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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: 10:42 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, December 7, 2023



1 \*\*\*

2 State Board of Optometry

3 December 7, 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 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, December 7,  
14 2023. Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
15 called the meeting to order at 10:42 a.m.

16 \*\*\*

17 Roll Call

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

20 \*\*\*

21 Introduction of Attendees

22 [Ms. Chappelle provided an introduction of  
23 attendees.]

24 \*\*\*

25 [Shawn J. Jayman, Esquire, Board Counsel, informed

1 everyone that the meeting was being recorded, and  
2 those who continued to participate were giving their  
3 consent to be recorded.

4 Mr. Jayman also noted the Board entered into  
5 Executive Session with Board Counsel to have  
6 attorney-client consultations and for the purpose of  
7 conducting quasi-judicial deliberations.]

8 \*\*\*

9 Approval of Minutes

10 CHAIRPERSON CHUBB:

11 Could we have a motion to approve the  
12 minutes from the August 24, 2023  
13 meeting?

14 DR. GODFREY:

15 I'll make the motion.

16 DR. BERSON:

17 I second the motion.

18 CHAIRPERSON CHUBB:

19 Any discussion? Roll call vote.

20

21 Dr. Chubb, aye; Dr. Godfrey, aye;  
22 Commissioner Claggett, aye; Dr. Wilcox,  
23 aye; Rebecca Zehring, abstain; Dr.  
24 Becker, aye; Dr. Umlauf, aye; Dr.  
25 Berson, aye.

1 CHAIRPERSON CHUBB:

2 Any opposed? Hearing none. Motion  
3 carries.

4 [The motion carried. Rebecca Zehring abstained from  
5 voting on the motion.]

6 \*\*\*

7 Report of Board Prosecutors

8 [Gregory S. Liero, Esquire, Board Prosecution  
9 Liaison, had nothing to report.]

10 \*\*\*

11 Report of Board Counsel

12 [Shawn J. Jayman, Esquire, Board Counsel, had nothing  
13 to report.]

14 \*\*\*

15 Report of Board Chair - ACOE Accreditation Standards  
16 Update

17 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
18 addressed the Accreditation Council on Optometric  
19 Education (ACOE). She noted participating in a  
20 standards review for the 25 colleges of optometry and  
21 standards of review for the 270 residency programs in  
22 the United States.

23 Chairperson Chubb stated schools and residencies  
24 must have criteria to be qualified to provide that  
25 educational experience for students and for

1 residents. She noted the new standards go into  
2 effect in 2025 and would be reviewed again in five  
3 years.]

4 \*\*\*

5 Report of Board Chair - COPE and the new DEA CE  
6 Requirements

7 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
8 addressed the Council on Optometric Practitioner  
9 Education (COPE) and new Drug Enforcement  
10 Administration (DEA) regulations. She stated the DEA  
11 provided a statement in June 2023 that required 8  
12 hours of continuing education for healthcare  
13 practitioners with a DEA license, where they needed  
14 training in opioids and other substance use  
15 disorders..

16 Chairperson Chubb mentioned it was a one-time  
17 requirement, and there were a number of providers for  
18 that continuing education (CE), COPE, which is the  
19 accreditation for optometric education through the  
20 Association of Regulatory Boards of Optometry (ARBO).

21 Chairperson Chubb noted they asked but it was too  
22 late for them to join because the DEA was not adding  
23 additional providers. She stated the DEA did note  
24 that organizations that can provide the training are  
25 not limited to those listed on the DEA website, and

1 the statute allows for other organizations accredited  
2 and approved by the Accreditation Council for  
3 Continuing Medical Education (ACCME) and would be  
4 allowed to provide the training as well.

5 Chairperson Chubb explained that COPE has worked  
6 with ACCME and has received substantially equivalent  
7 continuing education, so they are considered an  
8 approved provider moving forward.

9 Chairperson Chubb also explained that COPE was  
10 not included in the initial list, where they have to  
11 be added to the list, and the DEA said based on time  
12 constraints, they would not add additional providers.  
13 She further explained that providers that are  
14 approved through ACCME could provide that education.

15 She noted COPE has received approval from the ACCME  
16 organization as substantially equivalent.

17 Chairperson Chubb stated how those hours could be  
18 taken was not discussed as far as in person,  
19 synchronous, or asynchronous. She explained that it  
20 is listed on the DEA website for anyone who has a DEA  
21 license, where they need to complete 8 hours before  
22 their renewal. She encouraged everyone to look at  
23 the DEA website and make sure credits in what someone  
24 has already taken fall under what they specify on  
25 their website. She noted the link to the DEA website

1 would be posted on the Board's website.]

