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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OPTOMETRY

TIME: 10:45 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Thursday, May 11, 2023

State Board of Optometry
May 11, 2023

BOARD MEMBERS:

Luanne K. Chubb, O.D., F.A.A.O., Chairperson
John A. Godfrey, O.D. Vice Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary
Tyler Ritchie, Deputy Attorney General, Consumer
Protection Member - Absent
Jeffrey B. Becker, O.D.
Perry C. Umlauf, O.D.
Marc Berson, O.D.

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Gregory S. Liero, Esquire, Board Prosecution Liaison
Shakeena Chappelle, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates,
on behalf of Pennsylvania Optometric Association
Jennifer Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Nicole Sidle, Executive Director, Professional
Licensure Committee, PA House of Representatives
Kari Orchard, Democratic Executive Director, House
Professional Licensure Committee
Jennifer A. Keeler, CAE, Executive Director,
Pennsylvania Optometric Association
Scott Yeager, Outreach Manager, Pennie
Charles (Chachi) Angelo, Director of External Affairs,
Pennie
Derek Richmond

1 ***

2 State Board of Optometry

3 May 11, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Shawn J. Jayman, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of Board
10 Counsel. The Board returned to open session at 10:30
11 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Optometry was held on Thursday, May 11,
15 2023. Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
16 called the meeting to order at 10:45 a.m.

17 ***

18 Roll Call

19 [Chairperson Chubb requested Ms. Chappelle take a
20 roll call of Board members.]

21 ***

22 Introduction of Audience

23 [Chairperson Chubb requested the introduction of
24 audience members.]

25 ***

1 Approval of Minutes

2 CHAIRPERSON CHUBB:

3 At this time, I'd like to entertain a
4 motion for approval of the minutes.

5 DR. GODFREY:

6 So moved.

7 DR. BECKER:

8 Second.

9 CHAIRPERSON CHUBB:

10 Discussion? Are there any corrections
11 to the minutes? I know there were
12 several additions sent out and
13 corrections already made. Any other
14 corrections to the minutes? Hearing
15 none.

16 Can we take a vote for the approval
17 of the minutes?

18 MS. CHAPPELLE:

19 Dr. Chubb, aye; Dr. Godfrey, aye;
20 Commissioner Claggett, abstain; Dr.
21 Wilcox, aye; Dr. Becker, aye; Dr.
22 Umlauf, aye; Dr. Berson, aye.

23 CHAIRPERSON CHUBB:

24 Any opposed?

25 [The motion carried. Arion Claggett abstained from

1 voting on the motion.]

2 ***

3 [Shawn J. Jayman, Esquire, Board Counsel, informed
4 everyone that the meeting was being recorded, and
5 those who continued to participate were giving their
6 consent to be recorded.

7 Mr. Jayman also noted the Board entered into
8 Executive Session for the purpose of conducting
9 quasi-judicial deliberations on a number of matters
10 currently pending before the Board and to receive the
11 advice of counsel.]

12 ***

13 Report of Board Prosecutors

14 [Gregory S. Liero, Esquire, Board Prosecution
15 Liaison, had nothing to report.]

16 ***

17 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
18 presented the Consent Agreement for Case No. 21-52-
19 019285.

20 Mr. Jarabeck noted Chairperson Chubb would be
21 recusing based upon review of a Petition for
22 Appropriate Relief and provided an explanation for
23 the recusal because it was not noted in the Consent
24 Agreement.

25 Mr. Jarabeck informed Board members that he and

1 Mr. Liero, along with several staff members of the
2 prosecution division, toured a local optometry office
3 for a better understanding of the practice. He
4 mentioned that Chairperson Chubb provided prosecution
5 with an opportunity to meet with staff at Salus
6 University, noting that prosecution would like to see
7 their operations and provide a presentation of the
8 Board process and prosecution efforts.

9 Dr. Denise Wilcox mentioned taking the secretary
10 of health to the College of Optometry to learn about
11 education when she was on the Board several years ago
12 and suggested also inviting the secretary of health
13 along for the trip.]

