

**Vermont Secretary of State
Office of Professional Regulation
BOARD OF OPTOMETRY
Approved Minutes
November 19, 2008**

1. The meeting was called to order at 8:44 A.M.

Members present: Jon Eriksson, O.D. Chairman; Lois Shiozawa, O.D.; and Daniel DaPolito, O.D.
Absent: Joyce Zampieri.

OPR Staff: Christopher D. Winters, Esq., Director; Larry S. Novins, Board Counsel; and Carla Preston, Unit Administrator.

2. The Chair called for approval of the Minutes of the September 17th meeting. Dr. DaPolito made a motion, seconded by Dr. Shiozawa, to approve the Minutes of the September 17, 2008 meeting as presented. Motion passed unanimously.

3. **Reports**

The Board asked about the status of its request for additional drugs to be added to the formulary. At its April 2nd meeting the Board approved practitioners request for two additional drugs, Oral Minocycline and Oral Erythromycin, to be added to the formulary. On or about April 30, 2008, the Board's request was forwarded to the Director of OPR which included the reasons for approving those drugs and the reasons why other drugs requested by practitioners were not approved by the Board.

According to 26 V.S.A. § 1724a and the established formulary protocol (amended January 2008), the Board's request is forwarded to the director of OPR who forwards it to the Commissioner of Health and the chairs of the Ophthalmology and Pharmacology Departments of the University of Vermont School of Medicine. Members of the Board indicated that they were receiving questions from practitioners as to the status of that request, the procedure for obtaining approval of drugs, and comments as to the effectiveness, value or need of the formulary in general. The Board questioned why three entities needed to approve requests for additional drugs and was concerned about turf issues with ophthalmology and pharmacology.

Director Winters acknowledged that he had received the Board's request and apologized for not following through on it. He said he believed that obtaining approval from the other groups would not be a problem but noted that the protocol could be modified if problems or delays were evident. He asked the Board to give the current protocol as established a chance. He said the Board's request would immediately be forwarded to the Vermont Department of Health and to the Chairpersons of those departments as noted above. Director Winters said that they have 60 days in which to respond to the request. He again apologized for the delay on his part.

Ms. Preston agreed to draft letters for the Director's signature. They will be sent out this week and copied to members.

4. Hearings/Stipulations - None

5. **Legislation/Rules**

Attorney Novins drafted legislative changes as discussed at the September meeting. Many provisions were outdated and no longer practical.

5. Legislation/Rules - continued

The proposed changes are highlighted as follows: Certain provisions under Section 1708 Powers and Duties were deleted that were covered in other statutes. The Board deleted Section 1714 Procedure for Examination since it utilizes a national examination and no longer administers its own examination. Section 1715 Qualifications for Examination was amended to clarify and update the licensing standards. Section 1716 Licensure by Endorsement was amended to clarify and update the procedure and qualifications and eliminated the active practice requirement which Vermont licensees are not obligated to fulfill to renew their licenses. Section 1716a Renewal was amended to allow the Board by rule to require continuing education for persons who have been licensed less than a full two-year period. Section 1721 Remedies was repealed as it is covered under Title 3. Section 1725 Application; examination was deleted because it has been a prerequisite to graduation from any optometric school for almost 30 years. The Board reviewed the draft and agreed the proposed changes reflected the prior discussion. The proposed changes will be included the Office bill to be considered during the 2009 legislative session.

The Board mentioned the possibility of changing the composition of the board from three professionals to four professionals with one public member. This topic will be revisited at future meetings.

6. Audit Results

The Board reviewed documents submitted from the following licensees who were audited for co-management of five new patients diagnosed with glaucoma or continuing education credits. The Board's findings are stated below.

