

**BOARD OF OPTOMETRY
FULL BOARD MEETING
JANUARY 31, 2017**

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 4, Henrico, Virginia 23233.

PRESIDING OFFICER: Steven A. Linas, O.D., Chair

MEMBERS PRESENT: Helene Clayton-Jeter, O.D.
Fred E. Goldberg, O.D.
Clifford A. Roffis, O.D.
Lisa Wallace-Davis, O.D.

MEMBERS NOT PRESENT: Devon Cabot, Citizen Member

STAFF PRESENT: Lisa R. Hahn, MPA, Chief Deputy Director
Leslie L. Knachel, Executive Director
Charis Mitchell, Assistant Attorney General, Board Counsel
Amanda E. M. Blount, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Carol Stamey, Operations Manager
Tamara Farmer, Administrative Assistant

OTHERS PRESENT: Bo Keeney, Virginia Optometric Association

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

ORDERING OF AGENDA No changes were made to the agenda.

PUBLIC COMMENT: No public comment was presented.

DIRECTOR'S REPORT: Ms. Hahn welcomed the new board members and thanked all the board members for their service. Additionally, she requested feedback from board members who had recently attended the board member training and encouraged attendance at future training sessions.

APPROVAL OF MINUTES: Dr. Clayton-Jeter moved to approve the July 15, 2016, meeting minutes as presented. The motion was seconded and carried.

**LEGISLATIVE/REGULATORY
UPDATE:**

2017 Legislative Update

Ms. Yeatts provided an update on the 2017 legislation that is being followed to include:

- HB1497 – adding a section numbered 54.1-2400.01:2 to the *Code of Virginia* to define ophthalmic prescriptions and who may provide;
- SB1230 – requires that by 2020 any prescription for a controlled substance that contains an opiate to be issued as an electronic prescription; and
- SB1180 – Boards of Dentistry and Medicine to develop emergency regulations for prescribing opioids and buprenorphine.

2018 Legislative Update

Ms. Yeatts reported that optometry section of the *Code of Virginia* (Code) contains outdated language and recommends that the Board consider moving forward with 2018 legislation to amend the outdated sections. She commented that other Boards within DHP have taken similar action.

Ms. Yeatts, Ms. Knachel and Ms. Stamey reviewed with the Board the applicable sections of the Code that the staff recommends updating.

Dr. Linas requested that language be added to the Code that allowed for electronic notification to patients when transferring or closing a practice. Ms. Yeatts indicated that this request can be included in the draft. She added that § 54.1-2405 of the Code applies to all DHP regulatory boards and will be reviewed as a possible agency bill during the 2018 legislative session.

Dr. Goldberg moved to approve the recommendations as presented with circulation to the board members upon completion of the draft legislation for review. The motion was seconded and carried.

Ms. Yeatts indicated that the draft legislation will be provided at the Board's July meeting for approval.

Regulatory Update

Ms. Knachel reported that the following regulatory activities occurred since the last board meeting:

- Conforming to Code Changes in 2016 – updates to continuing education (CE) became effective on September 21, 2016;
- CE Credit for Volunteer Work – in public comment stage which closes on February 22, 2017;
- Periodic Review of Regulations – Ms. Knachel reported that no comments were received during the public comment period for the Notice of Periodic Review which closed on October 5, 2016.

Ms. Knachel indicated that the next step in the periodic review process is for the Board to consider the issuance of a Notice of Intended Regulatory Action (NOIRA). She indicated that a draft of proposed changes is not needed until the NOIRA stage is completed, but the sections the Board anticipates changing must be included in the NOIRA. Therefore, the current regulations must be reviewed by the Board to identify anticipated changes. Ms. Knachel reported that a draft of the proposed changes will be prepared for the meeting following the completion of the NOIRA stage.

Ms. Knachel and Ms. Stamey reviewed with the Board the applicable sections of the regulations that the staff recommends updating.

Dr. Goldberg moved to approve the recommendations as presented and to move forward with the NOIRA. The motion was seconded and carried.

Emergency Regulations for Prescribing Opioids

Ms. Knachel provided a brief summary of the opioid crisis in Virginia and the need to develop emergency regulations to address prescribing by optometrists. Ms. Knachel noted that optometrists may prescribe Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen.

The board requested staff to develop a draft of the emergency regulations to include the following for board member consideration at its next meeting:

- Limit the number of days for prescribing the Schedule II combination drug to four days;
- Include language regarding practitioner-patient relationship;
- Require patient record documentation;
- Require follow-up examinations; and
- Define acute pain.

DISCUSSION ITEMS:

Continuing Education

- **2015 Audit Status**

Ms. Stamey informed the board that 80 licensees had been audited for their 2015 CE and the audit resulted in seven disciplinary cases.

- **2016 Audit Status**

Ms. Knachel reported that due to the changes mid-year to the CE regulations, staff recommends that the board not audit the CE for 2016.

Dr. Goldberg moved that the board not conduct an audit of the 2016 CE. The motion was seconded and carried.

- **Revisions to Guidance Document 105-12: Guidance for Continuing Education Audits**

Ms. Knachel provided an overview of the revisions to Guidance Document 105-12 located in the agenda packet and requested the board's consideration for approval.

Dr. Goldberg moved to accept Guidance Document 105-12 as presented. The motion was seconded and carried.

- **C.O.P.E. Course Category Definitions**

Ms. Stamey reported that due to the CE regulatory changes, staff is requesting assistance from the board in establishing which categories of COPE CE meet the pharmacology requirements.

It was determined that the board members would review the C.O.P.E. CE categories and advise staff which categories meet the regulatory CE requirements.

- **Renewal Date Adjustment**

The item was discussed under "Periodic Review of the Regulations." Ms. Knachel indicated that the Board's cash balance would likely require a renewal fee decrease for the upcoming renewal period. She commented during the discussion that the Board may wish to change the renewal date going forward to accommodate board staff resources and to move the renewal date away from the busy holiday season at the end of the year. This would require a regulatory change.

- **Attendance at Annual Meeting**

Ms. Knachel reported that the annual Association of Regulatory Boards of Optometry meeting was scheduled June 18-20, 2017, in Washington, DC. She requested responses from board members interested in attending the meeting.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Dr. Clayton-Jeter reported that the Board of Health Professions had not met.

PRESIDENT'S REPORT:

Dr. Linas reported that he serves on the OE Tracker Committee and had attended a recent meeting. He stated that the usage for OE Tracker had skyrocketed and he encouraged more efficiency through the use of OE Tracker.

**EXECUTIVE DIRECTOR'S
REPORT:**

Statistics

Ms. Knachel reported on licensure statistics.

Budget

Ms. Knachel reported that the budget information specific to the board had been included in the agenda packet.

Outreach Activities

Ms. Knachel reported on the outreach activities disseminated by the board.

Meeting Schedule

Ms. Knachel noted that no changes were needed at this time.

Discipline Report

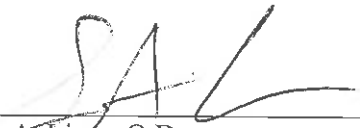
Ms. Blount provided an overview of the complaint case statistics.

NEW BUSINESS:


No new business was identified.

ADJOURNMENT:

The meeting adjourned at 11:25 a.m.



Steven A. Linas, O.D.
Chair



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