14 ***

15 VICE CHAIRPERSON GODFREY ASSUMED THE CHAIR

16 ***

17 MR. JAYMAN:

18 Based on Executive Session
19 deliberations, I believe the Vice
20 Chairperson would entertain a motion to
21 approve the Consent Agreement at Case
22 No. 21-52-019285.

23 VICE CHAIRPERSON GODFREY:

24 Who would like to make a motion?

25 DR. BECKER:

1 So moved.

2 ACTING COMMISSIONER CLAGGETT:

3 Second.

4 VICE CHAIRPERSON GODFREY:

5 Any discussion regarding this matter.

6 Hearing none. We'll take a roll call.

7 MS. CHAPPELLE:

8 Dr. Chubb, recuse; Dr. Godfrey, aye;

9 Commissioner Claggett, aye; Dr. Wilcox,

10 aye; Dr. Becker, aye; Dr. Umlauf, aye;

11 Dr. Berson, aye.

12 [The motion carried. Luanne Chubb recused herself

13 from deliberations and voting on the motion. The

14 Respondent's name is John J. Pelizzari, O.D.]

15 ***

16 CHAIRPERSON CHUBB RESUMED THE CHAIR

17 ***

18 Report of Board Counsel - Legislative Report

19 MR. JAYMAN:

20 Based upon discussions in Executive

21 Session, it is my understanding that

22 the Board would entertain a motion to

23 table the matter listed at item 3 on

24 the agenda.

25 CHAIRPERSON CHUBB:

1 Is there a motion?

2 DR. GODFREY:

3 So moved.

4 CHAIRPERSON CHUBB:

5 Is there a second?

6 DR. WILCOX:

7 Second.

8 MS. CHAPPELLE:

9 Dr. Chubb, aye; Dr. Godfrey, aye;
10 Commissioner Claggett, aye; Dr. Wilcox,
11 aye; Dr. Becker, aye; Dr. Umlauf, aye;
12 Dr. Berson, aye.

13 CHAIRPERSON CHUBB:

14 Any opposed? Any abstentions?

15 [The motion carried unanimously.]

16 ***

17 Report of Board Chair

18 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
19 provided an update concerning her activities on the
20 Accreditation Council on Optometric Education (ACOE)
21 that reviews standards for 25 schools of optometry
22 and over 250 residency programs in optometry
23 nationwide. She noted reviewing the current
24 standards for optometry at the February meeting. She
25 reported that the standards went out for public

1 comment and are under a period of review to update
2 the standards for the current schools.

3 Chairperson Chubb also reviewed residency
4 standards in St. Louis in April to update those
5 standards, which would also go out for public
6 comment. She noted comments could be made on the
7 American Optometric Association (AOA) website and
8 encouraged Board members to read the information
9 regarding the standards and provide input.

10 Chairperson Chubb announced that the Association
11 of Regulatory Boards of Optometry (ARBO) would be
12 holding their annual meeting in June, noting they
13 also have been providing live webinars about
14 different topics on the regulations.

15 Chairperson Chubb informed everyone that
16 Executive Director Jill Bryant would be providing an
17 update on May 16 regarding the new skills test. She
18 mentioned that applicants must pass Parts I, II, and
19 III and III is undergoing a revision to not only have
20 a clinical skills test but also include a clinical
21 process incorporation to expand the testing to
22 provide more comprehensive testing and licensing for
23 their applicants.

24 Chairperson Chubb reported the possible release
25 to be in 2023 or 2024. She encouraged anyone who had

1 an interest in attending to sign up on ARBO's
2 website.]

3 ***

4 Report of Acting Commissioner - No Report

5 ***

6 Appointment - Pennsylvania Insurance Department -
7 Pennie Health Insurance Presentation

8 [Scott Yeager, Outreach Manager, Pennie, stated
9 Pennsylvania's state-based health insurance
10 marketplace officially launched Pennie on November 1,
11 2020, and has grown considerably in Pennsylvania in
12 terms of residents being protected.

