



December 2010

President's Message

License Renewal

*Please note that all licensees should have received their licensure renewal notifications. All optometry licenses expire at the end of the year and will need to be renewed if practicing in Virginia. The Board of Optometry is **Going Green**. In support of this effort to go green, the Board made the move this year to electronically transmit the Licensure Renewal Notice. If the Board had an email address on record for a licensee, notification was sent by email that it was time to renew. For those licensees without an email address on record or that had not renewed by November 30, 2010, paper notices were sent out. If you have not already done so, please consider providing the Board with an email address. Communications sent via email are a cost effective method to provide timely updates and notifications to licensees. A licensee has the option to designate the email address as private for Board use only or as public for dissemination as requested.*

Exiting Board Member

During the board meeting held on May 5, 2010, Dr. David Hettler was recognized for his eight years of service to the Board of Optometry. On behalf of the Board and its staff, I want to again thank Dr. Hettler for serving the Commonwealth.



Honoring Dr. Hettler for his years of service on the Board of Optometry
From left to right: Jacquelyn Thomas, Dr. Schlabach, Dr. Dianne Reynolds-Cane,
Dr. Hettler, Dr. Tsai, Dr. Jellenek

Newly Appointed Board Member



On September 3, 2010, Governor McDonnell issued a [news release](#) announcing the appointment of Melvin “Pat” Jackson, O.D. to the Board of Optometry. Dr. Jackson received his Doctorate of Optometry Degree from the Southern College of Optometry located in Memphis, Tennessee. Since 1986, he has been in private practice in the Virginia Beach area specializing in family vision care, contact lenses and pediatric vision. Prior to becoming an optometrist, Dr. Jackson served for 20 years in the United States Navy, retiring as a Chief Petty Officer. His numerous optometric awards and affiliations include receiving the 2005 Optometrist of the Year Award from the Virginia Optometric Association (VOA), serving as President of the VOA and being named as a Fellow of the Virginia Academy of Optometry. On behalf of the Board and its staff, please join me in welcoming Dr. Jackson to the Board.

Sincerely yours,

Gregory P. Jellenek, O.D.

Members of the Board

Gregory P. Jellenek, OD President Williamsburg, VA Second term expires 6/30/2012	Angela Tsai, OD Vice-President Fredericksburg, VA First term expires 6/30/2013	W. Ernest Schlabach, OD Harrisonburg, VA Second term expires 6/30/2012	Jonathan Noble, OD Ashland, VA First term expires 6/30/2011	M.E. Jackson, OD Virginia Beach, VA First term expires 6/30/2014	Vacant Citizen Member Unexpired term expires 6/30/2011
---	---	---	--	---	---

Board Calendar for 2010

The schedule for calendar year 2011 was established by the Board at its November 19, 2010, meeting. The calendar schedule is posted on the Board's "Meeting & Minutes" website: http://www.dhp.virginia.gov/Optometry/optometry_calendar.htm . The calendar is subject to change. To confirm a meeting, please contact the Board office at 804-367-4508 or email at opdtbd@dhp.virginia.gov . The location for all meetings is:

Perimeter Center
9960 Mayland Drive, Second Floor
Henrico, Virginia 23233

Board Statistics

by Leslie Knachel, Executive Director

Statistics

General Information

Information regarding the Board’s enforcement, licensing and financial activities are available on the public website located at http://www.dhp.virginia.gov/about/quarterly_stats.htm . As a reminder, public information on all Board of Optometry licensees may be found through “License Lookup” on the Board’s website: Virginia Board of Optometry - Home Page. <http://www.dhp.virginia.gov/Optometry> .

Licensure Renewal

Between FY 2009 and FY 2010, there has been an increase in all license and permit holders, with the exception of Optometrists that do not hold TPA certification. The details are below:

License Type	FY 2009	FY 2010	Change
TPA Optometrist	1203	1259	4.7%
Non TPA Optometrist	225	206	-8.4%
Volunteer Registration Optometrist			
Total Optometrists	1428	1465	2.6%
Professional Designations	183	205	12.0%
Grand Total	1611	1670	3.6%

License Renewal deadline approaching. . .

