

**BOARD OF OPTOMETRY
FULL BOARD MEETING
JULY 15, 2016**

TIME AND PLACE: The Board of Optometry (Board) meeting was called to order at 9:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, Virginia 23233.

PRESIDING OFFICER: Joseph E. Droter, O.D., Chair

MEMBERS PRESENT: Helene Clayton-Jeter, O.D.
Steven A. Linas, O.D.
Lisa Wallace-Davis, O.D.
Devon Cabot, Citizen Member

MEMBERS NOT PRESENT: Douglas Weberling, O.D.

STAFF PRESENT: David E. Brown, D.C., Director
Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Elizabeth A. Carter, Board of Health Professions
Carol Stamey, Operations Manager

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

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

ORDERING OF AGENDA Dr. Linas moved to approve the agenda with amendment as follows:

- Addition of Dr. Carter’s “Healthcare Workforce Report” to follow the “Approval of the Minutes;”
- Addition of “Notice of Intended Regulatory Action and Continued Professional Development Examination in Optometry” (CPDO) under “Legislative/Regulatory Update;”
- Addition of “Notice of Periodic Review” to “Legislative/Regulatory Update;” and
- Addition of “Process for Licensure” under “Discussion Items.”

PUBLIC COMMENT: No public comment was presented.

DIRECTOR’S REPORT: It was noted that Dr. Brown was attending a concurrent meeting and his report would be presented later in the agenda based upon his availability.

APPROVAL OF MINUTES: Dr. Linas moved to approve the February 19, 2016, meeting minutes as presented. The motion was seconded and carried.

HEALTHCARE WORKFORCE UPDATE: Dr. Carter provided an update on the board’s 2015 Healthcare Workforce Survey.

LEGISLATIVE/REGULATORY UPDATE: **Exempt Changes to Continuing Education (CE)**
Ms. Yeatts reported that the CE changes to §54.1-3219 of the *Code of*

Virginia became effective on July 1, 2016. She indicated that the needed amendments to the Regulations could be done as an exempt action.

Dr. Linas moved to adopt the amendments to the CE regulations by exempt action as presented. The motion was seconded and carried.

Ms. Yeatts provided information for the Board's consideration regarding the implementation for the remainder of the year of the new CE requirements provided in the Code.

Dr. Droter moved to continue with the current CE requirements for the remainder of the 2016 calendar year and to allow up to 10 hours of CE obtained on or after July 1, 2016, in excess of 20 CE hours be carried over to 2017. The motion was seconded and carried.

The board requested staff to draft an email communication to all licensees regarding the audit process of the 2016 CE for the board's review to help clarify the implementation plan.

**Notice of Intended Regulatory Action (NOIRA) – Continued
Professional Development Examination in Optometry (CPDO)**

Ms. Yeatts explained that the board had voted to withdraw the NOIRA at its last meeting; however, she had not removed the action from the Virginia Regulatory Town Hall website prior to the effective date of the new legislation regarding CE. She noted that the legislation addressed all but one of the changes identified in the NOIRA which was related to the CPDO examination. She asked if the Board would like to reconsider the previous action and move forward with a regulatory change to accept the CPDO examination as CE.

It was the consensus of the Board that it did not wish to reconsider the previous action.

Public Participation Guidelines (PPG) Revision

Ms. Yeatts reported that the Board's PPG regulations required an amendment to conform to the changes made to the Administrative Process Act (APA).

Dr. Clayton-Jeter moved to amend the Board's PPG regulations to be consistent with the changes to the APA. The motion was seconded and carried.

Volunteer Hours for CE – HB319

Ms. Yeatts reported that HB319 became effective on July 1, 2016. The legislation requires the boards housed in DHP to allow voluntary practice to count as CE. She commented that the legislation required the Board to amend its regulations. Draft language was provided for the Board's consideration.

Ms. Cabot moved to amend the regulations as proposed to allow up to two hours of CE for voluntary service per year where one hour may be credited for every three hours served.

Petition for Rulemaking – Response

Ms. Yeatts reported that the board had received a petition to amend its regulations to require release of pupillary distance upon the request of a patient. The Board discussed the issue.

Dr. Linas moved to reject the petition because the pupillary distance is a function of fitting glasses and not a requirement of an eye examination. The motion was seconded and carried.

Notice of Periodic Review

As follow-up, Ms. Yeatts informed the Board at its last meeting of the need to conduct a periodic review of its regulations. As requested, she provided a summary of the board's regulatory actions since the last periodic review in 2003.

Dr. Clayton-Jeter moved to issue a notice of periodic review to begin the process of reviewing the regulations. The motion was seconded and carried.

DIRECTOR'S REPORT:

Dr. Brown provided an update on the agency's internal training activities and plans for the fall board member training day. In addition, he mentioned the agency's continued efforts in activities related to reduction of opiate abuse.

DISCUSSION ITEMS:

Attendance at Annual Meeting for Association of Regulatory Boards of Optometry (ARBO)

Dr. Linas, Dr. Clayton-Jeter and Ms. Knachel attended ARBO's 2016 annual meeting. Dr. Linas provided an overview of the topics discussed at the meeting.

Report on Continuing Education Audit Process

Ms. Stamey provided the statistics for the audit of the 2015 CE.

Report on South Eastern Congress of Ophthalmologists (SECO)

Dr. Droter stated that the SECO report was covered in the report provided by Dr. Linas.

Process for Licensing

Ms. Knachel provided a draft guidance document regarding the processing of applications for licensure that are non-routine.

Dr. Linas moved to accept the draft guidance document as presented. The motion was seconded and carried.

BOARD OF HEALTH PROFESSIONS REPORT:

Dr. Clayton-Jeter provided an overview recent Board of Health Professions' meetings and activities.

PRESIDENT'S REPORT:

Dr. Droter reported that he had taken a position with a national association and did not seek reappointment as a board member. He thanked the board members and staff for their support and hard work.

EXECUTIVE DIRECTOR'S REPORT:

Statistics

Ms. Knachel reported on licensure statistics and budget information.

Ms. Blount provided an overview of the complaint case statistics.

Budget

Ms. Knachel reported that the budget information specific to the board had been included in the agenda packet.

NEW BUSINESS:

Officer Election

Dr. Droter nominated Dr. Linas for President. The motion was seconded and carried.

Dr. Linas nominated Dr. Wallace-Davis as Vice-President. The motion was seconded.

Dr. Clayton-Jeter nominated herself as Vice-President. The motion was seconded and carried.

A vote was taken by roll call. Dr. Wallace-Davis was elected Vice-President with three votes.

Committee Assignments

Dr. Droter appointed board members to serve on the following committees:

CE Committee

Dr. Clayton-Jeter and Dr. Wallace-Davis

Credentials Committee

Dr. Droter and Dr. Linas

Professional Designation Committee

Ms. Cabot and Dr. Wallace-Davis

Legislative/Regulatory Review Committee

Dr. Clayton-Jeter, Dr. Wallace-Davis and Ms. Cabot

Dr. Clayton-Jeter requested a presentation of the Key Performance Measures at the next board meeting.

ADJOURNMENT:

The meeting adjourned at 11:09 a.m.

Joseph E. Droter, O.D.
Chair

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