13 Charles (Chachi) Angelo, Director of External
14 Affairs, Pennie, informed everyone that Pennie is a
15 new state agency established from unanimous
16 bipartisan legislation passed in 2019 for
17 Pennsylvania to move away from HealthCare.gov to set
18 up a its own health insurance marketplace to ensure
19 quality and set up a reinsurance program to save
20 middle income families on health insurance costs.

21 Mr. Angelo explained that Pennie is focused on
22 maximizing the number of Pennsylvanians with
23 affordable, quality health coverage and to help them
24 find the best coverage with tax incentives. He noted
25 that individuals and families who do not have

1 coverage through an employer receive coverage through
2 Pennie.

3 Mr. Angelo stated Pennie also assists those who
4 are uninsured and not eligible for Medicaid and
5 operates a no wrong door policy to provide the right
6 coverage.

7 Mr. Angelo referred to the past open enrollment,
8 noting over 371,000 Pennsylvanians are enrolled with
9 about 90 percent eligible for tax credits. He
10 addressed advanced premium tax credits, which is an
11 immediate tax credit to lower the monthly premium,
12 along with cost-sharing for those who qualify for
13 additional savings to help with copays, deductibles,
14 and coinsurance.

15 Mr. Angelo reported that the landscape of the
16 health insurance changed during the pandemic with the
17 passing of the American Rescue Plan and then with the
18 Inflation Reduction Act by increasing the amount of
19 tax credits. He stated affordability of health
20 coverage through the marketplace has never been
21 higher and noted the importance of informing
22 individuals of Pennie being the marketplace and
23 having lower costs compared to Healthcare.gov.

24 Mr. Angelo stated 1 out of 4 Pennie customers pay
25 less than \$1 a day, 14 percent pay less than \$1 a

1 month, and the majority pay less than \$75 a month for
2 health coverage. He mentioned that it is fully
3 comprehensive care that includes the 10 essential
4 health benefits of the Affordable Care Act and people
5 cannot be denied because of preexisting conditions.

6 Dr. Denise Wilcox asked whether vision care is
7 provided in the plans.

8 Mr. Yeager explained that Pennsylvania's
9 marketplace sells standalone health plans and dental
10 plans but vision insurance is not yet there but would
11 continue to evolve to meet the needs of residents.

12 Mr. Yeager noted that the majority of the health
13 insurance plans do cover emergency vision in terms of
14 medically necessary procedures to preserve vision.
15 He also noted plans include child vision as a
16 component of the health insurance plan and recently
17 had several insurance providers combining medical,
18 dental, and vision. He stated people are encouraged
19 to shop because they created a competitive
20 marketplace and provide options if vision concerns
21 are essential to an individual or family and their
22 well-being.

23 Dr. Becker commented that people in his practice
24 were buying affordable insurance with low premiums
25 but could not afford the deductibles at \$10,000 and

1 asked whether this insurance was any different or
2 would change.

3 Mr. Yeager explained that they created a more
4 competitive marketplace than what existed under
5 Healthcare.gov, where all of the plans list not only
6 the premium but the deductibles, noting some plans
7 have a zero deductible.

8 Mr. Angelo further explained that plans are sold
9 as bronze, silver, and gold and the bronze buy up
10 increased 40 percent. He explained that having a
11 gold plan may mean higher costs during the month but
12 the deductible would be much lower.

13 Dr. Wilcox asked whether the Children's Health
14 Insurance Program (CHIP) was part of Pennie.

15 Mr. Yeager explained that the Medical Assistance
16 and CHIP are very active and Pennie could provide
17 additional assistance for anyone who falls into gray
18 areas because they make a little too much to qualify
19 for Medical Assistance and is part of the no wrong
20 door policy.

21 Chairperson Chubb requested information regarding
22 the number of providers accepting the plans and how
23 accessible they are to the individual who has a plan.

