MINUTES

UTAH
OPTOMETRIST LICENSING BOARD

April 28, 2015
Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:13 A.M.

ADJOURNED: 9:36 A.M.

Bureau Manager: April Ellis
Board Secretary: Lisa Martin
Compliance Assistant:

Board Members Present:
Scott Peterson, OD, Chairperson
Louie Hamner
Roger Pickering, OD
Rich Humpherys, OD
Brenden R. White, OD

Board Members Absent and Excused: Blaine F. Bird, OD

Guests:

DOPL Staff Present:

TOPICS FOR DISCUSSION	DECISIONS AND RECOMMENDATIONS
ADMINISTRATIVE BUSINESS:	
MINUTES:	The minutes from the January 27, 2015 Board meeting were read. Mr. Hamner made a motion to approve the minutes as read. Dr. Pickering seconded the motion. The Board vote was unanimous.
APPOINTMENTS:	
DISCUSSION ITEMS:	Dr. Peterson refers to an article describing an AOA-organized watchdog group that will research violations related to decorative contact lens sales. Ms. Ellis states this document is to provide information to the board. There is no action for the

board to take at this time. Ms. Ellis states this article echoes the discussion from the last board meeting.

S.B. 169

Dr. Peterson states SB 169 prohibits contact lens manufacturers from controlling the price of contact lens sold in retail outlets. The law will go into effect in May. There is litigation against the State by 3 major contact lens companies to stop this law. This discussion is to inform the board of the events, there is no action for the board to take at this time.

Dr. White asks how this bill will affect individual practices.

Dr. Peterson states this law would impact retailers not individual practices.

Optical Equipment Standards

Dr. Peterson refers to a discussion item from the last meeting concerning equipment standards in the law.

Ms. Ellis states she found most states do not have equipment standards in place. Kentucky has standards close to what the board had discussed. Changing the rule would make it unprofessional conduct for the optometrist to have substandard equipment and not the employer.

Dr. Peterson asks if that may be the reason many states do not have equipment standards in place.

Dr. Humpherys asks how it would be determined if the equipment is adequate or necessary and suggests a list of equipment would clearly state what the requirements are.

Dr. Pickering states the South Dakota wording takes the equipment responsibility off the optometrist. South Dakota has a list of equipment in addition to stating "the minimum equipment with which licensed optometrist shall operate their offices and engage in the practice of optometry consist of the following items…" by saying that it is saying an employer cannot have an optometrist work without the listed equipment.

Ms. Ellis suggests getting input from the Utah Optometry Association as how a rule change would affect all optometrists.

Dr. Pickering states the board has received one complaint and asks if a rule change would serve the optometry community as a whole.

Dr. Peterson states the entity that has the complaint has multiple locations.

Dr. White states with one complaint there is not a pattern to show there is an issue and suggests speaking with the association to determine if there is an issue that needs to be addressed.

Dr. Peterson state he will talk with the Utah Optometry Association to see if they have any concerns and determine if the conversation will be addressed at the next board meeting.

Nasal Sprays

Dr. Peterson states an ad for flonase indicates there are new ocular indications and asks if it is within the scope of practice for optometrist to prescribe nasal products for allergic conjunctivitis.

Dr. White asks if the laws and rules give an answer.

Ms. Ellis quotes the law "examination of the human eye and its adnexa to detect and diagnose defects or abnormal conditions".

Dr. Peterson asks for the definition of adnexa.

Dr. White states the definition of adnexa includes any organ, appendages or accessories to the eye.

Dr. Peterson states the board agrees it is within the scope of practice for an optometrist to prescribe flonase to treat allergic conjunctivitis.

CORRESPONDENCE:

American Optometry Association Legislative Letter

Dr. Peterson refers the board to a letter sent to the legislative chair in regards to SB 169 and the suit filed

to invalidate the law.

NEXT MEETING SCHEDULED FOR: July 28, 2015

ADJOURN: The time is 9:36 A.M. and the Board meeting is adjourned.

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.

7/25/16
Date Approved

Chairperson, Utah Optometrist Licensing Board

6/10/2015
Date Approved

April Ellis
Bureau Manager, Division of Occupational & Professional Licensing