

BOARD MEETING MINUTES

May 3, 2024

CALL TO ORDER.

Dr. Hopping called the May meeting of the Texas Optometry Board (TOB) to order at 8:34 a.m.

ROLL CALL. A roll call vote was taken and quorum was present for the meeting.

Ronald L. Hopping, O.D. Chair
Judy Chambers, Public Member
John Todd Cornett, O.D. Member
Steve Nguyen, O.D. Member
Carey Patrick, O.D. Member
Rene Peña, Public Member
Meghan Schutte, O.D. Member
Bill Thompson, O.D. Member
Janice McCoy, Executive Director
Dennis McKinney, Assistant Attorney General

MINUTES. The Board reviewed the February 9, 2024, meeting minutes. A motion was made by Dr. Patrick to accept the minutes as drafted and seconded by Mrs. Chambers. The motion passed unanimously (FOR – 8/OPPOSED – 0/ABSTAIN – 0).

PUBLIC COMMENT. Dr. Hopping solicited public comment. Comments were received from Clifton Bergfeld, representing National Vision.

The Chair acknowledged Mala Sharma, Public Member, was present at 8:37 a.m.

BOARD CHAIR REPORT. Dr. Hopping presented the Board Chair Report. He discussed the passing of former University of Houston College of Optometry Dean Jerry Strickland, noted that Dr. Thompson would represent the Board at the ARBO meeting in June as its voting member and that the Board would pay for his travel; noted that Dr. Patrick would also be attending the ARBO conference and she had received a travel scholarship from ARBO; noted the Board is seeking new ophthalmologists and optometrists to serve as expert reviewers; thanked staff for its work in disseminating complaint information via electronic means; noted the next meeting would be August 1-2, 2024, in Austin; and asked members to keep vigilant about ideas for the 2025 Professional Responsibility Course.

GENERAL MATTERS.

Optometry School Liaison Reports: Dr. Schutte provided an update as the liaison for the Rosenberg School of Optometry (RSO). She reported that RSO notes its NBEO passing rates were good and that recruitment for students was low as many applicants were not qualified. Dr. Cornett provided an update as the liaison for the University of Houston College of Optometry (UHCO). He reported Dean Twa was busy with commencement season – including Earl Smith be named to the Hall of Visionaries and graduation would be on May 11; noted that UHCO had 104 students enrolled for the Fall and 7 new faculty members.

Strategic Plan: Ms. McCoy shared the draft Strategic Plan which is due on June 1, 2024. After discussion, Dr. Thompson moved to approve the Strategic Plan with noted modifications and seconded by Dr. Patrick. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

EXECUTIVE DIRECTOR’S REPORT. Ms. McCoy presented the Executive Director’s Report. She reported that through March 31, 2024, the Board had 46% of its budget remaining with 42% of the year remaining. She reported the agency filed its FY24Q2 Performance Measures on March 20 2024, and explained, as usual, the agency was out of range on a few measures but positive for the agency.

She reported that as of April 23, 2024, there were 5,157 total licensees (4,817 active; 333 inactive; 7 retired), of which 4,038 were OGS (3,926 active; 108 inactive, 4 retired) and 116 were military.

She reported on the Comptroller’s FY22 Post-Payment Audit Report that was released on April 16, 2024 and the agency is already underway with its corrective action plan on all issues raised.

Finally, she reported she was working with Texas Optometric Association and Texas Ophthalmological Association to recruit new expert panel members and that the agency’s Legislative Appropriations Request will be due this summer.

LEGAL REPORT.

Ms. McCoy discussed the finalized Proposal for Decision in SOAH Docket 514-22-08282.

Dr. Thompson moved to adopt a Board order accepting the Proposal for Decision for SOAH Docket No. 514-22-08282 as drafted by the Administrative Law Judge. Dr. Patrick seconded. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

The board did not take any action on SOAH Docket 514-22-08281 as the Administrative Law Judge still has not issued a final Proposal for Decision.

COMMITTEE REPORTS.

ADMINISTRATIVE/LICENSING COMMITTEE.

Dr. Patrick, Chair of the Administrative/Licensing Committee, provided the report. She reported in to date in FY24 Quarter 3, 18 licenses had been issued and 7 licenses had been renewed. Dr. Patrick reported Dr. Kent Wise #4896TG of Burleson, Texas had passed away.

Dr. Patrick reported that the Committee discussed combining the therapeutic and optometric glaucoma specialist applications into a single application process. After discussion, the Committee referred the issue to the Rules Committee for action.