24 Mr. Angelo stated Pennie has created a more
25 stable marketplace for more insurers to join, where

1 every rating area has at least two insurers but
2 depends on the region. He reported nine rating areas
3 in Pennsylvania with mostly all big providers and
4 insurance companies but that it depends on where
5 someone lives in the region. He mentioned that all
6 of the plans are commercial plans and could be
7 purchased outside of the marketplace.

8 Mr. Yeager further explained that Pennie's
9 shopping tool is anonymous but can identify plans
10 based upon the needs of the individual or family for
11 specific doctors, dentists, and prescription, along
12 with maintenance medications as product options. He
13 mentioned that Pennie gives their customers as much
14 control as possible because their insurance has to
15 meet the needs of their family within the area they
16 live.

17 Dr. Becker commented that many providers in his
18 area do not accept Medical Assistance as payment and
19 asked how providers are involved in Pennie, noting
20 that he was unaware of Pennie.

21 Mr. Yeager explained that the health insurance
22 carriers have the provider network and drug list
23 defined within the framework of health insurance
24 companies. He stated the health insurance carriers
25 determine the provider network and Pennie has been a

1 marketplace for three years. He commented that the
2 reason why they are in front of boards and consumer
3 groups is to explain the existence of Pennie.

4 Mr. Angelo addressed open enrollment, noting
5 individuals have from November 1 to January 15 to
6 enroll, along with a special enrollment period that
7 runs throughout the year for a qualifying life event.

8 He provided a list of qualifying life events, along
9 with creating new qualifying life events, including
10 those at or below 150 percent of the federal poverty
11 level.

12 Mr. Angelo also discussed the Path to Pennie
13 outside of open enrollment when filing taxes, where
14 an individual could fill out a form from the
15 Department of Revenue and Pennie would decide how
16 much financial assistance someone could receive to
17 purchase health coverage through Pennie.

18 Mr. Angelo stated anyone receiving Medicaid could
19 not be taken off when the public health emergency was
20 declared, but Congress passed a law in December to
21 start a redetermination process April 1, where those
22 receiving Medicaid must respond to the renewal
23 packet. He mentioned that many people may not know
24 about Pennie or are unaware that the tax credits have
25 increased because of the American Rescue Plan and

1 Inflation Reduction Act.

2 Mr. Angelo mentioned that individuals would have
3 120 days to enroll in a plan if they lose Medical
4 Assistance but encouraged them to enroll within 60
5 days to avoid a gap in coverage. He noted the
6 Department of Human Services (DHS) would share the
7 information with Pennie for those who do not respond.

8 Mr. Angelo emphasized the importance of
9 individuals responding to the renewal packet and
10 offered links to the information to share with
11 individuals.

12 Mr. Angelo stated customer service is available,
13 along with a vast network of assistors and brokers by
14 phone, virtually, in person, and chat in their
15 preferred language. He also noted countless tools
16 are available at pennie.com. He encouraged the State
17 Board of Optometry to help get the word out to anyone
18 who may be uninsured.

19 Mr. Angelo mentioned that Pennie's outreach team
20 could provide in-person or virtual education
21 sessions. He also mentioned that Pennie has a
22 community workgroup that meets monthly to discuss
23 things happening with the marketplace. He also
24 offered to provide fliers and brochures at no cost,
25 and Mr. Yeager provided his contact information in

1 chat.

2 Chairperson Chubb thanked Mr. Yeager and Mr.
3 Angelo for their presentation.]

4 ***

5 Report of Regulatory Counsel

6 [Shawn J. Jayman, Esquire, Board Counsel, provided an
7 update of active regulations. He noted that Megan
8 Castor from Board Counsel would be handling the
9 volunteer license regulation for all of the boards.

10 Mr. Jayman informed Board members that the
11 proposed rulemaking for the child abuse reporting
12 regulation was prepared by Cindy Montgomery and were
13 recently published for optometry in the *Pennsylvania*
14 *Bulletin* on April 29, 2023. He explained that there
15 would now be a 30-day comment period.

