

**MINUTES**

**UTAH  
OPTOMETRIST LICENSING BOARD**

**February 26, 2016  
Anchor Location Room 475 – 4<sup>th</sup> Floor – 8:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:02 A.M.**

**ADJOURNED: 8:39 A.M.**

**Bureau Manager:**

Larry Marx

**Board Secretary:**

Lisa Martin

**Compliance Assistant:**

**Board Members Present:**

Scott Peterson, OD, Chairperson  
Rich Humpherys, OD  
Brenden R. White, OD  
Blaine F. Bird, OD  
Randy Elliot  
Roger Pickering, OD

**Board Members Absent and Excused:**

Louie Hamner

**Guests:**

Jay Magure, 1800Contacts  
Chase Everton, 1800Contacts

**DOPL Staff Present:**

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**DISCUSSION ITEMS:**

**H.B. 304**

**Dr. Peterson states the purpose of the meeting is to discuss House Bill 304 that is currently being processed through legislation, this bill refers to online prescribing and dispensing on non-surgical medical devices. Dr. Peterson states as written the bill would allow the prescribing and purchase of non-surgical medical devices including contact lenses with only a response to an online vision check and questionnaire. Dr. Peterson states this method would not allow visualization or a magnified view of the cornea.**

**Dr. Bird states without being able to visualize the cornea it is impossible to determine the healthiness of and eye.**

**Dr. Pickering states the best phone photos are not adequate to show the details required to diagnose.**

**Dr. Peterson states the standard of care is recommended by the center of disease control, FDA, Utah Optometric Association, and the American Academy of Optomology as annual comprehensive evaluation for contact wearers.**

**Dr. White states the online devise targets visual acuity however the cornea is a living tissue and is prone to change that can be affected by contact lenses.**

**Dr. Peterson states there is also concern of surface disease caused by contacts that are unnoticed by the patient and without exam develop into significant problems.**

**Dr. Humpherys states the fit of the contact will proper oxygen flow, the fit is checked in office. Dr. Humpherys continues the health of the cornea can be effected by the fit of the contact determining the shape of the contact.**

**Dr. White states the wearer may be changing contacts more often due to an underlying issue with an increase of access to contacts without an evaluation.**

**Dr. Bird states many contact related issues are often found with an appointment.**

**Dr. Peterson states he would like to discuss other health issues that extend beyond the cornea.**

**Dr. Humpherys states he has seen patients that had no symptoms and were found to have swollen optic nerves.**

**Dr. Pickering states several condition can be indicated with an eye exam such as high cholesterol. These conditions can be found prior to the patient presenting any symptom.**

**Dr. White states if optometrists are going to be Medicare providers there is a clear definition of**

**what an eye exam includes. Dr. White continues an online exam is not held to the same standard as a Medicare provider.**

**Peterson states the practice act has always required the use of specialized equipment in the fitting and management of contact lenses; enabling patients to continuing renewing their prescription without recurring examination circumvents both the practice act and sound medical advice.**

**Dr. White states the practice act speaks to fitting of the contact lens requires measurement of the cornea; the definition of fitting does not indicate initial fitting.**

Mr. Magure introduces himself stating he works with 1800 Contacts. Mr. Magure states they have been working with the sponsor and the Utah Medical Association and Utah Optometric Association to make revisions to the proposed bill. Mr. Magure clarifies the bill is not intended to allow online medical exams. The intent is for a renewal of the initial prescriptions; the bill does not apply to the fitting of the contact or the presumption of a new fitting. Mr. Magure states there is a limit of a three year renewal. Mr. Magure states this does not allow a new prescribing authority.

**Dr. Peterson asks if there is a reason for the extension from the current 2 years between visits to the proposed 3 years.**

Mr. Magure states studies show adhering to a wearing schedule is the best way to maintain eye health. MR. Magure continues that people tend to stretch the wear time of lenses; additionally only 60% of prescriptions are in compliance with the law. Mr. Magure states it is not implied that this is in any way a medical exam the goal is to evaluate the current history of contact wear. Mr. Magure continues that keeping wearers in fresh lenses promotes eye health.

**Dr. Peterson asks if there anything that addresses the concern of an exam of the front of the eye with a medical microscope.**

Mr. Magure states there is not as this bill does not

allow evaluation of fit under this statute. This bill is only for renewal of a prescription that the fit has already been evaluated.

**Dr. Peterson asks how long a patient could go without seeing their optometrist.**

Mr. Magure state if they maintain perfect succession they could maintain four years.

**Dr. Bird states anything that extends the standard set by associates is not in the best interest of public health.**

**Ms. White from the Utah Optometric Association does appreciate the effort of the adjustments in the bill; however the fact of the possibility of going four years with no renewal exam causes continued concern and the association continues to oppose the bill.**

**Dr. Humphreys make a motion that the board compose a letter to the legislator in opposition of house bill 304. Dr. Bird seconded the motion. The board vote is unanimous.**

**Dr. Humphreys suggests the proposed bill address the acceptable length of time in between exams.**

**NEXT MEETING SCHEDULED FOR:**

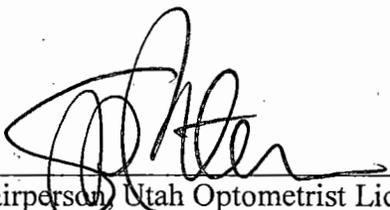
April 26, 2016

**ADJOURN:**

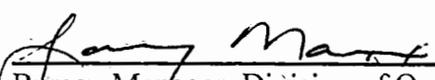
The time is 8:39 A.M. and the Board meeting is adjourned.

*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.*

7/20/16  
Date Approved

  
Chairperson, Utah Optometrist Licensing Board

3/1/16  
Date Approved

  
Bureau Manager, Division of Occupational & Professional Licensing