

DRAFT
BOARD OF OPTOMETRY
BOARD MEETING
MAY 18, 2007

TIME AND PLACE: The meeting was called to order at 10:07 a.m. on Friday, May 18, 2007 at the Department of Health Professions, Conference Room 1, 6603 W. Broad St., Richmond, VA.

PRESIDING OFFICER: David H. Hettler, O.D, President

MEMBERS PRESENT: Paula H. Boone, O.D.
W. Ernest Schlabach, Jr., O.D.
Jacquelyn S. Thomas, Citizen Member
William T. Tillar, O.D.

MEMBERS NOT PRESENT: Gregory P. Jellenek, O.D.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Amy Marschean, Senior Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Betty Graumlich, NAOO
Bruce Keeney, VOA
Bill Ferguson, Board for Opticians
Bo Keeney, VOA

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

REVIEW AND APPROVAL OF AGENDA: The agenda was revised to include consideration of additional fast-track regulations relating to initial licensure requirements for those who passed the national examination a number of years ago but have not become licensed elsewhere or otherwise demonstrated continuing competency.

PUBLIC COMMENT: Bruce Keeney, Executive Director, Virginia Optometric Association, applauded Dr. Tillar for his service to the Board of Optometry.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the minutes of the March 15, 2007 meeting.

DISCUSSION ITEMS: **Regulatory Actions and Legislative Update**

Ms. Yeatts apprised the Board that a review of the March 15, 2007 fast-track licensure examination regulations revealed the need for additional language to assure continued competency. She advised that the current fast-track action be withdrawn in order to add a new subsection with continued competency assurance language.

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to withdraw the fast-track action of March 15, 2007 and to adopt a new fast-track action with additional regulations requiring demonstration of current competency prior to licensure.

Sanction Reference Study Update

Dr. Carter presented an update on the status of the Board's participation in the Sanction Reference Study noting the need for an Ad Hoc Committee. Dr. Carter stated that the Ad Hoc Committee will review the initial analysis of board sanctioning history, with a focus on the statistically significant factors to determine if these factors should continue to play a role in sanctioning decisions and to what degree or whether they should be excluded altogether. The Ad Hoc Committee will report their findings and recommendations to the full board subsequently. Additionally, because Confidential Consent Agreements (CCAs) have played a such a significant role in Optometry's recent sanctioning, far greater than for any other board in the study to date, the Ad Hoc Committee will be asked to determine if they want CCA's factored into Optometry's Sanctioning Reference System and how so.

Dr. Hettler appointed the following members to serve on the Ad Hoc Committee: Dr. Boone, Dr. Schlabach and himself.

Upcoming ARBO Meeting

Dr. Schlabach reported that he would be attending the June ARBO meeting; specifically to attend the OE Tracker and Continuing Competency meetings.

Dr. Carter reported that she will be meeting with the ARBO Board to discuss the funding of the OE Tracker and CELMO Programs and its potential inconsistency with Virginia's laws barring conflict of interest.

CPT Codes

Dr. Hettler apprised the Board that two new CPT codes had been added by the Federal Government for tracking and reimbursement purposes in the treatment of diabetic patients.

On properly seconded motion by Dr. Tillar, the Board voted unanimously to denote CPT Codes 92004 and 92014 as falling within the scope of practice of Optometry in Virginia.

Ratification of Consent Order

On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the Consent Order of Alan G. Toler, O.D.

COMMITTEE REPORTS:

Professional Designation Committee

Dr. Boone reported that one application for a professional designation titling had been approved since the Board's March meeting.

Dr. Schlabach reported that Board's Counsel, Ms. Marschean, is reviewing the matter of unregistered professional designation titles on military bases.

Newsletter Committee

Dr. Hettler requested that a newsletter be disseminated in October and requested the submission of newsletter articles prior to the Board's September meeting.

Legislative/Regulatory Review Committee

Ms. Yeatts informed the Board that the Legislative/Regulatory Review Committee should meet to review the Optometry Unprofessional Conduct Regulations. She noted that the regulations only pertain to licensees.

PRESIDENT'S REPORT:

Dr. Hettler presented a brief report on the April 20th meeting of the Board of Health Professions (BHP). Specifically, he addressed the study into the need for criminal background checks and the need to consider the attendant costs and holes in the data available to boards. He also noted that BHP will be examining emerging professions. Like all boards within the Department, BHP is also adopting updates to its Public Participation Guidelines regulations. He indicated that subsequent to Optometry, the behavioral science boards will be participating in the Sanctions Reference Study.

