

**BOARD OF OPTOMETRY
BOARD MEETING
JANUARY 24, 2011
DEPARTMENT OF HEALTH PROFESSIONS
HENRICO, VIRGINIA**

TIME AND PLACE: The Board of Optometry (Board) meeting was called to order at 9:37 a.m. on Monday, January 24, 2011, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 4, Henrico, Virginia.

PRESIDING OFFICER: Gregory P. Jellenek, O.D., Chair

MEMBERS PRESENT: Jonathan R. Noble, O.D.
W. Ernest Schlabach, Jr., O.D.
Angela Tsai, O.D.
M. E. Jackson, O.D.
Carole Stadfield, Citizen Member

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Eric A. Gregory, Assistant Attorney General, Board Counsel
Arne Owens, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Peggy Wood, Health Practitioner's Monitoring Program (HPMP) Manager
Carol Stamey, Operations Manager
Asia Williams, Administrative Assistant

OTHERS PRESENT: Betty Graumlich, Esquire, Reed Smith, LLP

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

ORDERING OF AGENDA Dr. Jellenek requested that the order of the agenda be revised to include "Going Green" as an item in the Executive Director's Report. Dr. Noble moved to approve the order of the agenda with the addition of this item. The motion was seconded and carried.

Dr. Jellenek introduced and welcomed the newest member of the Board of Optometry, Carole Stadfield, Citizen Member.

PUBLIC COMMENT: No public comment was presented.

DIRECTOR'S REPORT: Mr. Owens addressed the Board in the absence of Dr. Dianne Reynolds-Cane.

General Assembly Report
Mr. Owens informed the Board that 60 bills related to DHP had

been brought before the General Assembly in the 2011 session. He reported that DHP had been asked to provide comment on the bills as they relate directly to health practitioners licensed by all the boards within the agency.

APPROVAL OF MINUTES:

Dr. Noble moved to approve the minutes of the November 19, 2010, Full Board meeting. The motion was seconded and carried.

LEGISLATIVE/REGULATORY UPDATE:

House Bill (HB) 2169 and Senate Bill (SB) 1420

Ms. Yeatts was attending the General Assembly session; therefore, Ms. Knachel provided an update on **HB 2169 and SB 1420** in Ms. Yeatts absence.

Upon review of both bills, the Board expressed concern about the proposed language in HB 2169 requiring annual continuing education (CE) on substance abuse, addiction and pain management and provided no comments on SB 1420.

DISCUSSION ITEMS:

Health Practitioner's Monitoring Program § 54.1-2516

Ms. Wood provided a presentation on HPMP's curriculum. Highlights of the presentation included an explanation of the confidential services offered to impaired practitioners and reported that there are currently 578 participating licensees, including two participants licensed by the Board of Optometry. The Board requested statistics on passed licensee participation in HPMP to be provided at the next board meeting.

Current Procedural Terminology (CPT) Codes

During the Board meeting held November 19, 2010, the Board requested that the review and discussion of CPT codes 92132-92134 and the deletion of 92135 be placed on the agenda for the next meeting in conjunction with the release of the 2011 CPT code publication containing descriptive language. Dr. Noble reported that the 2011 CPT code publication has not been yet been released. Dr. Noble moved to have the discussion of the CPT codes delayed until the 2011 CPT code publication is released. The motion was seconded and carried.

Additionally, the Board was in agreement with maintaining the current format for the guidance document on CPT codes, 105-25, at this point in time.

Vision Screenings

Ms. Knachel informed the Board of recent inquiries regarding licensees performing vision screenings as volunteers for schools or other venues. Based on the guidance from Mr. Gregory, the Board directed Ms. Knachel to prepare a draft guidance document to address the issue of vision screenings for review at the next meeting.

Advertising Guidance Document

As requested by the Board during its previous meeting, Ms. Knachel presented draft language for a guidance document that addresses advertising board certification. Upon review and amendments made by the Board, Dr. Jackson moved that Ms. Knachel revise the draft language for the guidance document to include the discussed changes for consideration at the next full board meeting. The motion was seconded and carried.

National Board of Examiners in Optometry (NBEO) Regarding Injection Skills

Dr. Schlabach provided additional information on the injections skills following his attendance at a NBEO Exam Overview meeting. Additionally, Ms. Knachel reported that the Virginia Optometric Association has collected information on an injection course available for currently licensed optometrists. Upon review of the information gathered, the Board did not take any further action regarding requiring injection skills.

