

WEST VIRGINIA BOARD OF OPTOMETRY

Board Meeting November 10, 2016

Minutes

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

Establish Quorum

Dr. White declared a quorum present with all seven members present.

Welcome New Board Members

Dr. White welcomed our newly appointed Board members: Robert Christen, O.D., Thomas Griffith, O.D., and Steven LeRose. Dr. White appointed Dr. Christen to be Rules Chairman. Dr. White also appointed Dr. Griffith as Complaint Chairman.

Attendance of WV State Auditor's Board Seminar Training

Dr. White encouraged the new board members to attend the Auditor's Board Member Training. Ms. Carper reported that all new members had registered for the training. Dr. White will attend as well.

Board Minutes

Ms. Carper called attention to the Board member packets distributed prior to the meeting. Dr. Odekirk asked to be added as attending the Board meeting on August 24, 2016. Mr. Keener made a motion to approve the minutes for July 9, 2016, July 28, 2016, and August 24, 2016, as corrected. Dr. Ratcliff seconded the motion. The vote to support the motion was unanimous.

Financial and P card Report

Ms. Carper reported that the Board had underspent its budget target by \$5,431.53 as of October 31, 2016. The Board has received \$36,700.00 in fees during the FY17 fiscal year. The Board had a cash balance of \$227,771.42 as of October 31, 2016. Ms. Carper reported that the travel line item was underspent by \$3878.90. Part of this was due to the fact that hotel costs for the 2016 ARBO Annual Meeting were charged in FY2016. Ms. Carper reported that the Bank Costs line item was overspent because of extensive testing of the new website and interface of the new site with the WV State Treasurer's E-gov system. Each time a paid service, such as license verification or license renewal needed to be tested the P card was charged to complete the transaction. The money is deposited back into the Board's account, but a service fee is

charged to the Board. Ms. Carper will refund the transactions. This will reduce spending in the Bank Costs line item and the fees received line. The two items will balance each other out. Dr. Ratcliff made a motion to approve the financial report. Dr. Odekirk seconded the motion. The vote to support the motion was unanimous.

Ms. Carper called attention to the P card transaction reports for July, August and September 2016 that were a part of the Board member packet sent prior to the meeting. Ms. Carper pointed out that the license renewal tests were listed as part of testing the new website. Ms. Carper asked if there were any questions. There were none. Dr. Ratcliff made a motion to approve the P Card reports for July, August, and September 2016. Dr. Odekirk seconded the motion. The vote to approve the motion was unanimous.

License Interviews – Executive Session

Dr. Ratcliff made a motion to go into executive session for license interviews. Dr. Griffith seconded the motion. The vote to support the motion was unanimous.

Dr. Ratcliff made a motion to come out of Executive Session. Dr. Griffith seconded the motion. The vote to support the motion was unanimous.

Dr. Odekirk made a motion to grant David Beecher, O.D. at the injection administration level. Mr. Keener seconded the motion. The vote to support the motion was unanimous.

Dr. Ratcliff made a motion to grant Janet Summers, O.D. a license with oral prescriptive authority. Dr. Summers has a deadline of June 30, 2018, to obtain injection administration certification. Dr. Christen seconded the motion. The vote to support the motion was unanimous.

Injection Requirements for New Graduates

Dr. Sammons and Dr. Suppa presented their concerns regarding the requirement for the new graduates to take the injection certification course in order to be certified in all four types of injections: IV, IM, subconjunctival and subcutaneous. The optometry school they attended provided an injection certification course, including a lab where the techniques of injection were taught and tested on human subjects. They felt that the injection certification course offered by the Southern College of Optometry was a duplication of the training they had received. Dr. Sammons and Dr. Suppa felt that the requirement puts an undue financial burden on new graduates.

Dr. Ratcliff said that the types of injection certification courses offered by all the optometry schools were different. The Board had no proof that each school provides instruction including all of the requirements and testing in of W. Va. State Code of Rules, §14-11 and the “Injection Packet.” The National Board of Examiners of Optometry tests only two types of injections, IV

and IM. The Board would need to see proof from each optometry school in question to ensure that the requirements of W. Va. Code, §30-8-15, and W.Va. State Code of Rules, §14-11 are met.

Ms. Carper presented a way that the Board may proceed. The “Injection Packet” could be amended so the injection certification course could be waived for graduates from schools whose injection programs were reviewed and approved by the Board. The Board will develop a tool to solicit the details of injection certification programs in the optometry schools of Indiana College of Optometry, the Pennsylvania School of Optometry, the Southern College of Optometry and the Ohio State University School of Optometry.

