

**BOARD OF OPTOMETRY  
PUBLIC HEARING  
JULY 12, 2002**

**TIME AND PLACE:** Called to order at 9:05 a.m. at the Department of Health Professions. The purpose for the hearing was to receive public comment on the proposed amendments to the regulations pursuant to a periodic review.

**PRESIDING CHAIRMAN:** Samuel C. Smart, O.D., Chairman

**MEMBERS PRESENT:** Jeff Smith, Citizen Member  
Roxann Robinson, O.D.  
Paula H. Boone, O.D.

**STAFF PRESENT:** Howard Casway, Assistant Attorney General, Board Counsel  
Elizabeth A. Carter, Ph.D.  
Elaine Yeatts, Senior Research Analyst

**OTHERS PRESENT:** Randy Hutcheson, McSweeney & Crump

**PUBLIC COMMENT:** Bruce Keeney, VOA, presented comment and the  
**Periodic Review of the** comment is incorporated into the minutes as Attachment  
**Optometry Regulations and** 1. In addition to the written comment, Mr. Keeney  
**Optometry TPA Regulations:** suggested that the Board develop a policy addressing non-compliant sponsors of continuing education.

**ADJOURNMENT:** The Hearing adjourned 9:25 a.m.

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Samuel C. Smart, O.D., Chairman

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

July 12, 2002

Comments of the Virginia Optometric Association  
July 12, 2002 Public Hearing of the Virginia Board of Optometry

Re: Proposed Revisions to Board of Optometry Regulations, including but not limited to 18 VAC 105-20, 18 VAC 105-20-10, 18 VAC 105-20-15, 18 VAC 105-20-20, and 18 VAC 105-20-40 through 18 VAC 105-20-70

The following comments represent recommendations of the Virginia Optometric Association which represents approximately 85% or more of the doctors of optometry actively practicing in Virginia. These positions were developed after extensive review and discussion of the VOA Executive Committee at its last meeting. They are not necessarily presented in order of any priority.

**Standards for Licensure by Endorsement**

Understanding the differences between licensure by reciprocity versus licensure by endorsement, the VOA continues to support Virginia's acceptance of licensure by endorsement.

- 1) We strongly believe that *any license granted by endorsement should at minimum require the applicant meet requirements for certification in diagnostic pharmaceutical agents or DPAs*. Clinical training requirements and standards for applicants through licensure by endorsement should be the same as required by those seeking license through the normal process. Allowing licensure by endorsement without having DPA certification would result in licensing doctors below the minimum required standards for Virginia. Such would place the public's vision and health at risk by licensing optometrists without proper credentialing and clinical experience.
- 2) Consideration of licensure by endorsement should be restricted to applicants from states which likewise allow licensure by endorsement. We note that Virginia was one of the first states to accept licensure by endorsement and, since that time, the number of states accepting this process has significantly increased. However, as a matter of fairness and equity, Virginia licensed optometrists should have the same opportunities for licensure by endorsement in other states. By adopting this approach, Virginia may also encourage even more states to accept licensure by endorsement. Note we are not suggesting licensure by endorsement be limited to applicants from states which have the same requirements as Virginia for this process... but only that the other state has some process for a Virginia optometrist to obtain a license in that state by the endorsement process.

### **Move to Calendar Year**

The VOA strongly supports moving the licensure renewal date so it coincides with the calendar year, starting on January 1 and ending December 31 of each year.

- 1) Such process is simpler and easier for licensee to remember. Such should reduce the number of those who simply forget to renew their license by November 1<sup>st</sup> of each year.
- 2) When implementing this process, repeated and easy to understand instructions will be needed to eliminate confusion and reduce the likelihood of somebody's license lapsing because of a change in dates.
- 3) It does not appear the proposed move to the calendar addresses the transition period. Such could be addressed in the regulations or perhaps by administrative action. Regardless, the licensees need to be advised as to the process covering the period of November 1 through December 31 during the year this change is made. To simplify and avoid confusion, we would suggest the Board grant an extension on the license year for that one year, not charging any additional fee for the transition period.

### **List of CE Sponsors/CE Providers**

We commend the Board for proposing this simpler and less expensive means to identify approved sponsors for CE courses and the VOA supports this approach. Additionally, we note the list is extensive and allows greater access to approved courses for the licensee. Likewise, under this system, an entity not on the list could still offer their course by presenting it through one of the listed sponsors. This will ensure courses are appropriate for the profession and are in compliance with Board regulations.

One technical suggestion: COPE or the Council on Optometric Practitioner Education should be removed from the list. Including COPE would cause confusion since COPE does NOT sponsor CE courses or programs. COPE reviews and approves the quality and content of a particular lecture or presentation but COPE does not sponsor, offer or present CE courses.

### Licensee Information

The VOA would again like to request and strongly recommend the Board require all licensees provide "contact information" at time of license renewal. At present, the only means of contacting a licensee is by locating the optometrist at the permanent mailing address provided to the Board. This may be their home, office or post office box. We suggest each licensee be required to annually provide, at time of license renewal the following:

- permanent mailing address which is to be used by the Board for official mailings
- principle practice location (office address where doctor practices)
- office phone number, office fax number and office e-mail number for the principle practice location
- do not request nor ask for licensee's home address or home phone number, to address privacy concerns

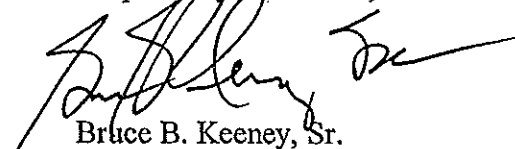
Recent events demand even more that the Board collect and maintain information to promptly locate and/or contact its licensees. Should a complaint be received in which there is a clear and present concern about endangering the public, to investigate the Board must know where the doctor most likely practices. The Board should be able to communicate information quickly to licensees such as a terrorist attack using biological warfare effecting the vision system). And with increased concerns about patient abuse of certain narcotics (such as oxycontin in the far southwest), the Board should be able to communicate certain public health concerns to its licensees in a quick and timely manner. Furthermore, patients in need of their health records find it difficult to locate their eye doctor when he or she moves frequently. The Board having this information will assist the public who may have difficulty in locating their optometrist.

By obtaining such information the Board could additionally be in a position to decrease costs and increase efficiency. It is conceivable that a Board newsletter may be faxed or e-mailed to licensees quicker and less expensive than now takes place. It would be additionally require less administrative time.

### Conclusion

The Virginia Optometric Association appreciates the opportunity to present our comments and urges the Board's consideration of same.

Respectfully Submitted,

  
Bruce B. Keeney, Sr.  
Executive Director

BBK/kgt