

BOARD FOR OPTICIANS

MINUTES OF MEETING

The Board for Opticians met on January 10, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia
The following members were present

Jon D Bright, Chairman
Marcia Denise Carney, M D
Helen O'Connor Darby
E Carter Lowry

Board member not in attendance Gerald W Shell

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

Sandra Whitley Ryals, Chief Deputy Director
Karen W O'Neal, Deputy Director, Regulatory Programs
Steven L Arthur, Deputy Director, Administration and Finance
William H Ferguson, II, Assistant Director
Zelda W Dugger, Board Administrator
Cynthia Platt, Legal Assistant, Enforcement
Victoria Traylor, Legal Assistant, Enforcement

Jon D Bright, Chairman, called the meeting to order at 9 45 a m

Call to Order

Marcia Denise Carney, M D, newly appointed ophthalmologist member, was introduced and welcomed to the Board

New Board Member

The Board upon a motion made by Mr Lowry and seconded by Ms Darby approved the agenda The members voting "yes" were Mr Bright, Dr Carney, Ms Darby, and Mr Lowry There were no negative votes The motion passed unanimously

Approval of Agenda

The chairman asked for any public comment There was none

Public Comment

Karen W O'Neal, Deputy Director Regulatory Programs, provided training in Board Membership including the responsibilities of a board member, Conflict of Interest Act, and the Freedom of Information Act

Board Training

The Board upon a motion made by Mr Lowry and seconded by Ms Darby adopted the Minutes of the August 2, 2002 Board for Opticians Meeting as written The members voting "yes" were Mr Bright, Ms Darby, and Mr Lowry Dr Carney "abstained" from the vote There

Approval of Minutes – August 2, 2002 Board Meeting

were no negative votes The motion passed by majority vote

Karen W O'Neal, Deputy Director Regulatory Programs, provided training in Regulatory Review including the Administrative Process Act, Executive Orders, and Registrar's Requirements

Board Training

In the matter of File 2002-01866, Board v. David Bojarski, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation Mr Bojarski did not appear before the Board

File Number 2002-01866 - David Bojarski

Upon motion made by Mr Lowry and seconded by Ms Dudley, the Board (1) adopted the summary, (2) found clear and convincing evidence that Mr Bojarski violated the following section of the Board's 2001 Regulations 18 VAC 100-20-110.(8) (Count I and Count II) for allowing any person to engage in the practice of opticianry, except an optician apprentice or student enrolled in a course in a school of opticianry under the direct supervision of a licensed optician, (3) accepted the recommendation for Count I and Count II, (4) imposed the following penalties monetary penalty of \$250 00 for violation of 18 VAC 100-20-110(8) (Count I) and monetary penalty of \$250 00 for violation of 18 VAC 100-20-110(8) (Count II) The total monetary penalty is \$500 00 The members voting "yes" were Dr Carney, Ms Darby, and Mr Lowry The member voting "no" was Mr Bright The motion passed by majority vote Mr Shell, the presiding board member at the IFF, was not present during the discussion or vote

The Board discussed emergency regulations The 2002 General Assembly passed House Bill 1318 that amended Section 54 1-1701 Exemptions of the *Code of Virginia* The amendment provides exemption from licensure relating to volunteer services by non-profit organizations in underserved areas

Emergency Regulations

The Board upon a motion made by Mr Lowry and seconded by Ms Darby adopted the proposed emergency regulations and gave Board staff the authorization to revise as deemed necessary by the Office of the Attorney General or Executive Branch review The members voting "yes" were Mr Bright, Dr Carney, Ms. Darby, and Mr Lowry There were no negative votes The motion passed unanimously

Karen O'Neal gave the Board a summary of the activities of the House Joint Resolution 159 Subcommittee Ms. O'Neal informed the Board the HJR 159 Subcommittee, established to study efficiency in state government including regulatory boards, decided to take no action on

HJR 159

the combining of the Board for Opticians and the Board for Optometry

Steven L. Arthur, Deputy Director, Administration and Finance, gave an overview of the requirement to review the Board's financial position, and presented a financial analysis, and fee recommendations

Fees

The Board upon a motion made by Mr. Lowry and seconded by Ms. Darby voted to begin the regulatory review process to adjust fees in accordance with by Section 54-1-113 (Callahan Act) of the Code of Virginia including examination fees. The members voting "yes" were Mr. Bright, Dr. Carney, Ms. Darby, and Mr. Lowry. There were no negative votes. The motion passed unanimously.

The Board upon a motion by Mr. Lowry and seconded by Ms. Darby voted to research the subject of continuing education as a requirement for licensure renewal. The members voting "yes" were Mr. Bright, Dr. Carney, Ms. Darby, and Mr. Lowry. There were no negative votes. The motion passed unanimously.

Continuing Education

The Board scheduled meetings for 2003 on

May 2, 2003
August 1, 2003
November 7, 2003

2003 Meeting Dates

The Board was informed that the examination that was cancelled because J. Sargent Reynolds Community College was closed due to inclement weather on the scheduled examination date has been rescheduled for January 31, 2003.

Examination Re-Scheduled Date

Dr. Carney left the meeting at 12:05 p.m. to meet obligations to perform scheduled surgery.

Board Member Departure

The Board asked staff to provide information to the DPOR Communication Office to determine if a second press release or a public service announcement may be distributed concerning cosmetic contact lenses.

Press Release - Public Service Announcement

The Board asked that at the Board's next meeting the Examination Section provide an update on offering the examination in Wytheville, Virginia.

Examination -

Board members completed Conflict of Interest Forms

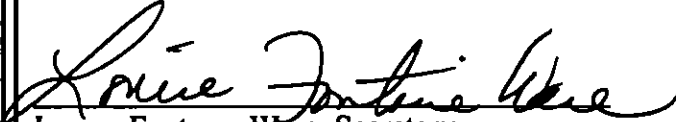
Conflict of Interest Forms

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There being no further business, the Chairman adjourned the meeting at Adjournment
12 15 p m



Jon D Bright, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Record