

DRAFT
BOARD OF OPTOMETRY
CONTINUING EDUCATION COMMITTEE
JANUARY 30, 2007

- TIME AND PLACE:** The meeting was called to order at 9:10 a.m. on Tuesday, January 30, 2007 at the Department of Health Professions, Conference Room 4, 6603 W. Broad St., Richmond, VA.
- PRESIDING OFFICER:** Gregory P. Jellenek, O.D.
- MEMBERS PRESENT:** W. Ernest Schlabach, Jr., O.D.
William T. Tillar, O.D.
- STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director for the Board
Amy Marshean, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant
- OTHERS PRESENT:** Bruce Keeney, Virginia Optometric Association
- QUORUM:** With all members of the Committee present, a quorum was established.
- PUBLIC COMMENT:** Mr. Keeney presented public comment addressing specific concerns of the VOA regarding proposed CE regulatory changes. Mr. Keeney's comments are incorporated into the minutes as Attachment 1.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. Schlabach, the Committee voted unanimously to approve the minutes of the November 1, 2006 meeting.
- DISCUSSION ITEMS:** Ms. Yeatts presented an overview of the Board's deferred CE NOIRA (Notice of Intended Regulatory Action). She requested that the Committee review and address the concerns of the VOA and identify issues for a second CE NOIRA for presentation to the full board.
- The Committee discussed each of the issues presented and recommended the following proposed amendments to the CE regulations.
1. Requirement of Face to Face CE
- Action:** On properly seconded motion by Dr. Schlabach, the Committee voted two in favor with Dr. Jellenek abstaining to require four (4) hours live in person face to face CE to include real time interactive sessions which may be conveyed

electronically such as through the internet which include audio and visual components.

2. Requirement that all CE courses be approved by the Council on Optometric Practitioner Education (COPE) or the American Medical Association's Accreditation Council for Continuing Medical Education (AMA) and
3. Elimination of the list of CE providers and the requirement that all CE courses be credentialed through COPE or AMA.

Action: With proper second by Dr. Tillar, Dr. Schlabach moved to require that twelve (12) CE credit hours be COPE or AMA credentialed and the remaining four hours be from the list of approved sponsors provided in §18VAC105-20-70(G).

During discussion, Dr. Tillar offered the following friendly amendment which was accepted by Dr. Schlabach and passed unanimously by the Committee: to continue acceptance of the list of current CE providers in §18 VAC 105-20-70 (G) but require that fifty percent (50%) (i.e., currently 8 hours) of the CE credits required be approved through COPE or AMA.

4. Independent verification of CE by the sponsoring organization.

Action: The Committee members requested that the NOIRA contain the provision that verification of CE attendance be maintained by the provider for three (3) years, that CE completion be verified by a monitor or post-test; that all electronic CE (non-live) require a post test, that the certificate of completion contain the date of course, number of hours, course content description, name of lecturer and adequate sponsor/provider contact information so that CE can be verified. In addition, the Committee members requested that the CE courses be restricted to patient care topics.

5. Availability of CE courses

It was the consensus of the Committee that all CE courses should be generally available to all licensed optometrists.

To obtain a formal vote for the issues to be addressed in the new NOIRA, Ms. Yeatts presented a synopsis of the issues addressed by the Committee as follows:

- 1) require four (4) hours live in person face to face CE to include real time interactive sessions which may be conveyed electronically such as through the internet which include

audio and visual components.

2) 50% of CE hours must be approved by COPE or AMA and other hours from the existing regulatory approved list

3) approved sponsors must maintain CE course information/verification for 3 years and

3A) CE certificates must contain date of course, number of hours, course content, location and sponsor contact information

4) Independent verification by a monitor or for non-live sessions, a post test.

5) Approved CE courses must be generally available to all licensed optometrists.

Action: On properly seconded motion by Dr. Tillar, the Committee voted unanimously to accept the issues as outlined by Ms. Yeatts for the Board's consideration of an amended NOIRA.

Action: On properly seconded motion by Dr. Tillar, the Committee voted unanimously to increase the number of required TPA CE hours from two (2) to four (4) hours annually.

Action: It was the consensus of the Committee that AMA Category II CE require certificates of attendance from the provider. Additionally, the Committee requested that the Board consider reviewing Maryland's provisions for accepting "clinical observation."

ADJOURNMENT:

On properly seconded motion by Dr. Tillar, the meeting adjourned at 12:02 p.m.

