

**BOARD OF OPTOMETRY  
FULL BOARD MEETING  
February 8, 2019**

**TIME AND PLACE:** The Virginia Board of Optometry (Board) meeting was called to order at 9:00 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 3, Henrico, Virginia 23233.

**PRESIDING OFFICER:** Helene Clayton-Jeter, O.D., President

**MEMBERS PRESENT:** Fred E. Goldberg, O.D.  
Steven A. Linas, O.D.  
Clifford A. Roffis, O.D.  
Lisa Wallace-Davis, O.D.  
Devon Cabot – Citizen Member

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

**STAFF PRESENT:** Barbara Allison-Bryan, M.D., Chief Deputy Director  
Leslie L. Knachel, Executive Director  
Kelli Moss, Deputy Executive Director  
Charis Mitchell, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Senior Policy Analyst  
Anthony C. Morales, Operations Manager

**OTHERS PRESENT:** Bo Keeney, Virginia Optometric Association (VOA)  
Bruce Keeney, VOA

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

**PUBLIC HEARING:** Dr. Clayton-Jeter opened the public hearing at 9:05 a.m. to receive comments on changes to the *Regulations of the Virginia Board of Optometry* (18VAC105-20-05 et seq.) – prescribing opioids for acute and chronic pain. The only comment came in via an email from the VOA requesting its comments be read to the Board. Dr. Clayton-Jeter read the comments that included the statement “...our professional association supports these proposed regulations...”

Dr. Clayton-Jeter closed the hearing at 9:08 a.m.

**ORDERING OF AGENDA** No changes or additions were made to the agenda.

**PUBLIC COMMENT:** Bo Keeney thanked the Executive Director for quickly responding to an identified issue.

**APPROVAL OF MINUTES:** Ms. Devon Cabot moved to approve the meeting minutes for the following meetings as presented:

- November 2, 2018 – Public Hearing
- November 2, 2018 – Continuing Education Meeting
- November 2, 2018 – Full Board Meeting

The motion was seconded and carried.

**DIRECTOR'S REPORT:**

Dr. Allison-Bryan provided an update of future agency website changes.

**LEGISLATIVE/REGULATORY UPDATE:**

**Legislative Update**

Ms. Yeatts reviewed legislative bills of interest to the agency and the Board of Optometry.

**Update on Regulatory Actions**

Ms. Yeatts provided the following information on the Board's regulatory actions:

- **Periodic Review:** Report that no comments were received during the 60 public comment period.

Dr. Linas moved to adopt the final regulations. The motion was seconded and carried.

- **Prescribing of opioids – Extension of emergency regulations:** The promulgation process for the final replacement regulations will not be complete before the emergency regulations expire. A request to extend the expiration date was requested.
- **Inactive licenses:** Awaiting approval from the Secretary's office.
- **CE Committee recommendations:** Recommendations from the Continuing Education (CE) Committee were presented for the Board's consideration. The Board discussed the draft regulatory changes. The Board did not take action on the draft and asked the CE Committee to reconvene to further evaluate the process for inclusion of the National Glaucoma Society and other organizations when requested.

**DISCUSSION ITEMS:**

**Continuing Education Audits**

- **Update of Guidance Document 150-12, Guidance for Continuing Education Audits (CE) and Sanctioning for Failure to Complete CE**

Ms. Knachel explained the need to have additional actions for failure to respond to a CE audit notification until disciplinary action was initiated. She presented a draft to the Board for its consideration. She indicated that the Board would need to determine a fine amount for a second offense.

Dr. Goldberg moved to accept the draft and levy a \$500.00 fine. The motion was seconded and carried.

Ms. Knachel requested that the Board determine whether a 2018 CE audit should occur.

Dr. Roffis moved to conduct a CE audit for 2018. The motion was seconded and carried.

**BOARD MEMBER TRAINING:**

**Administrative Hearings**

Ms. Moss provided on administrative hearings.

**COUNSEL REPORT:** Ms. Mitchell stated that she did not have anything to report.

**PRESIDENT'S REPORT:** Dr. Clayton-Jeter stated that she felt it was important to remind the Board at each meeting of its mission.

**BOARD OF HEALTH PROFESSION'S REPORT:** Dr. Clayton-Jeter reported on activities of the Board of Health Professions.

**STAFF REPORTS:**

**Executive Director's Report – Ms. Knachel**  
Ms. Knachel reported on licensure and budget statistics.

Ms. Knachel stated that the Association of Regulatory Boards of Optometry's 2019 Annual Meeting is in St. Louis. She asked that board members let her know if they are interested in attending.

**Discipline Report – Ms. Moss**  
Ms. Moss provided an overview of the caseload statistics.

**NEW BUSINESS:** No New Business was presented.

**NEW MEETING:** The next scheduled full board meeting is June 28, 2019.

**CONSIDERATION OF POSSIBLE RESOLUTION OF CASE No.'s 183551 and 185376:** Ms. Moss presented a Consent Order for possible resolution for Case Nos. 183551 and 185376 in lieu of a formal hearing.

**CLOSED SESSION:** Dr. Goldberg moved that the Board convene a closed meeting pursuant to Virginia Code § 2.2-3711(A)(27) for the purpose of deliberation to reach a decision in the matter of Case Nos. 183551 and 185376. Additionally, he moved that Ms. Mitchell, Ms. Knachel and Ms. Moss attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:** Dr. Goldberg moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

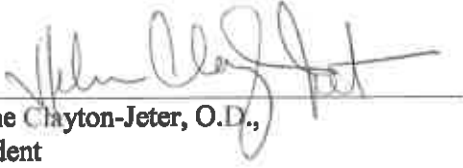
The Board reconvened in open session pursuant to Virginia Code § 2.2-3712(D).

**DECISION:** Dr. Wallace-Davis moved that the Board accept the Consent Order for Case Nos. 183551 and 185376 in lieu of proceeding with a formal

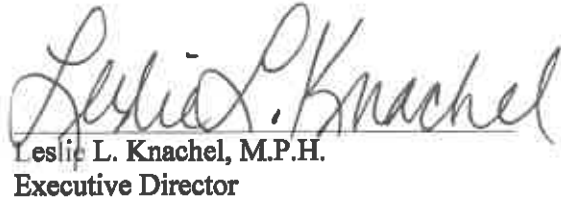
hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The meeting adjourned at 12:26 p.m.



Helene Clayton-Jeter, O.D.,  
President



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