



State of Washington
Department of Health

WASHINGTON STATE BOARD OF OPTOMETRY
Minutes of September 21st, 2015

A meeting of the Washington State Board of Optometry was held in Conference Room 309 at the Department of Health, Center Point Corporate Park, 20425 72nd Avenue South, Kent, Washington.

BOARD MEMBERS PRESENT:

Chris Barry, O.D., Chair
Judy Chan, O.D.
Dale Heaston, O.D.
Michael Noble, O.D.
Karen Preston, O.D.

STAFF PRESENT:

Christopher Wright, Assistant Attorney General
Kathy Schmitt, Deputy Director
Loralei Walker, Program Manager
Danielle Welliever, Policy Analyst
Brett Lorentson, Rules Coordinator
Tanya Mills, Credentialing Supervisor
Katy Shockman, Secretary Senior

OTHERS PRESENT:

Weihan Wang, O.D.
Brad Tower, Lobbyist
Michael Heil, O.D.

OPEN SESSION

Call to Order

The meeting was called to order at 9:06 a.m. by Dr. Barry, Chair.

1. Approval of Agenda
The agenda for this meeting was approved.
2. Approval of the June 15th, 2015 Minutes
The minutes of the June 15th, 2015 Board meeting were approved as written.

Reports

3. Christopher Barry, O.D., Chair.
No Report.

4. Christopher Wright, A.A.G.
No Report.
5. Kathy Schmitt, Deputy Director
Kathy reported that the fee reduction will go into effect January 1st, 2016. Initial licensing fee went from \$175 to \$130, and the renewal fee reduction went from \$199 to \$150. She discussed the upcoming transition of Board members to Citrix so they can access business materials electronically through Department of Health accounts. Board members will get initial access and training the December board meeting.
6. Tanya Mills, Credentialing Supervisor, Office of Customer Service
Tanya reported on the current license statistics for Optometrists. As of September 2015 there are 1,565 total active Optometrists in the state, 1,988 total expired licenses, and 22 pending applications. The board was interested in finding out the average age of an Optometrist in the state, both currently and historically. Tanya will collect that information and have that data for the next meeting.

Board business

7. **WAC 246-851-580 through 590 – Concerning the use of hydrocodone products by licensed optometrists in Washington State (Discussion/Action)**
The Board reviewed and discussed draft language to WAC 246-851-580 that allows Optometrists to prescribe hydrocodone products under the new FDA controlled substances schedules. The board approved the changes.
8. **Request for Lists & Labels (Action)**
The Board reviewed Russo CME request to receive lists and labels. Russo CME was approved for a List & Labels request in 2011. The board approved the request.
9. **WAC 246-851-090 through 230 continuing education rules (Action).**
The Board held an open hearing to finalize changes to the continuing education rules. Dr. Barry opened the hearing at 10:08 AM for public comment. There was no public testimony.

Loralei Walker summarized written comments received for the hearing:

- An optometrist asked what constitutes an ophthalmic referral center in category 1, subsection (e). If it means entities like Pacific Cataract and Laser Institute, he would like it removed. The board voted to leave category 1 subsection (e) as written.
- A continuing education provider and optometrist wrote in again expressing the importance of classifying American Medical Association (AMA) courses as category 1 in the new rule. At the June 15, 2015, the board voted to keep AMA courses as category 2 in the new rule.

The board and staff discussed implementation issues and agreed to develop a frequently asked questions document for the DOH Optometrist webpage to help practitioners navigate the new continuing education rules.

Two non-substantive changes to rule language were proposed based on discussion:

- Remove language about a December 1st implementation date from WAC 246-851-090. Implementation issues will be address in the FAQ.
- Correct a typo in WAC 246-851-170(2)(c). The WAC referenced in that section should be WAC 246-851-125.

Dr. Noble motioned to approve the two changes. Dr. Preston seconded the motion. The Board approved the changes.