2

\*\*\*

3 Regulatory Report

4 [Jacqueline A. Wolfgang, Esquire, Board Regulatory  
5 Counsel, provided a summary of her assignment to the  
6 Board as regulatory counsel. She mentioned there  
7 were now three regulatory counsel, and she had been  
8 assigned to eight different boards with the hopes of  
9 regulations moving forward faster.

10 Ms. Wolfgang stated the Statement of Policy was  
11 published in the *Pennsylvania Bulletin* on October 28,  
12 2023, which clarified that the Board considers live  
13 virtual courses and programs with real-time or  
14 synchronous video and audio communication as live in-  
15 person continuing education. She noted Mr. Jayman  
16 informed her that the Board wanted to amend its  
17 regulations to make it abundantly clear as to what  
18 the Board's position is on those live virtual  
19 courses.

20 Ms. Wolfgang explained that the Board would have  
21 to make some amendments, develop a proposed  
22 rulemaking, and make amendments in the annex with  
23 respect to the continuing education under § 23.86 and  
24 possibly the definition section. She noted they  
25 would also need to rescind the Statement of Policy



1 because the regulations would then speak for  
2 themselves.

3 Ms. Wolfgang provided an annex setting forth the  
4 Board's position that live or synchronous CE  
5 education would be considered part of the live in-  
6 person CE, so that the 50% requirement with respect  
7 to asynchronous education would not be applicable to  
8 the synchronous education. She referred to the  
9 definition under § 23.1 and § 23.86.

10 Ms. Wolfgang stated relying on that individual  
11 study term and defining that term was cumbersome and  
12 suggested defining terms asynchronous distance  
13 education, the term distance education, as well as  
14 synchronous education, and use those terms within the  
15 CE regulation. She defined asynchronous distance  
16 education, and Board members agreed. She explained  
17 that the preamble would explain what the amendments  
18 to the annex is effectuating.

19 Ms. Wolfgang addressed Chairperson Chubb's  
20 comments for discussion and referred to § 23.86(a)(6),  
21 continuing education courses offered by accredited  
22 medical colleges as defined by Section 2 of the  
23 Medical Practice Act and whether that would include  
24 ACCME and CME credits. She noted looking at the  
25 Medical Board regs and thought they may want to

1 include a specific cross-reference to the Medical  
2 Board regs but is awaiting an answer from counsel.

3 Ms. Wolfgang referred to § 23.86(f), noting the  
4 question raises whether this type of continuing  
5 education would be an outdated source of CE  
6 concerning attending clinical conferences, clinical  
7 rounds, or training under a preceptor.

8 Dr. Wilcox mentioned that once their new law is  
9 passed that it might require individuals who want to  
10 do advanced techniques like removing lumps and bumps  
11 and doing injections to actually follow or rotate  
12 through clinical rounds or training under a  
13 supervised situation with somebody that is already  
14 practicing this technique and may require that they  
15 actually train under a preceptor in a clinical  
16 hospital to learn how to do those techniques.

17 Dr. Wilcox commented that it may be part of what  
18 is required under the new law to do the procedures.  
19 She mentioned that individuals in other states who  
20 have been permitted to use laser or remove lumps and  
21 bumps or do injections had to spend 30 hours or under  
22 a preceptor doing that technique. She believed  
23 documentation would be required under the law that  
24 someone had a preceptor and learned the technique.

25 It was suggested changing language where it

1 reads, "a licensee shall provide documentation to "a  
2 licensee shall be required to provide documentation."

3 Chairperson Chubb asked whether 25% would still  
4 be valid or should they lower it slightly. She  
5 commented that any change in their licensure in the  
6 future very similar in the past they had to fill  
7 certain criteria to get the next licensure period and  
8 having that continued in there is a moot point  
9 because it is going to be a requirement outside of  
10 this.

11 Ms. Wolfgang noted that requiring documentation  
12 would include an application and asked whether Board  
13 members wanted to include a fee. She explained that  
14 the fee would be the same fee charged for the other  
15 types of CE.

16 Chairperson Chubb commented that it is time  
17 required but could have further discussion regarding  
18 the fee and what would be required.

19 Ms. Wolfgang offered to provide a draft at the  
20 next meeting and include the fee, noting the fee  
21 could always be removed if the Board decides not to  
22 charge the fee.

