

October 8, 2021
Board Room 4
10:00 a.m.

Agenda
Virginia Board of Optometry
Full Board Meeting

Call to Order – Fred E. Goldberg, O.D., Board President

Page 1

- Welcome
- Emergency Egress Procedures
- Introductions
- Mission Statement

Ordering of Agenda – Dr. Goldberg

Public Comment – Dr. Goldberg

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Approval of Minutes – Dr. Goldberg

Pages 2-5

- July 16, 2021 – Full Board Meeting

Director’s Report – David E. Brown, D.C., Director

Policy Analyst’s Report – Elaine Yeatts

Pages 6-16

- Regulatory Actions
 - Regulations for Waiver of Electronic Prescribing – Adoption of Final Regulations (page 6-10)
 - Report from Regulatory/Legislative Committee
- Policy Action - Consideration of Electronic Meeting Policy (pages 11-16)

Discussion Items

Pages 17-21

Guidance Documents – Ms. Knachel

- 105-14 Bylaws – Delete Professional Designation Committee (pages 17-21)
- 105-28 Instruction Manual on Use of Sanction Reference Points – update information

Board Counsel’s Report – Charis Mitchell

President’s Report – Dr. Goldberg

Board of Health Professions’ Report – Dr. Clayton-Jeter

Staff Reports

Pages 22-24

- Executive Director’s Report – **Ms. Knachel**
 - Statistics (pages 22-23)
 - 2022 Calendar Reminder (page 24)
- Discipline Report – **Kelli Moss**

New Business – Dr. Goldberg

Next Meeting – Dr. Goldberg
February 11, 2022

Meeting Adjournment – Dr. Goldberg

This information is in **DRAFT** form and is subject to change.

MISSION STATEMENT

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

Call to Order

The July 16, 2021 Virginia Board of Optometry (Board) meeting was called to order at 9:03 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia 23233.

Presiding Officer - Fred E. Goldberg, OD, President

Board Members Present

Devon Cabot, Citizen Member, Vice-President
Helene Clayton-Jeter, OD
Steven A. Linas, OD
Clifford A. Roffis, OD
Lisa Wallace-Davis, OD

Staff Present

Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Executive Director
David E. Brown, DC, Director DHP
Barbara Allison-Bryan, MD, Deputy Director DHP
Elaine Yeatts, Sr. Policy Analyst DHP
Yetty Shobo, Deputy Executive Director DHP
Heather Pote, Discipline Case Specialist
Laura Jackson, Board Analyst
Charis Mitchell, Assistant Attorney General, Board Counsel

Public Present

Mark Hickman, Virginia Society of Eye Physicians and Surgeons

Establishment of Quorum

With six board members present, a quorum was established.

Emergency Egress

Ms. Knachel read the emergency egress procedures.

Introduction of New Staff Members

Ms. Knachel introduced new board staff members Heather Pote and Laura Jackson. Ms. Pote joins the board as a Discipline Case Specialist and Ms. Jackson as the Board Analyst for the Boards.

Mission Statement

Dr. Goldberg read the Department of Health Professions' mission statement. He thanked the board and staff members for their continued participation in helping to fulfill this mission.

Ordering of Agenda

Ms. Knachel requested that CE audit be added under Discussion Items and elections be added under New Business. Upon a motion by Dr. Clayton-Jeter, properly seconded by Dr. Wallace-Davis, the Board voted to accept the agenda as revised. The motion carried unanimously.

Public Comment

There were no requests to provide public comment.

Approval of Meeting Minutes

Dr. Goldberg informed the Board that a motion to approve meeting minutes is no longer necessary for minutes that require no corrections. He opened the floor to any edits or corrections regarding the draft minutes for the October 16, 2020, Board meeting and formal hearing and the June 7, 2021, public hearing. Hearing none, Dr. Goldberg stated the minutes were approved as presented.

Director's Report

Dr. Brown reported the following:

- The state of emergency that lapsed on June 30, 2021. He advised that board meetings will no longer be held virtually and that the agency will be proposing legislation to allow the boards to meet virtually in the future.
- The Perimeter Center building would be opening to the public on August 2, 2021.
- The agency's activities related to Diversity, Equality and Inclusion.
- The recent separation of the Board of Health Professions and the Healthcare Workforce Data Center. He stated that the demand for workforce data has increased and moving the BHP under Ms. Knachel will allow the HWDC to focus on the gathering and dissemination of workforce data.

