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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: 10:33 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2525 North 7th Street  
CoPA HUB, Eaton Conference Room  
Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Thursday, February 1, 2024

State Board of Optometry  
February 1, 2024

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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  
Rebecca Zehring, Office of Attorney General, Consumer  
Protection  
Jeffrey B. Becker, O.D.  
Perry C. Umlauf, O.D. - Absent  
Marc Berson, O.D.

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel  
Jacqueline A. Wolfgang, Esquire, Regulatory Counsel  
Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
Gregory S. Liero, Esquire, Board Prosecution Liaison  
Shakeena Chappelle, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Carlton Smith, Deputy Chief Counsel, Prosecution  
Division  
Deena Parmelee, Legal Office Administrator 1,  
Department of State  
Brian Poeschl, Extern, Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates,  
on behalf of Pennsylvania Optometric Association  
Jake Newman  
Victoria Lantz

1 \*\*\*

2 State Board of Optometry

3 February 1, 2024

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 counsel.  
10 The Board returned to open session at 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State  
13 Board of Optometry was held on Thursday, February 1,  
14 2024. Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
15 called the meeting to order at 10:33 a.m.

16 \*\*\*

17 Roll Call of Board Members/Introduction of Attendees  
18 [Shakeena L. Chappelle, Board Administrator, provided  
19 a roll call of Board members and an introduction of  
20 attendees.]

21 \*\*\*

22 [Shawn J. Jayman, Esquire, Board Counsel, informed  
23 everyone that the meeting was being recorded, and  
24 those who continued to participate were giving their  
25 consent to be recorded.



1 changes Dr. Wilcox has outlined.

2 DR. BERSON:

3 Second.

4 CHAIRPERSON CHUBB:

5 Any further discussion? Roll call  
6 vote.

7

8 Dr. Chubb, aye; Dr. Godfrey, aye;  
9 Commissioner Claggett, aye; Dr. Wilcox,  
10 aye; Rebecca Zehring, aye; Dr. Becker,  
11 aye; Dr. Berson, aye.

12 CHAIRPERSON CHUBB:

13 Any opposed? Any abstentions? Motion  
14 carries.

15 [The motion carried unanimously.]

16 \*\*\*

17 Report of Board Prosecutors - No Report

18 \*\*\*

19 Report of Acting Commissioner - No Report

20 \*\*\*

21 Regulatory Report

22 [Shawn J. Jayman, Esquire, Board Counsel, noted  
23 Jacqueline Wolfgang is assigned to the Board and will  
24 address regulations later in the meeting.

25 Mr. Jayman addressed 16A-5215 regarding the child

1 abuse regulations. He noted the child abuse  
2 regulations were published in the *Pennsylvania*  
3 *Bulletin* on January 26, 2023.

4 Mr. Jayman explained that the General Assembly  
5 made numerous amendments to the Child Protective  
6 Services Law, including the requirement imposed by  
7 the Act of April 15, 2014, on all health-related  
8 boards to require training in child abuse recognition  
9 and reporting for licensees who are considered  
10 mandatory reporters under the Child Protective  
11 Services Law.

12 Mr. Jayman stated the rulemaking was required to  
13 update the Board's existing regulations on the  
14 subject of child abuse reporting to be consistent  
15 with that law.]

16 \*\*\*

17 Report of Board Chairperson - No Report

18 \*\*\*

19 Report of Board Administrator - No Report

20 \*\*\*

21 New Business - Newsletter Update

22 [Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary,  
23 informed Board members that she continues to work on  
24 the newsletter and asked anyone who wished to provide  
25 information for the newsletter to do so by the May

1 Board meeting. Dr. Becker agreed to write an article  
2 regarding opioids. He also suggested including an  
3 article reminding optometrists that they are  
4 mandatory reporters regarding vision loss and driving  
5 and the importance of following rules and  
6 regulations.