CE Extension/Waiver Requests for Long Standing Illness

Ms. Knachel inquired as to whether the Board wished to offer licensees annually requesting CE waivers due to a long-standing illness or incapacitation an automatic CE waiver extension without a request. Dr. Schlabach moved that the Board give authority to the Executive Director to grant long-term CE waivers on a case by case basis to licensees with a verified long-standing illness and an attestation of not practicing.

Furthermore, the Executive Director shall inform the licensee of the appropriate statute and shall direct the licensee to notify the Board if their situation changes, in which case the waiver may be extended, reconsidered or withdrawn. The motion was seconded and carried.

PRESIDENT'S REPORT:

Dr. Jellenek noted that a proposal had been made to build a new School of Optometry in the western region of Virginia.

EXECUTIVE DIRECTOR'S REPORT:

Budget

At the request of the Board, Ms. Knachel provided a summary of the cash balance, revenue and expenditures for the Board of Optometry. She reported that the cash balance as of November 30, 2010, was \$242,453. Ms. Knachel advised the Board that she would continue to provide a summary of the budget at each full board meeting.

Statistics

Ms. Knachel provided statistical information on licensure renewals and disciplinary cases.

Probable Cause (PC) Form

Ms. Knachel reviewed the use of the new probable cause review form. In addition, she provided information regarding the use of

advisory letters.

CE Audit

Ms. Knachel informed the Board of the procedures that will be followed in the upcoming CE audit. In addition, she informed the Board that statistical information as a result of the audits will be tracked on a yearly basis on one spreadsheet. When this year's audit is completed a report will be provided to the Board.

Going Green

Ms. Knachel reported on the success of the email notification pilot program. She indicated that a significant number of licensees who received an email renewal notification renewed without having to be sent a paper renewal notification.

NEW BUSINESS:

Motions Submitted by Dr. Jackson

Dr. Jackson moved that it be Board policy that the Executive Director of the Board provides a copy of the last five years of Board minutes within one month of the appointment of a new board member. Additionally, any current member of the Board desiring copies of such minutes shall be provided same. Copies of minutes may be provided by paper or electronically and available at no charge to the board member. Board meeting minutes shall include minutes of Board Committee meetings. The motion was seconded and opened for discussion. After discussion and guidance from board counsel, the board took a vote and the motion failed.

Dr. Jackson moved that effective immediately, it be Board policy that the Executive Director of the Board maintain, at the Board's office, 10 years of Board meeting minutes. Any costs that are incurred obtaining the minutes from the Virginia Library for the five years of minutes not currently maintained by the Board office shall be paid from funds of the Board of Optometry. The motion was seconded and opened for discussion. Ms. Knachel reported that the 10 years of minutes posted to the Virginia Regulatory Town Hall website were missing some board documents due to a lack of scanning capabilities in the past. The Board directed Ms. Knachel to research the cost for obtaining the missing documents from the Library of Virginia in order to scan and post to the Town Hall website. Following the discussion, Dr. Jackson withdrew the motion.

Dr. Jackson moved that it be Board policy, effective immediately, that prior to the Optometry Board's representative to the Virginia Board of Health Professions (BHP) voting on DHP's budget, the Optometry Board's representative shall first consult with the Optometry Board members as to the revenues and disbursements applicable to the Optometry Board. If BHP is presented a budget which reflects optometry related revenues

or disbursements with which the Optometry Board is in disagreement, the Optometry Board's representative to BHP shall be instructed to vote against DHP's proposed budget. The motion was seconded and opened for discussion. Dr. Jackson withdrew the motion based upon information presented by board members and board staff.

**Farewell to Eric Gregory, Assistant Attorney General,
Board Counsel**

Dr. Schlabach, on behalf of the Board of Optometry, thanked Mr. Gregory for his diligence and time as Board Counsel. Ms. Knachel informed the Board that Mr. Gregory had been presented with a plaque by Dr. Reynolds-Cane earlier in the month in recognition of his years of service to various boards and programs.

ADJOURNMENT:

The board concluded its meeting at 1:42 p.m.

Gregory P. Jellenek, O.D.
Chair

Leslie L. Knachel, M.P.H.
Executive Director