Dr. Allison-Bryan provided an update on current Covid-19 vaccination rates.

Dr. Brown presented an appreciation plaque to Dr. Linas for his eight years of service on the Board.

Legislative and Regulatory Report

Update on 2022 Legislation Submission

Ms. Yeatts presented the 2022 Legislative Proposal to the Board. A motion to approve submitting the legislative proposal as presented was made by Dr. Clayton-Jeter and properly seconded by Ms. Cabot. The motion carried unanimously.

The Board discussed a legislative proposal to add email and text messaging as forms of notifying patients of transfer of patient records in conjunction with closure, sale or relocation of a practice. A motion was made by Dr. Linas to submit a legislative proposal to allow email and text messaging as methods of notification for transfer of records. Ms. Cabot properly seconded the motion. The motion carried unanimously.

Status on Proposed Regulations for Waive of Electronic Prescribing

Ms. Yeatts also provided an update on the proposed regulatory action for the e-prescribing waiver.

Consideration of Pack Petition to Add Investigational Drug to TPA Formulary

Ms. Yeatts presented information for the Board's consideration regarding the petition for rulemaking submitted by Weston Pack. The petition requested that the Board add an investigative ophthalmic drug for the treatment of presbyopia to the approved list of drugs that may be prescribed by an optometrist.

The Board discussed the petition.

Dr. Clayton-Jeter motioned that the Board deny the petition because the FDA has not yet approved the ophthalmic drug formulation. Dr. Wallace-Davis properly seconded the motion. The motion carried unanimously.

Discussion Items

2021 Optometry Healthcare Workforce Data Center Report

Dr. Shobo provided a presentation on the 2021 Optometry Healthcare Workforce Data Center Workforce Report.

Amendment to the Federal Contact Lens Rule

Ms. Knachel provided an update on the amendments to the Federal Contact Lens Rule. After discussion it was determined that the Regulatory Committee should be convened to determine if regulatory changes are needed and make recommendations to the full board. Dr. Clayton-Jeter, Dr. Roffis, and Dr. Wallace-Davis volunteered to serve on the Committee.

Review Guidance Document 105-9 Guidelines for Processing Applications for Licensure

Ms. Knachel provided information on Guidance Document 105-9 Guidelines for Processing Applications for Licensure.

A motion by Dr. Roffis to reaffirm the guidance document was properly seconded by Dr. Wallace-Davis. The motion carried unanimously.

Request for Continuing Education Credit for COVID-19

Ms. Knachel provided information on a request by an optometrists to receive CE credit for COVID-19 vaccine training. After discussion, a motion by Dr. Linas to deny the request for CE approval for administering COVID-19 vaccines was made and properly seconded by Dr. Clayton-Jeter. The motion carried unanimously.

Request to Add Continuing Education Requirement for Cultural Competency Training

Ms. Knachel provided information regarding the request to add CE credit for Cultural Competency Training. After discussion, the Board agreed that it would accept CE for this training topic not to exceed the two hours allowed for practice management activities.

CE Audit

Ms. Knachel asked the Board to consider not performing a CE audit for the period of April 1, 2020 – March 31, 2021. After discussion, a motion by Dr. Roffis was made that a CE audit would not be performed for the April 1, 2020 – March 31, 2021. Dr. Wallace-Davis properly seconded the motion. The motion carried unanimously.

Board Counsel Report

Ms. Mitchell had no information to report to the Board.

Board President's Report

Dr. Goldberg thanked board members and staff for all that was accomplished during the pandemic lock down.

Board of Health Professions Report

Dr. Clayton-Jeter reported that the Board of Health Professions met virtually on May 13, 2021. Topics of discussion included a report from Dr. Brown regarding the impact on the boards regarding the

legalization of marijuana July 1, 2021, an update from Dr. Allison-Bryan on Virginia IT Infrastructure Partnerships, COVID-19 status, and a presentation by Dr. Shobo.

