C. GOVERANCE

Governance means the process of decision making and process by which decisions are implemented or not. It can refer to government or in this situation, regulatory bodies. The good principles of governance are: ethical conduct, rule of law, efficiency and effectiveness, transparency and accountability.

Governing a profession like Optometry must not be done by the government, but by a regulatory body set up by statute. The main purpose of the regulatory board is to protect the public and enforce the provisions of the Optometric Act. The bodies, which will be called by different names-state boards, colleges, regulatory board- consist of 5-7 members generally. The majority must be Doctors of Optometry with remaining being pubic members or community health professionals. The Doctors of Optometry cannot be appointed by the Optometry Association to which they belong. There must be no bias in the appointments. The appointments should be made by the Minister of Health, governor of state, appropriate government administrator or even the President. The Association may, if it is so recognized, may submit names for consideration. The board members should have term limits, 3 terms of 4 years each, as just an example.

The Regulatory Board enforces the Optometric Act, oversees the actions of individual Doctors of Optometry, thus protecting the patient. Whereas, the national Optometric Association purpose is advocacy for the profession, public relations (PR), and continuing education.

The Regulatory board shall elect officers: chairman, vice-chairman, secretary-from among the members. There shall be the needed staff to do the day to day activities for the Board. The Board shall also work with the legal side of the government when necessary. The Board shall develop rules/regulations to further define the Optometric statute. Rules/regulations actually are what implement the statute. The rules/regulation will be much longer and more detailed than the Optometric statute. During the process of developing , there will need for review by the legal department of the government before they can be implemented. Usually, there is also a public comment period for a set time to receive comments, both positive and negative. The comments need to be addressed to determine if a rewrite is needed. Once finalized all new rules/regulations need to be forwarded for final approval and implementation with the signature of the appropriate governmental official, like the Minister of Health.

We will now go through what areas should be included in the Rules and regulations for an Optometric Regulatory Board. First section is definitions which will include all abbreviations, Act means referring to statute, definition of surgery, pharmaceutical agents and other appropriate needed definitions. Also include address of Board, meeting schedule, public records inspection allowed and need for doctors to notify Board of any change in status (address, phone number, legal name and email.

Second section, should cover all requirements for licensure. The application process and examination requirements shall be defined for candidates. The application shall have a fee and in the United States fingerprinting and background check is required. Other requirements will be listed-transcript from approved optometry school/university, and scores from any national testing format (must have passed). This is where other licensure categories can be placed like licensure by endorsement used in the United States. This allows a Doctor of Optometry to get a license in another state by submitting certain documents of proof to his/her qualifications.

Third section, is renewal and re-licensure. This lays the groundwork on the number of hours of continuing education (CE) and the appropriate categories needed to fulfill the requirements. Example, 40 hours needed every 2 years—15 hours in ocular systemic therapeusis, 6 hours maximum practice management and 1 may be used on jurisprudence. The renewal period is set here - yearly or biannual – and due date for all needed documentation. This is also where the approved providers for CE are listed. The procedure to remedy disputed CE must be listed here for the doctors. One must also list the procedure to get reinstated if doctor missed submitting adequate CE by due date. Also consider in this section areas of re-licensure and reinstatement subject to discipline. The last two areas need the requirements of documentation to fulfill the needed documents.

Fourth section, can be called fees. This can list the fee for applications, renewal fee, reinstatement fee, re-licensure fee, licensure by endorsement, CE late fee, fee for duplicate license, and etc. Requirements on how to collect and non-refundable can be expanded on.

Next section, should cover the standards of practice. The areas, which should be expanded are: practice of optometry, prescription release (glasses, contact lenses), records retention, use of optometric assistants and externships. The prescription area should have expiration dates and the requirement of needed parameters to fill both types of prescriptions before providing them for the patient. Records need a time frame to be saved for legal purposes. In the U.S., the recommended time frame is seven (7) years. Role of assistants will vary around the world and the responsibility of patient information gathering and testing. The duties of assistants is expanded here and what is prohibited also. You want in statute and rules/regulation general supervision meaning an assistant can do an ordered procedure without having the doctor in the facility versus direct supervision. Direct supervision requires the doctor to be in the facility for all procedures, Finally, if allowed by statute, an office can provide education and examination of patients for students. Here is where the program expectations(what is legal and not) need to be laid out.

The last section, should involve the entire process of overseeing the investigative process, grounds for disciplinary action(reasons listed like confidentiality, malpractice, sexual harassment, fee fraud, lying on application, etc,), complaint review, formal proceedings for disciplinary action, notice of hearing, contested case hearing and board decision and order. This is the section where the regulatory board has the legal department of the government get involved. This is where public complaints or board complaints will use an investigator to gather the appropriate information. The responsibilities and powers of the investigators is expanded here. Their involvement is written into the rules/regulations. With each complaint being investigated there must be an investigative committee appointed by the chairman overseeing the case.

Expanding on this last section, a list of sections could be: Section 1 Statement of purpose in regards to investigations, etc., Section 2 Grounds for disciplinary action like fraudulent billing, malpractice, lying to board, committing a felony, sexual harassment, etc. (this list will be quite long), Section 3 Application review and investigative process, Section 4 Complaint review and investigative process, Section 5 Summary suspension, Section 6 Formal proceedings for disciplinary action, Section 7 Notice of hearing, Section 8 Dismissal and default, Section 9 Contested case hearing and Section 10 Board decision and order.

So remember, in the statute there should be a couple of sections creating the regulatory board, thus giving it power, and a general description of its oversight.

ATTACHED: SAMPLE RULES AND REGULATIONS