

BOARD FOR OPTICIANS

MINUTES OF MEETING

The Board for Opticians met on Friday, July 30, 2004 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

Jon D. Bright, Chair
Gerald W. Shell
Billie L. Taylor

Board member not present: Marcia D. Carney, M.D.
Susan B. Schorling

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

Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director, LRD
Nick A. Christner, Deputy Director for Compliance & Investigations
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Sharon M. Sweet, Director of Education and Examination
Earlyne B. Perkins, Legal Assistant
Rashaun K. Minor, Administrative Assistant

Also in attendance was: Robert E. Flippin, President, Opticians Association of Virginia

A representative from the Office of the Attorney General was not in attendance.

Mr. Bright, Chair, determined there was a quorum and called the **Call to Order** meeting to order at 10:00 a.m.

Mr. Shell made a motion to approve the agenda as amended. Ms. Taylor seconded the motion. The subject of introductions and appointments of new board members and DPOR staff was added before the Public Comment and under Other Board Business the regulations regarding registration for voluntary practice by out-of-state licensees and board fees was added. The members voting "yes" were Mr. Bright, Mr. Shell and Ms. Taylor. There were no negative votes. The motion passed unanimously.

The Board was informed that Governor Warner had appointed Ms. **New Board** Billie L. Taylor of Wytheville, Virginia and Ms. Susan B. Schorling of **Members**

Beaverdam, Virginia to serve on the Board for Opticians effective July 1, 2004. Ms. Taylor was introduced and she gave a brief description of his background and experience. Ms. Taylor stated she was proud to have the opportunity to serve on the Board. Ms. Schorling was unable to attend the meeting.

Mr. Nick Christian, the new Deputy Director of DPOR's Compliance and Investigations Division, was introduced to the Board.

Staff Introductions

The DPOR staff present introduced themselves to the Board.

Mr. Bright asked for any public comment.

Public Comment

Robert Flippin, President, Opticians Association of Virginia (OAV), congratulated Ms. Taylor on her appointment to the Board. Mr. Flippin advised the Board that OAV is currently working on a website that will aid consumers in locating an Optician in their area and the website would include the Optician's education background.

Mr. Flippin asked the Board for access to updated lists of currently licensed Opticians to aid in their website goals. Mr. Flippin stated the site would not list addresses. Mr. Flippin thanked the Board for their time and consideration of his request.

Mr. Bright thanked the Mr. Flippin for his comments. There being no further comment before the Board the public comment period ended.

Mr. Shell made a motion to approve as written the minutes of the Board for Opticians April 16, 2004 board meeting. Ms. Taylor seconded the motion. The members voting "yes" were Mr. Bright, Mr. Shell and Ms. Taylor. There were no negative votes. The motion passed unanimously.

**Approval of
Minutes –
April 16, 2004
Board Meeting**

In the matter of **File Number 2004-03641, Board v. Gary W. Zabner**, the Board reviewed the record, which consisted of the investigative file and a Consent Order.

**File 2004-03641
Gary W. Zabner**

Upon a motion by Mr. Shell and seconded by Ms. Taylor, the Board voted to accept the Consent Order of revocation of licensure.

The members voting 'yes' were Mr. Bright, Mr. Shell, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

The Board reviewed its examination statistics for informational purposes.

**Examinations
Statistics**

Ms. Sweet reported that the Opticians Apprenticeship Taskforce met on June 22, 2004, and July 29, 2004. Ms. Sweet stated the Taskforce invited representation from High Schools, Community Colleges, and Apprenticeship Programs and from these meetings had developed an action plan. Ms. Sweet stated once the Apprenticeship curriculum is completed they will present it to the Board for review and approval. Ms. Sweet stated she has received positive feed back on the development of the Apprenticeship curriculum.

**Opticians
Apprenticeship
Taskforce**

Ms. Dugger distributed a flowchart of the current organizational processes and functions involved in the administration of the Optician Apprenticeship Program.

Ms. Sweet ended the report by fielding questions from the board members.

Ms. Dugger reported to the Board on her attendance at the Board of Optometry meeting held on June 30, 2004. Ms. Dugger stated the focus of the meeting was the Fairness To Contact Lens Consumers Act. Copies of the Act were distributed.

**Board of
Optometry
Meeting**

The Board reviewed its quarterly board statistics for informational purposes.

**Quarterly Board
Statistics**

The Board took under consideration Resolutions of appreciate for past board members.

Resolutions

Ms. Taylor made a motion to approve Resolutions for past board members of the Board. Mr. Shell seconded the motion. The members voting 'yes' were Mr. Bright, Mr. Shell, and Ms. Taylor. The motion passed unanimously.

The Board was informed that the proposed Board for Opticians regulations for registration for voluntary practice by out-of-state licensees was approved by the Governor and was published in the Virginia Register on July 26, 2004. The 60-day public comment period began on July 26, 2004, and will end September 24, 2004. The Board will conduct a public hearing pertaining to the proposed regulations on September 24, 2004 at 10:00 a.m. at DPOR.

**Regulations: 18
VAC 100-20-53.
Registration for
Voluntary Practice
By Out-Of-State
Licensees**

The Board was informed that the proposed Board for Opticians regulations for a fee increase was approved by the Governor and will be published in the Virginia Registrar August 9, 2004. The 60 day public comment period will begin August 9, 2004, and end October 8, 2004.

**Regulations: 18
VAC 100-20-54.
FEES and 18 VAC
100-20-81.**

The Board will conduct a public hearing pertaining to the proposed regulations on September 24, 2004 at 10:00 a.m. at DPOR.

**Reinstatement
required.**

The Board took under consideration the date of the next board meeting. Upon a motion by Mr. Shell and seconded by Ms. Taylor the Board voted to move the October 8, 2004 meeting date to November 12, 2004. The members voting 'yes' were Mr. Bright, Mr. Shell, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

**Next Meeting
Date**

The Board took under consideration representation at the National Committee of State Opticianry Regulatory Boards Conference scheduled for October 22-23, 2004, in Lexington, Kentucky. Mr. Shell made a motion to approve Mr. Bright to represent the Board at the conference. Ms. Taylor seconded the motion. The members voting 'yes' were Mr. Bright, Mr. Shell, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

**National
Committee of State
Opticianry
Regulatory Boards
Conference**

There being no further business to be brought before the Board, the Chair adjourned the meeting at 12:10 pm.

Adjourn

Jon D. Bright, Chair

Louise Fontaine Ware, Secretary

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