Staff Reports

Executive Director's Report

Ms. Knachel reported on the following:

- Board Statistics
- Outreach to licensees
- Scheduling of the 2022 meeting calendar

Discipline Report

Ms. Moss reported that while she was out on extended leave the board moved forward with streamlining the discipline process. She also reported on the status of the Board's disciplinary cases.

New Business

The election of officers for the positions of President and Vice President were held.

- Dr. Linas nominated Dr. Wallace-Davis for President which was properly seconded by Dr. Roffis. Dr. Clayton-Jeter nominated Ms. Cabot for President which failed due to lack of a second. No other nominations were made. A roll call vote was unanimous for Dr. Wallace Davis to be appointed President, effective January 1, 2022.

- Dr. Roffis nominated Devon Cabot for Vice-President which was seconded by Dr. Clayton-Jeter. No other nominations were made. A roll call vote was unanimous for Ms. Cabot to be appointed Vice-President, effective January 1, 2022.

Next Meeting

The next full board meeting is scheduled for October 8, 2021.

Adjournment

With no objection, Dr. Goldberg adjourned the meeting at 11:52 a.m.

Leslie L. Knachel, Executive Director Date

Agenda Item: Regulations for Waiver for Electronic Prescribing

Included in your agenda package:

Announcement on Townhall of proposed regulations (there were no comments)

Proposed regulations as published

Staff Note:

Emergency regulations for waivers are currently in effect until 2/11/22 and must be replaced with permanent regulations.

Board action:

Adoption of final regulations as proposed and published

Virginia.gov Agencies | Governor


Agency Department of Health Professions

Board Board of Optometry

Chapter Regulations of the Virginia Board of Optometry [18 VAC 105 - 20]

Action: Waiver for e-prescribing

Proposed Stage

Action 5438 / Stage 9108

 Edit Stage
 Withdraw Stage
 Go to RIS Project

Documents

<input type="radio"/> Proposed Text	5/19/2021 8:02 am	Sync Text with RIS
Agency Background Document	10/21/2020	Upload / Replace
Attorney General Certification	10/30/2020	
DPB Economic Impact Analysis	12/10/2020	
Agency Response to EIA	2/8/2021	Upload / Replace
<input type="radio"/> Governor's Review Memo	4/12/2021	
<input type="radio"/> Registrar Transmittal	4/22/2021	

Status

Changes to Text	The proposed text has changed from that of the <u>emergency stage</u> .
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i>
Attorney General Review	Submitted to OAG: 10/21/2020 Review Completed: 10/30/2020 Result: Certified
DPB Review	Submitted on 10/30/2020 Economist: <u>Oscar Ozfidan</u> Policy Analyst: <u>Jeannine Rose</u> Review Completed: 12/10/2020
Secretary Review	Secretary Review Completed: 1/4/2021
Governor's Review	Review Completed: 4/12/2021 Result: Approved
Virginia Registrar	Submitted on 4/22/2021 <u>The Virginia Register of Regulations</u> Publication Date: 5/24/2021 <u>Volume: 37 Issue: 20</u>
Public Hearings	<u>06/07/2021 10:00 AM</u>
Comment Period	Ended 7/23/2021

0 comments

Contact Information	
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This person is the primary contact for this board.

This stage was created by Elaine J. Yeatts on 10/21/2020 at 8:56am

This stage was last edited by Elaine J. Yeatts on 10/21/2020 at 8:57am



Proposed Text

[highlight](#)

Action: Waiver for e-prescribing

Stage: Proposed

5/19/21 8:02 AM [latest] ▼

18VAC105-20-47 Therapeutic pharmaceutical agents

A. A TPA-certified optometrist, acting within the scope of his practice, may procure, administer, and prescribe medically appropriate therapeutic pharmaceutical agents (or any therapeutically appropriate combination thereof) to treat diseases and abnormal conditions of the human eye and its adnexa within the following categories:

1. Oral analgesics - Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III, IV, and VI narcotic and nonnarcotic agents.

