

**BOARD OF OPTOMETRY
REGULATORY/ LEGISLATIVE REVIEW COMMITTEE
FEBRUARY 8, 2012**

- TIME AND PLACE:** The Board of Optometry's (Board) Regulatory/Legislative Review Committee (RLRC) meeting was called to order at 10:10 a.m. at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia.
- CHAIRMAN:** Jonathan R. Noble, O.D., Chair
- MEMBERS PRESENT:** Angela Tsai, O.D.
M. E. Jackson, O.D.
- MEMBERS NOT PRESENT:** All members were present.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director
Charis Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager
Tamara Farmer, Administrative Assistant
- OTHERS PRESENT:** Gregory P. Jellenek, O.D.
Betty Graumlich, National Association of Optometrists and Opticians
- QUORUM:** With all members present, a quorum was established.
- INTRODUCTIONS:** Ms. Mitchell and Ms. Farmer were introduced.
- ORDERING OF THE AGENDA:** Dr. Tsai moved to approve the ordering of agenda. The motion was seconded and carried.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** Dr. Jackson requested the following change under the Advertising Guidance Document section of the RLRC's minutes from May 11, 2011:
- Delete
“of an amended guidance document that indicated those optometrists who took Treatment and Management of Ocular Disease (TMOD) should not be able to advertise board certification whereas an optometrist providing evidence of an examination comparable to the TMOD that is satisfactory to the

Board should be able to advertise as ‘board certified.’”

- Add
“Attachment 2A.”

Dr. Jackson moved to strike the last paragraph of page 2 of the RLRC’s July 20, 2011, minutes. He stated that he did not make the motion. There was no second and the motion failed.

Dr. Tsai moved to approve the minutes of the May 11, 2011, meeting with amendment to include Dr. Jackson’s request to add Attachment 2A. The motion was seconded and carried with a vote of two yeas and one no.

DISCUSSION ITEMS:

Advertising Guidance Document

Ms. Knachel provided an overview of the various draft guidance documents regarding the advertising of board certification. The RLRC’s discussion included the following:

- Concerns with equality of advertising board certification among the licensees
- Possible options to narrowly define board certification; and
- Advertising restrictions.

Dr. Tsai moved to request that Ms. Knachel provide a new draft that addresses the RLRC’s concerns and recommendations. The motion was seconded and carried.

Electronic RX Guidance Document

Ms. Knachel informed the RLRC that she had received an inquiry regarding electronic transmissions of prescriptions to third parties and whether the transmission satisfied the requirement to give the patient a copy of their prescription.

The Committee remanded the matter to Ms. Mitchell for research.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The board concluded its meeting at 11:10 a.m.

Jonathan R. Noble, O.D., Chair

Leslie L. Knachel, Executive Director