

**BOARD OF OPTOMETRY  
FULL BOARD MEETING  
JULY 21, 2017**

**TIME AND PLACE:** The Board of Optometry (Board) meeting was called to order at 9:20 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Training Room 2, Henrico, Virginia 23233.

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

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

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

**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

**OTHERS PRESENT:** Bruce Keeney, Virginia Optometric Association (VOA)  
Bo Keeney, VOA  
Mark Hickman, Commonwealth Strategy Group/VA Society of Eye Physicians and Surgeons

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

**ORDERING OF AGENDA** No revisions to the agenda were noted. However, due to scheduling issues with attendees, the agenda order was modified during the meeting.

**PUBLIC COMMENT:** Mr. Keeney recognized Ms. Stamey for her contributions to the Board and Dr. Linas on his reappointment as a board member.

Mr. Keeney provided comment regarding the Emergency Regulations for Prescribing Opioids. He stated that he supported the proposed emergency regulations; however, he recommended changes related to referral to a medical doctor for management of chronic pain.

**LEGISLATIVE/REGULATORY UPDATE:** **Emergency Regulations for Prescribing Opioids**  
Ms. Yeatts provided an overview of the draft emergency regulations on Prescribing of Opioids for consideration and approval. In addition, she provided procedural information for replacing the emergency regulations to permanent regulations. The Board discussed the draft emergency regulations and took the following actions:

Dr. Clayton-Jeter moved to take the following two actions:

- Delete 18VAC105-20-48(C)(3) which stated “Prior to exceeding 120MME/day, a TPA-certified optometrist shall refer the patient to or consult with a doctor of medicine or osteopathic medicine who is a pain management specialist and document in the patient record the reasonable justification for such dosage”; and
- Amend 18VAC105-20-48(C)(4) to read as “A prescription for Naloxone should be considered for any patient when any risk factor of prior overdose, substance abuse, or concomitant use of benzodiazepine is present.”

The motion was seconded and carried.

Dr. Lisa Wallace-Davis moved to adopt the emergency regulations as amended and to issue a Notice of Intended Regulatory Action for replacement regulations. The motion was seconded and carried.

**Periodic Review**

**Review of Public Comments and Drafting of Proposed Regulations**

Ms. Yeatts reviewed the public comment received from the VOA during the NOIRA public comment period. She indicated that the Board will provide further input to Ms. Knachel later in the meeting and draft proposed regulations will be provided at the August 15<sup>th</sup> board meeting. The Board will have the opportunity to review and discuss the draft proposed regulations for possible adoption at the next board meeting.

**Director’s Report**

Ms. Hahn provided an update on the agency’s new disciplinary procedure for conducting informal conferences and formal hearings.

Ms. Hahn reported that the budget bill now allowed for board members to receive a per diem when attending board meetings. She indicated that a “Q & A” document would be available soon for review.

Ms. Hahn provided a report on the opioid statistics, an update on the requirements for prescribing opioids by electronic transmission and the requirement to review the Practitioner Monitoring Prescription prior to prescribing for a patient.

**APPROVAL OF MINUTES:**

Dr. Roffis moved to approve as a block the meeting minutes of the June 5, 2017, Full Board, June 5, 2017, Formal Hearing and the June 12, 2017, Formal Hearing, as presented. The motion was seconded and carried.

**LEGISLATIVE/REGULATORY UPDATE CONTINUED:**

**Periodic Review Continued**

- **Drafting of Proposed Regulations**

Ms. Knachel referred the Board to the current regulations with suggested changes that staff had developed for the Board’s review and response at its meeting on January 31, 2017. The board members discussed the suggested changes in light of the public comment received. Based on the discussion, staff will prepare a draft for review at the board meeting scheduled for August 15, 2017.

**DISCUSSION ITEMS:**

**Expert Admissibility Standards**

Ms. Mitchell presented two expert witness admissibility standards (Traditional Virginia Standard and Virginia Medical Malpractice Standard) for the Board's consideration.

Dr. Clayton-Jeter moved to adopt the Traditional Virginia Standard as its expert witness admissibility standard. The motion was seconded and carried

**Continuing Education (CE) Programs Approval**

Ms. Knachel reported that §54.1-3219 of the *Code of Virginia* contained a statement reflecting approval of alternative CE courses upon receipt of an application from a licensee. She stated that the current regulations do not provide a regulations or a fee structure for approval of CE courses. Ms. Knachel was directed to determine if the 2018 legislative proposal could be amended.

Dr. Wallace-Davis moved to submit an amendment to the Code during the 2018 legislative session if possible. The motion was seconded and carried.

**Healthcare Workforce Data Center Survey Report**

Dr. Carter presented the results of the Board's 2016 Healthcare Workforce Survey.

**Update to Bylaws Guidance Document 105-14**

Ms. Knachel requested that the Board consider delegating to the Executive Director the authority to close non-jurisdictional and fee dispute cases. The Board discussed the issue.

Ms. Cabot moved to amend Guidance Document 105-14 as presented. The motion was seconded and carried.

**Security Cameras**

Ms. Knachel reported that the use of security cameras in patient examination rooms had been posed. The Board determined that the use of security cameras was non-jurisdictional and took no action.

**USE OF AGENCY LAPTOP**

Ms. Knachel provided a brief training session on accessing the agenda files on the agency provided laptops. Additionally, she stated that due to the size of agenda files, a link to future agendas on the Regulatory Town Hall website will be provided.

**PRESIDENT'S REPORT:**

Dr. Linas thanked the board members for attending the Association of Regulatory Boards of Optometry's annual meeting in Washington, D.C..

**STAFF REPORTS:**

**Executive Director**

Ms. Knachel provided an update on the licensure statistics and budget.

**Discipline Report**

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

**NEW BUSINESS:**

**Officer Elections**

Dr. Wallace-Davis made a motion which was properly seconded to nominate Dr. Linas for President. No other nominations were received. The Board voted and the motion carried.

Dr. Linas made a motion which was properly seconded to nominate Dr. Wallace-Davis as Vice-President.

Dr. Clayton-Jeter made a motion to nominate herself for Vice-President. The motion was properly seconded.

A roll call vote was taken for the Vice-President position. Dr. Clayton-Jeter was elected Vice-President with four of the six votes.

**MEETING CALENDAR:**

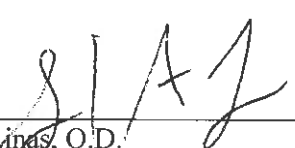
Ms. Knachel informed the Board that the November 3, 2017, meeting date remained on the calendar; however, was subject to change.

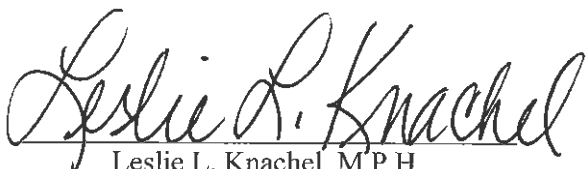
Ms. Blount informed the Board that Informal Conference meeting dates had been added to the 2018 calendar.

After reviewing the 2018 calendar, it was determined that the Board preferred Friday meeting dates. Staff was directed to revise the meeting dates to Fridays if possible.

**ADJOURNMENT:**

The meeting adjourned at 12:30 p.m.

  
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Steven A. Linas, O.D.  
Chair

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