16 Mr. Jayman noted the licensure by endorsement
17 regulation is at the final-form stage after receiving
18 approval from the Office of General Counsel and would
19 be moving forward.

20 Mr. Jayman addressed the opioid regulation,
21 noting other health boards are involved in that
22 regulation and would be written in the future.

23 Dr. Wilcox asked whether the opioid regulation
24 would require someone with a Drug Enforcement
25 Administration (DEA) license to take continuing

1 education.

2 Mr. Jayman explained that the regulation is in
3 the beginning stages and applies to anyone who
4 prescribes but would follow up with the Board.

5 Dr. Umlauf explained that anyone applying for a
6 DEA license would be asked to attest that they have
7 taken 8 hours of opioid courses starting July 27. He
8 informed everyone that credits already obtained could
9 be used, where those who already have 6 hours would
10 only require an additional 2 hours to renew this
11 year. He encouraged everyone to look at their
12 expiration date because they could only renew within
13 60 days of their expiration date.

14 Chairperson Chubb informed everyone of links on
15 different state websites and national websites that
16 could be provided for those who are unclear or need
17 credits.

18 Mr. Jayman referred to 49 Pa. Code § 23.86
19 regarding resources of continuing education (CE).

20 Chairperson Chubb noted prior Board discussion
21 regarding what category the Board felt virtual
22 live/synchronous falls under and whether it falls
23 under § 23.86(a) or (g). She mentioned asking Mr.
24 Jayman to look into questions that the state Board
25 and associations received and Mr. Jayman proposed a

1 policy change. She noted providing peer review
2 posters that were researched and presented to the
3 Accreditation Council for Continuing Medical
4 Education (ACCME). She stated ACCME accepted the
5 Council on Optometric Practitioner Education (COPE)
6 posters, and the American Academy of Optometry
7 accepted a poster for presentation there, which
8 compared synchronous remote learning strategies and
9 outcome measures to provide evidence and the start of
10 evidence.

11 Chairperson Chubb commented that there was very
12 little in the literature when they started the
13 process 3 years ago because synchronous virtual
14 learning did not exist prior to the pandemic. She
15 noted that research and references are provided in
16 small amounts on the posters that present synchronous
17 remote learning strategies break down the barriers
18 for travel and expense but also provide doctors with
19 greater enrichment of knowledge, critical thinking,
20 and problem-solving opportunities they would not have
21 if limitations were there for live learning.

22 Chairperson Chubb stated the Board is proposing
23 in § 23.86 (g) that reference online webinars and
24 online programs were developed at a time when there
25 was not live learning and was at a time when all

1 online was a prerecorded individualized study. She
2 noted there were three or four posters presented as
3 information and background for the state Board and
4 for anyone to review.

5 Chairperson Chubb informed Board members that Mr.
6 Jayman provided a policy change or definition for
7 licensees prior to considering a regulatory change.

8 Mr. Jayman provided a background of the statement
9 of policy, where as a requirement for optometry
10 license renewal, licensees must complete at least 30
11 hours of Board-approved continuing education in each
12 biennial renewal period found at 49 Pa. Code § 23.82.

13 Mr. Jayman mentioned that a minimum of 50 percent
14 of the continuing education credits must be obtained
15 from attendance at live in-person courses and must be
16 taken from a Board-approved optometry continuing
17 education provider listed in § 23.86(a) of the Board's
18 regulations.

19 Mr. Jayman noted that § 23.86(g) allows for up to
20 15 of the required 30 hours to be online. He
21 mentioned that taped study programs, online or
22 webinar programs, and journal courses are listed
23 under individual study-type programs. He stated the
24 Board received inquiries regarding whether § 23.86(g)
25 applies to live virtual courses and programs that are

1 conducted through live real-time audio and video
2 communication where the instructor and participant
3 can interact in real time.