10. Proposed Rule on WAC 246-851-370 revising the rule to clarify or remove outdated language (Discussion/Action)

The Board reviewed and discussed the current draft of the rule and additional research from the petitioner of the rule change. Dr. Noble noted that the language as written does *not* restrict *all* production based systems of compensation; it only restricts compensation that is based on a percentage of exams given and prescriptions written. There are other forms of production-based compensation that the rule allows. Dr. Preston said there is still confusion with state Optometrists regarding fee-for-service issues and motioned to strike the first sentence of rule. Dr. Chan seconded it. The Board voted and approved to strike the first sentence of the rule.

11. Review of continuing education (Action)

Due to the amount of requests and the upcoming rule change, the Board decided to vote on the continuing education requests as a whole. Dr. Preston asked if anyone on the board had issues with not giving credit to any of the 10 requests. No one had an issue. Dr. Preston motioned to approve all the continuing education requests for the hours the requestors asked for. Dr. Michael Noble seconded it. The Board approved all CE requests.

12. Optometry alert from Oregon and Virginia (Discussion)

The Board reviewed information from Oregon and Virginia regarding a potential client frequenting clinics and requesting specifically female Optometrists. Dr. Preston thought this kind of informational warning could and should be posted on the Department of Health Optometrist webpage. Dr. Barry suggested information such as this could be shared via the Listserv as well.

13. Schedule 2016 board meetings (Discussion/Action).

The Board and staff discussed next years' meeting dates. Dr. Heaston motioned for the following dates. Dr. Preston seconded. The Board voted and approved the following dates for 2016:

March, 21st 2016 – Kent DOH Office
June 13th, 2016 – Kent DOH Office
September 12th, 2016 – Kent DOH Office
December 5th, 2016 – Kent DOH Office

14. Post-graduate seminar transition communication (Discussion/Action).

Loralei Walker presented a draft notice that the Board of Optometry will no longer be giving the Postgraduate Seminar. The board made a few edits to the notice. Dr. Chan motioned to approve the notice. Dr. Noble seconded. The board approved the notice.

15. Association of Regulatory Boards of Optometry Report (Information).

Dr. Preston discussed her time at the ARBO conference.

16. Association of Regulatory Boards of Optometry Report (Information)

Loralei Walker presented the ACOE report for an informational update to the Board.

17. Proposed changes to ACOE's Professional Optometric Degree Standards (Discussion/Action) Dr.

Dr. Preston asked the board members if they wanted to provide any feedback to the proposed changes to the ACOE Professional Optometric Degree Program Standards. The board decided there is currently no need to provide feedback to the ACOE.

18. WAC 246-851-545 Retired active credential (Action)

The Board held an open rule hearing to discuss and review the creation of a retired active Optometrist credential. Dr. Barry opened the hearing at 11:30 AM for public comment. There was no public testimony. Lorelei Walker shared written testimony from an Optometrist that encouraged the board to create the Retired Active Credential. Dr. Noble suggested the last sentence of the rule be changed refer to the continuing education requirement described in WAC 246-851-090. Dr. Preston motioned to pass the change and approve the rule. Dr. Heaston seconded. The board voted and approved the rule.

19. The role of a board member in the hearing process (Information)

Christopher Wright, AAG, gave an informative PowerPoint presentation to the board regarding their role during a disciplinary hearing.

20. Open Forum

A member of the public brought up concerns about out-of-state Optometrists writing prescriptions that are being filled by Washington State pharmacies. He reported this is causing a serious standard of care problem in the profession.

Another member of the public revisited the fee-for-service issue from earlier in the meeting. He commented that the rule is anti-business and therefore prevents economic growth.

CLOSED SESSION – 12:15 PM

- 21. One license application was presented
- 22. Two disciplinary cases were reviewed

CLOSED SESSION – Ended 12:45 PM

23. Online licensing and information collection (OLIC) project

Dan Renfroe presented the objectives, benefits, and timelines for the online licensing project. He said Optometrists will be among the next group of professions have online applications. DOH will also conduct surveys of medical professionals around the state—much like they did several years back. The Board was interested in getting state wide demographic data for Optometrists.

The meeting was adjourned at 1:15 PM.