

MINUTES OF THE MEETING OF THE
BOARD OF OPTOMETRY
January 24, 2019

ROLL CALL

The meeting of the Board of Optometry was called to order at 2:00 p.m. by Dr. Jeffrey Pape, Chairman, at Staybridge Suites, 2727 Fletcher Avenue, Board Room, Lincoln, NE. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

Jeffrey Pape, O.D., Chairperson
Robert Vandervort, O.D., Vice-Chairperson
Michael J. O'Hara, JD, PhD, Secretary
Theodore Vorhies, O.D.

A quorum was present and the meeting convened. Also present were: Jesse Cushman, Program Manager; and Vonda Apking, Health Licensing Coordinator.

ADOPTION OF AGENDA

O'Hara moved, seconded by Vandervort, to adopt the agenda with the Chairman having the ability to rearrange as necessary. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS – OPEN SESSION

Vandervort moved, seconded by O'Hara, that public meeting notices for the Board of Optometry will be posted at the Department, posted on the Department's website, and e-mailed to the "interested parties" list. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

August 24, 2018

Vandervort moved, seconded by Vorhies, to approve the August 24, 2018, minutes as corrected. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

LEGISLATIVE BILL REVIEW

Staff provided the Board with a 2018 summary of legislative bills that affected the Department. Pape briefly discussed how each bill mentioned would or would not affect the practice of optometry in Nebraska. Cushman briefly explained that regulations are currently being updated based on the passing of LB 464 in 2018. Cushman explained that the Board had reviewed draft regulations at the last meeting and will review the draft regulations again based directives from Department Legal. Staff will provide Dave McBride, Executive Director of the Nebraska Optometric Association (NOA) with the draft regulations. The Board members discussed the following legislative bills from 2019 and decided to watch their progress:

- LB 205 - Adopt the Surgical Technologist Registration Act
- LB 112 - Provide for waiver of certain occupational and licensing fees as prescribed
- LB 29 - Provide and eliminate telehealth provisions
- LB 422 - Adopt the Art Therapy Practice Act
- LB 489 - Require registration for the prescription drug monitoring system
- LB 557 - Change provisions relating to prescriptions for controlled substances

The Board discussed LB 528 which proposes to change provisions relating to use of pharmaceutical agents and use of certain treatments and procedures by optometrists. Mr. McBride explained that the intent behind LB 528 was to create an easier way to update the standard of care in Optometry.

O'Hara moved, seconded by Vorhies, to support LB 528 based on allowing an additional process to change the scope of practice for optometry is in the best interest of the public health and safety of the citizens of Nebraska. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

Vandervort will draft a letter and submit to the Department.

O'Hara moved, seconded by Vandervort, to send the finalized letter to the Board members for approval via e-mail. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

Pape moved, seconded by O'Hara, the Board of Optometry approved to have Vandervort read the letter of support for LB 528 into testimony at the legislative hearing for LB 528. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

TELEHEALTH IN NEBRASKA

The Board members discussed the Consumer Protection in Eye Care Act and other statutes regarding telehealth. The Board discussed Neb. Rev. Stat. §71-8503(3) and §71-8504. The Board suggested Department legal look at the position statement regarding telehealth issued by the American Optometric Association (AOA) and the Consumer Protection in Eye Care Act so the Department Legal can provide the answers to the following questions:

- Can telemedicine be used in order to establish a doctor/patient relationship?
- Are services provided through telemedicine held to the same standard of care as in-person services?
- Are persons delivering services through telehealth required to be licensed in Nebraska if the patient resides in Nebraska?
- How can we assure that the patient's relevant health history is collected, documented, or transmitted for use in telehealth services?
- What technical or logistical requirements might be appropriate relative to telehealth services involving vision care or eye health?

The Board requested that Department Legal provide their position on the above questions to the Board at their next scheduled meeting. Staff will add this to the Board's agenda for the next meeting.

VOLUNTEER LICENSURE

Cushman explained that Nebraska doesn't have a volunteer license to practice optometry in Nebraska. This would require new legislation. The Board took no action on this issue at this time.

NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBEO) – PART 3 OF THE NATIONAL EXAMINATION

The Board discussed that Nebraska requires Part 3 but specific skills are not required. Vandervort moved, seconded by Vorhies, to allow Pape to respond directly to NBEO on the Nebraska Board of Optometry's spokesperson explaining that Nebraska requires Part 3 but specific skills are not required. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY – ANNUAL MEETING

ARBO's annual meeting will be held in St. Louis, Missouri on June 16-18, 2019. Vorhies and O'Hara are interested in attending. Staff will send application for the Founders scholarship for O'Hara. Staff will submit travel requests.

ELECTION OF OFFICERS - 2019

Vorhies moved, seconded by O'Hara, to keep the Officer slate the same. Pape as Chairperson, Vandervort as Vice-Chairperson, and O'Hara as Secretary. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

Vorhies moved, seconded by O'Hara, to have Vandervort review investigations and Vorhies review continuing education. Voting aye: O'Hara, Pape, Vandervort. Voting nay: Vorhies. Motion carried.

ADJOURNMENT

O'Hara moved, seconded by Vorhies, to adjourn the meeting at 4:30 p.m. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

Respectfully submitted,

(Signature on file with the Department)

Michael J. O'Hara, JD, PhD, Secretary
Board of Optometry