

WEST VIRGINIA BOARD OF OPTOMETRY

Board Meeting
February 20, 2017

AR 18

Minutes

Present: Dr. Ratcliff, Dr. Odekirk, Dr. Christen, Dr. Griffith Staff: Kate Campbell, AG Board Counsel; Pam Carper, Executive Director Absent: Dr. White, Mr. LeRose, Mr. Keener

Establish Quorum and Minutes

Dr. Odekirk declared a quorum with four of seven members present. Dr. Odekirk asked if there were any changes in the minutes as presented. There were none. Dr. Ratcliff made a motion to approve the minutes as written. Dr. Christen seconded the motion. The vote to approve the minutes was passed unanimously.

Financial and P card Report

Ms. Carper presented the financial report. The Board had underspent its budget goal by \$19,210.32. The income for FY 2017 so far was \$41,775. The cash balance as of January 31, 2017, was \$209,660.95. The only line item that appears to be off track is line item 3263, Bank Costs. The website developer needed to test the automated e-Commerce license verification and license renewal components extensively. Each time a transaction was enacted it showed was a P card expense. However, due to the nature of the e-Commerce services, the overage was reported as income from the license verification and renewal website services. Dr. Griffith made a motion to approve the Financial Report. Dr. Christen seconded the motion. The vote to support the motion was unanimous.

Ms. Carper presented the P card transactions to the Board. Dr. Ratcliff made a motion to approve the P card Report for November 2016, December 2016, and January 2017. Dr. Griffith seconded the motion. The vote to support the motion was unanimous.

Simple Contacts and the Eye Care Consumer Protection Act

Dr. Griffith and Ms. Carper presented their information on Simple Contacts and iPhone application to test eyesight that does not include important wellness factors. There was a concern that patients' eye health may be comprised if they thought that the application was a substitute for an in-person complete eye exam. The Simple Contacts model would be a violation of the Eye Care Consumer Protection Act if an optometrist were making a contact lens prescription using the application.

Ms. Carper requested that the Board consider hiring a professional investigator for the case because the technology at the Board Office did not permit her to use the iPhone application. The Board decided to contact the Board of Medicine to see if they might be willing to share the cost of the investigation since the Simple Contacts application may be in violation of their telemedicine statutes.

Legislative Bills and Legislative Concerns

Ms. Carper presented a list of bills that might affect the Board or healthcare. There were not questions. Ms. Carper reported that the Board's Modified Continuing Education rule, W. Va. Code of Rules, §14-1, was passed by the committee without any changes. It may be folded into a bill with other state entities for consideration.

New IOD Licenses Issued for Graduates of SCO UAL, NEOSU and Indiana Optometry Schools

Ms. Carper presented the memorandum to new licensees who graduated from certain optometry schools of the Board's review of injection curricula and testing that resulted in an upgrade to full injection administration license status without further training. The schools that met all of the criteria of the W. Va. Code, §30-8, and W. VA. Code of Rules, §14-11, were The University of Alabama Optometry School the Northeastern Oklahoma State University Optometry School, Indiana University School of Optometry and the Southern College of Optometry.

Executive Session

Dr. Ratcliff made a motion to go into executive session to discuss complaints and possible disciplinary action to maintain due process. Dr. Christen seconded the motion. The vote to support the motion was unanimous. Dr. Ratcliff made a motion to come out of executive session. Dr. Christen seconded the motion. The vote to support the motion was unanimous.

Complaint Report

Dr. Griffith presented the Complaint Report along with his recommendations in consultation with the Board's AG Counsel, Ms. Kate Campbell. After review of the report, Dr. Ratcliff made a motion to make a finding of no probable cause for complaints 16-04, 16-06, 16-09, 16-20, 16-11 and 16-12. Dr. Christen seconded the motion. The vote to support the motion was unanimous. Dr. Griffith abstained. Dr. Ratcliff made a motion to make a finding of no jurisdiction for OPTOM 16-05 and 16-08. Dr. Christin seconded the motion. The vote to support the motion was unanimous. Dr. Griffith abstained. Dr. Christen made a motion to find probable cause in OPTOM 16-13 and to pursue a consent decree with the licensee to take 1 hour from his 7/1/16 – continuing education accumulation to cover his 1-hour deficit from the 7/1/14 – 6/30/16 period. Dr. Ratcliff seconded the motion. The vote to support the motion was unanimous.

Next Meeting

The next meeting of the Board of Optometry will be held at the Greenbrier resort to allow more licensees to attend the meeting. The Meeting will be held on May 18 at 9:00 a.m.

Adjournment

With no further business before the Board, Dr. Odekirk declared the meeting to be adjourned.

Respectfully submitted,

William Ratcliff

William Ratcliff, O.D.
Board Secretary-Treasurer