

Call to Order

The July 16, 2021 Virginia Board of Optometry (Board) meeting was called to order at 9:03 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia 23233.

Presiding Officer - Fred E. Goldberg, OD, President

Board Members Present

Devon Cabot, Citizen Member, Vice-President
Helene Clayton-Jeter, OD
Steven A. Linas, OD
Clifford A. Roffis, OD
Lisa Wallace-Davis, OD

Staff Present

Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Executive Director
David E. Brown, DC, Director DHP
Barbara Allison-Bryan, MD, Deputy Director DHP
Elaine Yeatts, Sr. Policy Analyst DHP
Yetty Shobo, Deputy Executive Director DHP
Heather Pote, Discipline Case Specialist
Laura Jackson, Board Analyst
Charis Mitchell, Assistant Attorney General, Board Counsel

Public Present

Mark Hickman, Virginia Society of Eye Physicians and Surgeons

Establishment of Quorum

With six board members present, a quorum was established.

Emergency Egress

Ms. Knachel read the emergency egress procedures.

Introduction of New Staff Members

Ms. Knachel introduced new board staff members Heather Pote and Laura Jackson. Ms. Pote joins the board as a Discipline Case Specialist and Ms. Jackson as the Board Analyst for the Boards.

Mission Statement

Dr. Goldberg read the Department of Health Professions' mission statement. He thanked the board and staff members for their continued participation in helping to fulfill this mission.

Ordering of Agenda

Ms. Knachel requested that CE audit be added under Discussion Items and elections be added under New Business. Upon a motion by Dr. Clayton-Jeter, properly seconded by Dr. Wallace-Davis, the Board voted to accept the agenda as revised. The motion carried unanimously.

Public Comment

There were no requests to provide public comment.

Approval of Meeting Minutes

Dr. Goldberg informed the Board that a motion to approve meeting minutes is no longer necessary for minutes that require no corrections. He opened the floor to any edits or corrections regarding the draft minutes for the October 16, 2020, Board meeting and formal hearing and the June 7, 2021, public hearing. Hearing none, Dr. Goldberg stated the minutes were approved as presented.

Director's Report

Dr. Brown reported the following:

- The state of emergency that lapsed on June 30, 2021. He advised that board meetings will no longer be held virtually and that the agency will be proposing legislation to allow the boards to meet virtually in the future.
- The Perimeter Center building would be opening to the public on August 2, 2021.
- The agency's activities related to Diversity, Equality and Inclusion.
- The recent separation of the Board of Health Professions and the Healthcare Workforce Data Center. He stated that the demand for workforce data has increased and moving the BHP under Ms. Knachel will allow the HWDC to focus on the gathering and dissemination of workforce data.

Dr. Allison-Bryan provided an update on current Covid-19 vaccination rates.

Dr. Brown presented an appreciation plaque to Dr. Linas for his eight years of service on the Board.

Legislative and Regulatory Report

Update on 2022 Legislation Submission

Ms. Yeatts presented the 2022 Legislative Proposal to the Board. A motion to approve submitting the legislative proposal as presented was made by Dr. Clayton-Jeter and properly seconded by Ms. Cabot. The motion carried unanimously.

The Board discussed a legislative proposal to add email and text messaging as forms of notifying patients of transfer of patient records in conjunction with closure, sale or relocation of a practice. A motion was made by Dr. Linas to submit a legislative proposal to allow email and text messaging as methods of notification for transfer of records. Ms. Cabot properly seconded the motion. The motion carried unanimously.

Status on Proposed Regulations for Waive of Electronic Prescribing

Ms. Yeatts also provided an update on the proposed regulatory action for the e-prescribing waiver.

Consideration of Pack Petition to Add Investigational Drug to TPA Formulary

Ms. Yeatts presented information for the Board's consideration regarding the petition for rulemaking submitted by Weston Pack. The petition requested that the Board add an investigative ophthalmic drug for the treatment of presbyopia to the approved list of drugs that may be prescribed by an optometrist.

