

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

MINUTES OF THE CONFERENCE CALL MEETING OF THE  
BOARD OF OPTOMETRY  
September 8, 2023

ROLL CALL

The meeting of the Board of Optometry was called to order at 2:00 p.m. on September 8, 2023, by Dr. Robert Vandervort, Chairperson, at Hampton Inn, 7343 Husker Circle, Husker 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:

Robert Vandervort, O.D., Chairperson  
Creston Myers, O.D. Secretary  
Jeremiah Baumfalk, O.D.

Absent - Linda Heiden, Vice-Chairperson

A quorum was present, and the meeting convened. Also present were: Vonda Apking, Interim Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Lindsay Braddock, Unit Administrator; T.J. O'Neill, Assistant Attorney General; Abigail Nissen, Sr. Law Clerk with the Attorney General Office, Jeff Newman, Investigator; Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations (via WebEx) and Suzanna Glover-Ettrich, Department Attorney (via WebEx).

Dr. Vandervort 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on August 28, revision posted on September 6, 2023 and second revision posted September 7, 2023.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

March 17, 2023

Page 1: No changes.  
Page 2: No changes.

Myers moved, seconded by Baumfalk, to approve the March 17, minutes as presented. Voting aye: Baumfalk, Myers, Vandervort. Voting nay: none. Absent: Heiden. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Myers moved, seconded by Baumfalk, to go into closed session at 2:04 p.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Baumfalk, Myers, Vandervort. Voting nay: none. Absent: Heiden. Motion carried.

The Board returned to open session at 2:29 p.m.

APPLICATION REVIEW

Nothing to review currently.

RATIFY EMAIL BALLOTS SINCE THE LAST MEETING

Nothing to review currently.

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#### LEGISLATIVE UPDATE

There were no updates currently.

#### REGULATIONS UPDATE

There were no updates currently.

#### ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) ANNUAL MEETING

Baumfaulk attended the ARBO meeting in person at Alexandria, VA June 16-18, 2023, representing the Nebraska Optometry Board.

Of special interest was the "Model Practice Act for Optometry". The ARBO Board of Directors convened a task force to create a model practice act as a resource document for member boards to provide a uniform perspective to protect the public through regulation and to facilitate greater standardization of terminology between jurisdictions. The draft version will be circulated soon and will be asking for feedback. When finalized the goal is for the Model Act to be used as a tool that will help provide uniformity in scope of practice expansion which may result in ease of license mobility between jurisdictions.

NBEO will soon be announcing the new Part III Patient Encounters and Performance Skills exam (PEPS). Pilot testing of the new exam has been impressive and when launched this new enhanced exam will help to ensure the competency of new practitioners.

"OE Tracker" assists jurisdictions with tracking CE hours. An improved mobile app will soon be available to include a graphic showing your progress towards completing your CE requirements per jurisdiction.

The 2024 ARBO annual meeting will be June 16-18, 2024, in Nashville, TN

To learn more about the meeting etc. view the current edition of the ARBO newsletter go to:  
<https://s3.amazonaws.com/arbo.org/public/e2f1cb70-6f1d-4d5d-8d09-d0538ee59661.pdf>

#### ARBO COPE LIAISON UPDATE

COPE is the body that certifies Optometry CE. COPE is in its fourth year of combined governance with ASCO and the Academy. COPE is focusing on communicating and educating the benefits of accredited CE to the member boards, providers and administrators.

#### DEA OPIOID EDUCATION REQUIREMENT FOR DEA LICENSE RENEWAL

The MATE Act (Medication Access and Training Expansion Act) becomes law. Therefore, the DEA (Drug Enforcement Administration) requires healthcare providers holding a federal DEA license to complete eight (8) hours of education on opioid treatment.

Anyone other than a veterinarian who holds a DEA license, including physicians, dentists, chiropractors, optometrist, podiatrists, nurse practitioners, and physician assistants, will be required to complete a one-time eight-hour course on the treatment and management of patients with opioid or other substance use disorders and the safe pharmacological management of pain.

Specifically, the law requires that if a prescriber is licensed to dispense controlled Substances in schedule II, III, IV, or V, that provider must undergo the eight-hour training course, effective the first applicable registration/renewal for the practitioner after June 21, 2023.

For more information on the specifics of the law and availability of courses see the links below:

<https://www.policymed.com/2023/01/mate-act-becomes-law-dea-prescriber-license-holders-required-to-complete-8-hours-of-education-on-opioid-treatment.html>

- <https://www.deadiversion.usdoj.gov/pubs/docs/index.html>

- <https://www.samhsa.gov/medications-substance-use-disorders/provider-support-services/recommendations-curricular-elements-substance-use-disorders-training>

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Myers moved, seconded by Baumfalk that any "live" CE course accepted by DEA is acceptable for the required Nebraska Optometrist CE. Voting aye: Baumfalk, Myers, Vandervort. Voting nay: none. Absent: Heiden. Motion carried.

Myers moved, seconded by Baumfalk that any online/home study/asynchronous CE accepted by DEA is acceptable for the required Nebraska Optometrist CE up to eight (8) hours.

**Please Note:** The Nebraska Medical Association (NMA) is offering FREE training that meets the new DEA eight-hour training requirement. This training is available for ALL professions, FREE.

<https://www.nebmed.org/>

<https://www.nebmed.org/resources/education-cme/project-echo>

**Also NOTE:** this one time 8-hour FEDERAL DEA requirement is separate from the Nebraska STATE requirement (for the 2.5 hours on the subject of opioids and .5 hours on the PDMP = 3 hours) that the NE licensee needs to have at each of their renewal periods.

#### DISCUSSION REGARDING THE CANADIAN EXAMINATION

Discussion is tabled for this meeting and Vonda Apking will research this examination and report at the next meeting.

#### BOARD MEETING SCHEDULE

The next meeting is to be determined.

#### ADJOURNMENT

There being no further business, Vandervort, Chairperson adjourned the meeting at 3:09 p.m.

Respectfully submitted,

(Signature on file with the Department)

Creston Myers, O.D., Secretary  
Board of Optometry