Dr. Hettler made note of receipt of a letter from the Shenandoah Valley Optometric Society regarding its continuing education courses. The Board did not present a response.

Dr. Hettler recognized and thanked Dr. Tillar for his service to the Board of Optometry and to the Commonwealth of

Virginia. Dr. Tillar will be honored with a plaque commemorating his devoted service.

**EXECUTIVE DIRECTOR'S
REPORT:**

Key Performance Measures

Dr. Carter presented a slide presentation of the agency's key performance measures. (See the Attachment)

Budget

Dr. Carter reported that there is an overage of approximately \$500,000 in cash at this time. She stated that even though fee reductions will remain in place for this year's renewal, a subsequent reduction may need to be considered next year.

Agency Move

Dr. Carter informed the Board that the Agency is slated to move on August 17, 2007.

Statistics

The optometry statistics were noted as handouts. Dr. Carter noted that licensure and disciplinary activities have remained relatively constant since the last meeting.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The Board concluded its meeting at 10:55 a.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director

Attachment
Slide 1

KEY PERFORMANCE MEASURES
for the
DEPARTMENT OF HEALTH
PROFESSIONS

Board of Optometry
Full Board Meeting
May 18, 2007

Elizabeth Carter
Executive Director for the Board

Slide 2

DHP Mission

- “To enhance the delivery of safe and competent health care by licensing qualified health care professionals, enforcing standards of practice, and providing information to both practitioners and consumers of health care services.”

Slide 3

Mission to Performance for Virginia

- DHP, & all state agencies, work with the Governor, Secretary, the Department of Planning and Budget, and the Council on Virginia's Future to set performance targets and then measure their progress toward meeting those goals.

Slide 4

DHP success is dependent on the Governor's appointees: the Boards

- Boards in Health
Professions have to be accountable to their professional members and the citizens of Virginia. In addition, a basic responsibility of the board is to ensure its own renewal & development.
- Boards must make decisions about its structure based on a basic question:
 - Which decisions does the board want to make and which do they want to delegate?

Slide 5

First and foremost, the Board of Veterinary Medicine is dedicated and skilled in this important work and provides clear and consistent leadership in the state's business!

*Let's Discuss Where to Go From Here.
Together*

Slide 6

New Era of Performance Leadership

Virginia Performs | VISION
FOCUS
RESULTS

<http://www.vspcfirms.virginia.gov>

Slide 7

DHP Performs
<http://www.vaperforms.virginia.gov/agencylevel/src/report1.cfm?Agency=223>

Key performance measures:

- Achieve high (97%) customer satisfaction ratings from individuals applying for licensure
- Process 95 % of applications for licensure within 30 days of receipt of all necessary materials
- Resolve 90% of complaints relating to patient care within 250 days

Slide 8

DHP CASE PRIORITIES

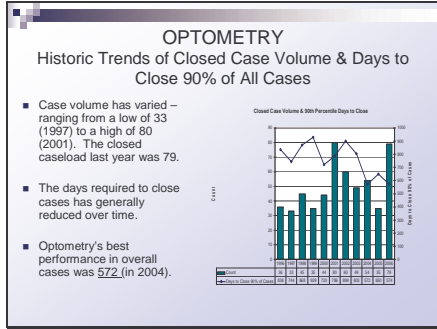
- **A** An Act of Significant and Substantial Danger - Could Warrant a Summary Suspension
- **B** Harmful Act but the Person Does Not Pose an Imminent Threat
- **C** An Act that Could be Harmful or Substandard
- **D** An Act That Does Not Harm the Patient but May Result in Loss of Property or May Mislead the Public