*The renewal deadline for TPA and non-TPA Optometry licenses and Professional Designations is **December 31, 2010**. Continuing education requirements must be met or an exception granted prior to December 31st.*

Regulatory Notifications and Actions

by Elaine Yeatts, Senior Policy Analyst

Notifications

Registering on the Town Hall website is an excellent way to stay abreast of all regulatory actions in process or taken by the Board of Optometry or any other Virginia regulatory body. To register go to <http://www.townhall.state.va.us/L/publiclogin.cfm> and choose your areas of interest. Whenever a regulatory action takes place within an individual's registered area of interest, an automatic email notification is sent.

Recent Action

The *Regulations of the Virginia Board of Optometry* (Regulations) underwent a periodic review that resulted in revisions that became effective on March 17, 2010. The most current version of the regulations along with applicable laws can be found on the Board's website located at http://www.dhp.virginia.gov/Optometry/optometry_laws_regs.htm. The amendments to the Regulations include changes to and clarification of certain provisions relating to continuing education and requirements for standards of practice and standards of conduct.

Regulatory Notifications and Actions (continued)

For **Continuing Education**, the amendments:

- Specify that courses for which the primary purpose is the sale of instruments or products are not acceptable for continuing education credit.
- Require that providers must provide a certificate of attendance based on verification of the attendee presence throughout the course by a designated monitor or a post-test and that the record of attendance must be maintained for three years.
- Clarify that any request for an extension or waiver of CE requirements shall be received prior to December 31 of each year.
- Delete Category 2 AMA CME as acceptable for Optometry; retain Category 1 CME.
- Specify that a licensee who falsifies attestation of CE compliance or who fails to comply may be subject to disciplinary action.

For **Standards of Practice** and **Standards of Conduct**, the amendments:

- Add specific standards for contact lens consistent with the federal Fairness to Contact Lens Consumers Act and for spectacle lens consistent with federal Eyeglass Rule.
- Require practitioners to maintain a patient record for a minimum of five years following the last patient encounter except for records that have been transferred to another health care provider or given to the patient or records that are required by contract or federal law to be maintained longer.
- Require that, beginning March 17, 2011, licensees post information in some manner inform all patients concerning the time frame for record retention and destruction and require that records must be destroyed in a manner that protects patient confidentiality.
- Update requirements for the content of a patient record.
- Add a prohibition against failure to disclose disciplinary action in another state and malpractice cases.
- Add language relating to prescribing for or treating self and family.
- Require provisions for access to the practice for 24-hour patient care coverage.
- Reference requirements of §54.1-2405 (transfer of patient records, closure or sale of practice).
- Include language regarding the practice on an expired or unregistered professional designation.
- Include provisions for boundary violation or sexual misconduct as grounds for disciplinary action.
- Include compliance with general provisions of law and law relating to controlled substances and patient confidentiality.

Prescribing Ophthalmic Goods or Controlled Substances

by Jonathan R. Noble, O.D.

The [Regulations of the Board of Optometry, 18 VAC 105-20-45\(B\)](#), specifies the information that is required on a prescription for ophthalmic goods. All requirements must be addressed on the prescription. Please note that the signature of the optometrist required in number 4 does not satisfy the requirement in number 1 for the printed name of the prescribing optometrist. The printed name can be either preprinted, electronically printed, typewritten, rubber stamped or printed by hand. In addition, number 5 states that an expiration date be included if medically appropriate. Although number 5 does not require that documentation in the patient's record include why the expiration date is medically appropriate, it may be prudent to include documentation that supports an expiration date which deviates from the standard of care.

