

MINUTES
of the Fourth Meeting of the
Optometry Technical Review Committee
September 9, 2022
9:30 a.m. to Noon

TRC Members Present

Daniel Rosenthal, PE, (Chair)
Christine Chasek, LIMHP, LADC
Marcy Wyrens, RRT
Jessica Roberts, ATC
Sarah Pistillo, REHS
Brandon Holt, BSRT

TRC Members Absent

David Deemer, NHA

Program Staff Present

Matt Gelvin
Ron Briel
Jessie Enfield

I. Call to Order, Roll Call, Approval of the Agenda

Chairperson Rosenthal called the meeting to order at 9:30 a.m. The roll was called; a quorum was present. Mr. Rosenthal welcomed all attendees. The agenda and Open Meetings Law were posted, and the meeting was advertised online at <https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>. The committee members unanimously approved the agenda for the fourth meeting and the minutes of the third meeting.

II. Closing Comments by the Applicant Group

Dr. Robert Vandervort, OD, came forward to summarize the applicant groups arguments in support of the proposal. In his presentation Dr. Vandervort stated that SLT is now a mainline treatment for glaucoma, adding that Ophthalmological research documents the importance of this treatment and the advances that have been made vis-à-vis the safety and effectiveness of this treatment regimen.

Dr. Vandervort identified the states that currently allow Optometrists to provide this treatment modality, adding that there is no evidence from these states indicating that any harm has occurred to patients associated with the provision of this treatment by Optometrists. Dr. Vandervort commented that patients in remote rural areas of Nebraska are very much underserved by the current restrictions that limit the provision of these services to Ophthalmologists, adding that opponent arguments to the effect that medical clinics in rural Nebraska adequately provide good access to this eye care service are not accurate and that few if any of these clinics provide SLT services.

III. Closing Comments by Ophthalmology Representatives

Dr. Patricia Terp, M.D., came forward to summarize opponent concerns about the Optometry proposal. Dr. Terp stated that there is no access to care issue pertinent to SLT services in Nebraska, adding that few patients choose this service and that there is no evidence that the few who do choose SLT treatment are not getting access to it. Dr. Terp also stated that SLT is not an emergent procedure.

Dr. Shane Havens, M.D., came forward to present additional opponent comments. Dr. Havens stated that there is no evidence that Optometrists are better located vis-à-vis medically underserved populations in our state than are Ophthalmologists. Dr. Havens stated that applicant assertions pertinent to the absence of any evidence of harm to the public from Optometrists who provide SLT services in other states are unsupported by evidence. Dr. Havens went on to say that efforts to find evidence pertinent to any benefits or any costs associated with the SLT services of Optometrists in other states is also in vain and that there seems to be no data pertinent to such matters and that no one seems to be tracking or recording anything pertinent to these Optometry services.

Dr. Terp then stated that Optometrists lack a sufficient amount of clinical hours providing SLT services to live patients to be able to provide these services in a safe and effective manner. Dr. Terp added that insurance companies are unwilling to cover SLT services because the risk of harm from these services is too great.

IV. Final Questions / Comments by the Members of the Technical Review Committee

Brandon Holt asked the applicants about the vetting process at the licensure level. Dr. Vandervort responded that documentation of a candidates progress occurs at every level of education and training, and this occurs at the schools and the at the Board level as well.

Jessica Roberts asked if there would be such a vetting process vis-à-vis the establishment of SLT certification. Dr. Vandervort responded in the affirmative for the post-graduate processes associated with the proposed certification program for SLT. He added that this would be a four-step process: 1) Laboratory, 2) Didactic, 3) Testing, and 4) Proctoring of hands-on clinical practicums.

There was a question about how certification candidates would be able to access live patients for the hands-on clinical component of the training. Dr. Vandervort responded that clinical rotations are scheduled at schools for each candidate so that each gets the clinical opportunities they need to complete their training programs.

V. The Formulation of Recommendations on the Proposal by the Members of the Technical Review Committee

Action taken on the six criteria of the Credentialing Review Program by the Committee members:

Criterion one: The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.

