

# MINUTES

## UTAH Optometrist Licensing Board MEETING

July 30, 2008

Room 475 – 4<sup>th</sup> Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 9:05 a.m.

**ADJOURNED:** 11:15 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Dane F Dansie, OD - Chairperson  
Russell W Purdy, OD - Acting Chairperson  
D Lee Tanner, OD  
Jeffrey H Seeholzer, OD  
Michael L Cohen, OD  
Wendy D Gibbs

**Board Members Absent:**

Bonnie Barker Rice

**Guests:**

Clive Watson, Utah Optometric Association  
Annette Mahler, Utah Ophthalmology Association

**DOPL Staff Present:**

David Stanley, Division Director

### TOPICS FOR DISCUSSION

### DECISIONS AND RECOMMENDATIONS

#### **ADMINISTRATIVE BUSINESS:**

Approve Minutes from the March 12, 2008 Board Meeting

Dr. Cohen seconded by Dr. Tanner made a motion to approve the minutes from the March 12, 2008 Board Meeting, as written, the motion carried unanimously.

Open & Public Meeting PowerPoint

Mr. Ormond conducted the Open & Public Meetings PowerPoint presentation. No further discussion ensued.

#### **DISCUSSION ITEMS:**

Optometrist Scope of Practice

Mr. Ormond explained that R156-16a-502 “Unprofessional Conduct” is defined in part as “engaging in optometry beyond the scope of practice”. Mr. Ormond then questioned the Board regarding if they could advise the Division of the boundaries of an Optometrists scope of practice. After a brief discussion it was determined that, due to broad scope

of practice, if the Division receives a complaint, a Board member should be consulted.

#### Rules – Changes

At the March 12, 2008 Board meeting Mr. Ormond had requested for the Board Members to review 58-16a and R156-16a to determine if changes should be made to R156-16a to better define 58-16a.

Mr. Ormond suggested redefining “Practitioner”. After a brief discussion it was determined that the current definition meets the requirements for this profession.

Dr. Cohen then explained that he attended the ARBO (Association of Regulatory Boards of Optometry) meeting in Seattle, Washington from June 21<sup>st</sup> through the 25<sup>th</sup>, 2008. He explained that the one of the controversial issues was that “ARBO wants to control all if not most continuing education in optometry, not only in content, but more importantly in revenue”. Dr. Cohen clarified that conference attendees, including representatives of AOA (American Optometry Association), agreed with ARBO’s intention to require full disclosure of any speaker/vendor relationships, however, the attendees were very concerned that speakers would become reluctant to present if their compensation was decreased. The Board was very concerned with this issue, after a detailed discussion, Dr. Tanner seconded by Dr. Purdy made a motion to submit a letter to ARBO expressing the Board and Division’s concerns, the motion carried unanimously.

Mr. Watson then expressed his concerns with R156-16a-304. He explained that currently there are no restrictions on the number of continuing education hours a licensee may obtain from internet or correspondence courses. After a brief discussion it was determined that the Division would review the recently submitted Continuing Education Audits. A comparison report will be submitted to the Board outlining the total number of course hours submitted from the internet or correspondence hours, at the October 1, 2008 meeting.

#### Contract Lens Expiration Dates

Also at the March 12, 2008 meeting Dr. Dansie expressed his concern that the Code of Federal Regulations, Title 16 § 315.6; Expiration of Contact Lens Prescriptions, indicate that contact lens prescriptions expire one year from the date of issuance, however, Utah Code 58-16a-102 (15) indicates that prescription expire two years from the date of issuance. After the March 2008 meeting concluded the Division reviewed both Statutes, it was determined that the Federal Code allows the State Code to supersede it.

Dr. Cohen then explained that another topic at the June 2008, ARBO meeting, was regarding a new “Active Contact Lens”, which pending FDA (Food and Drug Administration) approval will be on the market this coming fall. He further explained that the Contact Lens will be infused with a prescription drug; for allergies, glaucoma, or dry eyes. Dr. Cohen was concerned that due to the new lenses being infused with a prescription drug, changes may need to be made to 58-16a, to allow Optometrist to prescribe the new contact lenses.

After a detailed discussion it was determined that the Division would review all sections of Title 58 to determine if an Optometrist could prescribe the proposed contact lenses.

After the meeting adjourned the Division determined that a licensed Optometrist may only prescribe or administer pharmaceutical agents for the eye and its adnexa, if the pharmaceutical meets the requirements under 58-16a-601.

Accreditation Council on Optometric Education –  
Optometric Residency Standards

Reviewed, with no further action taken.

Mr. Ormond then explained that an additional document was received by the Division, on July 25<sup>th</sup>, regarding the AOA (American Optometric Association) ACOE (Accreditation Council on Optometric Education) June 25-28<sup>th</sup>, 2008 Seattle Washington conference.

Mr. Watson explained that he had attended the conference and that there was nothing to be reported to the Board.

**CORRESPONDENCE:**

Pennsylvania State Board of Optometry – News  
Letter

Reviewed, with no further action taken.

International Vision Expo – Course Attendance  
Verification Changes

Reviewed, with no further action taken.

Association News – April & June 2008

Reviewed, with no further action taken.

American Optometric Association – State  
Legislative Conference

Dr. Purdy commented that he would be attending the AOA’s State Legislative Conference, and explained that he will report any pertinent topics to the Board at the October meeting.

International Vision Expo – Conference October 2-  
6, 2008

Reviewed, with no further action taken.

ARBO - Proposed Changes to Bylaws

Reviewed, with no further action taken.

It was determined that this Board will meet again on  
October 1, 2008, at 9:00 a.m.

**ADJOURN:** 11:15 a.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

October 1, 2008	(ss) Dane Dansie
Date Approved	Chairperson, Optometrist Licensing Board

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October 1, 2008	(ss) Clyde Ormond
Date Approved	Bureau Manager, Division of Occupational & Professional Licensing

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