7 Dr. Wilcox mentioned that there was an article in  
8 the last newsletter but offered to place all of the  
9 information, including the links to the Department of  
10 Motor Vehicles and the Medical Reporting Form, in the  
11 current newsletter. She also noted optometrists can  
12 apply for a disability parking placard for an  
13 individual who is legally blind.

14 Chairperson Chubb recommended updating their  
15 website to include the newsletters and links for  
16 easier access, because she cannot send those forms  
17 electronically from work.

18 Dr. Becker noted that the Pennsylvania Department  
19 of Transportation wants the forms to be faxed. He  
20 also mentioned that optometrists believe patients  
21 will not like them anymore if they report them even  
22 though it is anonymous reporting.

23 Dr. Wilcox reported receiving Dr. Berson's  
24 biography, because he is new to the Board again, and  
25 an updated list of drugs that were not in the last

1 newsletter. She noted that an article on bioptic  
2 driving in Pennsylvania by Dr. Freeman would also be  
3 included in the newsletter. She encouraged anyone  
4 who has information for the newsletter to send it to  
5 her email address.

6 Chairperson Chubb commented that it would also be  
7 appropriate to provide telehealth information once it  
8 is finalized.

9 Dr. Wilcox addressed an interesting piece in the  
10 newsletter, noting Act 116 was passed for carryover  
11 of continuing education effective January 24, 2021.  
12 She stated it is not in their regulations, but it is  
13 in the newsletter for 2021, even though the Board  
14 never discussed Act 116.

15 Acting Commissioner Claggett asked Dr. Wilcox to  
16 allow him more time to look into Act 116, because the  
17 newsletter was before his time on the Board.]

18 \*\*\*

19 Miscellaneous - Opioid CE Discussion

20 [Shawn J. Jayman, Esquire, Board Counsel, informed  
21 Board members that optometrists do not have a current  
22 Drug Enforcement Administration (DEA) registration  
23 and do not utilize the DEA registration number of  
24 another person or entity to prescribe controlled  
25 substances, so they are not required to have the



1 opioid continuing education.

2 Ms. Chappelle asked whether answering no to the  
3 question on the application is enough or would a  
4 written statement also be required.

5 Chairperson Chubb explained that if it also says  
6 do you have a DEA license, they should be able to  
7 click yes or no, and if they click no, then the  
8 second question should not be needed.]

9

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10 Miscellaneous - ARBO Meeting Attendance

11 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
12 requested a Board vote for attendance at the  
13 Association of Regulatory Boards of Optometry (ARBO)  
14 Meeting in Nashville, TN, June 16-18, 2024. She  
15 noted more information would be available regarding  
16 the meeting agenda.]

17 CHAIRPERSON CHUBB:

18 Is there a motion to approve two Board  
19 members and the Board administrator to  
20 attend the ARBO Meeting in Nashville,  
21 June 16-18.

22 DR. GODFREY:

23 So moved.

24 CHAIRPERSON CHUBB:

25 Second?

1 DR. BERSON:

2 Second.

3 CHAIRPERSON CHUBB:

4 Is there a discussion? All in favor?

5

6 Dr. Chubb, aye; Dr. Godfrey, aye;  
7 Commissioner Claggett, aye; Dr. Wilcox,  
8 aye; Rebecca Zehring, aye; Dr. Becker,  
9 aye; Dr. Berson, aye.

10 CHAIRPERSON CHUBB:

11 Any opposed? Any abstentions? Hearing  
12 none. Motion carries.

13 [The motion carried unanimously.]

14

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15 Appointment - Annual Prosecution Division

16 Presentation

17 [Carlton Smith, Esquire, Deputy Chief Counsel,  
18 Prosecution Division, informed Board members that he  
19 assumed his role in March 2023 when Carolyn  
20 DeLaurentis was promoted to the Executive Deputy  
21 Chief Counsel position and provided a brief summary  
22 of his professional background.

