

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
August 24, 2018

ROLL CALL

The meeting of the Board of Optometry was called to order at 2:04 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; Vonda Apking, Health Licensing Coordinator; and Ami Huff, Assistant Attorney General.

ADOPTION OF AGENDA

Vandervort 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

April 26, 2018

Vorhies moved, seconded by O'Hara, to approve the April 26, 2018, minutes as presented. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS – CLOSED SESSION

Vandervort moved, seconded by Vorhies, to go into closed session at 2:08 p.m. for the purpose of review and discussion of investigative reports, 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 moved, seconded by O'Hara to return to open session at 2:17 p.m. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

OPTOMETRIST APPLICATION(S) – OPEN SESSION

No applications to review at this time.

RATIFIED E-MAIL BALLOTS SINCE LAST MEETING

Since the last meeting, the Board voted via e-mail ballot to approve the request to waive continuing education for the 2018 renewal of Heidi Hanisch, OD #1033 on July 31, 2018. Dr. Hanisch's optometrist license was renewed on July 31, 2018.

DEPARTMENT POLICY REGARDING THE PRINTING OF LICENSURE WALLET CARDS

Jesse Cushman, Program Manager explained the Department's decision to no longer print wallet cards for licensees. The Department's identified the following as factors in making this policy change:

- License is only accurate at the time it is printed;
- Department website provides latest updated license information; and
- Costs associated with the Department printing the wallet has decreased.

Vandervort recommended that an additional level of security be put in place so the licensee would be protected from just anyone being able to print their license. Cushman offered to take his concerns to the Department.

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Vandervort moved, seconded by Vorhies, to recommend that the Department establish a security level for licensees so a unique identifier is required to access and print official licenses. Voting aye: O'Hara, Pape, Vandervort, Vorhies. Voting nay: none. Motion carried.

QUESTIONS REGARDING THE WAIVER OF CONTINUING EDUCATION HOURS FOR DURING RENEWALS

Staff explained that a licensee is able to request a waiver of continuing education for certain circumstances and in part or in whole during the renewal process. Excerpt from the current regulations was provided to the Board members.

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:

- Does a practitioner need to be licensed in Nebraska when providing telehealth?
- Where does the practice occur (where the doctor is? or where the patient is?)?

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.

REPORT FROM THE 2018 ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) ANNUAL MEETING IN DENVER, CO – ROBERT VANDERVORT, OD

Vandervort reported that the ARBO meeting was good. So of the topics of interest were:

- Regulations are under attack at the national level;
- Board's need to be relevant (ie. Justify why regulations are needed, invite governor or State senator to their Board meetings);
- Board's need to rethink revocation of a license which takes the licensee out from under the Board's jurisdiction;
- Part III of the national examination will be restructuring the injection portion of the examination to make this portion optional and make it separate examination so it can be taken by itself;
- Board's are encouraged to review their policy for cheating;
- Federation of State Medical Boards (FSMB) has a good telemedicine policy on their website;
- Board's used think about developing a policy on what constitutes an eye examination; and
- Discussion took place regarding opioid abuse issues.

Vandervort thanked the Board and Department for approving him to attend this meeting.

ADJOURNMENT

O'Hara moved, seconded by Vorhies, to adjourn the meeting at 3:40 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