

BOARD FOR OPTICIANS

MINUTES OF MEETING

The Board for Opticians met on Friday, December 8, 2006 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 members not present: Marcia D. Carney, M.D.
Susan B. Schorling

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

Karen W. O'Neal, Deputy Director, LRD
Steven L. Arthur, Deputy Director for Administration & Finance
Bonnie Rhea Adams, Director of Complaints Analysis & Resolution
Stacy Payne, Lead Investigative Analyst
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Sharon M. Sweet, Director of Education and Examination
Rashaun K. Minor, Administrative Assistant

A representative from the Office of the Attorney General was not present.

Mr. Bright, determined there was a quorum and called the meeting to order at 9:40 a.m. **Call to Order**

Upon a motion by Ms. Taylor and seconded by Mr. Shell the Board voted to approve the agenda with amendments, adding: **Approval of Agenda**

- the practical exam
- DPOR Biennial Report

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

Mr. Bright asked for public comment. There was no public comment. **Public Comment**

Upon a motion by Ms. Taylor and seconded by Mr. Shell the Board voted to approve the minutes as written of the: **Approval of Minutes – August 18, 2006**

August 18, 2006 Board for Opticians Board Meeting, and
August 18, 2006 Informal Fact-Finding Conference.

**Board Meeting
and
August 18, 2006
IFF**

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

The Board discussed options available to conduct a task analysis of the
opticianry industry as provided in a letter from Dr. David J. Urba, of
VCU. Mr. Bright presented the efforts of the National Committee of
State Opticianry Regulatory Boards (NCSORB) to determine the
support of other states for a task analysis survey.

Task Analysis

Mr. Bright advised the Board that one of the greatest obstacles besides
swaying state boards to support a national exam is funding for the task
analysis survey.

Steve Arthur and Sharon Sweet provided input on options and rational.

Another problem to consider is what cost may incur after doing the
survey. These may be the costs associated with the next steps that may
be involved with the results of the task analysis.

Upon a motion by Mr. Shell and seconded by Ms. Taylor, the Board
voted to table the opticianry task analysis and discuss the options at a
future board meeting.

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

Mr. Bright reported that the National Committee of State Opticianry
Regulatory Boards' (NCSORB) annual meeting will be held January 26-
27, 2007 in St. Petersburg, Florida. The meeting will be held in
conjunction with the Opticians Association of American's (OAA) state
leadership conference.

**National
Committee of
State Opticianry
Regulatory Boards
2007 Annual
Meeting**

The Board approved all three board members to attend the annual
NCSORB meeting and share the allocated funds.

The Board reviewed its quarterly board statistics for informational
purposes. The report indicated three complaints.

**Quarterly
Statistics**

Ms. Adams, with the Complaints Analysis & Resolution division,
introduced herself and Ms. Payne, Investigator, to the Board.

Ms. Adams reported that the Board received three complaints dealing

with decorative cosmetic contact lens; three beauty supply entities were selling decorative cosmetic contact lens without a prescription. Ms. Adams stated that there was no violation of the Board for Opticians regulations.

The Department of Health Professions (DHP) was contacted to determine if the complaints fell under the Board for Optometry. The Board of Optometry advised their regulations do not give them jurisdiction for taking action because the individuals are not "acting" as Optometrists and such complaints are forwarded to FDA.

The Board was advised that the cases were closed and forwarded to the Federal Food and Drug Administration (FDA) for investigation.

Ms. Adams advised the Board that consumers may access information on the DPOR website www.dpor.virginia.gov and DHP website www.dhp.virginia.gov of the hazards of decorative cosmetic contact lens use without a valid prescription; the websites also give information of where to report complaints.

DPOR website: Consumers may report complaints about decorative contact lenses to MedWatch, the FDA's voluntary reporting program – 800-FDA-1088.

DHP website: On November 9, 2005, an amendment to the Federal Food, Drug, and Cosmetic Act became effective and provides that all contact lenses are to be considered medical devices. As such, even cosmetic or plano lenses require a valid prescription to be dispensed to consumers.
<http://www.fda.gov/cdrh/comp/guidance/1613.html>

The Optician exam was held December 1, 2006. Therefore, examination statistics had not been compiled for all portions of its examination. For informational purposes the Board reviewed available statistics

**Examination
Statistics**

The Board discussed the grading procedures of the practical examination when administered in Wytheville, Virginia. Ms. Taylor stated that all portions of the exam are mailed directly to DPOR. Ms. Taylor expressed concerns of shipping the bench ailments portion of the exam and requested that the Board allow this portion of the exam to be graded at the examination location.

**Other Board
Business**

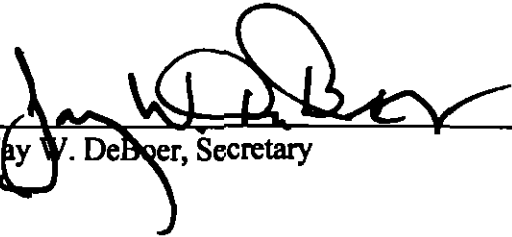
Upon a motion by Mr. Shell and seconded by Ms. Taylor the Board voted to allow the bench ailments to be graded at the examination location.

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

Since there was no further business to be brought before the Board, the **Adjourn**
meeting was adjourned at 11:41 a.m.



Jon D. Bright, Chair



Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
For Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Billie L. Taylor
2. Title: Board Member Virginia Board for Opticians
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting on December 8, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: _____

Billie Taylor

Date: _____

12-8-06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

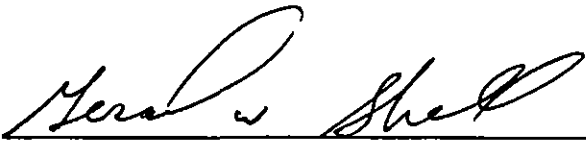
**TRANSACTIONAL DISCLOSURE STATEMENT
For Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: Gerald W. Shell
- 2. Title: Board Member Virginia Board for Opticians
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting on December 8, 2006
- 5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature:  Date: 12/8/2006

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
For Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Jon D. Bright
2. Title: Board Member Virginia Board for Opticians
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting on December 8, 2006
5. Nature of Personal Interest Affected by Transaction: _____

NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

NONE

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: _____



Date: _____

12/8/06