

**BOARD OF OPTOMETRY  
VIRTUAL FULL BOARD MEETING  
JULY 17, 2020**

**TIME AND PLACE:** The Virginia Board of Optometry (Board) meeting was called to order at 9:01 a.m.

**PRESIDING OFFICER:** Fred E. Goldberg, O.D. President (On-Site)

**MEMBERS PARTICIPATING ON-SITE:** Steven A. Linas, O.D.

**MEMBERS PARTICIPATING VIRTUALLY:** Lisa Wallace-Davis, O.D. Vice-President  
Devon Cabot, Citizen Member  
Helene Clayton-Jeter, O.D.  
Clifford A. Roffis, O.D.

**MEMBERS NOT PRESENT:** All Members were present.

**STAFF PRESENT ON-SITE:** Leslie L. Knachel, Executive Director  
Kelli Moss, Deputy Executive Director  
Celia Wilson, Administrative Assistant  
Matt Treacy, Media Production Specialist

**STAFF PARTICIPATING VIRTUALLY:** David Brown, D.C., Agency Director  
Charis Mitchell, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Senior Policy Analyst  
Barbara Allison-Bryan, M.D., Agency Deputy Director  
Anthony C. Morales, Operations Manager  
Tamara Farmer, Administrative Assistant  
Yetty Shobo, Deputy Executive Director, Healthcare Workforce Data Center  
Me-Lien Chung, Discipline Case Specialist

**OTHERS PRESENT:** Bo Keeney, Virginia Optometric Association  
Christine Markus, King and Spalding, LLC  
Robert Bohannon

**CALL TO ORDER QUORUM** Dr. Goldberg welcomed attendees and requested that Ms. Knachel take a roll call of the board members present. With six members of the Board present, a quorum was established. Ms. Knachel introduced new staff member, Me-Lien Chung, Disciplinary Case Specialist. Dr. Goldberg read the Board's mission statement.

**ORDERING OF AGENDA:** There were no changes to the agenda

**PUBLIC COMMENT:** There was no public comment.

**APPROVAL OF MINUTES:** Dr. Linas moved to approve the meeting minutes for the February 7, 2020 - Full Board Meeting.

The motion was properly seconded. A roll call vote was taken. The motion carried with an unanimous aye vote.

**DIRECTOR'S REPORT:**

Dr. Brown reported on agency measures to ensure the safety of agency staff and other individuals in the building during the COVID-19 pandemic and to keep the boards functioning in a telework environment.

**LEGISLATIVE/REGULATORY UPDATE:**

**2020 Legislative/Regulatory Update**

Ms. Yeatts presented the following information to the Board:

- 2020 legislative session overview
- Consideration of Board recommendation for resubmission of clean-up bill for Chapter 32, Optometry Law.

The Board discussed the need for the proposed legislation.

Ms. Cabot moved to resubmit the proposed legislation as presented for the 2021 legislative session..

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

- HB 967 – Consideration of any waiver of experience requirements for the spouse of an active duty military or veteran

The Board discussed the options for addressing the waiver.

Dr. Linas moved to delegate decisions related to waiver requests to be handled on a case-by case basis by the Executive Director in consultation with the Board's President.

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

Dr. Linas requested that legislation related to sending an email to notify patients of transfer or medical records when closing or relocating. Ms. Yeatts indicated that this applied to all boards within DHP and consideration would be given for resubmission.

- Regulations for E-prescribing waiver is under view by the administration.
- Repeal of regulations for Professional Designation is under review by administration.
- Regulations for handling fees became effective on 03/05/2020
- Regulations for inactive licenses became effective on 03/04/2020
- Petition for Rulemaking – Consideration of Haine petition to restrict number of contact lenses per prescription.

The Board discussed the petition.

Ms. Cabot moved to reject the petition for rulemaking because the Board concurred with the comment from the National Association of Optometrists and Opticians that it is contrary to the spirit of Federal Trade Commission law and rules and the regulation would be very difficult to monitor or enforce.

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

- Federal Contact Lens Rule amendments are in process of being finalized, but are not yet effective. Once effective the Board may need to take regulatory action to include the changes. This topic will be included on the agenda for the next board meeting.