2. Topically administered Schedule VI agents:

- a. Alpha-adrenergic blocking agents;
- b. Alpha-adrenergic agonists;
- c. Anesthetic (including esters and amides);
- d. Anti-allergy (including antihistamines and mast cell stabilizers);
- e. Anti-fungal;
- f. Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);
- g. Anti-infective (including antibiotics and antivirals);
- h. Anti-inflammatory;
- i. Cycloplegics and mydriatics;
- j. Decongestants; and
- k. Immunosuppressive agents.

3. Orally administered Schedule VI agents:

- a. Aminocaproic acids (including antifibrinolytic agents);
- b. Anti-allergy (including antihistamines and leukotriene inhibitors);
- c. Anti-fungal;
- d. Anti-glaucoma (including carbonic anhydrase inhibitors and hyperosmotics);
- e. Anti-infective (including antibiotics and antivirals);
- f. Anti-inflammatory (including steroidal and nonsteroidal);
- g. Decongestants; and
- h. Immunosuppressive agents.

B. Schedules I, II, and V drugs are excluded from the list of therapeutic pharmaceutical agents with the exception of controlled substances in Schedule II consisting of hydrocodone in combination with acetaminophen and gabapentin in Schedule V.

C. Over-the-counter topical and oral medications for the treatment of the eye and its adnexa may be procured for administration, administered, prescribed, or dispensed.

D. Beginning July 1, 2020, a prescription for a controlled substance that contains an opioid shall be issued as an electronic prescription consistent with § 54.1-3408.02 of the Code of Virginia, unless the prescription qualifies for an exemption as set forth in subsection C of § 54.1-3408.02. Upon written request, the board may grant a one-time waiver of the requirement for electronic prescribing, for a period not to exceed one year, due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber.

Virginia Board of Optometry

Meetings Held with Electronic Participation

Purpose:

To establish a written policy for holding meetings of the Board of Optometry with electronic participation by some of its members and the public.

Policy:

This policy for conducting a meeting with electronic participation shall be in accordance with § 2.2-3708.2 of the Code of Virginia.

Authority:

§ [2.2-3708.2](#). *Meetings held through electronic communication means.*

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- d. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § [2.2-3707.01](#), state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § [30-179](#).

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § [2.2-3707](#). Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
 - i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.
- E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

Procedures:

1. In order to conduct a meeting with electronic participation, a quorum of the board or a committee of the board must be physically present at a central location.
2. If a quorum is attained, one or more members of the board or committee may participate electronically if, on or before the day of a meeting, the member notifies the chair and the executive director that he/she is unable to attend the meeting due to: 1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; 2) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or 3) a personal matter, identifying with specificity the nature of the personal matter. Attendance

by a member electronically for personal reasons is limited to two meetings per calendar year or no more than 25% of meetings held.

3. Participation by a member through electronic communication means must be approved by the board chair or president.
4. The board or committee holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location does not need to be open to the public.
5. The board or committee shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance or if the member participated electronically due to a personal matter, the minutes shall state the specific nature of the personal matter cited by the member.
6. If a board or committee holds a meeting through electronic communication, it must also hold at least one meeting annually where members are in attendance at the central location and no members participate electronically.
7. Notice of a meeting to be conducted electronically, along with the agenda, should be provided to the public contemporaneously with such information being sent to board members at least three working days in advance of such meeting. Notice of special, emergency, or continued meetings must be given contemporaneously with the notice provided to members.
8. Meeting notices and agendas shall be posted on the Virginia Regulatory Townhall (which sends notice to Commonwealth Calendar and the Board's website). They should also be provided electronically to interested parties on the Board's public participation guidelines list.
9. The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary meeting location; shall include notice as to the electronic communication means by which members of the public may participate in the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.
10. The agenda shall include a link to a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179 to allow members of the public to assess their experience with participation in the electronic meeting.
11. Members of the public must be given substantially equal access to the electronic communication available to the members. Public comment on the agenda item(s) may be

requested for submission in advance to be included in the agenda package or may be received at the beginning of the meeting.

12. The meeting may be conducted via teleconferencing or videoconferencing. If a telephonic meeting without video is held, members should have an opportunity to speak individually and should identify themselves as they do.
13. Minutes of meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted with electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.
14. A board or committee that meets by electronic communication means must make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:
 - a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who participated in each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting;
 - i. . If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the Board's experience conducting meetings through electronic communication means, including its logistical and technical experience.

