

NEWSLETTER

Vermont Board of Opticians

Secretary of State, Office of Professional Regulation

Topics in this newsletter include: Changes in Staff; Chairperson's Report, Changes in Legislation; the Board's Web site; and so on.

Board Members

The members of the Vermont Board of Opticians and their term expiration dates are as follows:

Joan C. Wagner, Chairperson, South Burlington, Vermont (12/04); **Dale R. Davenport**, Vice-Chair, Wallingford, Vermont (12/04); **Donald L. Prim**, Secretary, Essex Junction, Vermont (12/07); and **Robert E. Kinsey** (Public Member), Craftsbury Common, Vermont (12/03). We currently have a vacancy for a professional member.

Members are appointed by the Governor to a five-year term and are eligible to serve two terms. Opticians who are interested in serving on the Board may contact our Office or the Governor's Office directly at 802-828-3333.

Introduction

The Vermont Board of Opticians is pleased to bring you its first Newsletter. This Newsletter contains information about changes to staff, statutory amendments, policies, continuing education, statistics, and other issues pertaining to the profession.

New Staff

The Board welcomes Carla Preston as its Unit Administrator. You may reach Ms Preston at (802) 828-2875; Fax: (802) 828-2465; or via E-mail: cpreston@sec.state.vt.us.

Larry S. Novins, Esq. serves as the Board's Counsel.

Patty Skinner is the Board's Administrative Assistant. Ms Skinner may be reached at (802) 828-2837; Fax: (802) 828-2465; E-Mail: pskinner@sec.state.vt.us

Our Web site is:
www.vtprofessionals.org

From the Chairperson

I am very pleased to be part of the Board of Opticians. I am excited about presenting you with our first Newsletter. It is an excellent source for informing our licensees of current and proposed changes in the profession.

The main purpose of the Board is to protect the public health, safety and welfare. The Board also has a quasi judicial role in which it serves as jury in cases of unprofessional

conduct. The Board's roles are accomplished by establishing standards, licensing only qualified applicants, and ensuring compliance with the laws and rules.

The Board's Web site, www.vtprofessionals.org is a great resource for information. There you may find the current laws and rules, our current applications, policies, links to related sites, etc. You may check the status of a license. You may also look up the name of businesses and check their status (Corporations Division).

For your information we currently have 104 Active Opticians (81 Resident; 23 Non-Resident); 47 Optician Trainees (45 Resident; 2 Non-Resident).

Please note that all of our meetings are public, and we encourage you to attend. Meeting dates for the rest of 2004 are tentatively scheduled at 1:30 p.m. as follows: September 14; and December 14th. Please contact the Board if you plan to attend a meeting to verify these dates.

Statutory Amendments

The following statutes have been amended or added within the last two years.

Proposed Changes to 3 V.S.A.

These changes affect all professions regulated by the Secretary of State's Office.

3 V.S.A. § 127(b) is amended to read:

(b) A person practicing a regulated profession without authority may, upon the complaint of the attorney general or a state's attorney or an attorney assigned by the Office of Professional Regulation, be enjoined therefrom by the superior court and may be assessed a civil penalty of not more than \$1,000.00.

The attorney general or an attorney assigned by the Office of Professional Regulation may elect to bring an action seeking only a civil penalty of not more than \$1,000.00 for practicing a regulated profession without authority before the board having regulatory authority over that profession. Such hearings will be conducted in the same manner as disciplinary hearings.

3 V.S.A. § 129a(a) is amended to read:

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items, or any combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct:

* * *

(9) Failing to retain client records for a period of seven years, unless laws specific to the profession allow for a shorter retention period. When other laws or agency rules require retention for a longer period of time, the longer retention period shall apply.

(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

(11) Failing to report to the office a conviction of any offense in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days of a conviction of any offense related to the practice of the profession.

Board Policy

To clarify the title that a registered (apprentice) trainee may use and wear on a name badge, the Board adopted a Policy, "Policy on Title for Optician Trainees." The rules of the Board of Opticians speak of "trainees" and require in Rule 2.6 that they must register and wear a tag which says "Registered Trainee." The statutes and rules imply but do not use the term "Optician Trainee." Because practitioners and trainees realize that the term "registered trainee" does not appropriately apprise the public of who the trainee is, the Board adopts the following policy. A registered trainee may wear a plastic name tag which says "Registered Optician Trainee" and will not be deemed to be in violation of the rule."

Continuing Education

Board Rule 3.4 CONTINUING EDUCATION (CE) REQUIREMENTS FOR OPTICIANS AND REGISTERED TRAINEES

(1) All opticians and trainees must take a minimum of ten (10) CE credit hours during a two-year license renewal period. Credit hours must be obtained during the current renewal period. CE credits may include courses in contact lenses, but contact lens courses may not exceed three credits per renewal period. CE credits may include home study courses, but such courses may not exceed two credits per renewal period.

(2) Acceptable CE credit courses:
(a) Courses approved by the ABO Education Committee or the NCLE Education Committee.

(b) Courses obtained from any of the institutions of higher learning on the list of schools, colleges and universities approved by the Board. Credits will be accepted at the rate of one credit per hour of instruction. A certificate of course completion must also accompany the credits.

(3) Reporting of CE credits:
At the time of license renewal, the applicant must submit the proper evidence of having taken ten credit hours in the two-year period.

