State of Alaska

Department of Commerce, Community and Economic Development Division of Corporations, Business and Professional Licensing

Alaska State Board of Optometry Examiners October 19, 2018

These are drafted minutes prepared by staff of the Alaska State Board of Optometry Examiners

They have not been reviewed or approved by the Board.

Written meeting minutes only reflects a brief overview of the business conducted during the boards meeting. For a more detailed account, please request a copy of the meeting recording.

By Authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Board of Optometry Examiners was held <u>October 19, 2018</u>. The meeting was held via teleconference originating at <u>333 Willoughby Avenue</u>, 9th Floor, Juneau, Alaska - Conference Room A

Agenda item #1 Call to Order/Roll Call

This meeting was called to order by Chairperson Dr. Paul Barney at 8:57 AM AST

This meeting was public noticed on September 14, 2018 in Anchorage Daily News and Alaska Public Notice website.

Board Members present, constituting a quorum:

Dr. Paul Barney, Anchorage

Dr. Damien Delzer, Fairbanks

Dr. Pamela Steffes, Sitka

Eric Lingle, Juneau

Dr. Erik Christianson, Ketchikan

Board Members absent:

None

Division Staff present were:

Patricia Lonergan, Occupational Licensing Examiner

Agenda Item #2 Approve Prior Meeting Minutes

Board Meeting Minutes – April 6, 2018

A motion to approve April 6, 2018 Meeting Minutes was duly made by Dr. Delzer, seconded by Dr. Christianson, and approved by unanimous consent.

Teleconference Meeting Minutes – June 11, 2018

A motion to approve June 11, 2018 Teleconference Minutes was duly made by Dr. Steffes, seconded by Dr. Delzer, and approved by unanimous consent.

<u>Teleconference Meeting Minutes – August 6, 2018</u>

Alaska State Board of Optometry Examiners

Meeting Date: October 19, 2018

A motion to approve August 6, 2018 Teleconference Minutes was duly made by Dr. Christianson, seconded by Dr. Steffes, and approved by unanimous consent.

Agenda item #3 Review and Approve Agenda

Ms. Lonergan stated an error in the start time of the meeting as it was called to order 3 minutes ahead of schedule at 9 AM.

A motion to make revision in the start time and time blockings of the agenda was duly moved by Mr. Lingle, seconded by Dr. Christianson, and approved by unanimous consent.

Agenda item #4 Ethics

There were no ethics conflict to report. However, Ms. Lonergan noted it is the first boarding of the fiscal year. She also reminded the board to regularly review the Ethics documents which is accessible online. Dr. Barney also stated (drawing from personal experience) that when board issues come up from innocent conversations that it be immediately referred to Ms. Lonergan.

Agenda item #5 Correspondence

Email from Lisa Fennell of ARBO, Dated August 14, 2018

Inserted to board meeting agenda as informational supplement re: colored plano contact lenses. No Board action.

Email from Lisa Fennell of ARBO, Dated May 15, 2018

Inquire whether optometrist can serve on state board while concurrently in leadership role with a state association. The Board stated no rules prohibiting it.

Email from Tracy A. Wirth from ACOE, Dated September 26, 2018

Inserted to board meeting agenda as informational supplement re: revised accreditation standards. No Board action.

Agenda item #6 Investigative Report

Inv. Brian Howes stated in memorandum there is zero open or closed files.

Agenda item #7 Old Business/Tasks

Telehealth/Telemedicine

The Chair recommended that the report written by Dr. Christianson, to be revisited by Dr. Christianson to ensure that current legislation (SB74) does not contain something that may impede the ability of telehealth/telemedicine providers more particularly in rural Alaska, and ensure it will not be used irresponsibly. Dr. Christianson was tasked to research the verbiage (from AOA namely Catherine Hendricks or Daniel Kerry) which states consumer protection. This will be incorporated in future amendment proposal to Department of Law.

New State Law Exam

Ms. Lonergan stated that due to staff changes (publication specialist changing job) there is current backlog in the new state law exam. Ms. Lonergan presented the Board the idea of using online version of the test and whether the Board is in favor of its development. The Board agrees conceptually provided it has certification/acknowledgement page and that questions are rotated annually. This is designated as a project.

