

**BOARD OF OPTOMETRY
BOARD MEETING
MARCH 19, 2004**

TIME AND PLACE: The meeting was called to order at 10:15 a.m. on Friday, March 19, 2004 at the Department of Health Professions, Conference Room 3, 6603 W. Broad St., Richmond, VA.

PRESIDING OFFICER: Thomas R. Cheezum, O.D.

MEMBERS PRESENT: David H. Hettler, O.D.
Roxann L. Robinson, O.D.
Paula H. Boone, O.D.
Cathleen Kelly Burk
William T. Tillear, O.D.

MEMBERS NOT PRESENT: All board members were present.

STAFF PRESENT: Howard Casway, Senior Assistant Attorney General, Board Counsel
Emily Wingfield, Assistant Attorney General, Board Counsel
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Stefan P. Cox, Whitehead Consulting, Richmond, VA
Bill Ferguson, Executive Director, Board for Opticians
Jon D. Bright, Chair, Board for Opticians
Betty S.W. Graumlich, NAOO

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

PUBLIC COMMENT: Mr. Bruce Keeney, VOA, presented comment regarding the American Optometric Association's published guidelines on medically appropriate expiration dates of prescriptions.

With regard to amendment or repeal of the professional designation regulations/statute, Mr. Keeney stated that the VOA supports continued regulation.

Mr. Keeney reiterated the VOA's support of HB856.

Jon D. Bright, Chair of the Board for Opticians, presented comment regarding pre-printed prescription expiration dates and requested clarification of liability issues.

REVIEW AND APPROVAL OF AGENDA: No revisions or additions were made to the agenda.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Hettler, the Board voted unanimously to approve the minutes of the January 20, 2004 meeting with amendment.

BOARD DISCUSSION: **Parting Words and Introduction of Board Counsel**

Dr. Cheezum expressed the Board's appreciation for Mr. Casway's service as Board Counsel and introduced the Board's new Counsel, Ms. Wingfield.

Review of general current legislation

Ms. Yeatts presented an overview of the 2004 Legislation crossover.

Report and Recommendations from the Legislative/Regulatory Review Committee HB856 - Dr. Cheezum reported that the Committee had reviewed and discussed the proposed draft regulations (structural in nature with no amendment to the Treatment Guidelines) which had been submitted by staff in response to HB856. The Committee's recommendations were as follows: (1) Chapter 30 (18 VAC 105-30-30) of the regulations be repealed and the certification requirements be incorporated into the general section of the regulations (18 VAC 105-20-10). (2) Board Counsel review §54.1-3214 and make recommendations regarding licensure/certification by endorsement (3) discussion of licensure/renewal fee reductions be deferred to the full Board for discussion.

Fast-Track – Dr. Cheezum reported that the Committee approved a deadline or expiration date of one year to complete an application for licensure with incorporation of the proposed military law.

◆**Action** - On properly seconded motion by Dr. Hettler, the Board voted unanimously to adopt amendment to the regulation as fast-track.

Contact Lens Prescribing - Dr. Cheezum reported that the Committee deferred any recommendations until the Federal Trade Commission's regulations pertaining to the new Federal law on contact lens prescription release were finalized. Further, the Committee recommended that inquiries pertaining to this matter be directed to the Federal Trade Commission.

Amendment of 18 VAC 105-20-50.B.4 – Dr. Cheezum reported that the Committee deferred its discussion of amendment or repeal of the professional designation regulations or the further discussion of the need for legislative amendment await advice from legal counsel and input from the full Board.

Pre-printed RX Prescriptions - Dr. Cheezum reported that public comment had been received at its meeting and the Committee deferred discussion to remand it back to the full Board at its meeting today. Concerns were expressed about quality of patient care, doctor liability, and the basis for appropriate re-examination scheduling. No motions were made.

Appointment of TPA Formulary Committee

◆**Action** - On properly seconded motion by Dr. Boone, the Board voted unanimously to poll the standing committee members to determine if they wish to continue to serve. Further, that if the previous members decline continued service, the Chair may delegate appointments for replacements.

◆**Action** - On properly seconded motion by Dr. Hettler, the Board voted unanimously to accept the names of Samuel Smart, O.D., Susan Keene, O.D. and Kevin Green, O.D. as potential replacements.

Inclusion of “Probation” on Affected Licensee Permits

◆Action – On properly seconded motion by Dr. Tillar, the Board voted unanimously that an informal conference committee could order that “probation” could be placed on a licensee’s permit, if probation terms were rendered. Further, upon fulfillment of the probationary terms, the permit would be cleared of this designation.

ARBO Annual Meeting - Dr. Carter reported that the annual ARBO meeting date is June 20-22, 2004 in Orlando, Florida. Dr. Carter informed the Board that she serves on the Judicial Committee and Dr. Robinson is serving on the Nominating Committee.

◆Action – On properly seconded motion by Ms. Burk, the Board voted unanimously to request Mr. Nebiker’s approval to allow Ms. Wingfield to attend the annual ARBO meeting in June.

Request for Waiver of Late Licensure Renewal Fees

◆Action – On properly seconded motion by Dr. Robinson, the Board voted unanimously to deny the request to exempt the late licensure fee requirement of \$75.00.

COMMITTEE REPORTS:

CPT Codes - Dr. Cheezum and Dr. Robinson reported that Traveler’s Medicare had issued a notification that CPT code 99013 could not be used by optometrists and that the 92 codes should be used. Dr. Robinson reported that she is working on clarification of this issue.

As a reminder, Dr. Robinson referred the Board members to the CPT code listing regarding the optometrist’s authority to order imaging and laboratory tests.

Credentials/Professional Designation- Dr. Boone reported on the current professional designation and endorsement application statistics as well as a yearly historical analysis of applicants licensed by endorsement.

Dr. Cheezum reported that there had been an issue with optometrists submitting additional titles for review after the initial proposed title had been approved by the PD Committee. The Board requested staff to place language in the PD application instructions noting that each request for review of additional titles would require new application with fee.

Continuing Education - Ms. Stamey reported that only two (2) licensees had not responded to the CE audit and that certified letters had been mailed in follow-up.

Newsletter - Dr. Cheezum requested that an article regarding Virginia’s regulations for the release of contact lens prescriptions be included in the next newsletter.

Report on Enforcement Training - Dr. Hettler informed the Board that he had presented an overview of the optometric records, abbreviations used by optometrists and elements of record keeping. Dr. Carter noted that his training session had been well received in that she had been notified of such by a number of Enforcement staff.

PRESIDENT'S REPORT:

Dr. Cheezum noted that his report had already been addressed in the Legislative/Regulatory Committee Meeting and had no additional comments.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter presented the disciplinary case and licensure statistics.

NEW BUSINESS:

No additional business was presented.

ADJOURNMENT:

◆Action - On properly seconded motion by Dr. Hettler, the Board concluded its meeting at 1:15 p.m.

Thomas R. Cheezum, O.D.
Presiding Chair

Elizabeth A. Carter, Ph.D.
Executive Director