Christine Chasek: Voted no
Brandon Holt: Voted no
Jessica Roberts: Voted yes
Sarah Pistillo: Voted no
Marcy Wyrens Voted yes
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does not satisfy the first criterion.

Criterion two: Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.

Christine Chasek: Voted no
Brandon Holt: Voted yes
Jessica Roberts: Voted yes
Sarah Pistillo: Voted yes
Marcy Wyrens: Voted yes
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does satisfy the second criterion.

Criterion three: The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public.

Christine Chasek: Voted no
Brandon Holt: Voted yes
Jessica Roberts: Voted yes
Sarah Pistillo: Voted yes
Marcy Wyrens: Voted yes
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does satisfy the third criterion.

Criterion four: The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.

Christine Chasek: Voted no
Brandon Holt: Voted no
Jessica Roberts: Voted yes
Sarah Pistillo: Voted no
Marcy Wyrens Voted no
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does not satisfy the fourth criterion.

Criterion five: There are appropriate post-professional programs and competence assessment measures available to assure that the practitioner is competent to perform the new skill of service in a safe manner.

Christine Chasek: Voted no
Brandon Holt: Voted no
Jessica Roberts: Voted yes
Sarah Pistillo Voted no
Marcy Wyrens: Voted yes
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does not satisfy the fifth criterion.

Criterion six: There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.

Christine Chasek: Voted yes
Brandon Holt: Voted no
Jessica Roberts: Voted yes
Sarah Pistillo: Voted no
Marcy Wyrens: Voted yes
Daniel Rosenthal: Abstained from voting

By this roll call vote the members of the Optometry Technical Review Committee determined that the Optometrists' proposal does satisfy the sixth criterion.

Action taken by the Committee members on the proposal as a whole by way of an up/down roll call vote with final comments from each Committee member as to why they voted as they did:

- **Christine Chasek : Voted no**, commenting that the proposal raises public safety concerns and added that surgery is a serious procedure and requires excellent education and training. She went on to say that the education and training standards in the current optometric proposal are not sufficient to provide assurance of safe and effective provision of the surgical services in question. She went on to state that convincing evidence of access to care problems vis-à-vis the surgical services in question was not provided by the applicant group and that the services currently being provided by physicians vis-à-vis the procedures in question are successfully addressing the demand for these services, which does not seem to be considerable at this point in time.
- **Brandon Holt: Voted no**, commenting that the necessary amount of education, training, and continuing education is not sufficient for the provision of safe and effective services.
- **Jessica Roberts: Voted yes**, commenting that there is very limited access to the services of Ophthalmologists in rural Nebraska vis-à-vis SLT services except along the I-80 corridor. She added that the education and training being proposed is adequate for the provision of safe and effective services by Optometrists, adding that the proposed additional certificate and the associated proctoring component would provide assurance of competency.
- **Sarah Pistillo: Voted no**, commenting that it would be very expensive for many Optometrists located in remote rural areas to purchase and maintain the necessary equipment to provide the services in question. Additionally, the proposed education and training is not adequate for safe and effective provision of the services in question, and the proposed certificate would not be enough to create sufficient enhancement for this education and training.
- **Marcy Wyrens: Voted yes**, commenting that she grew up in a small rural community in a neighboring state and consequently is well aware of how difficult and inconvenient it is for those who live in such communities to get access to medical services, adding that the proposal offers an opportunity to address these kinds of concerns in Nebraska. She added that it would be a good idea for the applicant group to “beef- up” the education and training components of their proposal but that, generally, it is adequate to provide safe and effective services.
- **Daniel Rosenthal: Abstained from voting**

By this roll call vote the members of the Optometry Technical Review Committee recommended against approval of the Optometrists’ proposal.

VI. Public Comments

There were no comments from members of the public at this time.

VII. Other Business and Adjournment

Program staff informed the attendees that the Nebraska State Board of Health is scheduled to conduct their review of the Optometry proposal at their bimonthly meeting on Monday, September 19, 2022. There being no further business, the committee members unanimously agreed to adjourn the meeting at 10:55 a.m.