Form:

Link to Public comment form from the Freedom of Information Council
<http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>

Adopted on (date):

**VIRGINIA BOARD OF OPTOMETRY
BY-LAWS**

Article I. Officers of the Board

A. Election of officers.

1. The officers of the Board of Optometry (Board) shall be a President and a Vice-President.
2. At the first meeting of the organizational year, the Board shall elect its officers. Nominations for office shall be selected by open ballot. Voting will be by roll-call ballot and require a majority.
3. The organizational year for the Board shall be from July 1st through June 30th. At the first regularly scheduled meeting of the organizational year, the Board shall elect its officers with an effective date of January 1st. The term of office shall be one year.
4. A vacancy occurring in any office shall be filled during the next meeting of the Board.

B. Duties of the Officers

1. President.

The President shall preside at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it on the part of the Board members. The President shall appoint all committees unless otherwise ordered by the Board.

2. Vice-President.

The Vice-President shall, in the absence or incapacity of the President, perform pro tempore all of the duties of the President.

3. In the absence of the President and Vice-President, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.
4. The Executive Director shall be the custodian of all Board records and all papers of value. She/He shall preserve a correct list of all applicants and licensees. She/He shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

Article II. Meetings

A. Number and organization of meetings.

1. For purposes of these bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting; with the exception that one meeting shall take place annually.
2. A majority of the members of the Board shall constitute a quorum for the transaction of business. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.

B. Attendance of board members.

Members shall attend all scheduled meetings of the Board and committee to which they serve. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member's continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

C. Order of Business.

The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Public Comment
3. Approval of minutes.
4. The Executive Director and the President shall collaborate on the remainder of the agenda.

Article III. Committees

A. Standing committees.

1. Special Conference Committee.

This committee shall consist of two Board members who shall review information regarding alleged violations of the optometry laws and regulations and determine if probable cause exists to proceed with possible disciplinary action. The President shall also designate another Board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.

2. Credentials Committee.

The committee shall consist of two or more Board members. The members of the committee may review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations when the Board President deems necessary

3. Continuing Education Committee.

This committee shall consist of two or more Board members who shall meet as required to review matters related to continuing education.

4. Regulatory/Legislative Committee.

The committee shall consist of two or more board members. The Board delegates to the Regulatory/Legislative Committee to recommend actions to petitions for rulemaking. This committee is responsible for the development of proposals for new regulations or amendments to existing regulations with all required accompanying documentation; the drafting of responses to public comment as required in conjunction with rulemaking; conducting the required review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor; and any other tasks related to regulations. In accordance with the Administrative Process Act, any proposed draft regulation and response to public comment shall be reviewed and approved by the full board prior to publication. The Board delegates the authority to develop proposals for legislative initiatives of the Board. Any proposed draft legislation and response to public comment shall be reviewed and approved by the full Board prior to publication.

~~5. Professional Designation (PD) Committee.~~

~~The committee shall consist of two or more Board members. The members of the committee shall review PD applications to determine if the requested PD name complies with the regulations.~~

B. Ad Hoc Committees.

There may be Ad Hoc Committees, appointed as needed and shall consist of two or more persons appointed by the Board who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

Article IV. General Delegation of Authority

A. The Board delegates to Board staff the authority to issue and renew licenses and registrations for which statutory and regulatory qualifications have been met.

B. The Board delegates to the Executive Director the authority to reinstate licenses and registrations when the reinstatement is due to the lapse of the license or registration rather than a disciplinary action and there is no basis upon which the Board could refuse to reinstate.

C. The Board delegates to the Executive Director the authority to grant long-term continuing education waivers on a case-by-case basis to licensees with a verified long-standing illness and an attestation of not practicing. The Executive Director shall inform the licensee of the appropriate statute and shall direct the licensee to notify the Board if their situation changes, in which case the waiver may be extended, reconsidered or withdrawn.

D. The Board delegates to the Executive Director authority to grant an extension for good cause of up to 90 days for the completion of continuing education requirements upon written request from the licensee prior to the renewal date.

E. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without review by a board member.

F. The Board delegates to the Executive Director the authority to review information regarding alleged violations of law or regulation with at least one board member on a rotating basis to make a determination as to whether probable cause exists to proceed with possible disciplinary action.

G. The Board delegates to the Executive Director the authority to conduct an annual continuing education audit and take action as prescribed in any guidance document adopted by the Board on continuing education audits.

H. The Board delegates to the Executive Director the authority to take action as prescribed in any guidance document adopted by the Board on practicing with an expired license.

I. The Board delegates to the Executive Director the authority to negotiate consent orders with the Chair of a Special Conference Committee or formal administrative hearing.

J. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of Board business, to include, but not limited to, licensure applications, renewal forms and documents used in the disciplinary process.

K. The Board delegates to the Executive Director the authority to sign as entered any Order or Consent Order resulting from the disciplinary process or other administrative proceeding.

L. The Board delegates to the Executive Director, the authority to provide guidance to the agency's Enforcement Division in any situation in which a complaint is of questionable jurisdiction and an investigation may not be necessary. The Executive Director will provide a quarterly report on such situations, if any.

M. The Board delegates to the President the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required, and a meeting is not feasible.

N. Delegated tasks shall be summarized and reported to the board at each regularly scheduled meeting.

O. The Board delegates authority to the Executive Director to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Va. Code § 54.1-2400.2(F), when a probable cause review indicates a disciplinary proceeding will not be instituted.

P. The Board delegates authority to the Executive Director to accept from a licensee or registrant, in lieu of disciplinary action, a Confidential Consent Agreement, pursuant to Va. Code § 54.1-2400(14), consistent with any guidance documents adopted by the Board.

Article V. Amendments.

A board member or staff personnel may propose an amendment to these bylaws by presenting the amendment in writing to the Executive Director for distribution to all Board members, the Board's legal counsel and staff personnel prior to any regularly scheduled meeting of the Board. An amendment to the bylaws shall be adopted, upon favorable vote of at least two-thirds of the Board members present at said meeting.

Virginia Department of Health Professions
Cash Balance
As of June 30, 2021

	105- Optometry
Board Cash Balance as June 30, 2020	\$ 342,500
YTD FY21 Revenue	365,555
Less: YTD FY21 Direct and Allocated Expenditures	397,258
Board Cash Balance as June 30, 2021	\$ 310,797

Optometry Monthly Snapshot for July 2021

Optometry closed more cases in July than received. Optometry closed 4 patient care cases and 8 non-patient care cases for a total of 12 cases.

Cases Closed	
Patient Care	4
Non-Patient Care	8
Total	12

The board received 1 patient care case and 2 non-patient care cases for a total of 3 cases.

Cases Received	
Patient Care	1
Non-Patient Care	2
Total	3

As of July 30 2021, there were 12 patient care cases open and 3 non-patient care cases open for a total of 15 cases.

Cases Open	
Patient Care	12
Non-Patient Care	3
Total	15

There were 1,770 Optometry licensees as of August 1, 2021. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Optometrist	77
TPA Certified Optometrist	1,693
Total for Optometry	1,770

There were 12 licenses issued for Optometry for the month of July. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
TPA Certified Optometrist	12
Total for Optometry	12

Board of Optometry

2022 *DRAFT* Meeting Calendar

Date	Location & Time	Meeting/Informal Conference(s)
Friday, February 11, 2022	Board Room 4 9:00 a.m.	Board Meeting
	HR 4 & 6	<i>Informal Conferences(s)</i>
Friday, May 13, 2022	Board Room 1 9:00 a.m.	<i>Informal Conference(s)</i>
	HR 4 & 6	
Friday, August 5, 2022	Board Room 3 9:00 a.m.	Board Meeting
	HR 4 & 6	<i>Informal Conference(s)</i>
Friday, October 28, 2022	Board Room 4 9:00 a.m.	Board Meeting
	HR 4 & 6	<i>Informal Conference(s)</i>
Friday, December 2, 2022	Board Room 1 9:00 a.m.	<i>Informal Conference(s)</i>
	HR 4 & 6	