

### **Call to Order**

The August 26, 2022, Virginia Board of Optometry meeting was called to order at 9:00 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, 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.

### **Members Absent**

Evan J. Kaufman, O.D.

### **Staff Present**

Leslie L. Knachel, Executive Director

David E. Brown, D.C., Agency Director

Kelli Moss, Deputy Executive Director

Erin Barrett, Senior Policy Analyst DHP

Charis Mitchell, Assistant Attorney General, Board Counsel

Laura Jackson, Board Administrator

Laura Paasch, Licensing & Operations Specialist

### **Public Present**

Laura McHale, Virginia Optometric Association

Clark Barrineau

Christopher Fleury

Cal Whitehead

### **Establishment of Quorum**

With five board members out of six present, a quorum was established.

## **Introductions**

Dr. Wallace-Davis introduced Dr. Gerald Neidigh, the new Optometry board member.

## **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 opened the floor to any additions or corrections regarding the draft minutes from the following meetings: March 8, 2022, Full Board meeting and Public Hearing; and August 5, 2022, Regulatory Advisory Panel – Scope Expansion meeting. Ms. Knachel noted that the missing page from the Regulatory Advisory Panel meeting could be found on page 36 of the agenda package. Hearing no additions or corrections, the minutes were approved as presented.

## **Agency Director's Report**

Dr. Brown provided an update on the agency's activities since the last meeting.

## **Legislative/Regulatory Report**

Ms. Barrett provided information on the following:

- Submission of amendments to Optometry's Chapter 32 of the Code;
- Current regulatory action awaiting the Governor's review;
- Notice of Intended Regulatory Action (NOIRA) – Reporting Requirement for All Licenses

Dr. Goldberg made a motion to issue a notice of intended regulatory action to amend Chapter 20 to require optometrists to annually register with the Board and report:

- (i) Any disciplinary action taken against a person licensed by the Board in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation;
  - (ii) Any malpractice judgment against a person licensed by the Board;
  - (iii) Any settlement of a malpractice claim against a person licensed by the Board;
  - (iv) Any evidence that indicates a reasonable belief that a person licensed by the Board is or may be professionally incompetent, has or may have engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, has or may have engaged in unprofessional conduct, or may be mentally or physically unable to engage safely in the practice of his profession.
- The motion was properly seconded by Dr. Neidigh. The motion carried unanimously.

- NOIRA – Laser Surgery Regulations

- Presentation on the regulatory process
- Recommendations from the Regulatory Advisory Panel

Ms. Cabot made a motion to issue a NOIRA to amend Chapter 20 to adopt requirements for fee structure, issuance of a certification, requirements for certification, renewal of certification, reporting requirements, and quality assurance review process consistent with Chapter 17 of the 2022 Acts of Assembly. The motion was properly seconded by Dr. Roffis. The motion carried unanimously.

- 105-10 Guidance on End of a Contact Lens Fitting

Dr. Neidigh made a motion to revise Guidance Document 105-10 Guidance on the End of the Contact Lens Fitting as presented. The motion was properly seconded by Dr. Roffis. The motion carried unanimously.

- 105-13 Guidance on Performing Free Eye Screenings

Dr. Neidigh made a motion to accept Guidance Document 105-13 Guidance on Performing Free Eye Screenings as presented. The motion was properly seconded by Ms. Cabot. The motion carried unanimously.

### **Discussion Items**

Documentation requirement for 18VAC105-20-16, Requirements for TPA Certification.

Ms. Knachel provided background information for discussion on 18VAC105-20-16, Requirements for TPA certification. She requested that the Board consider amending the necessary documentation to provide competency to prescribe therapeutic pharmaceutical agents. The consensus of the Board is to move forward with an endorsement process. Dr. Wallace-Davis requested that amended regulations be provided at the next board meeting for consideration.

2022 Optometry Healthcare Workforce Data Center Report

Dr. Yetty Shobo reported on the 2022 Optometry Healthcare Workforce Data Center report results.

### **Board Counsel Report**

Ms. Mitchell reported that an assistant attorney general was hired for a vacant position within her section.

### **President's Report**

Dr. Wallace-Davis reported on information discussed during the June 2022 ARBO annual meeting held in Chicago, Illinois

### **Board of Health Professions' Report**

Ms. Knachel also serves as the Executive Director for the Board of Health Professions. She stated that the Optometry board seat was currently vacant and asked if a board member would

be interested in serving. Dr. Goldberg expressed interest in serving as the Board of Optometry's representative.

### **Staff Reports**

Ms. Knachel provided information on board statistics, outreach efforts and the 2023 calendar.

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

### **New Business**

#### Elections

Dr. Goldberg made a motion for the nomination of Dr. Wallace-Davis to continue serving as the Board's President. The motion was properly seconded by Dr. Roffis. No other nominations were received. Voting by roll-call ballot was unanimous and the motion carried for Dr. Wallace-Davis to serve another one-year term as President beginning January 1, 2023.

Dr. Roffis made a motion for the nomination of Ms. Cabot to continue serving as the Board's Vice-President. The motion was properly seconded by Dr. Goldberg. No other nominations were received. Voting by roll-call ballot was unanimous and the motion carried for Ms. Cabot to serve another one-year term as Vice-President beginning January 1, 2023.

### **Next Meeting**

The meeting scheduled for October 28, 2022, is cancelled. The next full board meeting is scheduled for February 17, 2023.

### **Adjournment**

Hearing no objections, Dr. Wallace-Davis adjourned the meeting at 11:14 a.m.