

**BOARD OF OPTOMETRY  
BOARD MEETING  
DECEMBER 9, 2005**

**TIME AND PLACE:** The meeting was called to order at 9:35 a.m. on Friday, December 9, 2005 at the Department of Health Professions, Conference Room 3, 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, Assistant Attorney General, Board Counsel  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Elaine Yeatts, Senior Regulatory Analyst  
Carol Stamey, Administrative Assistant  
Sammy Johnson, Enforcement Division

**MEMBERS ABSENT:** All board members were present.

**OTHERS PRESENT:** Betty Graumlich, NAOO  
Bruce Keeney, VOA  
Cal Whitehead, VSO

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

**REVIEW AND APPROVAL OF AGENDA:** Ms. Wingfield was added to the agenda to present training on appropriate disclosure of substance abuse treatment information in notices of informal conferences and orders.

The topic of expunging minor disciplinary actions against licensees was added under new business.

**APPROVAL OF MINUTES:** **◆Action** On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the minutes of the September 13, 2005 meeting.

**PRESENTATION ON HEALTH PRACTITIONER INTERVENTION PROGRAM (HPIP):** Ms. Call presented a brief summary of HPIP's monitoring program and services. She noted that currently there are no optometrists participating in the HPIP Program.

A request was made for information on the signs and symptoms of addiction for Board member reference during

disciplinary hearings involving potential impairment. Ms. Call stated that Dr. McCance-Katz could better provide guidance for the Board on this. Dr. McCance-Katz will be invited to make a presentation at the next Board meeting.

**TRAINING ON THE FEDERAL PROHIBITION AGAINST SUBSEQUENT DISCLOSURE OF SUBSTANCE ABUSE RECORDS**

Ms. Wingfield gave an overview of the prohibition against the re-disclosure of records information from federally assisted drug or alcohol programs which identify an individual as a substance abuser, specifically in notices and orders. The outline is incorporated into the minutes as an attachment.

**PUBLIC COMMENT:**

Bruce Keeney, VOA, reported that he received concerns regarding the initial licensure dates on on-line license lookup are TPA certification dates and not initial licensure. He also noted that someone had indicated his printed permit had an incorrect license number. Board staff will review the problems with the agency's Data Division for resolution.

Mr. Keeney reported that the VOA had a memorandum of understanding with the agency regarding its impaired practitioners program. He noted that the HPIP program and the VOA's intervention program complemented each other.

Mr. Keeney presented comment on the Association of Regulatory Boards of Optometry OE Tracker System. Among his specific concerns were that there is no established track record. It may be costly to small businesses. There is no stated guarantee against price increases. Assurance is needed concerning the confidentiality of personal data collected. There is concern over how the CE data may be used in credentialing and in malpractice cases. He cited the burden of an additional identity number. He also noted concern that all sponsors may not comply with Virginia's regulations and may not maintain CE records adequately.

Mr. Keeney requested the Board consider the issue of CE non-compliance further. He noted that the Board may wish to obtain information from the various other states' and boards' CE requirements, sponsor approval, CE audit verification process and compliance.

**DISCUSSION ITEMS:**

**CELMO and OE Tracker**

Dr. Schlabach informed the Board that the OE Tracker Program could track all CE that is COPE approved and track the CE of individual licensees at no cost. He stated that some time in the future, there could be an approximate cost of \$20 to \$25 per licensee. He further reported that ARBO had

sent out OE Tracker cards to individual licensees with assigned OE Tracker numbers. Sponsors would be required to obtain the OE Tracker number of each individual registrant for submission to ARBO. Dr. Schlabach noted that the issue of non-COPE approved sponsors as well as implementation of the OE tracker would require regulatory changes.

The Continuing Education Committee was requested to meet prior to the next board meeting to determine the need for potential regulatory amendment.

### **Professional Designation Regulations/Fees**

◆**Action** To assist applicants for professional designations become better aware of requirements, on properly seconded motion by Dr. Schlabach, the Board voted unanimously to include the Board's FAQ's on professional designations in the application packet.

### **CPT Code 67700**

On properly seconded motion by Dr. Schlabach, the board voted unanimously to table the discussion of CPT code 67700 and assign to the CPT Code Committee for review.

### **Optometry Mobile Units**

Dr. Boone requested information on optometric mobile units and their compliance with the regulations. It was determined that the law is silent, and no action was required regarding the issue.

## **COMMITTEE REPORTS:**

### **TPA Formulary Committee**

Dr. Tillar reported that the Committee had no actions to report.

### **Professional Designation Committee**

Dr. Boone reported that two (2) applications had been processed for approval since the last Board meeting.

### **Continuing Education Committee**

Dr. Hettler reported that a review of other states' CE requirements revealed that twenty-four (24) states were comparable to Virginia's requirements. He noted that some states do require more TPA and less on-line CE courses.

The Committee will meet prior to the Board's next meeting to review the OE Tracker program and consider the need for potential regulatory amendment.

**Newsletter Committee**

Dr. Hettler requested that newsletter articles be submitted prior to the February board meeting. The next date for publishing a newsletter was set for March 2006.

**Credentials Committee**

The Committee reported that there were no actions to report.

**CPT Code Committee**

Dr. Hettler reported that there were no actions to report from the Committee.

**Legislative/Regulatory Review Committee**

Dr. Hettler reported that there were no actions to report from the Committee.

**EXECUTIVE DIRECTOR’S REPORT:**

**Case Agency Standards and Other Statistics**

Dr. Carter presented a brief summary of the agency’s disciplinary performance standards and a statistical analysis of the licensee and case counts.

Dr. Carter also reported that the Board of Health Professions would be conducting a study into the feasibility of criminal history background checks of applicants.

**PRESIDENT’S REPORT:**

Dr. Hettler noted a concern regarding the agency’s webpage for downloading new licensee data and the difficulty of sorting the data by license issue date. Board staff will review the matter.

**NEW BUSINESS:**

Dr. Tillar requested that the Board review the feasibility of expunging minor disciplinary action taken against licensees for actions that would no longer be considered grounds for discipline. It was requested that the issue be reviewed by the Board of Health Professions.

**ADJOURNMENT:**

The Board concluded its meeting at 11:50 a.m.

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David H. Hettler, O.D.  
President

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Elizabeth A. Carter, Ph.D.  
Executive Director