

MINUTES OF THE MEETING OF THE
BOARD OF OPTOMETRY
January 30, 2015

ROLL CALL

The meeting of the Board of Optometry was called to order at 8:32 a.m. by Dr. Kim Baxter, Chairman, at Staybridge Suites, 2701 Fletcher Avenue, Staybridge 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:

Kim Baxter, O.D., Chairman
Jeffrey Pape, O.D., Vice-Chairperson
Robert Vandervort, O.D.
Michael J. O'Hara, JD, PhD, Secretary (via phone due to illness)

A quorum was present and the meeting convened. Also present were: Becky, Wisell, Administrator; Vonda Apking, Health Licensing Coordinator; Suzanna Glover-Ettrich, Department Legal.

ADOPTION OF AGENDA

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

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

Pape moved, seconded by Vandervort, 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: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

October 31, 2014

O'Hara expressed that it should be noted in the minutes that he arrived late and the time that he arrived. Pape moved, seconded by Vandervort, to approve the October 31, 2014, minutes as corrected. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS – CLOSED SESSION

Pape moved, seconded by Vandervort, to go into Closed Session, at 8:36 a.m., to review investigational reports. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

Pape moved, seconded by Vandervort, to return to Open Session at 8:55 a.m. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

LETTER FROM THE OPTOMETRIC SOCIETY

David McBride, Executive Director, Nebraska Optometric Association (NOA), explained that LB 235 addresses similar concerns as identified in the letter received from the Optometric Society regarding online refractive eye examinations.

2015 LEGISLATION

LB235 - Adopt the Consumer Protection in Eye Care Act

Vandervort moved, seconded by Pape, to support LB 235. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

Pape moved, seconded by O'Hara, to have a Board member testify at the Legislative hearing of LB 235. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

O'Hara moved, seconded by Pape, to recommend that the NOA introduce an amendment to have providers register a Nebraska licensed optometrist as an agent. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

LB37 - Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions

Wisell explained the intention behind this bill created by the Nebraska Pharmacists Association (NPA). The Board will watch this bill.

LB211 - Authorize chiropractors to provide school entrance physical examinations and visual evaluations

The Board discussed this bill and questioned how a chiropractor would have the education or equipment to perform an eye examination. Pape moved, seconded by Vandervort, to oppose LB 211, specifically vision portion of the bill, that it is not in the best interest of Nebraska citizens and it is infringing on the scope of practice of another licensed profession. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

LB50 - Change provisions relating to medicaid covered services

This bill was withdrawn.

LB264 - Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training, or experience

The Board will watch this bill.

LB369 - Change provisions relating to impaired credential holders under the Uniform Credentialing Act

The Board will watch this bill.

LB390 - Provide for the medical use of Cannabidiol as prescribed and create the Medical Cannabidiol Pilot Study

The Board will watch this bill.

LB452 - Change provisions relating to advertisement by credential holders

The Board will watch this bill.

LB471 - Change provisions relating to prescription drug monitoring

Wisell explained this concept behind this bill. Vandervort voiced his opinion that he is not opposed to the concept. Vandervort expressed the following concerns with this legislation: (1) Current electronic health records and e-prescribing systems do not have adequate patient protections in place to prevent doctors and especially support staff of doctors from accessing the medical and pharmaceutical history records of people who are not their patients; (2) Once information is in an electronic health record, the patient has no control or remedy to correct or remove that information should it be outdated or inaccurate; and (3) Patients also have no ability to restrict information that does not need to be known by all health care professionals that are caring for them. Vandervort moved, seconded by Pape, to write a letter expressing their concerns and recommending an amendment be introduced with stronger safeguards and punitive actions for healthcare providers and staff members that access information when unwarranted. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

LB490 - Adopt the Provider Orders for Life-Sustaining Treatment Act

The Board will watch this bill.

LB643 - Adopt the Cannabis Compassion and Care Act

The Board will watch this bill.

AMERICAN OPTOMETRIC ASSOCIATION RECOGNIZING NEBRASKA AS A "LICENSURE BY ENDORSEMENT" STATE

Baxter explained that this is only informational and thanked McBride for all his efforts.

REGULATION DEVELOPMENT – 172 NAC 120 – LICENSURE OF OPTOMETRIST

Apking explained that shortened version of the regulations. The Board identified several changes throughout the document regarding continuing education and unprofessional conduct. Vandervort moved, seconded by Pape, to approve the regulations as amended and set for hearing. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

SET NEXT MEETING DATE

The next Board meeting is scheduled for July 10, 2015, at the Staybridge Board Room, starting at 8:30 a.m.

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) – ANNUAL MEETING – JUNE 21-23, 2015 – SEATTLE, WA

O'Hara will be attending at the expense of ARBO since O'Hara is a member of the ARBO Board of Directors. Pape and Baxter will let staff know if one or the other will be attending. Staff will submit travel authorizations to the Department.

LETTER AND REPORT FROM THE AMERICAN OPTOMETRIC ASSOCIATION (AOA) ACCREDITATION COUNCIL ON OPTOMETRIC EDUCATION – FALL MEETING

No action required.

PRACTICE QUESTION – IS IT WITHIN THE SCOPE OF PRACTICE OF AN OPTOMETRIST TO USE AMNIOTIC TISSUE TO HELP IN THE HEALING PROCESS AFTER EYE SURGERY OR ANY TYPE OF CORNEAL DEFECT?

It is the Board's opinion that it is within the scope of practice of an optometrist to use amniotic tissue to help in the healing process after eye surgery or any type of corneal defect that does not include sutures.

ELECTION OF OFFICERS

Vandervort moved, seconded by Pape, to leave the officers the same. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried. Pape will review investigations. Vandervort will review continuing education.

ADJOURNMENT

O'Hara moved, seconded by Vandervort, to adjourn the meeting at 11:20 a.m. Voting aye: Baxter, O'Hara, Pape, Vandervort. Voting nay: none. Motion carried.

Respectfully submitted,

(Signature on file with the Department)

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