The Board discussed the petition.

Dr. Clayton-Jeter motioned that the Board deny the petition because the FDA has not yet approved the ophthalmic drug formulation. Dr. Wallace-Davis properly seconded the motion. The motion carried unanimously.

Discussion Items

2021 Optometry Healthcare Workforce Data Center Report

Dr. Shobo provided a presentation on the 2021 Optometry Healthcare Workforce Data Center Workforce Report.

Amendment to the Federal Contact Lens Rule

Ms. Knachel provided an update on the amendments to the Federal Contact Lens Rule. After discussion it was determined that the Regulatory Committee should be convened to determine if regulatory changes are needed and make recommendations to the full board. Dr. Clayton-Jeter, Dr. Roffis, and Dr. Wallace-Davis volunteered to serve on the Committee.

Review Guidance Document 105-9 Guidelines for Processing Applications for Licensure

Ms. Knachel provided information on Guidance Document 105-9 Guidelines for Processing Applications for Licensure.

A motion by Dr. Roffis to reaffirm the guidance document was properly seconded by Dr. Wallace-Davis. The motion carried unanimously.

Request for Continuing Education Credit for COVID-19

Ms. Knachel provided information on a request by an optometrists to receive CE credit for COVID-19 vaccine training. After discussion, a motion by Dr. Linas to deny the request for CE approval for administering COVID-19 vaccines was made and properly seconded by Dr. Clayton-Jeter. The motion carried unanimously.

Request to Add Continuing Education Requirement for Cultural Competency Training

Ms. Knachel provided information regarding the request to add CE credit for Cultural Competency Training. After discussion, the Board agreed that it would accept CE for this training topic not to exceed the two hours allowed for practice management activities.

CE Audit

Ms. Knachel asked the Board to consider not performing a CE audit for the period of April 1, 2020 – March 31, 2021. After discussion, a motion by Dr. Roffis was made that a CE audit would not be performed for the April 1, 2020 – March 31, 2021. Dr. Wallace-Davis properly seconded the motion. The motion carried unanimously.

Board Counsel Report

Ms. Mitchell had no information to report to the Board.

Board President's Report

Dr. Goldberg thanked board members and staff for all that was accomplished during the pandemic lock down.

Board of Health Professions Report

Dr. Clayton-Jeter reported that the Board of Health Professions met virtually on May 13, 2021. Topics of discussion included a report from Dr. Brown regarding the impact on the boards regarding the

legalization of marijuana July 1, 2021, an update from Dr. Allison-Bryan on Virginia IT Infrastructure Partnerships, COVID-19 status, and a presentation by Dr. Shobo.

Staff Reports

Executive Director's Report

Ms. Knachel reported on the following:

- Board Statistics
- Outreach to licensees
- Scheduling of the 2022 meeting calendar

Discipline Report

Ms. Moss reported that while she was out on extended leave the board moved forward with streamlining the discipline process. She also reported on the status of the Board's disciplinary cases.

New Business

The election of officers for the positions of President and Vice President were held.

- Dr. Linas nominated Dr. Wallace-Davis for President which was properly seconded by Dr. Roffis. Dr. Clayton-Jeter nominated Ms. Cabot for President which failed due to lack of a second. No other nominations were made. A roll call vote was unanimous for Dr. Wallace Davis to be appointed President, effective January 1, 2022.

- Dr. Roffis nominated Devon Cabot for Vice-President which was seconded by Dr. Clayton-Jeter. No other nominations were made. A roll call vote was unanimous for Ms. Cabot to be appointed Vice-President, effective January 1, 2022.

Next Meeting

The next full board meeting is scheduled for October 8, 2021.

Adjournment

With no objection, Dr. Goldberg adjourned the meeting at 11:52 a.m.

Leslie L. Knachel, Executive Director Date