Agenda item #8

Topics/Discussion Time

Continuing Education

Ms. Lonergan proposed to the Board the form "Optometry Continuing Education Worksheet" that will be used by licensees in the upcoming renewal period. This form will be made available in the portal, and the particular statutes and regulations will be included in the back page of the form. The Board sees this form as advantageous if auditing large sample of licensees, however, it is perceived to present more work for the division and the Board. Instead, the Board recommends adding further explanation to those being audited.

PDMP Report to the Board

Ms. Lonergan pointed disconnect on charts (Figure 4 and Figure 5) illustrated in page 169 of the agenda. The charts illustrate that login activity for optometrist does not reflect patient prescription history query activity. The Board explained that optometrist login activity are more frequent because it is to assure all steps being taken are in compliance, and the only time they query a patient's prescription history is when they have particular concern about controlled substance use. The board further states that it continues to write short duration prescription.

Agenda item #9 Budget & Annual Report

Ms. Lonergan explained there is no change to the report than the 1st through 3rd Quarter previously presented. The status is still on deficit. The Board has approved license fee increases which has taken into effect. The new application with the fee change is now online. The renewal period begins November 1st with a renewal fee of \$600 USD. A renewal letter will be distributed.

The annual report is due April 2019.

Janie McCullough (Retired), Division Director; and Marylene Wales, Accountant, both from CBPL later joined the morning session in person to present supplemental information on the budget & annual report. Ms. McCullough stated that FY 18 year-end report is anticipated to be available no later the end of October, following it is FY 19 1st Quarter report. Ms. Wales reported that FY 18 3rd Quarter total licensing revenue is \$3455. The chart referenced by Ms. Wales is on page 173 of the board packet.

Morning Break at 10:30 AM AST Back on record at 10:37 AM AST

Agenda item #10

Regulations Project

The Board reviewed and discussed Chapter 48 Board of Examiners in Optometry in the Board packet. Ms. Zinn recommended rewording some sections as illustrated on Page 199 of the amended 12 AAC 48.035. Discussion on this matter continued for the remainder of this segment.

Sher Zinn, Regulations Specialist, joined the morning session in person

AAG Joan Wilson joined the morning session via teleconference for segment.

The Board reviewed and discussed 12 AAC 48.020(a); 12 AAC 48.020(c) License by Credentials draft language received from the regulations specialist, and reviewed by the department of law. The Board through Dr. Barney summarily deferred to the expertise and recommendation of AAG Wilson. The regulations specialist has taken notice of the amendment.

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The Board reviewed and discussed 12 AAC 48.200(b)(4) License Renewals and Continuing Education by Credentials draft language received from the regulations specialist, and reviewed by the department of law. AAG Wilson has no further comment and there was no discussion on this amendment.

The Board reviewed and discussed 12 AAC 48.200(c) License Renewals and Continuing Education by Credentials draft language received from the regulations specialist, and reviewed by the department of law. There was no further discussion on this amendment.

The Board reviewed and discussed 12 AAC 48.200(b)(4) License Renewals and Continuing Education by Credentials draft language received from the regulations specialist, and reviewed by the department of law. There was no further discussion on this amendment.

The Board reviewed and discussed 12 AAC 48.210(a) Hours of Continuing Education Required by Examination draft language received from the regulations specialist, and reviewed by the department of law. There was no further discussion on this amendment.

The Board reviewed and discussed 12 AAC 48.210(d) Hours of Continuing Education Required draft language received from the regulations specialist, and reviewed by the department of law. Due to illegible notations in the draft, there was further discussion. As the board prefers to repeal (d) sooner before the renewal cycle in 2020, AAG Wilson advised the board to proceed with the amendment of language that would force an immediate effect.

The Board reviewed and discussed 12 AAC 48.230(a)(b)(c) Exemption from Continuing Education Requirements draft language received from the regulations specialist, and reviewed by the department of law.

The Board reviewed and discussed 12 AAC 48.240 Exemption from Continuing Education Requirements and determined that the Board has no authority to have commission corps language added into the regulation.

The Board reviewed and discussed 12 AAC 48.340(a) Prescription & Use of Pharmaceutical Agents draft language from the regulations specialist, and reviewed by the department of law. This is a proposed new section in the regulation. The Board proposed removing section(a), changing section(b) to (a), and section(c) to (b).