Slide 9

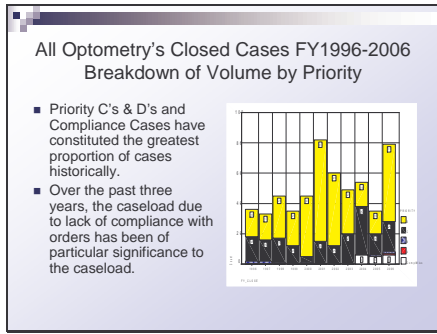
Optometry

**Disciplinary Case Processing:
Historic Trend & Current Caseload**

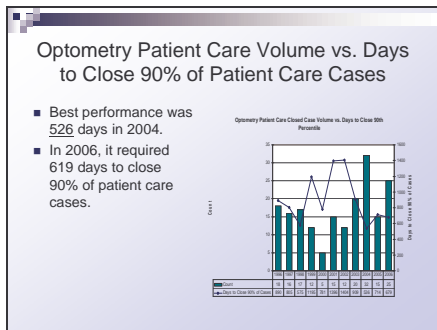
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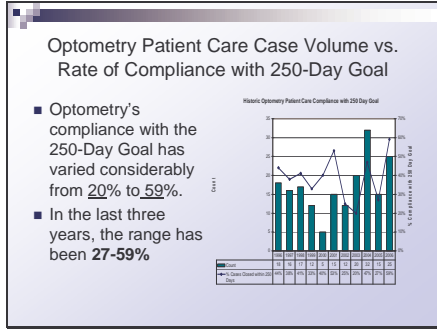
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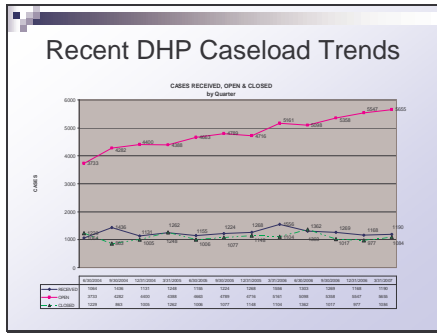
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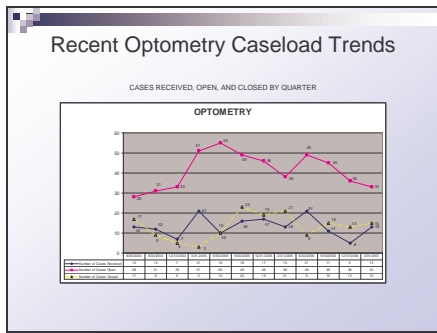
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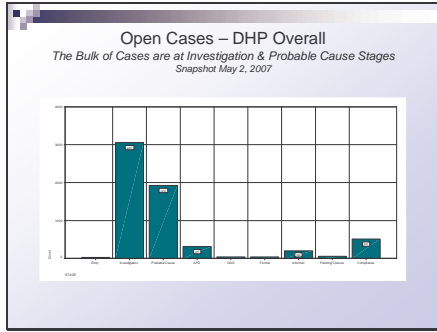


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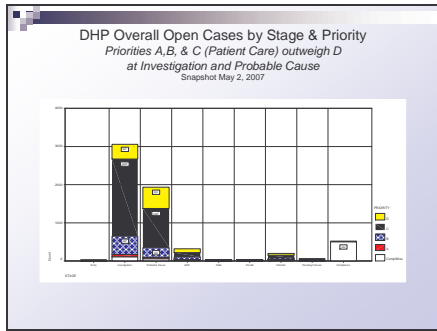
"SNAPSHOTS"
Open Caseload

- The following information is drawn from a "snapshot" of open cases data taken on May 2, 2007

