

These minutes are for information only. They have not been reviewed, revised or approved by the Board of Optometry.

MINUTES OF THE MEETING OF THE  
BOARD OF OPTOMETRY  
February 21, 2020

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, 2701 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  
Theodore Vorhies, O.D.

Absent: Linda Heiden

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

Dr. Pape announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

ADOPTION OF AGENDA

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

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Vandervort moved, seconded by Vorhies, to go into closed session at 2:02 p.m. for the purpose of review and discussion of investigative reports, disciplinary reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Vorhies moved, seconded by Vandervort, to open the session at 2:13 p.m. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. 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

July 26, 2019

Vorhies moved, seconded by Vandervort, to approve the July 26, 2019, minutes as presented. Vorhies withdrew his motion and Vandervort agreed. The Board members decided to table the approval of the July 26, 2019 meeting minutes until the next meeting.

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#### DRAFT LETTER ON THE USE OF MKO MELT®

The Board members had some questions regarding whether anyone was using this for in-office use and whether the patient would be receiving the same standard of care as a medical patient. The Board members reviewed the draft letter presented by Vandervort and suggested some changes. The Board tabled the approval of the draft letter until the next meeting giving Vandervort time to make the suggested corrections.

#### LEGISLATION UPDATE

The Board members discussed the following bills:

##### LB828 – Change provisions relating to the scope of practice of a licensed optometrist

Vandervort moved, seconded by Vorhies, to support LB828. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Vandervort will draft a letter from the Board including information that Nebraska is becoming less competitive for providing public access to scope of practice issues.

The Board members also discussed several legislative bills from the 2019 legislative session.

##### LB 887 – Authorize pharmacists to adapt prescriptions to aid consumers

The Board members expressed concerns that this bill would override the Drug Product Selection Act and allow substitution even if the optometrist writes “no substitution” on a prescription.

Vandervort moved, seconded by Vorhies, to clarification that if the prescription states “no substitution” than this bill would override the language in the Drug Product Selection Act. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Pape will draft a letter.

#### REGULATIONS UPDATE

Cushman explained that he has to rewrite the draft regulations in legislative style. The Board members requested a copy of the rewritten draft regulations prior to being set for public hearing.

#### ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY – ANNUAL MEETING – BOARD MEMBER COMMENTS – OPEN SESSION

Pape will be the Board’s representative at the 2020 ARBO Annual Meeting. Staff will submit travel authorization.

#### DISCUSSION REGARDING PER DIEMS AND TIME FRAME FOR PREPARATION OF AGENDA ITEM DOCUMENTS

Cushman explained the process of paying per diems for certain activities of the Board and the time frame of preparing agenda items for the Board to review.

Vorhies moved, seconded by Vandervort, to have the Department continuing paying per diems as currently effective which is \$50 per diem for meeting days and any travel days. Also included are days spent at non-board meetings where the individual is representing the Nebraska Board of Optometry, as well as any travel days associated with those meetings. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Agenda will be posted at least 10 days prior to the meeting date and no changes to the agenda within 24 hours of the meeting.

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#### ELECTION OF OFFICERS

Vandervort moved, seconded by Vorhies, to change the Officer slate to the following: Pape as Chairperson, Vandervort as Vice-Chairperson, and Vorhies as Secretary. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Vandervort will continue to review investigations and Vorhies will continue to review continuing education.

The Board members suggested that continuing education and regulations be discussed at the next meeting.

#### ADJOURNMENT

Vandervort moved, seconded by Vorhies, to adjourn the meeting at 3:29 p.m. Voting aye: Pape, Vandervort, Vorhies. Voting nay: none. Absent: Heiden. Motion carried.

Respectfully submitted,

(Signature on file with the Department)

Theodore Vorhies, O.D., Secretary  
Board of Optometry