23 Ms. Wolfgang referred to subsection (h), if a  
24 licensee prepares written materials to accompany the  
25 instruction, yet continuing education credits for

1 only one instruction will be doubled. Written  
2 materials are required in certain continuing  
3 education courses and serve as a required handout but  
4 not necessarily providing additional information.

5 Chairperson Chubb suggested clarifying that  
6 section or eliminating it because the written  
7 material the majority of people provide is either  
8 actually their exact PowerPoint, where they prepared  
9 a PowerPoint but were preparing it for the lecture.

10 Chairperson Chubb explained that a handout could  
11 be one or two pages that is a brief outline and  
12 disagreed with it constituting 2 hours of  
13 preparation. She believed with the advent of  
14 PowerPoint and the way lectures are presented that it  
15 is an outdated way to get doubled continuing  
16 education, especially in today's media world. She  
17 requested Board members think about eliminating the  
18 section in pink for the next meeting.

19 Dr. Wilcox noted COPE requires questions are  
20 asked throughout the lecture or at the end of the  
21 lecture but expressed concern with people not really  
22 being present and receiving credit.

23 Chairperson Chubb stated the majority of virtual  
24 lectures are COPE approved; however, all of the other  
25 providers accepted as continuing education have no

1 requirements for monitoring, even if they're live in  
2 person, where they cannot pick out just one and have  
3 would have to pick out all of them for a requirement.

4 She noted it is a concern but then they would need  
5 to address the concerns of the gaps in the other  
6 monitoring.

7 Ms. Wolfgang offered to review the language of  
8 other boards and put something in the regulation to  
9 propose for the next meeting.

10 Chairperson Chubb commented that it would not be  
11 appropriate to single out one set of groups. She  
12 noted there are many groups that are not presenting  
13 COPE approved, and they take continuing education  
14 from a list of about 12 providers, none of which have  
15 a monitoring system in place. She noted they could  
16 put an entire monitoring system in place but cannot  
17 target it against one particular area.

18 Ms. Wolfgang explained how other boards make that  
19 a requirement, where it would be put in the  
20 regulations that the continuing education would just  
21 be the synchronous continuing education but could be  
22 asynchronous. She noted synchronous education would  
23 have to have some sort of knowledge check or  
24 something. She explained that there is not a way to  
25 make sure it is happening other than the fact that it

1 is in the regulations and providers have to follow  
2 the regulations.

3 Acting Commissioner Claggett commented that he  
4 would not want to add a monitoring unit and adding  
5 something may create a barrier.

6 Ms. Wolfgang offered to review other boards but  
7 would lean toward the requirement of a knowledge  
8 check over the monitoring.

9 Ms. Wolfgang referred to (h), where Chairperson  
10 Chubb indicated the last sentence was cumbersome and  
11 needed to be clarified.

12 Chairperson Chubb further explained where it  
13 reads, the licensee can complete up to 25% of the  
14 required credits in accordance with this subsection  
15 section and an additional 25% in the subsections (e),  
16 (f), and (g) and asked whether that could be stated  
17 better.

18 Dr. Wilcox suggested it read, a licensee may  
19 complete up to 25% of the required continuing  
20 education according to this subsection period and  
21 then not add up to an additional 25% from the  
22 required contingent education sources in (e), (f),  
23 and (g) because (e), (f), and (g) already say they  
24 can receive 25%.

25 Ms. Wolfgang offered to review the section and

1 improve the language.

2 Ms. Wolfgang referred to subsection (i) paragraph  
3 (5) and asked whether the paragraph conforms with  
4 current practice.

5 Chairperson Chubb proposed eliminating the  
6 section for course auditing, where someone would sit  
7 and listen and not actually be taking the course but  
8 auditing the course. She noted it to be an outdated  
9 form of practice given the number of continuing  
10 education courses available in live and prerecorded  
11 methods.

12 It was discussed whether Neuro-Optometric  
13 Rehabilitation Association, International (NORA)  
14 could be added to § 23.86(a)(6).

15 Chairperson Chubb referred to COPE and pointed  
16 out that the state and national associations are not  
17 requiring COPE for their credit. She mentioned they  
18 accept the AOA and POA and its local societies. She  
19 noted that if they feel it is a valid group to accept  
20 their CE and review their CE, then they probably  
21 could add it but not refer to COPE in conjunction  
22 with the other associations. The Board also  
23 discussed removing COPE.

