

**BOARD OF OPTOMETRY
BOARD MEETING
DECEMBER 6, 2007**

TIME AND PLACE: The meeting was called to order at 10:30 a.m. on Thursday, December 6, 2007 at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Room 1, Richmond, VA.

PRESIDING OFFICER: David H. Hettler, O.D, President

MEMBERS PRESENT: Paula H. Boone, O.D.
Gregory P. Jellenek, O.D.
Jonathan R. Noble, O.D.
W. Ernest Schlabach, Jr., O.D.
Jacquelyn S. Thomas, Citizen Member

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Amy Marschean, Senior Assistant Attorney General, Board Counsel
Emily Wingfield, Chief Deputy Director
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Eric B. Martin, Reed Smith, LLP
Bruce Keeney, VOA

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

REVIEW AND APPROVAL OF AGENDA: The agenda was revised to reflect the deletion of the Compliance Presentation. Dr. Carter explained that the Compliance Unit was being dissolved and its staff and resources being redirected to enable the agency to better address the resolving of patient care cases within 250 days. Continued agency support for compliance monitoring is anticipated but in a different manner than has been the case. Greater onus will be placed upon the respondent and order terms will be crafted so that the agency can more readily support compliance monitoring for the boards.

PUBLIC COMMENT: No oral public comment was presented.

Written comment was submitted by the VOA and reviewed by the Board. The Board took no action.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the minutes of the September 26, 2007 meeting.

COMMITTEE REPORTS:

Ad Hoc on Sanctions Reference Study

Mr. Kauder presented an overview of the Sanctions Reference Points worksheet recommendations and instructions manual. The Board requested additional changes that are reflected within Dr. Schlabach's motion.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously that the Confidential Consent Agreement (CCA) Continuing Education (CE) language be clarified and that the recommended monetary penalties be amended from single amounts to fee ranges for Standards of Care and Business Practice issues.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to adopt the sanctions reference point worksheet based upon all revisions made.

Newsletter

Ms. Thomas requested that her name be corrected on the on-line Newsletter. Dr. Hettler requested that staff advise of the number of visits made to the newsletter and forward the information by e-mail.

Professional Designation Committee

Dr. Boone reported that five applications had been reviewed and approved.

Dr. Schlabach reported that a number of licensees had requested that professional designations expire at the end of each year. It was noted that the change in expiration date might alleviate the licensees overlooking the renewal of the PD titles since it will be same expiration date as their individual license permit.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to revise permit expire dates on all professional designations to December 31 of every year.

DISCUSSION ITEMS:

OE Tracker

Ms. Stamey reported that a survey of various states revealed that they were accepting the OE Tracker CE print out sheets in lieu of individual signed certificates. Further, a review of the current on-line OE Tracker licensee participation revealed that only about a third of Virginia licensees were

participating. The states with the highest licensee participation rate were NY, GA, OH, MA and TN.

NBEO Scores

Dr. Carter reported that the overall test scores had dropped universally. She reported that implementation of a restructured examination would be effective 2009-2010 and noted an article in ARBO's June 2007 newsletter.

Travel Vouchers

Ms. Stamey noted that all expense vouchers are required to be filled out and returned to the Board office within thirty (30) days of expenses incurred. To assist the Board members in filing the vouchers in a timely manner, staff will forward an expense voucher with all disciplinary cases and licensure applications requiring a credentials review.

PRESIDENT'S REPORT:

Dr. Hettler reported that it appeared to be a shortage of optometrists in Virginia. The Board requested that staff research the shortage issue and the feasibility of funding scholarships.

EXECUTIVE DIRECTOR'S REPORT:

Key Performance Measures & Other Statistics

Dr. Carter presented an update on the current Key Performance Measures noting that the 250-day patient care case closure mandate continues to be an issue.

Budget

Dr. Carter reported that the cash on hand exceeded \$250,000. She reminded the Board that this is the second year of a two-year fee reduction aimed at reducing excess revenue. Last year, the cash on hand was over \$300,000. DHP's Finance Division will provide a report at the end of FY 2008 to advise if further reductions are needed to comply with the requirements of the Callahan Act.

Board of Health Professions Report

Dr. Carter reported that the issue of the requirement for criminal background checks for licensees of the Board of Medicine had been taken up by Joint Commission on Health Care. Further, that they did not recommend any relevant legislation this year. Dr. Carter noted that if criminal background checks were not required by Virginia, it could impact the state's participation in the Interstate Nurse Licensure Compact.

Dr. Carter reported on the Board of Medicine's new statute (§ 54.1-2910.2) that went into effect this year. The statute

allows licensees to petition the Board to remove from the agency website notices and orders prior to July 1, 2007 that did not result in disciplinary action.

The Board of Health Profession's Executive Committee unanimously agreed that the statute should be extended to all the Boards. Staff was directed to draft guidance document language for consideration by all the Boards.

Dr. Carter reported that the Board of Health Professions had received a presentation from the Virginia Association of Central Services regarding the need for mandatory certification of central sterile technicians. The study will be conducted by the Regulatory Review Committee of the Board of Health Professions.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The Board concluded its meeting at 11:32 a.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director