

## **BOARD FOR OPTICIANS**

### **MINUTES OF MEETING**

The Board for Opticians met on Friday, September 12, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

Jon D. Bright, Chair  
Marcia D. Carney, M.D.  
Helen O'Connor Darby  
E. Carter Lowry  
Gerald W. Shell

The DPOR staff present for all or for portions of the meeting included:

Karen W. O'Neal, Deputy Director, Regulatory Programs  
William H. Ferguson, II, Executive Director  
Zelda W. Dugger, Board Administrator  
Rashaun K. Minor, Administrative Assistant

Also in attendance was: Robert Flippen, Opticians Association of Virginia  
Billie Taylor, Opticians Association of Virginia  
Elizabeth A. Carter, Ph.D., DHP-Board of Optometry

A representative from the Office of the Attorney General was not in attendance.

Jon D. Bright, Chair, determined there was a quorum and called the **Call to Order** meeting to order at 9:45 a.m.

Mr. Lowry made a motion to approve the agenda as amended. Mr. Shell seconded the motion. Continuing education was added to the agenda. The members voting "yes" were Mr. Bright, Ms. Darby, Mr. Lowry and Mr. Shell. There were no negative votes. The motion passed unanimously. **Approval of Agenda**

The Chair asked for any public comment. **Public Comment**

Ms. Billie Taylor, President, Opticians Association of Virginia, thanked the Board for its work. Regarding continuing education, she hoped to see continuing education requirements in the near future.

Mr. Lowry made a motion to approve the minutes as amended of the Board for Opticians meeting May 2, 2003. The amendments were page 2 paragraph 1 line 7 the word "in" was added and paragraph 2 line 9 **Approval of Minutes – May 2, 2003 Board**

“increase” changed to “increases” and page 4 paragraph 6 line 2 the word “Boar” was corrected to read “Board”. Mr. Shell seconded the motion. The members voting “yes” were Mr. Bright, Ms. Darby, Mr. Lowry and Mr. Shell. There were no negative votes. The motion passed unanimously.

**Meeting**

Dr. Carney arrived at the meeting at 9:52 a.m.

**Arrival**

The Board took under consideration amendments to its Public Participation Guidelines (PPG) to include notification by electronic means.

**Public  
Participation  
Guidelines**

Ms. O’Neal stated that also the definition of “Agency”, line 6, was revised to mean the Board for Opticians and in line 26 of the Guidelines “mailing” was changed to “notification”.

Mr. Shell made a motion to adopt the Public Participation Guidelines as amended. Mr. Lowry seconded the motion. The members voting ‘yes’ were Mr. Bright, Dr. Carney, Ms. Darby, Mr. Lowry, and Mr. Shell. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Shell and seconded by Mr. Lowry the Board voted to adopt Regulation 18 VAC 100-20-53. Registration for Voluntary Practice By Out-Of-State Licensees as proposed regulation. The members voting ‘yes’ were Mr. Bright, Dr. Carney, Ms. Darby, Mr. Lowry, and Mr. Shell. There were no negative votes. The motion passed unanimously.

**Regulation 18  
VAC 100-20-53.  
Registration for  
Voluntary Practice  
By Out-Of-State  
Licensees**

In accordance with the Callahan Act, the Board took under consideration amending regulations to raise fees. Mr. Ferguson stated that the last fee increase by the Board was in 1986.

**Regulation 18 VAC  
100-20-54. FEES**

The Board reviewed and discussed the proposals. Mr. Lowry made a motion to approve ‘Proposal C’ increase, and to approve the examination fee not to exceed \$1,000.00, and to decrease the late renewal period from 12 months to 60 days, and give staff the authority to make revisions as necessary based on executive review. Mr. Shell seconded the motion. The members voting ‘yes’ were Mr. Bright, Dr. Carney, Ms. Darby, Mr. Lowry, and Mr. Shell. There were no negative votes. The motion passed unanimously.

The Board reviewed its examination statistics for informational purposes.

**Examination  
Statistics**

The Board reviewed its quarterly statistics for informational purposes.

**Quarterly Board  
Statistics**

Mr. Bright read the Resolution to Kenneth M. Karlin, M.D.

**Other Business  
Resolution**

WHEREAS, Kenneth M. Karlin, MD has faithfully and diligently served as member of the Board for Opticians since 1194; and

WHEREAS, Kenneth M. Karlin, M.D., has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Kenneth M. Karlin, M.D., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Opticians wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Opticians this twelfth day of September 2003 that Kenneth M. Karlin, M.D., be given all honors and respect due his for his outstanding service to the Commonwealth and its citizens and the Board for Opticians; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The resolution was signed by Mr. Jon Bright, Chair, and Director Louise Fontaine Ware.