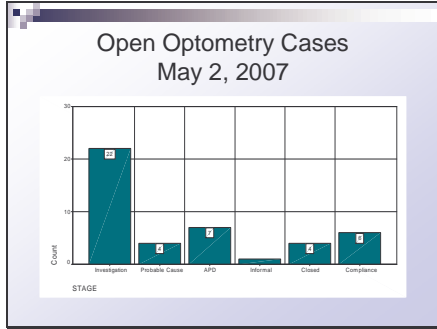
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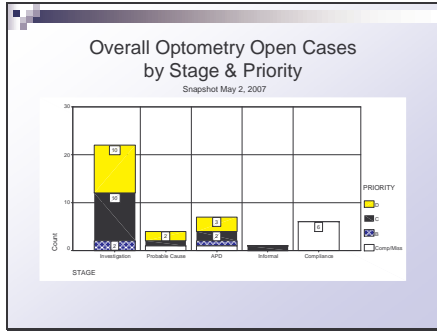
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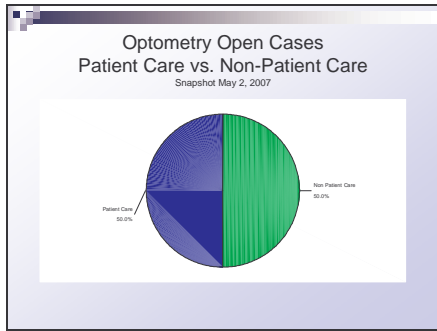
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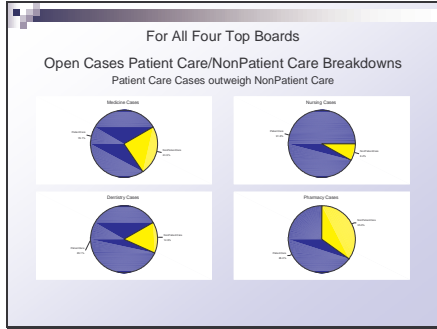
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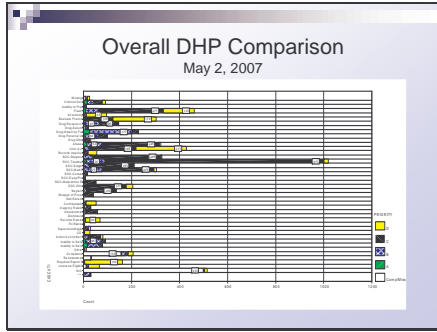
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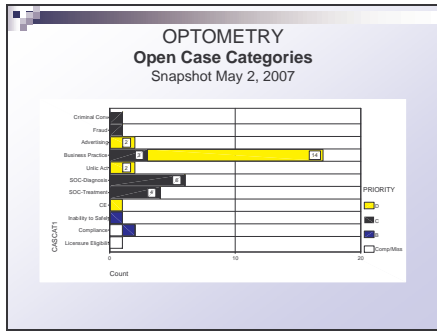
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Slide 23



Slide 24



Slide 25

DHP Performs –Initial Steps

- Inform boards and staff
- Establish baselines
- Research & analyze data
- Provide trends, snapshots
- Act to clarify, track, refine
- Form Performance Action Teams

Slide 26

Next Steps

- Examine specifics with each Board and overall with BHP
- Identify strategies to move forward in this new era of performance
- Find complimentary methods to streamline process, relieve time commitment for board members, increase efficiencies
- Implement actions to improve outcomes and focus on patient care cases.

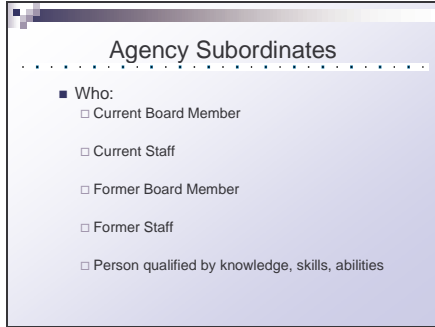
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DHP Performance Measures and the Board of Optometry

Decisions for Boards To Consider

- Sanction Reference
- Use of agency subordinates
- Additional delegation of authority to staff
- Other thoughts?

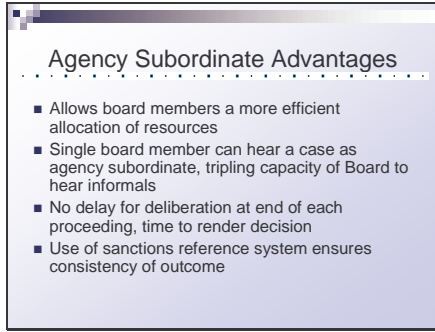
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Agency Subordinates

- Who:
 - Current Board Member
 - Current Staff
 - Former Board Member
 - Former Staff
 - Person qualified by knowledge, skills, abilities

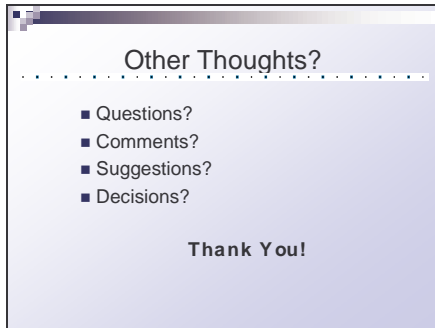
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Agency Subordinate Advantages

- Allows board members a more efficient allocation of resources
- Single board member can hear a case as agency subordinate, tripling capacity of Board to hear informals
- No delay for deliberation at end of each proceeding, time to render decision
- Use of sanctions reference system ensures consistency of outcome

Slide 30



Other Thoughts?

- Questions?
- Comments?
- Suggestions?
- Decisions?

Thank You!