24 Chairperson Chubb also noted there are a lot of  
25 providers that are presenting continuing education

1 but not COPE approved because they are not seeking  
2 COPE approval.

3 Ms. Wolfgang offered to research the issue and  
4 work on the preamble for discussion at the next Board  
5 meeting.

6 Mr. Jayman suggested asking for feedback from  
7 the associations.

8 Ms. Wolfgang noted feedback from associations to  
9 be a great idea, noting the importance of input  
10 during the regulatory process and their position now.

11 Mr. Jayman offered to reach out to the  
12 associations before the February 1 Board meeting.

13 Chairperson Chubb commented that should the Board  
14 feel it is appropriate to say live would be virtual  
15 or in person, live synchronous or in person, is it  
16 then appropriate and should they allow 15 credits to  
17 be obtained by taking an individualized study or  
18 should they reduce the amount that can be obtained by  
19 individualized study by people doing journal article  
20 studies in that category.

21 Ms. Wolfgang explained that it is an opposite  
22 direction from other boards, noting the state Board  
23 of Medicine allows 100% online. She mentioned Act  
24 100 specifically instructed boards to promulgate  
25 regulations to allow online education and pulling



1 backwards might be going in a different direction  
2 from a policy perspective but is something they could  
3 pursue as they go.

4       Chairperson Chubb mentioned the Board was split  
5 but the majority voted for the policy statement. She  
6 noted the POA has indicated they prefer the Board not  
7 approve virtual live as live CE and asked whether  
8 boards are allowing 100% live online or 100%  
9 individualized course study so the Board could make a  
10 decision. Dr. Wilcox mentioned that Dentistry Board  
11 states no more than 50% of the required credits may  
12 be taken through online/individual study. A live  
13 webinar CE course is considered a lecture. This only  
14 applies to courses that are conducted as live real  
15 time sessions. They must be fully interactive courses  
16 that allows attendees to communicate/ask questions  
17 with the presenter and other attendees. Dr. Wilcox  
18 went on to state that Podiatry approved asynchronous  
19 distance education or programs that must include a  
20 skill or knowledge assessment component in addition  
21 to other requirements. Chiropractor states all 24  
22 hours may be taken online.

23       Acting Commissioner Claggett commented that Ms.  
24 Wolfgang would be providing more information after  
25 researching other boards for further discussion at

1 the next Board meeting.

2 Ms. Wolfgang noted her goal is to present the  
3 information at the next Board meeting, so Board  
4 members could better evaluate the issue and move it  
5 forward as soon as possible. She referred to the  
6 comprehensive general revisions package and suggested  
7 it be made part of the CE as part of the  
8 comprehensive review.

9 Ms. Wolfgang suggested working on CE and moving  
10 one small regulatory package through the process  
11 rather than many different packages. She offered to  
12 discuss areas the Board previously identified to work  
13 on and update and have the Board decide whether doing  
14 a total general revisions update is the way to go.

15 Ms. Wolfgang addressed the regulatory process  
16 from the draft to being published as a final  
17 regulation, noting it depends on the work of the  
18 Board in the meetings within the regulatory process.  
19 She recommend having committee meetings to move the  
20 process along faster, where the committee would  
21 present the recommended updates and present it to the  
22 Board as the final product. She noted the process  
23 may take up to 2 years but only 18 months with the  
24 assistance of the committee.

25 Ms. Wolfgang addressed committee meetings, noting

1 they are all sunshined, along with being transcribed,  
2 so it does not matter whether there is a quorum or  
3 not and provides more flexibility.

4 Acting Commissioner Claggett further explained  
5 that the Board does not have to create a committee.  
6 He explained the Board could just have a public  
7 meeting because it is going to be sunshined.

8 Chairperson Chubb informed Ms. Wolfgang that they  
9 would get back with her after they choose a date and  
10 time between now and the next Board meeting.]

11 \*\*\*

12 Report of Board Administrator - Vote for 2024 Board  
13 Officers

14 CHAIRPERSON CHUBB:

15 Do I hear a nomination for Chairperson?

16 DR. UMLAUF:

17 I nominate Dr. Luanne Chubb for  
18 Chairperson.

19 DR. BERSON:

20 Second.

21 CHAIRPERSON CHUBB:

22 Are there any other nomination?

23 Hearing none. Roll call vote.

24

25 Dr. Chubb, aye; Dr. Godfrey, aye;

1 Commissioner Claggett, aye; Dr. Wilcox,  
2 aye; Rebecca Zehring, aye; Dr. Becker,  
3 aye; Dr. Umlauf, aye; Dr. Berson, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 CHAIRPERSON CHUBB:

