

**BOARD OF OPTOMETRY
BOARD MEETING
DECEMBER 13, 2006**

TIME AND PLACE: The meeting was called to order at 10:35 a.m. on Wednesday, December 13, 2006 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
Jack Kotvas, Attorney General's Office
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

MEMBERS ABSENT: All Board members were present.

OTHERS PRESENT: Betty Graumlich, NAOO
Bruce Keeney, VOA
Bill Ferguson, Board for Opticians

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

REVIEW AND APPROVAL OF AGENDA: The agenda was revised to include comments of the Agency Director, Ms. Ryals and comment from Mr. Tillar regarding prescription abbreviations. Additionally, the Sanction Reference Study Presentation was moved to the end of the agenda.

PUBLIC COMMENT: Mr. Keeney noted that the AMA had recently updated the Nursing Home CPT codes and the update consisted of the deletion of old codes being replaced by new numbers.

Mr. Keeney reported that he had additional comment/suggestions for the Board's consideration regarding the proposed CE regulations. Further, he requested that the Board defer moving forward on the current CE NOIRA until

his additional comment could be considered.

APPROVAL OF MINUTES:

◆Action On properly seconded motion by Dr. Boone, the Board voted unanimously to approve the minutes of the August 3, 2006 meeting.

COMMENTS OF THE AGENCY DIRECTOR:

Ms. Ryals provided a brief summary of her credentials and background in public service.

Ms. Ryals introduced Ms. Wingfield as the new Chief Deputy Director for the agency and provided a brief summary of her role with the agency.

Ms. Ryals overviewed three key initiatives of the Governor.

- 1) Healthy Virginians, encouraging Virginians to adopt healthy lifestyles and combat obesity. Information is available on the Governor's webpage under Health Reform Commission.
- 2) Strengthening accountability and transparency in healthcare. Virginia's strategic plans and performance measures can be located on the Governor's webpage. The Department has reviewed its own strategic plans and set goals. Ms. Ryals stated that the agency must improve its customer satisfaction rating from 94% to 97%, process licensure applications within thirty (30 days) 95% percent of the time and resolve 95% of disciplinary cases within 250 days. Currently the agency is at 51% in resolving disciplinary cases and Ms. Ryals requested that the Board review the process for improvements.
- 3) Potential agency move. Real estate initiative, co-locate with other state agencies, cost savings due to sharing and other combined savings.

Ms. Ryals also thanked Dr. Hettler for his service with the Board of Health Professions and his attendance at the Citizen Advocacy Center Meeting (CAC).

Ms. Ryals reported that the meeting of the CAC had received rave reviews.

DISCUSSION ITEMS:

Recommendations of the Professional Designation Committee

Dr. Boone apprised the Board that due to the number of disciplinary cases involving violations of the professional designation regulations, the Committee had met to discuss uniform sanctioning. The Committee recommended the following disciplinary guidelines to insure uniformity of sanctions:

- 1) First offense: Confidential Consent Agreement including required fees.
- 2) Second offense: Pre-Hearing Consent Order to include a \$500.00 fine, required fees and reprimand.
- 3) Third offense: Informal Conference including a \$1000.00 fine, required fees and reprimand.
- 4) Additional offenses: Informal Conference with higher fines, required fees and additional sanctions.

Dr. Boone also reported that a survey of the states through ARBO had been conducted with little response.

On properly seconded motion by Dr. Boone, the Board voted unanimously to accept the Committee's recommendations.

Dr. Boone reported that the Committee had received a request for clarification of the professional designation regulations relating to website and e-mail addresses. She stated that it was the consensus of the Committee that the Board does not have jurisdiction over website and e-mail addresses. The Committee did note that the content of webpages shall comply with the Professional Designation and Advertising Regulations and Statutes. Dr. Boone noted that a newsletter article will be written to address the issue in the next newsletter. Additionally, the matter will be addressed in the FAQ section of Optometry's webpage.

Dr. Boone reported that the Committee had reviewed and approved five applications.

Recommendations of the Continuing Education Committee

In response to Mr. Keeney's public comment, the CE Committee recommended that the Board defer the CE NOIRA and hold an additional committee meeting. The CE Committee agreed to hold a meeting prior to the full board's January 30, 2007 meeting.

The Board unanimously agreed to defer the CE NOIRA.

Adoption of the NOIRA to Amend the PPG Regulations

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to adopt the PPG NOIRA as presented by Ms. Yeatts.

Nursing Home CPT Codes

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to delete CPT codes 99321-99323 and

99331-99333 replacing them with CPT codes 99324-99328 and 99334-99337. Additionally, CPT code 99311 is to be deleted.

On properly seconded motion by Dr. Tillar, the Board voted unanimously to delegate to staff the authority to update the CPT codes involving clerical changes.

Application Revised Form C

On properly seconded motion by Dr. Jellenek, the Board voted unanimously to delete “Approved by Committee” dates on the Graduate Optometric Programs Approved Form C.

Prescription Abbreviations

Dr. Tillar informed the Board of a listing of dangerous abbreviations on written prescriptions and the potential risks involved. It was the consensus of the Board to request that the Board of Pharmacy review the matter for their comment and suggestions.

COMMITTEE REPORTS:

TPA Formulary Committee

The Committee had no report to present.

Credentials Committee

Dr. Boone reported that five applications had been reviewed and approved.

Newsletter Committee

Dr. Hettler noted that the newsletter had not gone out and should do so shortly. He requested that the professional designation disciplinary matrix be included in the next newsletter. Dr. Hettler also noted he would be submitting the President’s letter for inclusion as well.

Continuing Education Committee

Dr. Schlabach reported that COPE is developing an audit process of approved continuing education courses. The quality of the courses and instructors will be evaluated for compliance. Dr. Schlabach indicated that ARBO's newsletter, the *Greensheet*, details the auditing process.

EXECUTIVE DIRECTOR’S REPORT:

Dr. Carter presented a brief summary of the board’s case standards report.

Dr. Carter reported that the number of licensed optometrists had reached a total of 1600. Further, that the number of licensees with Virginia addresses had increased to 1100. She stated that 65% of the licensees had renewed their 2007

licenses.

PRESIDENT’S REPORT:

Dr. Hettler reported that he and Ms. Thomas had attended the CAC meeting in Williamsburg in October. Ms. Thomas provided a brief summary of her participation at the meeting noting that 24 states were represented. She stated that the meeting was both educational and informative for public members.

NEW BUSINESS:

No new business was presented.

SANCTION REFERENCE STUDY:

Neil Kauder presented a power point overview of the Sanction Reference Study of the Board’s sanctioning history and insight into the decision-making process. Mr. Kauder made note that due to the small number of cases with a large proportion of them resolving through CCA’s, the study methodology may require the inclusion of CCA’s.

ADJOURNMENT:

The Board concluded its meeting at 12:02 p.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director