23 Mr. Smith reported a decrease in the number of  
24 Bureau of Professional and Occupational Affairs  
25 (BPOA) complaints for all boards and commissions from

1 around 22,000 in 2022 to roughly 19,000 in 2023.

2 Mr. Smith presented the Prosecution Division's  
3 Annual Report for the State Board of Optometry. He  
4 reported over 3,100 licensees with 22 opened cases in  
5 2023. He also reported 20 open cases and 42 cases  
6 closed. He informed Board members that prosecution's  
7 gold standard is to be able to dispose of a case  
8 within a year across all boards.

9 Mr. Smith addressed cases where there is no  
10 discipline imposed, including prosecution not  
11 warranted and warning letters.

12 Mr. Smith stated warning letters are the most  
13 appropriate course of action when cases are fairly  
14 mundane, where the person does not have a significant  
15 discipline history or there may be problems from an  
16 evidentiary standpoint. He noted prosecution not  
17 warranted may involve whether prosecution can prove a  
18 violation and the strength of the evidence.

19 Dr. Wilcox referred to the two cases at the top  
20 and asked whether the Board discussed those cases at  
21 Board meetings or whether they are from the year  
22 before.

23 Mr. Smith explained that a suspension or a  
24 voluntary surrender would have involved Board  
25 activity.

1 Paul J. Jarabeck, Esquire, Senior Board  
2 Prosecutor, explained that the Board had a Consent  
3 Agreement that enacted a suspension and a voluntary  
4 surrender against an optometrist, who failed to  
5 comply with the Voluntary Recovery Program, and the  
6 Board dismissed a case that was presented before the  
7 Board through a hearing process, which is the Z24  
8 shown at the bottom.

9 Chairperson Chubb requested information regarding  
10 "P" stop closed.

11 Mr. Jarabeck stated there was a determination  
12 that the individual may not have been licensed for a  
13 long period of time, and there may be a reason why  
14 they would not believe it was worthy of prosecuting  
15 at the moment, but if the individual comes back and  
16 prosecution receives a notification that they are  
17 trying to get their license back, then it would put  
18 prosecution in a position to reconsider what they  
19 previously stopped because the individual is trying  
20 to get their license back in an active status.

21 Chairperson Chubb requested examples of  
22 prosecution not warranted and warning letters.

23 Mr. Smith explained that recordkeeping offenses  
24 are the most frequent with warning letters.

25 Mr. Jarabeck referred to prosecution not

1 warranted, where cases are reviewed by experts. He  
2 noted that they have not had a standard of care case  
3 that has been authorized by an expert for a very long  
4 period of time, because the cases generally come back  
5 with no basis by which to prosecute.

6 Mr. Jarabeck noted that warning letters can be  
7 something as simple or benign as a late renewal or  
8 something where they have questions on quality of  
9 evidence. He mentioned it could also be something  
10 where the individual is put on notice but may be  
11 subject to prosecution for a similar offense.]

12 \*\*\*

13 Adjournment

14 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson, ended  
15 the general session of the State Board of Optometry  
16 at 11:06 a.m.]

17 \*\*\*

18 [There being no further business, the State Board of  
19 Optometry Meeting adjourned at 11:06 a.m.]

20 \*\*\*

21 [A State Board of Optometry Regulatory Committee  
22 Meeting was held immediately following the general  
23 Board meeting.]

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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.



Victoria Lantz,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF OPTOMETRY  
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| TIME  | AGENDA  |
|-------|---|
| 10:00 | Executive Session   |
| 10:30 | Return to Open Session  |
| 10:33 | Official Call to Order  |
| 10:33 | Roll Call/Introduction of Attendees   |
| 10:36 | Approval of Minutes   |
| 10:39 | Regulatory Report   |
| 10:41 | New Business  |
| 10:49 | Miscellaneous   |
| 10:53 | Appointment - Carlton Smith, Deputy Chief<br>Counsel, Annual Prosecution Division<br>Report |
| 11:06 | Adjournment   |