- a. **Sheila Hastie, O.D.** – The Board found that based on the information submitted Dr. Hastie has met the criteria and may treat glaucoma patients independently as set forth in Title 26 V.S.A. § 1729a.
- b. **Tiffany D. Pincombe, O.D.** – The Board found that based on the information submitted Dr. Pincombe has met the criteria and may treat glaucoma patients independently as set forth in Title 26 V.S.A. § 1729a.
- c. **Lois Shiozawa, O.D.** – The Board found that based on the information provided, Dr. Shiozawa has met the criteria, however since there was no longer a quorum when Dr. Shiozawa recused herself, the matter was tabled for Joyce Zampieri's review and approval. Once Ms. Zampieri indicates approval, Dr. Shiozawa will be approved to treat glaucoma patients independently as set forth in Title 26 V.S.A. § 1729a. [Approval granted 11-26-08]
- d. **Scott Webb, O.D.** – The Board will follow up with its October 24th letter to Dr. Webb concerning confusion around the dates of one of the patient's he submitted. He is not yet eligible to treat glaucoma patients independently.
- e. **Hayes I. Sogoloff, O.D.** – (Continuing Education) – The Board found that Dr. Sogoloff exceeded the number of correspondence courses allowed for the period of August 1, 2006 through July 31, 2008. The Board agreed to accept two credits that he had earned in September of 2008 for compliance with the previous period. Dr. Sogoloff will be reminded that the courses used to satisfy that renewal period may not be applied to the current renewal period (August 2008 through July 2010). The Board will advise him that he must submit all of his documentation for the continuing education credits he has taken when he renews in 2010.

7. Newsletter topics

The Board voted to send out a newsletter in early 2009. Dr. Eriksson will cover the results of the audit for co-management and treating glaucoma in his Chairman's report. Topics to be covered would include the results of its request for additional drugs on the formulary, proposed legislative changes, a reminder for licensees to contact the Secretary of State's Office versus board members independently, OPR's new licensing system, statistics, etc. The Board will also encourage licensees to voluntarily send in their evidence of having treated five newly diagnosed glaucoma patients in collaboration with an ophthalmologist.

8. Correspondence

- a. The Board reviewed the November 10, 2008 letter from Stephen Feltus, OD asking the Board to reconsider its position on standardization of minimum requirements for uniform licensure. The Board noted that it does not disagree with raising the standards of practice however it is concerned about making it more difficult for persons applying for licensure by endorsement than for those who currently reside and practice in the State of Vermont. The standards must be the same for current licensees and for those applying for licensure. The Board feels that the statutes provide public protection because it is unprofessional conduct for licensees to practice beyond their scope of practice or knowledge. The Board was unaware of how other states were implementing this requirement and whether the additional coursework and examinations were a condition of maintaining licensure in that state. The Board will respond to Dr. Feltus and invite him to the next meeting to discuss this issue in person. The next meeting is scheduled for March 18, 2009.
- b. The Board reviewed the E-Mail from Kim Hade with Ophtherion, Inc., which is a Connecticut based biotech company that is developing diagnostic and disease modifying products for the management and treatment of macular degeneration. She asked whether optometrists may order genetic testing. The Statutes and Rules governing the profession do not address this issue. The Board concluded that those tests and their results would best be ordered and evaluated by a patient's primary care physician.
- c. The Board reviewed Dr. Steven St. Marie's E-mail concerning expiration dates for contact lenses prescriptions. Dr. St. Marie will be referred to Title 26 V.S.A. § 1727 which addresses this issue.

9. Association of Regulatory Boards of Optometry, Inc. - Correspondence

The Board reviewed and noted miscellaneous correspondence from ARBO.

10. American Optometric Association - Correspondence

The Board reviewed and noted the September edition of "The Green Sheet."

11. National Board of Examiners in Optometry - Correspondence

12. Public Comment

13. Other Business

14. The next meeting of the Board is scheduled for **Wednesday, March 18, 2009** at 8:30 AM. The following meetings for 2009 are scheduled for June 3rd and September 16th.

15. There being no further business the meeting was adjourned at 10:05 AM.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation