and its instructions. Upon consideration, the Committee recommended the following additions/revisions to the draft worksheet instructions and draft worksheet as follows:

Worksheet - Standard of Care Section, they added "Violation of the Drug Control Act," 25 points; under Sanctioning Recommendation, if 50 points or more, the proposed language now reads "Probation/Recommend for a formal." They increased the monetary penalties. In the Business Practice Issues section, they added "one or more prior board violations", "financial/material gain" and "act of commission" at 20 points each. Additionally, added "CE 3rd or more offense: higher fines, additional sanctions and pay hourly fees at a rate commensurate with 2nd time CE offenders". Here, too, they increased the monetary penalties.

Worksheet Instructions - Step 1 (determining the appropriate case type), for Standard of Care cases, the left "Violation Drug Control Act," but deleted the modifier, "excessive prescribing." In Business Practice Issues, under "Prescription Blank Violation," they added "or other printing" as a modifier. They also added a new item under Business Practice Issues, "Signage/Advertising or Posting."

Included on the draft worksheet is a summary of the Board's policies as to when CCA's may be recommended. Additionally, the Board's guidance is summarized on the sheet for cases that do not qualify for a CCA but for which there has been Board policy on sanctioning (i.e., continuing education and professional designation cases).

A draft of the sanctions reference point worksheet instructions and worksheet will be presented to the full Board in December for review and approval.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The meeting adjourned at 11:00 a.m.

David H. Hettler, O.D., Chair

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