Gregory P. Jellenek, O.D.
Chair

Elizabeth A. Carter, Ph.D.
Executive Director

Requested issues for discussion at upcoming Va Board of Optometry Continuing Education Committee Meeting

- 1. Face to Face CE hours**
 - possible need to identify CE “electronically” (dvd, vcr tape, interactive internet program)
 - discussion relative to minimum number of hours “face to face” CE hours
 - recognition that face to face encourages lecturer/audience participation and is preferred, what is appropriate number of hours face to face without placing burden on licensee relative to overnight lodging and additional costs (Board has indicated preference for 4 hours)

- 2. Requirement that all CE courses be approved through COPE or AMA, stating such “ensures the quality of CE sponsor credentialing and course information”**
 - VOA opposes this proposal and wishes to discuss
 - increased cost of CE being offered if COPE approval required, with such cost ultimately being passed on to licensee
 - understanding that COPE approval has no bearing on quality of CE course as compared to courses not COPE approved (COPE approval means little more than appropriate application and course review fees have been paid to ARBO)
 - limitation of approval of COPE courses only allows for monopoly by COPE which may result in their increase in fees
 - requiring ALL courses be COPE approved restricts the sources of CE, making it more difficult and expensive for licensee to obtain CE

- 3. Elimination of list of CE providers; and then stipulating that all CE courses be credentialed through ARBO or the AMA.**
 - VOA opposes this proposal and wishes to discuss
 - proposal is false in its inference that AMA (or ARBO) credentialed courses are of higher quality than those provided by recognized professional optometric organizations.
 - current Board of Optometry list should remain as is to facilitate ease by licensees in determining which courses are approved and to increase availability, increase diversity of courses offered, and create competition in costs related to CE courses.
 - list of approved CE vendors should remain, but institute standards by which approved vendors must comply

- 4. Independent verification of CE by the sponsoring organization**
 - VOA supports requiring independent verification of CE by the sponsoring organization and wishes to discuss
 - provisions in place for the Board to suspend or terminate a sponsor being included in the list for failure to provide attendance verification
 - specific requirements related to independent verification: course monitor of attendance, course monitor to verify content of course is as presented, course monitor to verify course content meets CE requirements (no practice management), possibility of course monitor addressing issue of attendees lack of attention during course presentation, attendance verification forms/cards, maintenance of attendance records by sponsoring organization (and Board monitoring such compliance)

-addressing inherent problems encountered with verification process of face to face CE versus those of correspondence courses

-possible process for Board to address concerns related to non face to face courses not being for the time applicable for the number of CE hours granted, course content, etc.

5. Availability of CE courses.

- discussion desired as to requiring any and all courses being made available to all licensees of the Board. While those offering or sponsoring courses should not be required to expend their funds to advertise or promote their sponsored courses, while the cost of a course should be determined by the sponsor, and while space limitations may require a sponsor limit attendance numbers... no sponsor should be permitted to arbitrarily exclude any licensee from attendance (ie- simply because they are not referring patients to the clinic sponsoring the course).

General overview:

Board to continue to accept COPE approval for CE credit, but specifically note in regulations that practice management courses, even if approved by COPE, are not applicable.

Recognize that COPE does not sponsor, does not offer courses, nor make a judgment as to the quality of the courses it approves.

Continue use of a Board approved list of approved sponsors of CE courses. In return for the privilege of being an approved sponsor, the sponsor must agree to and comply with stated provisions to be set forth in regulations. Such may include use of classroom monitors to monitor and verify attendance, classroom monitors to ensure course content is as presented in the advance offering of the course, classroom monitors to ensure course content meets CE credit requirements (no practice management). Board may additionally wish to consider approach that CE class monitor be responsible for advising any attendee of a class for CE credit who demonstrates reasonable concern of lack of attention to the presentation (ie- sleeping, reading newspaper, etc.) that the course monitor after one initial warning, shall not be permitted to provide attendance verification to that doctor. Furthermore, sponsors shall be required to maintain, for at least 3 years, a list of those doctors who have been certified as attending a particular course in its entirety and that the Board has the authority to request copies of such list. Additionally, the Board to establish a process by which the Board being advised that a sponsor fails to comply with the requirements of sponsors of CE, and providing proper means for the sponsor to respond to any such concerns, grant the Board the authority to remove a sponsor from the approved list for failure to comply with stated requirements.

For CE courses NOT face to face, and upon notice or complaint to the Board, the Board shall investigate the particular course as to its length of time for completion in relationship to the number of credit hours offered and/or course content as presented in advance.

That while sponsors of CE courses have the right to determine to whom they market their sponsored CE, the costs and limiting attendance due to space limitations, no CE course shall be eligible for CE approval if the course fails to allow participation by any licensee of the Board.

A to be determined number of CE credit hours required for relicensure be face to face, of which shall include certain types of electronic media in which exchange between the lecturer and the attendee are available.

Bruce B. Keeney, Sr.
Executive Director
Virginia Optometric Association