7 Do I hear a nomination for Vice Chair?

8 DR. UMLAUF:

9 I'd like to nominate Dr. John Godfrey  
10 as Vice Chair.

11 DR. BECKER:

12 I second it.

13 CHAIRPERSON CHUBB:

14 Are there any other nomination? Dr.  
15 Godfrey, do you accept this nomination?

16 DR. GODFREY:

17 Yes.

18 CHAIRPERSON CHUBB:

19 Could we take a roll call vote, please?

20

21 Dr. Chubb, aye; Dr. Godfrey, aye;  
22 Commissioner Claggett, aye; Dr. Wilcox,  
23 aye; Rebecca Zehring, aye; Dr. Becker,  
24 aye; Dr. Umlauf, aye; Dr. Berson, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 CHAIRPERSON CHUBB:

3 Are there nominations for the role of  
4 Secretary?

5 DR. UMLAUF:

6 I'd like to nominate Denise Wilcox as  
7 Secretary.

8 DR. BECKER:

9 Second.

10 CHAIRPERSON CHUBB:

11 Are there any other nomination? Dr.  
12 Wilcox, do you accept this nomination?

13 DR. WILCOX:

14 I do, thank you.

15 CHAIRPERSON CHUBB:

16 We need a roll call vote?

17

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

22 [The motion carried unanimously.]

23

\*\*\*

24 New Business - Addition to Approved Drug List -  
25 Phentolamine Ophthalmic Solution

1 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,  
2 referred to phentolamine ophthalmic solution for  
3 topical ophthalmic use, noting it is an alpha-  
4 adrenergic blocker indicated for the treatment of  
5 pharmacologically-induced mydriasis and used as a  
6 reversal drop for people who receive a dilated eye  
7 exam or dilated eye drops.]

8 CHAIRPERSON CHUBB:

9 I am proposing the Board vote in  
10 support of adding this to our current  
11 formulary.

12 Is there a motion?

13 DR. GODFREY:

14 I make a motion to add this to our  
15 formulary.

16 DR. BERSON:

17 I second it.

18 CHAIRPERSON CHUBB:

19 Any discussion? Hearing none. We'll  
20 go to a roll call vote.

21

22 Dr. Chubb, aye; Dr. Godfrey, aye;  
23 Commissioner Claggett, aye; Dr. Wilcox,  
24 aye; Rebecca Zehring, aye; Dr. Becker,  
25 aye; Dr. Umlauf, aye; Dr. Berson, aye.

1 [The motion carried unanimously.]

2 \*\*\*

3 New Business

4 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson, noted  
5 Dr. Wilcox is working on a newsletter for the Board.

6 Dr. Wilcox informed Board members that the last  
7 newsletter was in August 2021. She mentioned there  
8 is important information to share with members  
9 concerning continuing education and new medications  
10 that have been approved. She noted the renewal  
11 process should also be addressed and the bioptic  
12 driving law, where optometrists can issue licensure  
13 for driving with biopic telescopes. She encouraged  
14 Board members to share information that could be  
15 included in the newsletter.

16 Acting Commissioner Claggett reminded the Board  
17 that he and Board Counsel would have to approve the  
18 newsletter.

19 Dr. Wilcox requested information on the status of  
20 the list of laws being proposed.

21 Mr. Jayman informed Board members that he has not  
22 received any legislative alerts regarding optometry  
23 but would follow up with Mr. McDonald and present  
24 those to the Board.

25 Dr. Godfrey offered to review the drug list and

1 provide an email of where the new drug should be  
2 placed on the drug list. He also offered to provide  
3 a list of new drugs that have been approved over the  
4 last two years for the newsletter.]

5 \*\*\*

6 Adjournment

7 CHAIRPERSON CHUBB:

8 I call for adjournment of today's  
9 meeting of the State Board of  
10 Optometry. We will see you February 1  
11 2024.

12 \*\*\*

13 [There being no further business, the State Board of  
14 Optometry Meeting adjourned at 12:04 p.m.]

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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.



Matthew Ford,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF OPTOMETRY  
REFERENCE INDEX

December 7, 2023

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:42	Official Call to Order
10:42	Roll Call/Introduction of Attendees
10:44	Approval of Minutes
10:46	Report of Board Chairperson
10:53	Regulatory Report
11:55	Report of Board Administrator
11:57	New Business
12:04	Adjournment

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