

BOARD FOR OPTICIANS

MINUTES OF MEETING

The Board for Opticians met on Friday, December 10, 2010, 9:30 a.m., at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

Billie L. Taylor, Chair
Jon D. Bright
Robert E. Flippin

The following members were not present:

Faye Prichard
William H. Bearden, III, MD

The DPOR staff present for all or for portions of the meeting included:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of LRD
William H. Ferguson, II, Executive Director
Demetrios J. Melis, Board Administrator
Cathy Clark, Administrative Assistant
Earlyne Perkins, Legal Analyst

A representative from the Office of the Attorney General was not present.

Ms. Taylor determined there was a quorum and called the meeting to order at 9:38 a.m. **Call to Order**

Upon a motion by Mr. Flippin and seconded by Mr. Bright, the Board voted to approve the agenda. The members voting 'yes' were Mr. Bright, Mr. Flippin, and Ms. Taylor. There were no negative votes. The motion passed unanimously. **Approval of Agenda**

Ms. Taylor asked for public comment. There was no public comment. **Public Comment**

Upon a motion by Mr. Flippin and seconded by Mr. Bright, the Board voted to approve the minutes of the Board for Opticians December 11, 2009 board meeting. **Approval of Minutes
December 11, 2009
Board Meeting**

The members voting 'yes' were Mr. Bright, Mr. Flippin, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

Cases

Ms. Taylor left the meeting.

Ms. Taylor Recused

In the matter of **File Number 2010-01149, James Rodney Smith**, the Board reviewed the record which consisted of the Consent Order. James Rodney Smith did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-01149, Smith, James Rodney

By signing this Consent Order, Mr. Smith acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Mr. Smith consents to the following term(s):

Count 1:	18 VAC 100-20-110.A.8	\$250.00

	SUB-TOTAL (MONETARY PENALTIES)	\$250.00
	BOARD COSTS	\$150.00
	TOTAL	\$400.00

In addition, the Board shall waive imposition of the \$250.00 monetary penalty for Count 1 provided Smith submits proof that Sherry Wright, Smith's optician apprentice, has obtained her Opticians license on or before January 1, 2011. If Smith fails to comply with this condition, then the full monetary penalty will be automatically imposed.

Upon a motion by Mr. Bright and seconded by Mr. Flippin, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Bright and Mr. Flippin. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Ms. Taylor was not present, did not participate in the discussion, and did not vote on this matter.

Ms. Taylor returned to the meeting and resumed the chair

Ms. Taylor returned

The Board took under consideration § 54.1-201.1 of the Code of Virginia. The Board was informed that the 2010 General Assembly passed Senate Bill 474 and House Bill 792 which amended the Code of Virginia by adding a section numbered 54.1-201.1, relating to Department of Professional and Occupational Regulation; issuance of

§ 54.1-201.1 of the Code of Virginia – Temporary Permit

temporary licenses and certifications. The Board determined that since § 54.1-1701.3. of the Code of Virginia provides an exemption for any person who does not hold himself out to the public as an “optician” and who works exclusively under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician, and in the same location temporary permits will not be issued under the authority of Section 54.1-201.1. of the Code.

Upon a motion by Mr. Flippin and seconded by Mr. Bright the Board voted not to amend the Board for Opticians Regulations based on § 54.1-1701.3. of the Code of Virginia providing the means to work until an optician license is obtained. The members voting yes were Mr. Bright, Mr. Flippin, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

Mr. Bright reported on the NCSORB meeting held in Cincinnati, Ohio, in September 2010. The meeting centered on reviewing and discussing the components that will make up the NCSORB national exam. Mr. Bright presented information about the components of the exam. Mr. Flippin and Ms Taylor reported on their attendance. The Board expressed interest in adopting the exam.

**National Committee
of State Opticianry
Regulatory Boards**

The Board requested staff to present at the next meeting an overview of the procurement process pertaining to an examination contract.

The Board reviewed its examination statistics for informational purposes.

**Examination
Statistics**

The Board reviewed its quarterly board statistics for informational purposes.

Quarterly Statistics

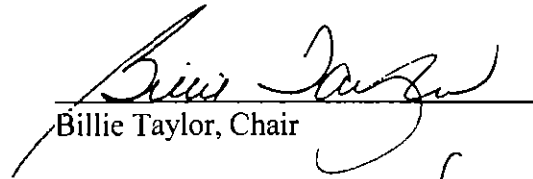
The Board discussed the licensing of opticianry business entities. It was noted that to amend the Code of Virginia, action by the optician association through the members’ delegates and senators would be the most expedient means to amend the Code. Upon a motion by Mr. Bright and seconded by Mr. Flippin the Board voted to express their support of an amendment to the Code of Virginia to mandate the licensure of opticianry business entities.

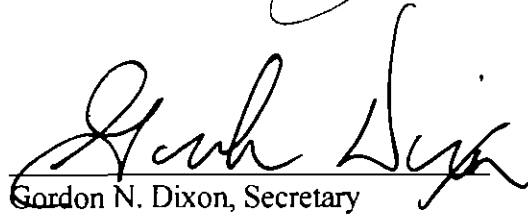
**Other Board
Business**

The members voting yes were Mr. Bright, Mr. Flippin, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

Mr. Flippin requested that the sale of eyeglasses on the internet be discussed at a future meeting.

Since there was no further business to be brought before the Board, the **Adjourn** meeting was adjourned at 11:15 a.m.


Billie Taylor, Chair


Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

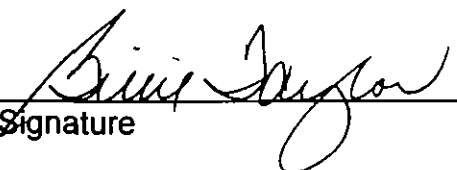
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Billie Taylor
2. Title: Board Chair
3. Agency: Board for Opticians
4. Meeting/IFF Date: December 10, 2010
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.



Signature

12-10-10
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jon Bright
2. Title: Board Member
3. Agency: Board for Opticians
4. Meeting/IFF Date: December 10, 2010
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

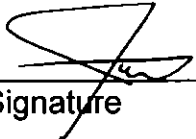
NONE

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.



Signature

12-10-2010
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robert Flippin
2. Title: Board Member
3. Agency: Board for Opticians
4. Meeting/IFF Date: December 10, 2010
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.


Signature

12/10/10
Date