4 Mr. Jayman informed Board members that the policy
5 statement was written and would require a vote,
6 noting it is only a statement of how the board
7 currently interprets its regulations. He mentioned
8 that for purposes of § 23.86(g) of the policy
9 statement as drafted, the board would interpret §
10 23.86(g) to exclude live virtual courses and programs
11 that are conducted through live audio and video
12 communications where the instructor and participant
13 can interact in real time.

14 Mr. Jayman explained that the Board would
15 consider in person to be met if the setting includes
16 real-time live video and audio communication for
17 purposes of § 23.86(a) in the statement of policy

18 Dr. Godfrey asked whether there was a way on the
19 CE form to know whether it was synchronous or not
20 synchronous based on the code number if a
21 practitioner is audited.

22 Chairperson Chubb explained that they are
23 enrolled in Optometric Education (OE) TRACKER and
24 education credits are tracked as synchronous virtual
25 and synchronous in person.

1 Dr. Wilcox commented that the research is good
2 but limited with no contrasting research and was
3 surprised the interpretation of the regulations does
4 not require public comment. She mentioned being one
5 quarter of the way through the license renewal
6 period, where many people have already taken live
7 courses and would be questioning why they took a live
8 course when they did not need one. She also noted
9 not seeing any comparison with other states and asked
10 when it would be published because many optometrists
11 have already taken in-person courses.

12 Mr. Jayman explained that it would go through an
13 internal process if voted on and approved today and
14 then be published in Pa. Code as a statement of
15 policy. He again mentioned that a statement of
16 policy is only a statement of how the Board currently
17 interprets its regulations. He mentioned that the
18 Board may want to move forward with the policy
19 statement today but also pursue a permanent change to
20 the regulations.

21 Dr. Wilcox believed that the policy change would
22 require a change in regulations and would like to
23 have been involved in the policy change because she
24 rewrote the regulations.

25 Jennifer Keeler, Executive Director, Pennsylvania

1 Optometric Association, stated the POA exists to
2 serve optometrists in Pennsylvania. She noted POA
3 has a third-party center that advocates on behalf of
4 members with insurance companies and vision plans to
5 ensure fair reimbursement. She reported that
6 education is their major revenue stream and believed
7 the policy would decimate that for POA and may
8 threaten their existence. She stated in person
9 should be kept live.

10 Dr. Becker commented that live virtual and
11 synchronous is an excellent value for education and
12 allows many doctors to receive more education and
13 enhance the education of practitioners. He noted
14 that the Board should be for the change and not
15 backtrack to before COVID.]

16

17 [Pursuant to Section 708(a)(5) of the Sunshine Act,
18 at 11:52 a.m. the Board entered into Executive
19 Session with Shawn J. Jayman, Esquire, Board Counsel,
20 for the purpose of conducting quasi-judicial
21 deliberations and to receive the advice of Board
22 Counsel. The Board returned to open session at 12:10
23 p.m.]

24

25 MR. JAYMAN:

1 Back to number 6 on the agenda. At
2 this time, I believe the Chairperson
3 would entertain a motion to approve the
4 statement of policy interpreted in §
5 23.86(g) and direct Board Counsel to
6 move the statement of policy to obtain
7 the appropriate approvals to have it
8 codified in Pa. Code Title 49 and also
9 pursue a permanent change to its
10 regulations of that as well.

11 DR. GODFREY:

12 So moved.

13 DR. BECKER:

14 Second.

15 CHAIRPERSON CHUBB:

16 Any further discussion?

17 MS. CHAPPELLE:

18 Dr. Chubb, aye; Dr. Godfrey, aye;
19 Commissioner Claggett, aye; Dr. Wilcox,
20 nay; Dr. Becker, aye; Dr. Umlauf, nay;
21 Dr. Berson, aye.

22 [The motion carried. Denise Wilcox and Perry Umlauf
23 opposed the motion.]

24 ***

25 Report of Board Administrator - No Report

1
2 New Business

3 [Jeffrey B. Becker, O.D., addressed the definition of
4 a second office location. He noted the rules and
5 regulations were done many years ago and asked
6 whether someone filling in for another doctor or
7 doing consults at nursing homes and rehabilitation
8 centers would require a second office location.

