

**BOARD OF OPTOMETRY
FULL BOARD MEETING
JULY 17, 2015**

- TIME AND PLACE:** The Board of Optometry (Board) meeting was called to order at 9:05 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 1, Henrico, Virginia 23233.
- PRESIDING OFFICER:** Joseph E. Droter, O.D., Chair
- MEMBERS PRESENT:** Devon Cabot, Citizen Member
Helene Clayton-Jeter, O.D.
Steven A Linas, O.D.
Lisa Wallace-Davis, O.D.
Douglas Weberling, O.D.
- MEMBERS NOT PRESENT:** All members were present.
- STAFF PRESENT:** David E. Brown, D.C., Director
Leslie L. Knachel, Executive Director
Elaine Yeatts, Senior Policy Analyst
Carol Stamey, Operations Manager
Tamara Farmer, Administrative Assistant
- OTHERS PRESENT:** Laura McHale, Virginia Optometric Association
- QUORUM:** With all members of the Board present, a quorum was established.
- INTRODUCTIONS:** Dr. Droter introduced and welcomed the new board member, Dr. Wallace-Davis.
- ORDERING OF AGENDA** Dr. Weberling moved to approve the agenda with an amendment to add "Bylaws Amendment Information" to the "Regulatory/Legislative Update" item. The motion was seconded and carried.
- PUBLIC COMMENT:** No public comment was presented.
- DIRECTOR'S REPORT:** Dr. Brown thanked the board members for their service and provided an overview of the Board's functions.
- Dr. Brown provided an update on the following topics:
- Audit results for the Health Practitioner Monitoring Program's audit;
 - Participation of DHP and Practitioner Monitoring Program staff members on the Governor's Task Force regarding prescription and heroin drug abuse;
 - Reminder that board member development training is scheduled for September 28, 2015, and new board member orientation is scheduled for October 16, 2015;
 - Update on DHP's 2016 legislative package; and

- Recognition of Ms. Knachel's efforts in the area of communication outreach with licensees.

APPROVAL OF MINUTES:

Revised minutes were presented to clarify motions on page 3 under "Acceptance of coding courses." Dr. Weberling moved to approve the minutes with the amendment. The motion was seconded and carried.

**REGULATORY/
LEGISLATIVE UPDATE:**

Revenue, Expenditures, and Cash Balance Analysis/Proposed Fee Reduction

Ms. Yeatts advised the Board that a biennial analysis of the Board's revenues and expenditures revealed the need for the Board to consider a one-time licensure fee reduction.

Dr. Weberling moved to reduce the licensing fees as presented for the December 2015 renewal period. The motion was seconded and carried.

Regulatory Action for HB1735 (Rescheduling of Hydrocodone Combination Products)

Ms. Yeatts informed the Board that in 2014 the U.S. Drug Enforcement Administration placed Hydrocodone Combination Products (HCP) into Schedule II. During the 2015 General Assembly Session, legislation was passed and became effective on July 1, 2015, which allows optometrists to prescribe Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen. She further stated that the optometry regulation, 18VAC105-20-47, required an amendment to be consistent with the legislation change. She indicated that the regulatory change could be accomplished as an exempt action.

Dr. Clayton-Jeter moved to amend 18VAC105-20-47 of the *Regulations of the Virginia Board of Optometry* via an exempt regulatory action to conform to the Code changes. The motion was seconded and carried.

Consideration to repeal §54.1-3214

Ms. Yeatts provided the following background on this legislative proposal:

- The Board issues licensure by endorsement to optometrists who have been engaged in ethical practice for at least 36 out of the past 60 months preceding application. Such application includes evidence of passage of an examination required for licensure at the time of initial licensure in another U. S. jurisdiction. Therefore, it is inaccurate to say that the applicant may "be issued a license without examination," as stated in the law.
- The statute allows the Board to recognize examinations that are "approximately equivalent to its examination." The Board does not have access to the content of the national exam (required in Virginia) or any state exam that may have been given in past years. So a determination of equivalency is impossible.
- The law authorizes licensure to an applicant who comes from a state that "grants reciprocity to persons licensed in the Commonwealth." There are no such reciprocal agreements, so that is also an impossible standard to meet.

- There is a general provision in § 54.1-103, which authorizes regulatory boards to “promulgate regulations recognizing licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as full or partial fulfillment of qualifications for licensure or certification in the Commonwealth.” Therefore, the Board has statutory authority for its regulations to license by endorsement, and § 54.1-3214 should be repealed.

Ms. Cabot moved to adopt the legislative proposal to repeal § 54.1-3214 of the Code. The motion was seconded and carried.

Discussion of Notice of Intended Regulatory Action (NOIRA) Related to Continuing Education (CE) Requirements

Dr. Brown requested clarification and intent for the Board’s NOIRA regarding CE carryover. The Board noted that the allowance of CE carryover provided greater flexibility for licensees to attend larger conferences that typically offer higher quality CE.

Ms. Yeatts noted that the allowance of passage of the Continued Professional Development in Optometry examination to count as approved CE was left out of the NOIRA package and would be added.

Bylaws Amendment

Ms. Yeatts reported that §54.1-114 of the Code of Virginia was amended during the 2015 General Assembly Session. The amendment added additional information about the sharing of confidential information between DHP and other entities such as law enforcement. The presidents of all the boards within DHP are being asked to designate the executive director to consult with the Department regarding disclosure of investigative information to the Attorney General, appropriate attorney for the Commonwealth to other agencies within the Health and Human Resources Secretariat or federal law enforcement agencies.

DISCUSSION ITEMS:

Update on Healthcare Workforce Data Survey

Dr. Carter thanked the board members for their participation in the development of optometry’s workforce survey. She presented an overview of the results from the first workforce survey. The Board requested that the wording on the question regarding professional degree be clarified and to add more categories under “educational debt.”

Report on Association of Regulatory Board of Optometry (ARBO) Annual Meeting

Dr. Droter provided an overview of his attendance at the recent ARBO meeting which included information on the following topics:

- ARBO’s Budget
- National Board examinations
- Council on Optometric Practitioner Education policy changes
- OE Tracker updates
- Telemedicine issues

- Kiosk issues
- Regulation and monitoring of unlicensed persons
- Regulatory review of other states
- Court decision involving the North Carolina Board of Dentistry

Dr. Droter requested that the topic of telemedicine, kiosks, developing technology and OE Tracker be addressed as future issues. Ms. Yeatts reported that the Board of Medicine has a guidance document on telemedicine. Ms. Knachel stated that the guidance document will be forwarded to the board members. In addition, the Board requested that staff provide at the next meeting detailed information on the CE audit process to include statistics.

State Law Examination Follow-Up

Ms. Knachel reported that during the last board meeting it was the consensus of the Board that a state law examination could be used for disciplinary purposes. The questions were to be developed by the Board. Ms. Knachel recommended that the Board form an Ad Hoc Committee to work on this project. Following a discussion on this issue, a consensus of the Board was to cancel moving forward with developing a state law examination.

Court Decision Involving North Carolina Board of Dentistry

Ms. Knachel read a statement from board counsel regarding the court decision involving the North Carolina Board of Dentistry. The statement indicated that the Virginia Office of the Attorney General has created a task force and is looking into what advice to provide to the agencies across the Commonwealth. The guidance for DHP is not yet developed and legal advice related to this issue from any other entity is not applicable to the Board at this time.

BOARD OF HEALTH PROFESSIONS REPORT:

Dr. Clayton-Jeter provided a brief report on the legislative actions affecting the various boards.

PRESIDENT’S REPORT:

Dr. Droter’s report was provided under “Discussion Items.”

EXECUTIVE DIRECTOR’S REPORT:

Statistics

Ms. Knachel noted that the licensure statistics were included in the board’s packet. In addition, she presented an overview of the disciplinary statistics.

Budget

Ms. Knachel reported that the budget information specific to the Board had been discussed under the “Regulatory/Legislative Update.”

NEW BUSINESS:

Officer Election

Dr. Weberling nominated Dr. Droter as President. The motion was seconded and carried.

Dr. Weberling nominated Dr. Linas as Vice-President. The motion was seconded.

Dr. Clayton-Jeter nominated herself as Vice-President. The motion was seconded.

A vote was taken by paper ballot. Dr. Linas was elected Vice-President with 4 votes.

ADJOURNMENT:

The meeting adjourned at 11:45 a.m.



Joseph E. Droter, O.D.
Chair



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