

**BOARD OF OPTOMETRY
BOARD MEETING
JUNE 30, 2004**

TIME AND PLACE: The meeting was called to order at 10:05 a.m. on Wednesday, June 30, 2004 at the Department of Health Professions, Conference Room 3, 6603 W. Broad St., Richmond, VA.

PRESIDING OFFICER: Thomas R. Cheezum, O.D.

MEMBERS PRESENT: David H. Hettler, O.D.
Paula H. Boone, O.D.
~~Cathleen~~ Kelly Burk
William T. Tillar, O.D.

MEMBERS NOT PRESENT: Roxann L. Robinson, O.D.

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

OTHERS PRESENT: Stefan P. Cox, VSO
Carl Whitehead, VSO
C. Conraday, VSO
Bruce Keeney, VOA
Zelda Dugger, Board for Opticians
Patience Manning, Walmart
Tracy Patterson, Walmart
Lyndsey Lamberton, Walmart

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

PUBLIC COMMENT: Bruce Keeney, VOA, addressed the Board under the Executive Director's Report.

REVIEW AND APPROVAL OF AGENDA: The first three items listed under "New Business" were moved to "Committee Reports".

APPROVAL OF MINUTES: ◆Action - On properly seconded motion by Dr. Hettler, the Board voted unanimously to approve the minutes of the March 19, 2004 meeting with amendment.

COMMITTEE REPORTS: **CPT Codes**
The Committee did not have any updates to present.

Credentials and Professional Designation

Dr. Boone advised that there were no statistical reports to present. It was noted that there was only one pending application for endorsement.

Continuing Education

No report was presented. It was noted that the licensee CE issues reported at the last board meeting had resolved.

Newsletter

Newsletters will continue to be e-mailed and requests for hard copies can be generated.

TPA Formulary

Dr. Tillar reported that Dr. Green had resigned from the TPA Formulary Committee effective June 26, 2004.

◆Action - Dr. Tillar, Chair of the TPA Formulary Advisory Committee, moved that Dr. Cheezum be appointed to fill the vacancy on the TPA Formulary Committee.

◆Action - Dr. Tillar moved that the report of the TPA Formulary Advisory Committee be withdrawn in its entirety and requested that the Committee convene a meeting July 30th to review additional information provided by legal counsel and to resolve differences.

Adoption of Emergency Regulations, TPA Certification, HB 856

◆Action - Dr. Hettler moved to adopt the amended paragraph, 18 VAC 105-20-16.A.1 as follows: *Complete a full-time, postgraduate or equivalent graduate-level didactic and clinical program which is approved by the board.*

◆Action - Dr. Hettler moved to adopt the amended paragraph 18 VAC 105-20-16.B. as follows: *A candidate for certification by the board who fails the examination as required in 18 VAC-20-16.A.2 following three attempts shall complete additional postgraduate training as determined by the Board to be eligible for TPA certification.*

18 VAC 105-20-20.A. Fees – The line *Endorsement of certification to use diagnostic pharmaceutical agents \$100* was stricken.

◆Action - Dr. Tillar moved to approve as emergency regulations the amendments to Chapter 20, to include the addition of requirements for certification in the use of therapeutic pharmaceutical agents in sections 5, 16, 46 and 47 as presented in the June package and amended by action of the Board and to repeal Chapter 30 and approve the

notice of intended regulatory action.

PRESIDENT'S REPORT:

Dr. Cheezum stated that this was his last meeting serving on the Board and thanked all the board members and staff for their hard work and dedication.

Dr. Carter presented Dr. Cheezum with a plaque for recognition of his service as a member of the Board of Optometry.

EXECUTIVE DIRECTOR'S REPORT:

Report from ARBO

Dr. Carter reported that Dr. Robinson and she attended the ARBO meeting in Orlando and that Dr. Robinson will be providing a written report to the Board. Dr. Carter reported that the national headquarters was moving from Bethesda to Charlotte, NC and that Norman Wallis, O.D, was retiring. Further, she reported that the national examination was undergoing a job analysis to reformulate the examination and a formal report will be presented in 2005. Specifically, the clinical skills section will be more relevant to everyday optometric practice and more reflective of the expanded scope of practice. Dr. Carter also reported that Barry Schneider, one of the founders of COPE, was recognized and honored for his service to the national board. The national board also requested licensees to serve as COPE reviewers.

Dr. Carter reported that the Committee on Endorsement and Licensure Mobility (CELMO) had begun the process of structuring. The Committee will serve as a repository and provide a mechanism for credentialing and certifying optometrists at the highest level of education. The House of Delegates overwhelmingly passed the measure to empower the Committee to go forward and solicit staff.

Dr. Carter reported that Florida joined COPE for its review of CE and that Dr. Salimeno had been replaced by Christine Sorenson.

With regard to the Board's Executive Directors meeting, Dr. Carter learned that the majority of the states use hearing officers in disciplinary cases that do not involve clinical judgment. A listing of the hearing officers is maintained by the Supreme Court.

Citizen Advocacy Center 2004 Annual Meeting

Dr. Carter requested that the Board recommend a board member representative to attend the conference.

◆Action - Dr. Hettler moved that Ms. Burk attend the

conference and if she could not attend, select another interested member.

Bruce Keeney requested that the Board notify the DEA of changes to the TPA formulary as a result of the passage of HB 856.

Dr. Cheezum requested that staff forward an e-mail to the licensees that their ability to prescribe oral medications is not going to take effect July 1st.

Dr. Cheezum requested that the Board review and consider amendments to the CE requirements. The CE requirements appeared to be inadequate in comparison to other states and the current CE requirements could be a hindrance to licensees applying to CELMO.

◊Action – Dr. Boone moved that the CE Committee meet to review the requirements of other states and make recommendations to the full Board for placement in the 2005 legislative packet.

NEW BUSINESS:

Adoption of Emergency Regulations – Delegation of Informal Fact Finding to an Agency Subordinate – HB 577

◊Action - Dr. Boone moved to adopt emergency regulations with amendment to 18 VAC 60-20-17.B and issue a notice of intended regulatory action as follows: *Criteria for delegation. Cases that may be delegated to an agency subordinate upon approval of a committee of the Board except for those who conduct his practice in such a manner as to endanger the health and welfare of his patients or the public.*

Election of Interim Board President

◊Action - Dr. Tillar moved (with Dr. Cheezum abstaining) to nominate Dr. Hettler as interim Board President until the next full Board meeting. Dr. Hettler accepted.

Old Business Relating to Application Expirations

Ms. Yeatts reported that at the last Board meeting, the Board adopted fast track regulations to include a deadline or expiration date of one year to complete an application. Following this request, Ms. Yeatts initiated a workgroup within the agency of all the Boards to review the processing of applications and records retention. As a result of the meeting, a draft agency directive was created to set out a uniform policy among the boards with regard to application and retention deadlines and will become an agency guidance document. The inclusion of application deadlines is no longer needed.

Ms. Burk, Dr. Boone and Dr. Tillar thanked Dr. Cheezum for his many years of service and advice to the Board members.

ADJOURNMENT:

◆Action – Ms. Burk moved that the Board conclude its meeting at noon.

David H. Hettler, O.D., Acting Chair

Elizabeth A. Carter, Ph.D.
Executive Director