

**BOARD OF OPTOMETRY
LEGISLATIVE/REGULATORY REVIEW COMMITTEE MEETING
SEPTEMBER 26, 2007
RICHMOND, VA**

- TIME AND PLACE:** The meeting was called to order at 10:04 a.m. on Wednesday, September 26, 2007 at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 4, Richmond, Virginia.
- PRESIDING CHAIRMAN:** David H. Hettler, O.D.
- MEMBERS PRESENT:** Jonathan R. Noble, O.D.
Jacquelyn S. Thomas, Citizen Member
- STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director
Amy Marschean, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager
- OTHERS PRESENT:** Bo Keeney, Virginia Optometric Association
- QUORUM:** With all members of the Committee present, a quorum was established.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Ms. Thomas, the committee voted unanimously to approve the minutes of the March 19, 2004 and March 8, 2005 meetings.
- DISCUSSION ITEMS:** **Review of Unprofessional Conduct Regulations**
The Committee reviewed various boards' unprofessional conduct regulations including other states' optometry regulations. The Committee considered the following proposals for amendment:
- 1) language relating to treating self and family mirrored after the Board's guidance document on the subject;
 - 2) a requirement to post or inform patients of patient record retention and destruction policies;
 - 3) a prohibition against failure to disclose disciplinary action in another state and malpractice cases;
 - 4) renaming the Standards of Practice section to Standards of Care;
 - 5) inclusion of Drug Control Act violations;
 - 6) requiring provisions for 24 hour patient care coverage; and
 - 7) language referencing §54.1-2405 (transfer of patient records, closure or sale of practice).
 - 8) inclusion of language regarding the practice on an expired or unregistered professional designation (noted it should be included in the professional designation section

of the regulations).

The Committee requested that a newsletter article be written on the subject of transfer of patient records.

Consideration of Legislation

Ms. Yeatts discussed the need for amended language in §54.1-3215 of the Code to provide for sanctions other than reprimand, revocation or suspension, such as probation and monetary penalty, to more fully address incompetence and intentional negligence issues.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The meeting adjourned at 11:05 a.m.

David H. Hettler, O.D., Chair

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