

Vermont Secretary of State
Office of Professional Regulation
BOARD OF OPTOMETRY
National Life Building, North, FL 2, Montpelier, Vermont
Approved Minutes
Meeting of March 30, 2011

1. The meeting was called to order at 7:32 A.M.

Members participating: Jon D. Eriksson, O.D. Chairman; Lois M. Shiozawa, O.D.; Daniel M. DaPolito, O.D.; Bonnie Liberty and Emma Pudvah.

OPR Staff present: Larry Novins, Board Counsel; Aprille Morrison, Administrative Assistant; Peter Comart, Unit Administrator and Carla Preston, Case Manager.

Visitors: Heather Schouldice and Karena Shippee

2. The Chair called for approval of the Minutes of the September 29, 2010 meeting. Dr. DaPolito made a motion, seconded by Mrs. Pudvah, to approve the Minutes of the September 29, 2010 meeting as written. Motion passed unanimously.

3. **Reports**

Peter Comart, Unit Administrator, introduced himself to the Board. Peter asked the Board to think about Annual Goals and issues the Board would like to see resolved.

4. **Hearings/Stipulations/Reports of Concluded Investigations**

Report of Concluded Investigation: 2010-471

- Dr. Eriksson made a motion to approve the report, the Board voted unanimously to accept the concluded report.

Report of Concluded Investigation: 2010-149

- Dr. Eriksson made a motion to approve the report, the Board voted unanimously to accept the concluded report.

Report of Concluded Investigation: 2010-394

- Dr. Eriksson made a motion to approve the report, the Board voted unanimously to accept the concluded report.

Report of Concluded Investigation: 2010-470

- Dr. Shiozawa made a motion to approve the report, the Board voted unanimously to accept the concluded report.

Ms. Preston reported that there are currently three (3) pending cases

5. **Legislation/Rules**

The Board discussed proposed changes to their rules. Larry Novins requested the Board to review the current rules for any changes.

6. **Licensing**

There were no applications for the Board to review. Currently there are two pending application in the office.

7. **Continuing Education**

The Board requested an audit list from the 2010 CE audit. Aprille will pull the previous audit and information regarding Dr. Hayes Sogoloff's follow-up.

8. **Correspondence**

Northern Valley Eyecare – release of patient record

- The Board reviewed the letter from Dr. St. Marie and asked Board counsel, Larry Novins, to respond to Dr. St. Marie.

Discussion for contact lens wording currently in Vermont Rules versus the Federal Law

The Board, along with counsel, Ms. Shouldice and Ms. Shippee discussed the amendments currently in front of Legislature regarding the following statute:

§ 1719. Unprofessional conduct

(3) Any of the following with regard to the buyer's prescription or purchase of ophthalmic goods:

(A) Failure to give to the buyer a copy of the buyer's spectacle lens prescription immediately after the eye examination is completed. Provided, an optometrist may refuse to give the buyer a copy of the buyer's prescription until the buyer has paid for the eye examination but only if that optometrist would have required immediate payment from that buyer had the examination revealed that no ophthalmic goods were required. If the buyer requests his or her contact lens prescription before the prescription is complete, the optometrist shall furnish a copy of the buyer's contact lens prescription to the buyer, clearly marked to indicate that it is not a complete contact lens prescription.

The proposed amendment to the laws would be to add "Failure to give the buyer a copy of the buyer's spectacle lens **or contact lens** prescription immediately after the eye examination is completed." The Board voted to remove the amendment that is currently in front of Legislature, and spend the next fiscal year working on updating the language to more closely follow the federal language that the current statutes refer to.

9. **Association of Regulatory Boards of Optometry, Inc. - Correspondence**
10. **Public Comment**
11. **Other Business Introduced by the Board**
12. The next meeting of the Board is scheduled for Wednesday, June 29, 2011 at 8:30 am.
13. There being no further business the meeting was adjourned at 9:04 A.M.

Respectfully submitted,

Aprille Morrison, Administrative Assistant
Office of Professional Regulation