## **DISCUSSION ITEMS:**

### **Healthcare Workforce Data Center (HWDC) Presentation**

Dr. Shobo presented the results of the HWDC's 2020 survey of Virginia's optometrists.

Dr. Clayton-Jeter moved to accept the HWDC data as presented by Dr. Shobo.

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

### **Continuing Education (CE)**

Ms. Knachel requested that the Board consider not conducting a CE audit of licensees for the licensure period of January 1, 2019 – March 31, 2020, so that staff resources could be focused on the current discipline caseload.

Dr. Linas moved to not conduct a CE audit of licensees for the licensure period of January 1, 2019 – March 31, 2020.

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

Ms. Knachel stated that she has received numerous inquiries about whether the Board will change any of its current CE requirements because of the COVID-19 pandemic. The consensus of the Board is that it is too early in the licensure period to make changes and there are opportunities for licensees to attend online courses where the licensee and the lecturer may communicate with one another as required by the regulations.

No action was initiated at this time, but the Board asked for this issue to be placed on the next agenda for further consideration.

Ms. Knachel presented a draft Telepractice Guidance Document for the Board's consideration.

The Board discussed the guidance document.

Dr. Wallace-Davis moved to accept the guidance document as submitted.

The motion was properly seconded. A roll call vote was taken.

The motion carried with an unanimous aye vote.

**BOARD COUNSEL REPORT:**

Ms. Mitchell provided a general update of the Attorney General's office and the effects of the pandemic.

**PRESIDENT'S REPORT:**

Dr. Goldberg reported provided a report on the effects of the pandemic on optometry practice. Additionally, he provided comments on attending the Association of Regulatory Boards of Optometry's virtual meeting.

**BOARD OF HEALTH  
PROFESSION'S REPORT:**

Dr. Clayton-Jeter reported the activities of the Board of Health Professions.

**ASSOCIATION OF  
REGULATORY BOARDS  
ANNUAL MEETING REPORT:**

Dr. Goldberg included his comments during the President's Report.

**STAFF REPORTS:**

**Executive Director's Report**

Ms. Knachel reported on the following:

- Licensee Statistics
- E-Prescribing Waiver Requests
- Outreach activities
- Updated licensing forms
- Board calendar for 2021

**Discipline Report**

Ms. Moss provided an overview of the discipline caseload.

**NEW BUSINESS:**

**Elections**

Dr. Goldberg asked for nominations for President of the Board.

Dr. Linas moved to nominate Dr. Goldberg for President.

The motion was properly seconded. No other nominations were received. A roll call vote was taken.

The motion carried with an unanimous aye vote.

Dr. Goldberg asked for nominations for Vice-President of the Board.

Dr. Wallace-Davis moved to nominate Ms. Cabot for Vice-President.

The motion was properly seconded. No other nominations were received. A roll call vote was taken.

The motion carried with an unanimous aye vote.

Dr. Goldberg asked if there was any other new business. Ms. Knachel requested the Board consider an inquiry that was received the day before the meeting regarding a newly approved drug named UPneeq. The Board discussed whether this drug could be prescribe under current regulations. Ms. Mitchell indicated that there is a statutory process to determine what is included in the TPA-Formulary and following this process will allow for adequate research and public comment. Ms. Knachel asked the Board to consider convening the TPA-Formulary Committee to review the drug and make recommendations to the Board.

The Board discussed the issue.

Dr. Clayton-Jeter moved to convene the TPA-Formulary Committee to review the existing structure of the formulary. The motion was not seconded. After further discussion, Dr. Clayton-Jeter withdrew her previous motion.

Dr. Clayton-Jeter moved to convene the TPA-Formulary Committee to review 18VAC105-20-47(A)(2), Topically Administered Schedule VI Agents, of the regulations and make recommendations to the Board at its next meeting.

The motion was properly seconded. A roll call vote was taken. The motion carried with an unanimous aye vote.

**NEXT MEETING:**

Dr. Goldberg stated that the next board meeting is scheduled for October 16, 2020.

**ADJOURNMENT:**

The meeting adjourned at 12:08 p.m.

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Fred Goldberg, O.D.  
Chair

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