9 Mr. Jayman explained that the Board speaks
10 through its decisions, an adjudication and order, and
11 whether a consent agreement is accepted or not
12 through regulations. He stated the Board cannot give
13 advisory opinions but could have a conversation about
14 whether there should be a regulation change and put
15 together an exposure draft for clarification.

16 Chairperson Chubb noted the current regulations
17 define an office as a reception area and seeing
18 patients, but in today's world many doctors may have
19 a practice and a secondary office somewhere else or
20 work as contractors.

21 Mr. Jayman informed Board members that he would
22 like to review a consent agreement regarding a second
23 business location and bring it back to the next
24 meeting for further discussion.

25 Mr. Jarabeck cited § 23.33 under practice, where

1 an optometrist may provide services to a patient who
2 is physically incapable of coming to the
3 optometrist's office at that patient's residence or
4 location, and asked whether it is logical to have a
5 second license at that person's residence.

6 Mr. Jarabeck also mentioned that an optometrist
7 may provide vision screenings at any location public
8 or private within the Commonwealth of Pennsylvania.
9 He noted that an optometrist may, as a professional
10 courtesy, accept the request to attend the patients
11 of another optometrist in the office of the other
12 optometrist during a temporary absence from practice
13 if consistent with other duties.

14 Mr. Jarabeck highlighted what is already in the
15 regulations, noting the Board's issue would be
16 whether it is reasonable. He also noted the consent
17 agreement Mr. Jayman would be reviewing would have
18 been at the May 19, 2022 meeting.]

19

20 Miscellaneous

21 [Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary,
22 addressed elder abuse recognition, where 12 of the
23 Board's websites have 3 documents that could be
24 downloaded but are all elder financial abuse. She
25 commented that none of the websites tell providers

1 how to identify elder physical and emotional abuse or
2 neglect or what to do. She stated the Board needs a
3 document for all health care professionals explaining
4 what to do if someone sees abuse.

5 Mr. Jarabeck noted that he sent an email to Board
6 Counsel for available training through the
7 Pennsylvania Department of Aging.

8 Acting Commissioner Claggett stated he and Board
9 Counsel could make that available on the Board's
10 website.

11 Mr. Jayman referred to the Federal Trade
12 Commission (FTC) cease-and-desist letters regarding
13 the Eyeglass Rule for the Board's information. He
14 noted the FTC sent 37 new cease-and-desist letters to
15 eyeglass prescribers, including optometrists, warning
16 them of potential violations of the agency's
17 ophthalmic practice rules, known as the Eyeglass
18 Rule, which ensures consumers the right to comparison
19 shop for prescription eyeglasses.]

20 ***

21 Adjournment

22 CHAIRPERSON CHUBB:

23 Is there a motion to adjourn the
24 meeting?

25 DR. GODFREY:

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Second.

DR. BECKER:

Second.

CHAIRPERSON CHUBB:

Thank you. I appreciate everyone attending.

[There being no further business, the State Board of Optometry Meeting adjourned at 12:33 p.m.]

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Optometry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Optometry meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OPTOMETRY
REFERENCE INDEX

May 11, 2023

	TIME	AGENDA
1		
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9	10:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:45	Official Call to Order
13		
14	10:45	Roll Call/Introduction of Audience
15		
16	10:47	Approval of Minutes
17		
18	10:48	Report of Board Prosecutors
19		
20	10:54	Report of Board Counsel
21		
22	10:55	Report of Board Chairperson
23		
24	10:58	Appointment - Pennsylvania Insurance
25		Department - Pennie Health Insurance
26		Presentation
27		
28	11:31	Report of Regulatory Counsel
29		
30	11:52	Executive Session
31	12:10	Return to Open Session
32		
33	12:10	Motion
34		
35	12:12	New Business
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37	12:25	Miscellaneous
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39	12:33	Adjournment
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