Prescribing Ophthalmic Goods or Controlled Substances (continued)

[Section 54.1-3222\(B\) of the Code of Virginia](#) specifies that an optometrist must prescribe and administer controlled substances and devices as set forth in the [Drug Control Act \(§ 54.1-3400 et seq. of the Code of Virginia\)](#). Prescription requirements for controlled substances are specified in [§ 54.1-3408.01 of the Code of Virginia](#).

Continuing Education (CE) Audits

by W. Ernest Schlabach, O.D.

Each year the Virginia Board of Optometry (Board) conducts an audit of licensees' compliance with the CE requirements found in the *Regulations of the Virginia Board of Optometry*, 18 VAC 105-20-70. In order to improve the efficiency of the auditing process, the Board adopted during the July 15, 2010, board meeting, the following policy regarding the use of OE Tracker, the CE tracking system for optometrists housed within the Association of Regulatory Boards of Optometry:

Following the random selection of a licensee to be audited, board staff will conduct a query of OE Tracker to determine if the licensee maintains an account. If the account contains CE hours that meet the requirements found in the Board's regulations, the licensee will receive an audit notification letter acknowledging compliance and that no further action is required. A licensee whose OE Tracker account information does not meet the CE requirements or who does not maintain an OE Tracker account will receive a letter requiring submission of copies of proof of CE attendance.

The Board's regulations require a total of 16 CE hours per year of which two shall be directly related to the treatment of the human eye and its adnexa with pharmaceutical agents. Failure to comply with the Board's regulations may result in disciplinary action.

Notice of Destruction of Records

by Jonathan R. Noble, O.D.

As a reminder, [Regulations of the Board of Optometry, 18 VAC 105-20-45\(F\)](#), is new and becomes effective March 17, 2011. This regulation requires that practitioners post information or in some manner inform all patients concerning the time frame for record retention and destruction. All Virginia licensed optometrists will be responsible, as of the effective date, for compliance with this new requirement. Please plan accordingly.

Address of Record

by Leslie Knachel, Executive Director

The 2009 session of the General Assembly passed SB1282 (Acts of Assembly Chapter 687) regarding the collection of addresses from health professionals. Section 54.1-2400.02.B of the Code of Virginia (Code) requires the Department of Health Professions (DHP) to collect an official address of record from each health professional licensed, registered, or certified by a health regulatory board within the department. The official address of record is to be used by DHP for agency purposes and otherwise remain confidential.

Address of Record (continued)

In addition, § 54.1-2400.02.C requires DHP to provide an opportunity for a health professional to provide a second address for the purpose of public dissemination. If there is no public address provided, the official address of record will be used as the public address for the purpose of public dissemination. If the health professional would prefer that his/her address of record remain confidential, then an alternative public address must be provided to DHP. When a public address is not provided, the official address of record will be used as the public address and may at certain times be disclosed. (Note: the License Lookup feature on the DHP public website does not contain the full address of the health professional. However, public addresses are available by contacting Virginia Interactive Premium Service.) An individual is not required to submit a place of residence for either the official address of record or the public address. A post office box or a practice location is acceptable.

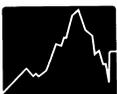
Changes to either address may be made at the time of renewal, at any time by written notification to the Board, or at any time by accessing your licensure information through the online system. Any change that is made to one of the addresses does not automatically update the other address. Address information should be kept current at all times.

The following highlights the information or actions that health professionals need to know regarding this amended Code section:

- The official address of record is confidential and not subject to public dissemination unless there is no public address provided.
- The public address is subject to public dissemination.
- In the absence of a public address, the official address of record will serve as the public address.
- A post office box or a practice location is acceptable as the address of record or public address.
- Updating the official address of record and/or the public address must be done individually as changing one will not automatically change the other.
- Updating an address can be done online or by written notification to the Board.
- Addresses should be kept current at all times.

Virginia Board of Optometry
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

PRSRSTSD
U. S. Postage
PAID
Richmond, VA
Permit No. 164



Department of Health Professions