(4) When the initial licensure period is not a full two years, the Board will prorate the number of continuing education credit hours required for renewal. Individuals initially licensed for more than one year must submit evidence of ten credit hours. Individuals initially licensed for less than one year but

for more than six months must submit evidence of five credit hours. Individuals initially licensed for less than six months will not be required to submit evidence of continuing education until conclusion of the first full, two-year renewal period following initial licensure.

(5) Failure to meet recertification requirement:

If a licensee is unable to become recertified by the expiration date of his or her license because of inadequate continuing education credits, the license will be "inactive." A licensee will have one year to comply with the renewal requirement before the license will be considered expired. A licensee will thereafter have to submit the amount of the delinquent CE credits plus five credits for the current year to be eligible for renewal. A licensee will also be required to pay a late renewal penalty. During the period the license is inactive, an individual may not practice as a licensed optician or display a license certificate in any establishment.

Joint Meeting with the Board of Optometry

Members of the boards of Optometry and Opticians have met to discuss duties performed by individuals in optometrists' offices, level of training received, accountability, and possible unlicensed practice situations.

As a result of these meetings the Board of Optometry sent out the Bulletin listed below and approximately 15 applications for Optician-Trainees were submitted

to the Office!

BULLETIN

“Attention employees of Optometrists and Ophthalmologists”

The Board of Optometry met with members of the Board of Opticians to discuss licensure opportunities for our employees while performing your regular duties. The Board of Opticians has asked the Board of Optometry to make you aware of the process to become licensed as an optician if you so desire. Once the appropriate paperwork is filed, individuals could qualify and be registered as optician trainees which means that the hours you work can count toward meeting the optician's licensure requirement. The steps are outlined below.

Completed application and (\$70 fee)

Completed Supervisor/Apprentice Notification form

Completed Verification of Apprentice Opticians form

Benefits of licensure include improving your skills, career advancement, becoming recognized as a licensed professional in a field you enjoy, and the increased public confidence in what you do.

This profession is part of the rapidly changing health field. Keeping up-to-date with regard to new equipment, techniques, procedures, etc. has never been more important. Employers and the consumers benefit, and the general public is better served as a result.

Associate degree in Opticianry now available through CCV

We hear again and again that education is the key to strengthening the profession, remaining current, maintaining job security, and providing the best possible care to the public. Here's yet another opportunity to help you achieve these goals as well as your personal goals while earning a college degree: the Community College of Vermont's Associate of Applied Science Degree in Opticianry. Applications for entrance to the program for a new group of students are being accepted now to begin this **Fall, 2004**. Why not turn your work experience into college credits while building your confidence, enhancing your professional skills, and improving your knowledge with courses tailored specifically for your field? The program is designed not only to give you a solid foundation in optical principles and skills, but also to help prepare you to sit for the national certifying exam administered by the American Board of Opticianry (ABO). To find out more about CCV's Opticianry program, stop by your nearest CCV site soon (there are 12 locations around the state) or go directly to the following link:

<http://www.ccv.edu/opticianry>

Did you know? Courses can be used as continuing education credits to maintain registration and/or licensure. There are many excellent courses designed to help you build a solid background in areas such as *Optical Theory* and *Anatomy & Physiology of the Eye*. Feel free to email questions and inquiries about the program to Joan Wagner at joan.wagner@ccv.edu.

Reminders

1) It is your responsibility to report changes of name and/or address to this Office. You may do so via phone, fax, or E-mail.

2) You must now report within 30 days convictions, felonies, or other criminal offenses related to the profession (26 V.S.A. 129a (a) (11)).

3) If you have Trainees working under your direct supervision, you have several responsibilities in that role and are required to follow the laws and rules governing this practice.

2.6 HOW TO REGISTER AS A TRAINEE

If an individual plans to get training and experience by working for a licensed optician, ophthalmologist or optometrist, that individual must register as a trainee with the Board within 60 days of starting work. The period of traineeship begins on the date of registration.

A registered trainee must complete a minimum of 30 hours per week for three years of practical training approved by the Board under the direct personal supervision of a licensed optician, optometrist, or ophthalmologist within Vermont or another state which requires the supervisor to be licensed. A detailed description of the training to be received and the supervisor's name and license number will accompany the application for registration. Upon review of this description and any further review it may undertake, the Board may in its discretion allow the trainee to complete his or her training in this manner. See Board Rule 2.6 on our Web site

for more information.

Complaints

What follows is a composite of some of the issues that may result in the filing of a complaint against a practitioner. Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Board's laws and rules, the Office will order an investigation.

Although many complaints do not result in disciplinary action, they are still investigated. Many of those complaints that are closed might have been avoided altogether if the practitioner had better communicated with the patient. Many insurance carriers, and many states now ask if you are, or have ever been the subject of an investigation.

If a complaint is filed and the Investigative Team finds unprofessional conduct, the Board may take disciplinary action after a hearing. We hope that you will read this carefully, it does not cover every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

1) Poor communication. Be sure to communicate well between yourself and your clients, between yourself and your colleagues, and between yourself and your employees.

2) Attitude. The Investigative Teams find that many cases are brought to the Office of Professional Regulation because the professional had an "attitude" that

was flippant or perhaps condescending.

3) Unauthorized Practice. Working without proper registration or license to do so, or allowing unlicensed or unregistered persons to practice.

Contact us

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