

Call to Order

The July 14, 2023, Virginia Board of Optometry meeting was called to order at 9:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia 23233.

Presiding Officer

Lisa G. Wallace-Davis, O.D., President

Members Present

Devon B. Cabot, Citizen Member, Vice-President

Gerald R. Neidigh, Jr., O.D.

Fred E. Goldberg, O.D.

Clifford A. Roffis, O.D.

Evan J. Kaufman, O.D.

Staff Present

Arne W. Owens, Agency Director

Leslie L. Knachel, Executive Director

Kelli Moss, Deputy Executive Director

Erin Barrett, Director of Legislative & Regulatory Affairs

Yetty Shobo, Director of Healthcare Workforce Data Center & Data Analytics Division (HWDC)

Barbara Hodgdon, Deputy Director of HWDC

Laura A. Booberg, Assistant Attorney General, Board Counsel

Laura Jackson, Board Administrator

Laura Paasch, Senior Licensing Specialist

Public Present

Bo Keeney, Virginia Optometric Association

Maddy Busse

Ella Hayes, DHP Intern

Establishment of Quorum

With six board members present, a quorum was established.

Introductions

Dr. Wallace-Davis welcomed Arne Owens, the new DHP Director, who began his appointment on November 1, 2022.

She announced that the agency has a new Chief Deputy Director, James Jenkins, who began his appointment on November 30, 2022.

Laura Booberg was introduced as the new Assistant Attorney General assigned to the Board of Optometry.

Ordering of Agenda

Dr. Wallace-Davis opened the floor to any changes to the agenda. Hearing no changes, the agenda was accepted as presented.

Public Comment

There were no requests to provide public comment.

Approval of Minutes

Dr. Wallace-Davis stated that the minutes from the August 5, 2022, Regulatory Advisory Panel were previously approved and are removed from this voting block. She opened the floor to any additions or corrections regarding the draft minutes from the following meetings:

- August 26, 2022, Full Board Meeting
- January 20, 2023, Regulatory Committee Meeting

Hearing no additions or corrections, the minutes were approved as presented.

Agency Director's Report

Mr. Owens provided an update on the agency's activities.

Legislative/Regulatory Report

Ms. Barrett provided information on the following:

- 2023 legislative update
- Regulatory update
 - Current Regulatory Actions
 - Report on optometrists performing laser surgery
 - Proposed regulations for optometrist annual reporting

Dr. Neidigh made a motion to adopt the proposed regulations for optometrists annual reporting. The motion was seconded by Ms. Cabot. The motion carried unanimously.

- Proposed regulations for laser surgery certification
The Board discussed the date when all applicants shall meet the requirements for laser surgery. The Board requested a date of January 1, 2033.

Ms. Cabot made a motion to require at least two proctored sessions for each of the three laser surgery procedures to obtain certification. The motion was seconded by Dr. Goldberg. The motion carried unanimously.

Dr. Goldberg made a motion to adopt the proposed regulations with the proctored session amendment. The motion was seconded by Ms. Cabot. The motion carried unanimously.

- Issuance of periodic review

Dr. Roffis made a motion to bring the regulatory process for the periodic review of Chapter 20. The motion was seconded by Dr. Neidigh. The motion carried unanimously.

- Fast-track regulatory action to allow agency subordinates to hear credentials cases

Dr. Goldberg made a motion to adopt the fast-track action to allow agency subordinates to hear credential cases. The motion was seconded by Dr. Kaufman. The motion carried unanimously.

- Guidance Document 105-26 Guidance on process of delegating informal fact-finding to an agency subordinate

Dr. Neidigh made a motion to adopt Guidance Document 105-26 Guidance on the process of delegating informal fact-finding to an agency subordinate as presented. The motion was seconded by Dr. Roffis. The motion carried unanimously.

- Guidance Document 105-2 Guidance on Light Adjustable Lens

Ms. Cabot made a motion to adopt Guidance Document 105-2, Guidance on Light Adjustable Lens as presented. The motion was seconded by Dr. Neidigh. The motion carried unanimously.

- Policy review for electronic participation policy amendment

Dr. Kaufman made a motion to adopt the revised the electronic participation policy

as presented. The motion was seconded by Dr. Goldberg. The motion carried unanimously.

Discussion Items

2023 Optometry Healthcare Workforce Data Center Report

Dr. Yetty Shobo and Dr. Barbara Hodgdon reported on the 2023 Optometry Healthcare Workforce Data Center report.

National examination information

Ms. Knachel provided information on the national examination.

Board Counsel Report

Ms. Booberg had no information to report to the Board.

President's Report

Dr. Wallace-Davis did not have anything to report.

ARBO Report

Dr. Wallace-Davis reported that Dr. Kaufman, Dr. Goldberg, and Ms. Knachel attended the 2023 ARBO Annual Meeting held June 18-20 in Alexandria, VA. She provided a recap of the information discussed the meeting.

Board of Health Professions' Report

Ms. Knachel stated that due to lack of quorum there have been no meetings of the Board of Health Professions thus far in 2023. The Board of Optometry did not have a representative at this time.

Staff Reports

Ms. Knachel recognized Dr. Wallace-Davis and Ms. Devon Cabot with a plaque. Both board members provided eight years of service to the Board and the Commonwealth.

Ms. Knachel provided information on board statistics, outreach efforts and the 2024 Board calendar. The 2024 ARBO Annual Meeting will be held in Nashville, TN.

Ms. Moss provided an update on open and closed discipline cases.

New Business

Elections

Dr. Kaufman made a motion to nominate Dr. Neidigh to serve as the Board's President. The motion was seconded by Dr. Roffis. No other nominations were received. Voting by roll-call ballot was unanimous and the motion carried for Dr. Neidigh to serve a one-year term as

President immediately upon appointment of the current President's successor. Dr. Neidigh will serve until December 31, 2024.

Dr. Roffis made a motion to nominate Dr. Kaufman to serve as the Board's Vice-President. The motion was seconded by Dr. Neidigh. No other nominations were received. Voting by roll-call ballot was unanimous and the motion carried for Dr. Kaufman to serve a one-year term as Vice-President immediately upon appointment of the current Vice-President's successor. Dr. Kaufman will serve until December 31, 2024.

Next Meeting

The next full board meeting is scheduled for November 3, 2023.

Adjournment

Hearing no objections, Dr. Wallace-Davis adjourned the meeting at 12:15 p.m.

Board President

Leslie L. Knachel, MPH
Executive Director