Mr. Ferguson stated that Dr. Karlin was unable to attend the board meeting because he was scheduled to be in surgery.

Dr. Elizabeth Carter, Executive Director, with the Department of Health Professions Board of Optometry, addressed the Board concerning prescription expiration dates. Dr. Carter handed out the Virginia Board of Optometry regulations governing the practice of Optometry. Dr. Carter stated it is a violation of the Virginia Board of Optometry regulations to issue prescriptions with expiration dates if there is not a medical reason. Dr. Carter directed the Board's attention to the Virginia Board of Optometry regulation 18 VAC 105-20-45. Standards of

**Prescriptions-  
Expiration Date**

Practice. B.5. "The date of the examination and expiration, if medically appropriate" shall appear on a prescription for ophthalmic goods.

In response to the Board's concerns, Dr. Carter recommended that the Board send a letter to the Board of Optometry concerning clarification regarding the regulations and proposing language regarding this subject.

Ms. Dugger reported that the Board issued a press release last year regarding cosmetic contact lens. The press release was sent to schools because of the increase use among children especially during Halloween. Ms. Dugger stated that the Food and Drug Administration (FDA) has ruled that cosmetic contact lens must be dispensed by an eye care professional.

**Press Release-  
Cosmetic Contact  
Lens**

Ms. Dugger asked, regarding issuing another press release, if anyone was aware of injuries related to the improper use and dispensing of cosmetic contact lens. Dr. Carter stated that the American Association of Regulatory Boards of Optometry was collecting this type of data and that the Board of Optometry was also reporting such injuries to the American Association of Regulatory Boards of Optometry. Dr. Carter provided the Board with their website address [www.arbo.org](http://www.arbo.org).

Mr. Bright suggested that the Board involve the Board of Optometry in the press release regarding the dangers of improper use and dispensing of cosmetic contact lens. The Board agreed. Dr. Carney stated she would check with the American Board of Ophthalmology (ABO) for additional information regarding cosmetic contact lens.

Mr. Shell made a motion to approve Mr. Bright and Mr. Lowry to attend the National Committee of State Opticianry Regulatory Boards Conference scheduled for October 25, 2003. Ms. Darby seconded the motion. The members voting 'yes' were Mr. Bright, Dr. Carney, Ms. Darby, Mr. Lowry, and Mr. Shell. There were no negative votes. The motion passed unanimously.

**National  
Committee of State  
Opticianry  
Regulatory Boards  
Conference**

Ms. O'Neal advised the Board that the Agency hired a Consultant to study the Agency's processing and case back log. The Consultant's report recommended assigning an employee of the Department of Professional and Occupational Regulation or a former board member to hear informal fact-finding hearings, IFF.

**IFF-Presiding  
Officer**

Mr. Shell made a motion, to allow an employee of the Department of Professional and Occupational Regulation or a former board member, when deemed appropriate, to preside over informal fact-findings

hearings. Mr. Lowry seconded the motion. The members voting 'yes' were Mr. Bright, Dr. Carney, Ms. Darby, Mr. Lowry, and Mr. Shell. There were no negative votes. The motion passed unanimously.

Mr. Ferguson stated there was no report at this time.

**Continuing  
Education**

Mr. Flippin stated to the Board that they were experiencing some problems with the exam, which involved the set up, obtaining donated materials, and receiving the equipment needed to administer the exam.

**Exams**

Mr. Bright referred Mr. Flippin to Ms. Sharon Sweet, the Education and Examination Director.

The Board discussed the Volunteer Network Program. The Board decided that the list of volunteers and materials used should be updated. Ms. Dugger stated she would work with Mr. Shell on updating the list of volunteers and the material used for presentations.

**Volunteer Network**

Mr. Bright stated that information about the program might be included in the Opticians Association of Virginia's spring meeting.

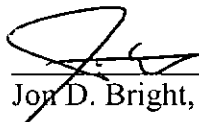
The Board for Opticians set the 2004 meeting dates; the dates are January 9, 2004, April 9, 2004, July 9, 2004, and October 8, 2004.

**2004 Meeting  
Dates**

There being no further business to be brought before the Board, the Chair adjourned the meeting at 12:05 p.m.

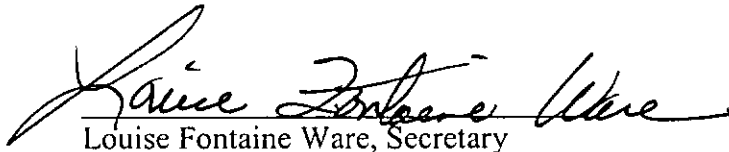
**Adjournment**

**COPY TESTE:**



Jon D. Bright, Chair

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Custodian of the Record



Louise Fontaine Ware, Secretary