

FINAL APPROVED
BOARD OF OPTOMETRY
BOARD MEETING
APRIL 26, 2002

TIME AND PLACE: The meeting was called to order at 8:30 p.m. on Friday, April 26, 2002, at the Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 3, Richmond, Virginia.

PRESIDING OFFICER: Samuel C. Smart, O.D.

MEMBERS PRESENT: Thomas R. Cheezum, O.D.
Gary H. St. Clair, O.D.
Paula H. Boone, O.D.

MEMBERS NOT PRESENT: Jeff Smith, Citizen Member
Roxann L. Robinson, O.D.

STAFF PRESENT: Howard M. Casway, Assistant Attorney General, Board Counsel
Elaine Yeatts, Policy Analyst
Elizabeth A. Carter, Ph.D., Executive Director
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Betty Graumlich, McSweeney & Crump

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

PUBLIC COMMENT: No public comment was presented.

REVIEW AND APPROVAL OF AGENDA: There were no revisions to the agenda.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Cheezum, the Board voted unanimously to approve the minutes of the January 25, 2002 meeting as amended.

GENERAL BOARD DISCUSSION: **Adoption of Emergency Regulations, Out-of-State Practitioners Working as Volunteers**
Ms. Yeatts presented an overview of HB1318, Registration for Voluntary Practice by Out-of-State licensees and presented a draft of the emergency regulations. The draft of the regulations is incorporated

into the minutes as Attachment 1. Ms. Yeatts requested that the Board adopt the emergency regulations and issue a Notice of Intended Regulatory Action (NOIRA) to replace the emergency regulation with a permanent regulation.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to adopt the emergency regulations as submitted and a NOIRA to replace the emergency regulations with final regulations.

Reinstatement Without DPA Certification

On properly seconded motion by Dr. St. Clair, the Board voted unanimously that applicants seeking reinstatement must meet the current statutory requirement for licensure. Further, it is Board policy that those applicants who wish to appeal may petition the Credentials Committee.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to revise the name of the Endorsement Committee to *The Credentials Committee*. Further, that the Credentials Committee be responsible for reviewing issues of initial licensure, reinstatement of license and endorsement of licensure. The Committee will consist of Dr. St. Clair and Dr. Boone.

Comment on Accreditation

The Board reviewed the report of the Accreditation Counsel on Optometric Education and made no comment.

ARBO REPORT FROM DR. CHEEZUM:

Dr. Cheezum reported on the February Association of Regulatory Boards of Optometry (ARBO) meeting in Atlanta. He noted that the hot topic for discussion was the advantages/disadvantages of the merger of ARBO and National Board of Examiners in Optometry (NBEO). He requested the Board draft a letter stating the benefits of the merger of the two entities.

On properly seconded motion by Dr. Boone, the Board voted unanimously that a letter be drafted by Mr. Casway and Dr. Carter for Dr. Smart's signature.

Dr. Cheezum reported that additional topics for

discussion were the mail order issue, the Stark Legislation and FDA case in CA and IL.

PRESIDENT'S REPORT:

Dr. Smart did not present a report.

EXECUTIVE DIRECTOR'S REPORT:

New DHP Cost Allocation

Dr. Carter presented an overview of the final cost allocation and the recommendations for implementation on July 1, 2002.

Board Statistics

Dr. Carter reported that the licensure level remains constant; however, it appears that there are fewer applicants applying for licensure. With regard to the disciplinary cases, Dr. Carter stated that there had been an increase in the number of substandard care cases. She noted the percentages of open case type were follows: 11 standard of care, 9 prescription blank cases, 9 business practice and 2 unlicensed practice.

The Board requested that staff pull TPA statistical data as far back as 1997 for review.

Update on Legislation

Dr. Carter reported that the bill requiring eye examination in preschool has died. Mr. Casway reported that HB398, telephonic conferencing, had been revised to allow Boards to make settlement proposals with regard to disciplinary cases. Further, that mandatory suspension required a three fourths vote of the remaining members left. Mr. Casway also reported that housekeeping revisions to allow more flexibility had been made to the scripts effective July 1, 2002.

Dr. Carter reported that effective July 1, 2002, the minutes of all board meetings as well as disciplinary hearings must be posted to the website within ten working days. Further, that within three days of approval of the minutes, the final minutes shall be posted to the website.

NEW BUSINESS:

Staff Report

Ms. Stamey reported that approximately fifteen disciplinary cases had been opened against licensees who had not complied with the CE audit.

Newsletter Items

The Board requested that the fines for failure to comply with section 18 VAC-105-20-70 of the regulations be listed in the next board newsletter. Other items listed for posting were the DPA and TPA certification.

ADJOURNMENT:

On properly seconded motion by Dr. St. Clair, the Board concluded its meeting at 10:30 a.m.

Samuel C. Smart, O.D., President

Elizabeth A. Carter, Ph.D., Executive Director

EMERGENCY REGULATIONS
HB1318

18 VAC 105-20-75. Registration for voluntary practice by out-of-state licensees.

Any optometrist who does not hold a license to practice in Virginia and who seeks registration to practice on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world shall:

1. File an application for registration on a form provided by the board at least 30 days prior to engaging in such practice;
2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide the name of the nonprofit organization, the dates and location of the voluntary provision of services;
4. Pay a registration fee of \$10; and
5. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of § 54.1-3202 (2) of the Code of Virginia.