The Board reviewed and discussed 12 AAC 48.350 Use of Controlled Substances draft language from the regulations specialist, and reviewed by the department of law. AAG Wilson proposed language "inform the outpatient or guardian verbally and in writing of the benefits and risks of controlled substance therapy and any reasonable non-opioid alternative or ensure inpatient standards of informed consent are filed".

The Board reviewed and discussed 12 AAC 48.360 Registration with the prescription drug monitoring program controlled substance prescription database draft language from the regulations specialist, and reviewed by the department of law. The Board approves the proposed changes as noted in the draft.

AAG Wilson signed off telephonically.

On a motion by Dr. Delzer, seconded by Mr. Lingle, and approved unanimously, it was resolved to approve the regulations as amended with the exception of 12 AAC 48.340 and 12 AAC 48.350

On a motion by Dr. Delzer, seconded by Dr. Christianson, approved unanimously to submit 12 AAC 48.340 and 12 AAC 48.350 as amended to the department of law and to put forth for public comment.

The Board break for Lunch at 1:04 PM AST

The afternoon session started at 2:26 PM AST

Agenda item # 12 Public Comment

There were no members of the public in attendance.

Agenda item # 13 New Business

Dr. Barney talked about his attendance at the recent ARBO (Association of Regulatory Boards in Optometry) annual meeting where Alaska is a member state. Among the topics discussed in the meeting were regulatory issues across the country, role and conduct for regulatory board members, disciplinary action practices, COPE (Council on Optometric Practitioner Education) methods, and MBAO testing and accreditation among others. Dr. Barney recommends attending this annual meeting when budget allows.

As inserted in the board meeting agenda, Ms. Lonergan brought to the attention of the board the email about the cooperative/collaborative practice agreements between practitioners and pharmacists. This is informational only to the Board and does not appear to impact the Board.

Agenda item #14 Applications

No pending applications on file.

Agenda item #15 Statutes & Regulations

Sher Zinn, Regulations Specialist, rejoined the afternoon session in person for the discussion of amendments applied in the regulation project.

The following changes were applied into the draft for regulation 12 AAC 48.340

- Kept the language 'pharmaceutical agent'
- 'Informed consent' is the correction
- Changed language to 'by the section'
- Applied the word 'designee'
- Within 10 days

The following changes were applied into the draft for regulation 12 AAC 48.350

- Changed language to 'requesting to utilize'
- Changed language to 'authorize'
- Change language to 'those qualified by the education and training'
- Insert language that licensee will get letter from the board
- Ms. Zinn will check with department of law for the appropriate language for minimum hours for required courses
- The Board recommends inserting item #5 for consultation and review with department of law before public comment
- Ms. Zinn recommends removing the term "will" in the language pertaining to Board approval
- The board recommends adding another section pertaining to 'course instruction/topics/curriculum/hours completed following graduation from optometry school' that Board will approve
- No change to the term 'licensee'
- Requires continuously practicing for each year
- Refrain from using parenthesis except when describing acronym
- Not allowed to perform anesthesia

On a motion by Dr. Delzer, seconded by Dr. Christianson, and approved unanimously, it was resolved that Dr. Barney will be the contact person for department of law for the regulation project.

| Agenda item #16 | Scheduling Meetings | | |
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| | availability for their next meeting. They duary 22 nd , 2018 at 12pm-1pm. | decided to meet on December 5th, 2018 at 12pm | 1- |
| Agenda item #17 | Travel Action Summary | | |
| Utilized government rate in Avoided incidental lodging Chose location that require Chose a time to avoid peak Gained necessary informati Met regulations specialist as Dr. Barney is designated as | d least amount of travel travel time rate expenses on to move forward regulatory amendment and talked directly to department of law contact person for the regulations projective efficient than telephonic conference | nents | |
| Respectfully Submitted By: | | | |
| Allan Alcancia Occupational Licensing Ex State of Alaska, DCCED, | | Date | _ |
| ** Examiner at the time of draft minutes | f board meeting not present to | | |
| Danielle LaFon Board Chairperson Alaska State Board of So | ocial Work Examiners | Date | _ |
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