CONTINUING EDUCATION COMMITTEE. Dr. Schutte provided her report in the form of a motion. The Committee moved to approve 11 total reviewed courses (comprising 31 DT hours and 1 opioid hour). The motion was seconded by Dr. Thompson. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

INVESTIGATION-ENFORCEMENT COMMITTEE.

The Chair asked for a motion to go into Executive Session regarding Complaint #2024-00015. At 9:16 a.m. Dr. Schutte so moved and was seconded by Mrs. Chambers (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

The Chair announced the Board would go into Executive Session to discuss and consult with legal counsel concerning Complaint #2024-00015 as authorized by Texas Government Code 551.071. At 9:27 a.m., the Chair announced “the Board is now in Open Session. The Board did not take any action during Executive Session.”

Dr. Hopping requested Ms. McCoy summarize the recommendations of the Investigation-Enforcement Committee for Complaint #2024-00015. Ms. McCoy reported the following:

In Complaint #2024-00015, the Investigation-Enforcement Committee finds the Respondent in violation of the Texas Optometry Act and recommends that the Respondent shall pay an administrative monetary fine of \$1,000.00 no later than six months from the date of the fully executed Order, the Respondent shall shadow an ophthalmologist who is a fellowship-trained Glaucoma specialist for a total of 8 hours, the Respondent shall take an additional 8 hours of continuing education for a total of 40 during the current renewal cycle with 16 of those hours related to the diagnosis and treatment of glaucoma, and complete 10 gonioscopy examinations on patients.

As the Board heard the recommendation of the Investigation-Enforcement Committee related to Complaint #2024-00015, Dr. Hopping called for a vote. As the motion came from a committee, it did not need a second. Dr. Cornett, Dr. Nguyen, and Mrs. Chambers abstained from the vote. (FOR-6/AGAINST-0/ABSTAIN-3)

Ms. McCoy provided a summary of investigative activity to the Board regarding complaints and investigations for FY24 Q2: Total Number of Cases closed: 14 / Average Days to Close in Quarter: 28 / Total Number of Inspections Conducted: 0 / Penalties Assessed: 2 (approved by Board in February). For the first month of FY24 Q3: Total Number of Cases Closed: 4 / Average Days to Close in Quarter: 42 / Total Number of Inspections Conducted: 21 / Penalties Assessed: 0. She reported there were 23 cases currently open: 9 at SOAH (2 awaiting final PFD and 7 awaiting hearing), 2 for Board action and 12 under investigation, including 1 glaucoma case.

She reported she issued no administrative penalties since the February meeting.

The Board took a break at 9:32 and returned at 9:39am.

RULES COMMITTEE. Dr. Thompson provided a report in the form of several independent motions. He moved the Board propose to close the Quadrennial Rules Review for Chapters 271, 272, 273 and 275. As the motion came from a committee, it did not need a second. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

Dr. Thompson asked the executive director to outline the proposed amendments to Chapter 271, 272, 273, and 280. Dr. Patrick moved to amend Section 273.4 Fees to increase the application fee from \$150 to \$205. Mr. Pena seconded. The motion passed. (FOR – 6/ OPPOSED – 2/ABSTAIN – 1)

After Ms. McCoy's presentation, Dr. Thompson moved the Board propose for publication in the Texas Register amendments to Chapters 271 (as amended), 272, 273 and 280 after submission to the Office of the Governor for review. As the motion came from a committee, it did not need a second. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

The Board did not take any action on amendments to Chapter 275.

Dr. Thompson moved to withdraw amendments to rules 279.1 and 279.3 from the Texas Register given the recommendation from the Office of Regulatory Compliance. Mrs. Chambers seconded. The motion passed unanimously (FOR – 9/OPPOSED – 0/ABSTAIN – 0).

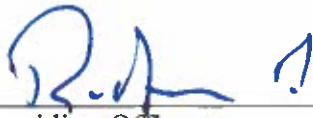
COMMITTEE ON PEER ASSISTANCE.

Mrs. Chambers provided an update on the PRN program and what is covered by the Board's contract. She reported that the Board has three optometrists (two volunteer enrollments and one Board ordered) in the Professional Recovery Network (PRN) program.

ANNOUNCEMENTS. Dr. Hopping reminded members the next Board meeting would be in Austin on August 1-2, 2024.

ADJOURNMENT. Dr. Hopping adjourned the meeting at 10:56 a.m.

Approved:



Presiding Officer

8/2/2024

Date



Executive Director

8-2-24

Date