

**BOARD OF OPTOMETRY
BOARD MEETING
MARCH 15, 2007**

TIME AND PLACE: The meeting was called to order at 10:04 a.m. on Thursday, March 15, 2007 at the Department of Health Professions, Conference Room 4, 6603 W. Broad St., Richmond, VA.

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

MEMBERS PRESENT: Paula H. Boone, O.D.
Gregory P. Jellenek, O.D.
W. Ernest Schlabach, Jr., O.D.
Jacquelyn S. Thomas, Citizen Member
William T. Tillar, O.D.

STAFF PRESENT: Emily Wingfield, Chief Deputy Director
Sandra Ryals, Director
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

MEMBERS ABSENT: All Board members were present.

OTHERS PRESENT: Betty Graumlich, NAOO
Bruce Keeney, VOA

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

REVIEW AND APPROVAL OF AGENDA: The order of the agenda was revised as well as the addition of comments of the Agency Director, Ms. Ryals.

PUBLIC COMMENT: Bruce Keeney, Executive Director, Virginia Optometric Association, presented public comment in regards to COPE and AMA accrediting CE organizations. Specifically, he stated that COPE courses are usually national courses only and AMA sponsorship could include courses put on by pharmaceutical products/vendors which may focus on non-optometric issues.

Mr. Keeney also presented brief comment on the American Optometric Association's latest update on New Level II CPT Codes. He stated that the codes had been mandated by the federal government, specifically, for use with Medicare and Medicaid. Mr. Keeney requested that the Board consider adding the new CPT codes to its existing list of approved

CPT codes.

**COMMENTS OF THE AGENCY
DIRECTOR:**

Ms. Ryals presented an update on the Governor's initiatives, Virginia Performs, specifically focusing on the Agency's performance and challenges. She provided a detailed summary of the agency's statistical review noting the need for improvement in case resolution time. Additionally, Ms. Ryals reported that a review team has been assigned the task of developing a workplan to improve case resolution time. The team members include Ms. Jolly, Dr. Carter and Ms. Wingfield.

Ms. Ryals apprised the Board of the agency's six month pilot project, "Dial 211". The initiative provides license lookup to all Virginians needing assistance in locating health care professionals. Ms. Ryals stated that major newspapers will be advertising "Dial 211" in December.

Ms. Ryals provided an update on the Agency's move noting that the move is scheduled for mid August.

**PRESENTATION ON
ENFORCEMENT ACTIVITIES:**

Ms. Faye Lemon, Director of Enforcement, presented a slide presentation overview of the role of Enforcement. She apprised the Board of the agency's case load as well Optometry's specific case statistics and resolution time. To reduce days at the investigative level, Ms. Lemon stated that the expertise of the board members may be sought at the beginning of the investigation rather than at the end. Additionally, Ms. Lemon requested that the Board members submit ideas on improving case resolution time.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the minutes of the December 13, 2006 meeting.

DISCUSSION ITEMS:

Adoption of Notice of Intended Regulatory Action – CE
Ms. Yeatts presented the attached revisions to the original Notice of Intended Regulatory Action regarding continuing education. Public comment on the proposed requirement for a certain number of hours of face-to-face interaction and concerns expressed over how to ensure appropriate course monitoring prompted the revisions. On properly seconded motion by Ms. Thomas, the Board voted unanimously to approve the amended notice.

**Fast Track of Public Participation Guidelines
Amendments**

Ms. Yeatts presented an overview of the Public Participation

Guidelines for adoption.

On properly seconded motion by Dr. Boone, the Board voted unanimously to adopt the Public Participation Guidelines fast track as presented.

Fast Track of Regulatory Amendment – Licensure Verification

Ms. Yeatts presented proposed amendments clarifying the Board's current policy in the matter of the licensure regulations by examination.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the proposed amendments for fast tracking.

Legislative Review

Ms. Yeatts presented an overview of the 2007 legislation that may impact the Agency.

Federal and Virginia's Contact Lens Laws and Regulations/FCLCA

Dr. Hettler apprised the Board that the Virginia Regulations were less restrictive than the Federal Laws. He suggested that the Board may wish to consider adding language to the regulations noting that Federal Law supersedes the Virginia regulations. The Board took no action.

CELMO and OE Tracker

Dr. Schlabach reported that CELMO had developed an informational packet titled "Doctor Move More Frequently" for dissemination. He requested that the packets be forwarded to the Board members for their review. Dr. Schlabach noted that monies to operate CELMO and OE Tracker were not directly funded by Alcon, Essilor and Vistakon. Further, that these entities do sponsor the ARBO organization as a whole; therefore, there may be conflict of interest concerns. This issue will be reviewed by Board Counsel.

CPT Codes

On properly seconded motion by Dr. Jellenek, the Board voted unanimously to add CPT codes 36416 and 82785.

The request of Bruce Keeney regarding the AOA's New Level II CPT Codes was placed on the Board's May agenda for review.

Prescribing Antibiotics

The Board considered the request regarding the prescribing of antibiotics for a sinus infection. It was the consensus of the Board that any prescription must be ocular related and that the treatment record must include the ocular involvement for the prescription to be valid. Dr. Carter was requested to draft the Board's response.

COMMITTEE REPORTS:

Continuing Education Committee

Dr. Jellenek presented an overview of the Committee's January 30, 2007 meeting. Ms. Yeatt's earlier presentation on the Amended Notice of Intended Regulatory Action detailed the Committee's recommendations.

PRESIDENT'S REPORT:

Dr. Hettler apprised the Board of ARBO's June 24-26, 2007 meeting and requested that Dr. Schlabach and Dr. Carter attend the meeting. It was the consensus of the Board that Dr. Schlabach and Dr. Carter attend the meeting.

Dr. Hettler reported that the website's latest optometry newsletter was downloaded for review at a rate of 53 percent.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter informed the Board that the disciplinary case trend reflected an overall increase in performance. She noted that there had been an increase from six to twelve compliance cases from last year to this year.

Dr. Carter reported that there may be a need for an additional fee reduction. However, it is too early to definitely determine the results of the second year of renewal reductions scheduled to end in October of 2008.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The Board concluded its meeting at 12:20 p.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director