CE Audit Results

Ms. Carper presented the results of the CE Audit for the CE period of 7/1/14 – 6/30/16. The licensees who had less than 43 hours of CE received an email in September 2015 listing the number of CE hours listed in their OE Tracker record so they may be aware of their deficit. They also received an email and letter by postal mail listing the number of CE hours listed in OE Tracker and the number of deficit hours on March 22, 2016. A Pre-Audit email on August 17, 2016, and a postal mail reminder on September 13, 2016, were sent as well. Many of those with shortages in their OE tracker records came into compliance with CE requirements. Only 7 or 2% of active licensees still had a deficit of CE hours in their OE Tracker record.

Ms. Carper reported that this was a great improvement over the audit for the CE period 7/1/12 – 6/30/14. The 2012 to 2014 audit began with 45% non-compliance with OE Tracker hours before all but a few became compliant. The CE Pre-Audit for the 7/1/14 – 6/30/16 period began with 26 with CE hours short or only 9%. Those who are still showing a deficit in OE Tracker are now only 7 licensees or just 2% of licensees.

Ms. Carper presented the Board with an Excel spreadsheet of those licensees who are still short of CE hours in OE Tracker. They were identified by initials. Dr. Odekirk made a motion that the Board accepts the two make-up hours outside 6/30/16 toward the 7/1/14 – 6/30/16 CE period for DBM. Those two hours may not be counted toward the 7/1/16 – 6/30/18 CE period. Dr. Ratcliff seconded the motion. The vote to support the motion was unanimous.

Dr. Ratcliff made a motion that the Board issue complaints against the remaining six licensees, CC, NC, MG, JO, RW, and CW. Dr. Christen seconded the motion. The vote to support the motion was unanimous.

Dr. Ratcliff asked if the licenses were given an opportunity to turn in paper records to meet CE requirements. Ms. Carper said the pre-audit letters did not list that option since compliance with OE Tracker was so poor in the 12 to 14 period. (Ms. Carper reported to the members the next day stating that some licensees asked if they could turn in paper records to supplement the OE Tracker record. They were allowed to do so. DBM was one of the licensees who did so.)

Dr. Ratcliff asked about the Board initiated complaint OPTOM 16-03. Why had the full Board not been informed of the details of the case? Ms. Carper reported that there had been no Complaint Chairman to make a recommendation to the Board regarding the case. The newly appointed Chairman could now review the evidence and make a recommendation to the Board.

Legislative Concerns and Projects

Ms. Carper reported that the Board had approved the modified version of W. Va. Code of State Rules, §14-10 amendment that incorporated the changes recommended by the Legislative Rulemaking Review Committee. There will be no further action on the amendment until the 2017 Legislative Session.

Ms. Carper presented a summary of tools available in the W. Va. Code and W. Va. Code of State Rules to reduce antitrust liability. A copy of the Federation of Associations of Regulatory Boards model to reduce antitrust liability was attached. Ms. Carper said that Ms. Campbell had a memo from the Attorney General's Office that went into more detail regarding the existing structures to address the antitrust issue that was raised in the Federal Trade Commission vs. North Carolina Dental Board Supreme Court Case. Ms. Campbell distributed the memo.

Ms. Campbell reported that the legislation proposed by Mr. McGraff who presented to the Joint Committee on Government Organization in September may be introduced in the next Legislative Session.

Dr. Odekirk suggested that Ms. Carper be allowed to attend the FARB Conference in January 2017. The Board agreed.

Patient Records Upon Licensee's Death

Ms. Campbell reported that there was no provision in the W. Va. Code to address the issue of patient records when an optometrist has died. The Board members expressed that the records should be made available to patients and that HIPPA regulations should be followed in handling the records. Dr. Ratcliff reported that the optometrist referenced in the inquiry was not dead yet.

Lens Crafters Advertisements

The Board discussed the recent advertisements by Lens Crafters. The advertisement did not specifically state anything about the practice of optometry. Therefore the Board had no jurisdiction to investigate.

ARBO Report

Dr. Odekirk reported that there had been no new developments from the Association of Regulatory Boards of Optometry. There will be a new certification process regarding COPE CE that will begin in 2017.

Next Meeting

The next meeting of the board will be held on Monday, February 20, 2017, at 2:00 p.m. at the Board office at 179 Summers Street, #231, Charleston, WV 25301.

Respectfully submitted,

Steven Odekirk

Steven Odekirk, O.D.
Secretary-Treasurer