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To: Board Members **Date:** August 26, 2016
From: Jessica Sieferman **Telephone:** (916) 575-7184
Executive Officer
Subject: Agenda Item 9 – ARBO Annual Meeting Summary

Background:

The Association of Regulatory Boards of Optometry ([ARBO](#)), made up of 66 regulatory boards throughout the United States, Canada, Australia, and New Zealand, is the forum for all optometry licensing and regulatory agencies to meet, develop, and exchange ideas. ARBO played a key role in the development of optometric laws; the development of a uniform curriculum for optometry schools; and the accreditation of schools and colleges of optometry.

In conjunction with the Association of Schools and Colleges of Optometry (ASCO), ARBO created the National Board of Examiners in Optometry ([NBEO](#)). ARBO continues to provide programs to accredit optometric continuing education courses, to track and audit the CE attendance of licensed optometrists and to assist with license mobility. ARBO serves as a conduit for sharing information among licensing boards to help them increase efficiency and decrease costs.

Each year, ARBO holds a meeting for representatives from all regulatory boards to come together and discuss national issues impacting the regulatory boards and the practice of optometry. Historically, the Board has had an extremely difficult time securing approval to attend this meeting.

However, this year, the Board was approved to send one individual to ARBO's 97th Annual Meeting. The Executive Officer attended the three-day meeting in June. A brief summary of some key topics is below. The ARBO full meeting agenda and meeting materials can be found [here](#).

Board Member Training and Legal Update

[Dale Atkinson](#), Esq., ARBO General Counsel, provided training similar to DCA's Board Member Orientation Training. Mr. Atkinson made a point to remind all members that, despite their occupation – whether or not they were a professional member – they are all public members. The role for all members is public protection. Professional associations advocate for the profession; board members advocate for the public.

Mr. Atkinson cautioned Boards using social media to ensure each Board's legal counsel is heavily involved with any information distributed.

Mr. Atkinson also provided an update on top regulatory cases; many included recent antitrust litigation that happened after the North Carolina Board of Dental Examiners Supreme Court case. Essentially, Mr. Atkinson advised all boards to ensure they are operating within their scope – consumer protection – and in good faith. He recommended boards not get involved in scope of practice legislation/issues; that is the role of the professional associations.

Mr. Atkinson's legal update can be found [here](#).

National Board of Examination Review Committee (NBERC) Report

NBERC is an ARBO committee whose purpose is to review the content and ensure that the content of the National Board Examination process is current and appropriate for ARBO Member Boards.

NBERC also evaluates the policies and procedures of the NBEO that might impact the validity and reliability of the examination and to review how information is presented to both students/graduates and licensing boards.

NBERC met in December 2015 to review the Part I, Part II, and Part III tests for the targeted (first time the test is offered after candidates achieve eligibility) and non-targeted (subsequent offering) test days for 2016.

NBERC's report made the following conclusions:

- The NBEO is addressing the advanced procedures demands of expanding scope legislation by adding to the CSE.
- While the NBEO is increasing its fees this year, it is still very competitive with other professions of similar size. This is the first increase in ten years.
- The NCTTO is very impressive. The clinical testing is very standardized and is very efficient. Checks and balances insure entry level skills.
- The NBERC appreciates the outstanding dedication of the Part I, Part II and Part III council members, and the expertise that they lend to the construction of the examinations. We were impressed with the quality of the professionals at the NBEO meeting and their dedication to developing a comprehensive test for optometry students and practicing clinicians.
- We feel the NBEO examinations are a reliable measure of entry-level optometrists and look forward to their continued evolution.

The full NBERC report can be found [here](#).

OE TRACKER Committee Report

The Optometric Education (OE) TRACKER captures and stores continuing education attendance data for optometrists. The information is retained in the secure ARBO database and can be accessed online by licensees and the Board. OE TRACKER can save time and reduce paperwork by tracking all CE credits electronically.

The OE TRACKER Committee provided an update to the OE TRACKER Program. The Board currently accepts OE TRACKER certificates for audit verification purposes. In the past, the Board heard a presentation on the benefits of OE TRACKER. Those benefits include the ability for staff to quickly verify CE attendance and audit 100% of licensees. Historically, the Board has audited roughly 5% or less of its licensees. This is an extremely time consuming process, and staff is working on researching more efficient methods to perform CE Audits. Staff believes OE TRACKER would be the most efficient way to audit licensees. However, until optometrists are required to use OE TRACKER, staff would not be able to fully implement its auditing capabilities.

More information on OE TRACKER can be found [here](#). The Committee's report can be found [here](#).

Staff would like the Board to discuss this topic at a future meeting and consider the benefits and potential negatives to requiring optometrists to use OE TRACKER.

Healthcare Workforce Data Center

The Virginia Department of Health Professions Healthcare Workforce Data Center (DHP HWDC) Director provided a presentation on optometrists in the workforce. Unfortunately, not much data is available, because the information is not being collected. In the Director's report, she stated the following:

“Nationwide, there is a serious lack of objective, consistent, and comparable research quality data and analysis to support effective healthcare workforce policy and planning.

We are on the verge of “perfect storm” due to an unprecedented increase in overall healthcare demand coinciding with an impending decrease in supply.”

The Director went on to explain that there is “some, but not enough, coordination across states and professions.” While boards have the state's licensure data, that does not equate to practice data.

The Board currently provides data to California's Office of Statewide Health Planning and Development ([OSHDP](#)), the Board does not collect any workforce data. Workforce data is often requested whenever considering legislation, any budget change proposals, and professional studies.

Some Boards, like the Medical Board of California, collect workforce data through optional electronic surveys during renewal. During a future Board meeting, staff would like the Board to consider adding an optional workforce survey to renewals to start capturing workforce data.

The full report can be found [here](#).

Executive Director/Administrator Workshop

All Executive Directors/Administrators met to discuss updates, best practices and any regulatory issues at their Boards. The ARBO General Counsel, Dale Atkinson, also joined to help address questions. This was a great opportunity to learn from each other and improve the regulatory programs.

Discussing universal issues such as unlicensed practice, social media, online refractions, license mobility, overall enforcement struggles, and the atmosphere in the regulatory world after the North Carolina decision was extremely beneficial.

As a result of this meeting, Board staff is researching several new ways to counter unlicensed practice and the illegal sales of plano contact lenses. In addition, at a future Board meeting, staff would like the Board to consider moving to completely paperless renewal and replacement certificates.

Reasonable Regulation in an Electronic Era

Attorney and instructor at Lewis and Clark Law School provided an overview of issues regulatory boards are facing when it comes to new and innovative technology. Staff encourages Board Members to read the entire report [here](#). While it does not provide any legal advice, it offers some information and questions to consider when considering policy decisions.

2017 ARBO Annual Meeting

The next annual meeting will be held on June 18-20, 2017 in Washington, DC. The Board was approved to send one representative to that meeting.