

June 28, 2019
Board Room 3
10:00 a.m.

Call to Order – Clifford Roffis, O.D.

- Welcome
 - Emergency Egress Procedures
-

Ordering of Agenda – Dr. Roffis

Public Comment – Dr. Roffis

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Discussion Items – Elaine Yeatts/Leslie Knachel

Review process for approval of continuing education providers

Meeting Adjournment – Dr. Roffis

This information is in **DRAFT** form and is subject to change.

**BOARD OF OPTOMETRY
FULL BOARD MEETING
February 8, 2019**

TIME AND PLACE: The Virginia Board of Optometry (Board) meeting was called to order at 9:00 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233.

PRESIDING OFFICER: Helene Clayton-Jeter, O.D., President

MEMBERS PRESENT: Fred E. Goldberg, O.D.
Steven A. Linas, O.D.
Clifford A. Roffis, O.D.
Lisa Wallace-Davis, O.D.
Devon Cabot – Citizen Member

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Executive Director
Charles Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Policy Analyst
Anthony C. Morales, Operations Manager

OTHERS PRESENT: Bo Keeney, Virginia Optometric Association (VOA)
Bruce Keeney, VOA

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

PUBLIC HEARING: Dr. Clayton-Jeter opened the public hearing at 9:05 a.m. to receive comments on changes to the *Regulations of the Virginia Board of Optometry* (18VAC105-20-05 et seq.) – prescribing opioids for acute and chronic pain. The only comment came in via an email from the VOA requesting its comments be read to the Board. Dr. Clayton-Jeter read the comments that included the statement “...our professional association supports these proposed regulations...”

Dr. Clayton-Jeter closed the hearing at 9:08 a.m.

ORDERING OF AGENDA No changes or additions were made to the agenda.

PUBLIC COMMENT: Bo Keeney thanked the Executive Director for quickly responding to an identified issue.

APPROVAL OF MINUTES: Ms. Devon Cabot moved to approve the meeting minutes for the following meetings as presented:

- November 2, 2018 – Public Hearing
- November 2, 2018 – Continuing Education Meeting
- November 2, 2018 – Full Board Meeting

The motion was seconded and carried.

DIRECTOR'S REPORT:

Dr. Allison-Bryan provided an update of future agency website changes.

LEGISLATIVE/REGULATORY UPDATE:

Legislative Update

Ms. Yeatts reviewed legislative bills of interest to the agency and the Board of Optometry.

Update on Regulatory Actions

Ms. Yeatts provided the following information on the Board's regulatory actions:

- Periodic Review: Report that no comments were received during the 60 public comment period.

Dr. Linas moved to adopt the final regulations. The motion was seconded and carried.

- Prescribing of opioids – Extension of emergency regulations: The promulgation process for the final replacement regulations will not be complete before the emergency regulations expire. A request to extend the expiration date was requested.
- Inactive licenses: Awaiting approval from the Secretary's office.
- CE Committee recommendations: Recommendations from the Continuing Education (CE) Committee were presented for the Board's consideration. The Board discussed the draft regulatory changes. The Board did not take action on the draft and asked the CE Committee to reconvene to further evaluate the process for inclusion of the National Glaucoma Society and other organizations when requested.

DISCUSSION ITEMS:

Continuing Education Audits

- Update of Guidance Document 150-12, Guidance for Continuing Education Audits (CE) and Sanctioning for Failure to Complete CE

Ms. Knachel explained the need to have additional actions for failure to respond to a CE audit notification until disciplinary action was initiated. She presented a draft to the Board for its consideration. She indicated that the Board would need to determine a fine amount for a second offense.

Dr. Goldberg moved to accept the draft and levy a \$500.00 fine. The motion was seconded and carried.

Ms. Knachel requested that the Board determine whether a 2018 CE audit should occur.

Dr. Roffis moved to conduct a CE audit for 2018. The motion was seconded and carried

BOARD MEMBER TRAINING:

Administrative Hearings

Ms. Moss provided on administrative hearings.

COUNSEL REPORT:

Ms. Mitchell stated that she did not have anything to report.

PRESIDENT'S REPORT:

Dr. Clayton-Jeter stated that she felt it was important to remind the Board at each meeting of its mission.

**BOARD OF HEALTH
PROFESSION'S REPORT:**

Dr. Clayton-Jeter reported on activities of the Board of Health Professions.

STAFF REPORTS:

Executive Director's Report – Ms. Knachel

Ms. Knachel reported on licensure and budget statistics.

Ms. Knachel stated that the Association of Regulatory Boards of Optometry's 2019 Annual Meeting is in St. Louis. She asked that board members let her know if they are interested in attending.

Discipline Report – Ms. Moss

Ms. Moss provided an overview of the caseload statistics.

NEW BUSINESS:

No New Business was presented.

NEW MEETING:

The next scheduled full board meeting is June 28, 2019.

**CONSIDERATION OF
POSSIBLE RESOLUTION OF
CASE No.'s 183551 and 185376:**

Ms. Moss presented a Consent Order for possible resolution for Case Nos. 183551 and 185376 in lieu of a formal hearing.

CLOSED SESSION:

Dr. Goldberg moved that the Board convene a closed meeting pursuant to Virginia Code § 2.2-3711(A)(27) for the purpose of deliberation to reach a decision in the matter of Case Nos. 183551 and 185376. Additionally, he moved that Ms. Mitchell, Ms. Knachel and Ms. Moss attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENE:

Dr. Goldberg moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to Virginia Code § 2.2-3712(D).

DECISION:

Dr. Wallace-Davis moved that the Board accept the Consent Order for Case Nos. 183551 and 185376 in lieu of proceeding with a formal

hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

The meeting adjourned at 12:26 p.m.

Helene Clayton-Jeter, O.D.,
President

Leslie L. Knachel, M.P.H.
Executive Director

Excerpt from the Regulations of the Virginia Board of Optometry (5/2/2018)

18VAC105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products.

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.

3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.

4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).

5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to the renewal deadline unless an extension or waiver has been granted by the Continuing Education Committee. A request for an extension or waiver shall be received prior to the renewal deadline each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board, which will require that

the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored, accredited, or approved by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.
7. The Virginia Academy of Optometry.
8. Council on Optometric Practitioner Education (COPE).
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.
12. Providers of training in cardiopulmonary resuscitation (CPR).
13. Optometric Extension Program.

H. In order to maintain approval for continuing education courses, providers or sponsors shall:

1. Provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course and contact information of the provider or sponsor for verification. The

certificate of attendance shall be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.

2. Maintain documentation about the course and attendance for at least three years following its completion.

I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.