

**BOARD OF OPTOMETRY
BOARD MEETING
APRIL 4, 2001**

TIME AND PLACE: The meeting was called to order at 9:10 a.m. on Wednesday, April 4, 2001 at the Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 3, Richmond, Virginia.

PRESIDING OFFICER: John L. Howlette, O.D.

MEMBERS PRESENT: Samuel C. Smart, O.D.
Thomas R. Cheezum, O.D.
Jeff Smith, Citizen Member
Roxann L. Robinson, O.D.

STAFF PRESENT: Howard M. Casway, Assistant Attorney General, Board Counsel
Elaine Yeatts, Policy Analyst
Elizabeth A. Carter, Ph.D., Executive Director
Carol Stamey, Administrative Assistant

OTHERS PRESENT: John Marshall, McSweeney, Burtch & Crump
Laura Burke, O.D.
Jeff Butler, Medical Society of Virginia

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

PUBLIC COMMENT: Laura Burke, O.D. addressed the Board regarding her application for reinstatement of her license.

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

CLOSED SESSION: On properly seconded motion by Dr. Cheezum, the Committee recessed Open Session and convened in Closed Session pursuant to § 2.1-344(A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Board members. Additionally, it was moved that Howard Casway, Elaine Yeatts, Elizabeth Carter, Ph.D. and Carol Stamey attend the closed meeting because their presence would aid the Board in its

deliberations.

OPEN SESSION:

On properly seconded motion by Dr. Cheezum, the Board moved to certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for Closed Session were heard, discussed or considered during the Closed Session.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to approve the minutes of the November 1, 2000 meeting.

CLOSED SESSION:

On properly seconded motion by Dr. Cheezum, the Committee recessed Open Session and convened in Closed Session pursuant to § 2.1-344(A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of the reinstatement application of Laura Burke, O.D. Additionally, it was moved that Dr. Carter, Howard Casway, Elaine Yeatts, Elizabeth Carter, Ph.D. and Carol Stamey attend the closed meeting because their presence would aid the Board in its deliberations.

OPEN SESSION:

On properly seconded motion by Dr. Cheezum, the Board moved to certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for Closed Session were heard, discussed or considered during the Closed Session.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to approve the application of **LAURA BURKE, O.D.** for reinstatement of her license. In addition, in this current licensure year, Dr. Burke shall obtain a total of nineteen (19) hours of continuing education of which five (5) hours shall be applied to the previous license renewal period and submit proof of the credits to the Board office.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously to reject the application of **NEERJA JINDAL, O.D.** for licensure by endorsement. Further, that Dr. Jindal be advised that if she wishes to pursue licensure in Virginia, she shall reinstate her license in accordance with 18 VAC 105-20-60 of the

regulations.

Continued Periodic Review of the Regulations

Ms. Yeatts apprised the Board on the principles for fee development and noted that the fees for licensure by reinstatement be reviewed.

On properly seconded motion by Dr. Smart, the Board voted unanimously that 18 VAC 105-20-60.C.3 be revised to ***the applicant has paid a late fee, previous license year renewal fee and the prescribed reinstatement fee.***

Ms. Yeatts also requested that the Board review the issue of inactive licensure status.

On properly seconded motion by Dr. Smart, the Board voted unanimously that the issue of inactive license status fee be included in the regulatory review process.

The Board requested that staff conduct a survey of bordering states regarding the status of inactive licensure.

With regard to inactive licensure status, the Board discussed the issue of continuing education (CE) requirements and the number of years an applicant must prove CE competency.

On properly seconded motion by Dr. Cheezum, the Board voted unanimously that 18 VAC 105-20-60.C.2 be revised to ***the applicant has satisfied requirements for continuing education during the lapsed period not to exceed two (2) years.***

The Board further requested that the following issues be considered in the regulatory review process:

a section be added to 18 VAC 105-20-70-E to further define the definition of practice management and its exclusion;

the requirement of fourteen (14) hours of CE be expanded to sixteen (16) hours to include the acceptance of two (2) hours of practice management;

revise 18 VAC 105-20-70.C.11 to ***a national or international specialty of optometric organizations.***

consider allowing 2 hours for CPR;

consider changing the licensure renewal period to a calendar year;

On properly seconded motion by Dr. Smart, the Board voted unanimously that correspondence CE be counted as present date listed on the certificate.

consider additional credits for lecturers (Board would count an hour of prep and the actual lecture time for the first lecture presentation).

