

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
July 26, 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 Jan Gadeken-Harris, Health Licensing Coordinator; Ami Huff, Assistant Attorney General; Jeff Newman, Investigator with the Investigation Unit.

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

O'Hara moved, seconded by Vorhies, 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.

APPROVAL OF MINUTES

January 24, 2019

O'Hara moved, seconded by Vandervort, to approve the January 24, 2019, minutes as presented. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Vorhies moved, seconded by O'Hara, to go into closed session at 2:03 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: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

Vandervort recused himself from the meeting at 2:04 p.m.
Vandervort returned to the meeting at 2:19 p.m.

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

ARBO's annual meeting was held in St. Louis, Missouri on June 16-18, 2019. Vorhies and O'Hara attended the meeting representing the Board of Optometry.

Vorhies noted that ARBO will increase dues by \$100.00, the first increase since 2004. ARBO and its legal department discussed issues regarding Telehealth/Telemed. It is noted that Nebraska currently has the Statutes Relating to Nebraska Telehealth Act. Optometry Boards should be aware of current national opioid issues and be ready to act as a Board when needed. NBEO (National Board of Examiners in Optometry) Part 3 (Clinical Skills) of the national exam is being restructured. Any input will be welcomed.

O'Hara noted that the NBEO has agreed to move swiftly to include testing on changes/expansions of a jurisdiction's scope of practice on the exam. Also the Corporate Practice Act was discussed with the expansion of many Private Equity Firms.

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SEDATIVE COMBINATIONS DISCUSSION

The Board agreed through the discussion that prescribing controlled substances is within the scope of practice for Optometrists provided the Optometrist has a valid DEA license. If an Optometrist dispenses, a Dispensing Practitioners license would be required.

Dr. Vandervort agreed to draft a Letter of Opinion by the Board and submit it to the Department.

Vorhies moved, seconded by O'Hara, 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.

NE BOARD OF OPTOMETRY JURISPRUDENCE EXAMINATION

The Nebraska Optometry Jurisprudence Exam is a free, online open book examination developed by the Nebraska Board of Optometry for the purpose of assuring that all optometrists understand the [Optometry Practice Act](#), [Uniform Credentialing Act](#), [Medical Records Statutes](#), [Mandatory Reporting Regulations 172 NAC 5](#), and the [Optometry Regulations 172 NAC 120](#). ♦ Successful completion means a minimum score of 60%. ♦ Each applicant is required to pass the 25 question examination.

Pape asked when the next update of the examination would be required. The Department staff will check and report back to the Board.

REVIEW AND APPROVAL OF DRAFT REGULATIONS

The Department of Health and Human Services was given an Executive Order by the Governor's office to eliminate language from Regulations that already is stated in Statutes and or in other applicable Regulations. The proposed draft regulations reviewed by the Optometry Board for Nebraska Administrative Code Title 172 Professional and Occupational Licensure were:

- 172 NAC 120 – Licensure of Optometrists

O'Hara moved, seconded by Vorhies to approve the draft regulations. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

ADJOURNMENT

Vandervort moved, seconded by O'Hara, to adjourn the meeting at 3:44 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