

**BOARD FOR OPTICIANS
MINUTES OF MEETING**

The Board for Opticians met on August 2, 2002 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

Jon D. Bright, Chairman
Gerald S. Shell, Vice Chairman
E. Carter Lowry

Board member not in attendance: Helen O'Connor Darby
Kenneth M. Karlin, M. D.

The DPOR staff present for all or for portions of the meeting included:

Louise Fontaine Ware, Director
Sandra Whitley Rylas, Chief Deputy Director
William H. Ferguson, II, Assistant Director
Zelda W. Dugger, Board Administrator

Also in attendance:

William A. Diamond, Assistant Attorney General
Beverley G. Donati, VA Dept. of Labor and Industry

Jon D. Bright, Chairman, called the meeting to order at 9:35 a.m.

Call to order

A motion was made by Mr. Lowry and seconded by Mr. Shell that the agenda be approved, as amended. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Approval of
Agenda

The chairman asked for any public comment. There was none.

Public Comment
Period

William A. Diamond, Assistant Attorney General, was introduced to the Board as their newly assigned legal counsel from the Office of the Attorney General. Mr. Diamond told the Board that he had been legal counsel to the Board for Opticians a few years ago so he had some history and knowledge of the Board and that he looked forward to working with the Board again.

Assistant Attorney
General

Mr. Lowry made a motion that the minutes May 3, 2002 Board Meeting be approved as amended. Mr. Shell seconded the motion. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell.

Approval of
minutes - May 3,
2002 Board

The motion passed unanimously. There were no negative votes.

Meeting

The Board discussed the need to conduct regulatory review of their public participation guidelines to determine whether the public participation guidelines should be amended. Mr. Shell made a motion that the Board for Opticians approve conducting regulatory review of the Board for Opticians Public Participation Guidelines in accordance with Executive Order 21(2002). Mr. Lowery seconded the motion. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Regulatory Review
of Public

Guidelines

The Board discussed emergency regulations. The 2002 General Assembly passed House Bill 1318 that amended Section 54.1-1701. Exemptions. of the *Code of Virginia*. The amendment provides exemption from licensure relating to volunteer services by non-profit organizations in underserved areas. The bill includes that the Board shall promulgate regulations to implement this act within 280 days of its enactment.

Emergency
Regulations

Mr. Shell made a motion that the Board for Opticians consider its regulations on an emergency basis in accordance with provisions of the 2002 Acts of Assembly, Chapter 740. The motion was seconded by Mr. Lowry. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Mr. Shell made a motion that the Board adopt the proposed emergency regulations. The motion was seconded by Mr. Lowry. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Mr. Shell made a motion that the Director of the Department of Professional and Occupational Regulation immediately request approval of the emergency regulations by the Governor. The motion was seconded by Mr. Lowry. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

The Board reviewed the draft of the Board for Opticians Additional Sponsor Apprenticeship Qualifications as listed as Number 20 in the Minimum Standards For Apprenticeship registered with the Virginia Apprenticeship Council and recognized by the U.S. Department of labor Bureau of Apprenticeship and Training. Mr. Lowry made a motion that the Board accept the Board for Opticians Additional Sponsor

Apprenticeship
Standards

Apprenticeship Qualifications as listed as Number 20 in the Minimum Standards For Apprenticeship. The motion was seconded by Mr. Shell. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Mr. Bright gave a report to the Board on the National Committee of State Opticianry Regulatory Boards Conference held July 12-13 in Atlanta, GA. Mr. Bright reported that there were representatives from fourteen states in attendance.

**NCSORB
Conference Report**

Mr. Bright reported that there were concerns about the written examination in that the written examination does not test for as comprehensive an education as some believe is needed. The need for a review of the written examination and possible revision of the written examination was discussed at the conference.

There were discussions on the sale and potential harm of non-prescription contact lens. It was reported that the FDA in the SE Region was being pro-active on this issue. Notices distributed by the South Carolina Department of Labor, Licensing and Regulation Board of Examiners in Opticianry and Board of Examiners in Optometry were reviewed.

Mr. Bright reported that the State of New York had signed a contract with Capitol Hill Testing that included the development of a regional examination. They invited other states to participate in the development and asked interested states to send a letter stating their interest to participate. Mr. Lowry made a motion that the Board for Opticians send a letter to the New York Board expressing the Board's interest in participating in the development of a regional examination. The motion was seconded by Mr. Shell. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Regional

Mr. Bright reported that the National Committee of State Opticianry Regulatory Boards adopted several positions at the conference pertaining to plano contact lenses and a Code of Ethics. The Board reviewed these positions and Code of Ethics. In that the Board's legal authority is governed by the Code of Virginia and regulations, these subjects would be best considered by the industry association and no action was taken by the Board.

**NCSORB
Positions: Contact
Lenses and Code of
Ethics**

The Board discussed corresponding with the Board for Optometry to invite a representative of the Board for Optometry to attend Board for

**Representation of
Board for**

Opticians meetings. The Board for Optometry's representative would be able to provide insight from their Board perspective on issues discussed. Mr. Shell made a motion to send a letter to the Board for Optometry to invite a representative of the Board for Optometry to attend Board for Opticians meetings. The motion was seconded by Mr. Lowry. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Optometry

The Board discussed conducting regulatory review of their regulations. It was noted that Emergency Regulations are limited to twelve months. Mr. Lowry made a motion that the Board for Opticians approve conducting regulatory review of the Board for Opticians Regulations. Mr. Shell seconded the motion. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

**Regulatory Review
of Regulations**

Mr. Bright informed the Board of the death of Richard Warden of Metropolitan Optical in Arlington, Virginia, who had volunteered his time as a member of the Board for Opticians Volunteer Network and assisted the Board as a subject matter expert on various issues researched by the Board. Mr. Bright made a motion that the Board approve a Board Resolution be presented to Richard Warden. Mr. Shell seconded the motion. The members voting "YES" were Mr. Bright, Mr. Lowry, and Mr. Shell. The motion passed unanimously. There were no negative votes.

Resolution

Board members completed Conflict of Interest Forms.


**Conflict of Interest
Forms**

There being no further business, the Chairman adjourned the meeting at 12:25 p.m.

Adjournment



Jon D. Bright, Chairman



Louise Fontaine Ware, Secretary

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Custodian of the Record