On properly seconded motion by Dr. Smart, the Board voted unanimously to submit the periodic review of the regulations report with the recommendations on page 15 of the report and with the additions posed at the meeting today.

TPA REGULATIONS REVIEW

With regard to the review of the Therapeutic Pharmaceutical Agents Regulations, the Board discussed generally the following:

- in the case of a lapsed license, to consider the addition of a reinstatement application instead of the requirement of a new application;
- with regard to the reinstatement application, the Board considered the requirement of continuing competency and CE;
- for TPA certified optometrists, consider the requirement of a certain amount of hours of CE to be TPA related;

On properly seconded motion by Dr. Smart, the Board voted unanimously to submit a periodic regulatory review report with the aforementioned recommendations.

CE AUDIT

The Board reviewed and discussed the current method of conducting CE audits.

CLOSED SESSION:

On properly seconded motion by Dr. Cheezum, the Committee recessed Open Session and convened in Closed Session pursuant to § 2.1-344(A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of CE audits. Additionally, it was moved that Howard Casway, Elizabeth Carter, Ph.D. and Carol Stamey attend the closed meeting because their presence would aid the Board in its deliberations.

OPEN SESSION:

On properly seconded motion by Dr. Cheezum, the Board moved to certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for Closed Session were heard, discussed or considered during the Closed Session.

On properly seconded motion by Dr. Smart, the Board voted unanimously to request the Enforcement Division to increase the CE audit percentage to 10%, the Board office will decrease its audit to 5%. In addition, all complaints brought before the Board will include a CE audit.

COMMITTEE REPORTS:

CE Committee

The Committee's issues were addressed in the regulatory review and discussion of the CE audit.

Legislative/Regulatory Review Committee

The Committee's issues were addressed in the periodic regulatory review discussion.

Newsletter Committee

Dr. Smart reported that he is compiling a mini-newsletter.

Dr. Carter addressed the recording of disciplinary actions published in the newsletter. The Board agreed to leave the level of detail as is.

Dr. Carter also requested newsletter articles. Dr. Smart

will submit a CE correspondence article.

REPORT FROM DR. CHEEZUM:

Dr. Cheezum reported on issues at the Association of Regulatory Boards of Optometry (ARBO) meeting. He apprised the Board that (Council on Optometric Practitioner Education (COPE) had assigned one CE course reviewer per state and has began an auditing process of submitted courses. Further, the Association of Boards of Colleges of Optometry, (ASCO) along with COPE is making a proposal for a fund to endow an educational trust with a \$1.00 per CE hour taken fee as a means to fund projects for the schools and decrease tuition of the optometry students.

Also, Dr. Cheezum reported that ARBO had signed a new five (5) year contract with the National Board.

Dr. Cheezum reported that ARBO also has a National Board Examination Review Committee. The Committee reviews test questions and reviews the various states' scope of practice requirements.

Dr. Cheezum reported that most states now require TPA certification at time of licensure. Further, he stated that states are setting a timeframe of 2 – 3 years for those licensees not TPA certified to become TPA certified.

Dr. Cheezum noted that many states are now participating in licensure by endorsement and that the states had reported no problems.

Also, Dr. Cheezum reported that most states had opposed the ABOP proposal of "board certification." Further, he stated that a summit meeting had been scheduled for April 29-30, 2001 to discuss the board certification issue.

Dr. Cheezum further reported that the topics of illegal internet sale of contact lens sales and mercantile regulations were discussed. Also, Dr. Cheezum reported that some states require an optometrist to register each optometric office with a required fee.

**EXECUTIVE DIRECTOR'S
REPORT:**

Dr. Carter reported that Lois Ewald, Executive Director for the Board of Optometry in Texas, was retiring.

Dr. Carter overviewed the disciplinary case reports noting the number of closed cases and the breakdown by category.

Dr. Smart requested a breakdown of the level of licensure qualification be obtained from the disciplinary case report if possible.

NEW BUSINESS:

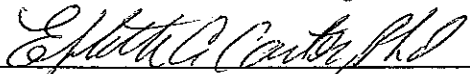
Dr. Carter reported that legislation is being drafted to request an additional Board member.

ADJOURNMENT:

The meeting concluded at 2:00 p.m.



Thomas R. Cheezum, O.D., Vice-President



Elizabeth A. Carter, Ph.D., Executive Director