



Board of Examiners in Optometry

Draft Minutes—not yet approved by the board

Alaska Division of Corporations, Business and Professional Licensing
Oct 21, 2022 at 9:00 AM AKDT

Attendance

Members Present: Bradley Cross, Chair; Michael Mavencamp. Pamela Steffes, Kathleen Rice

Staff Present: Ashley Carabajal, Sara Chambers, Terry Ryals

1. Call to Order

- A. Roll Call – All present
- B. Review Agenda

**Motion to approve agenda as presented. (Mavencamp) Seconded by Steffes.
Approved unanimously.**

- C. Ethics Disclosure – All members confirmed they had no ethics conflicts to disclose.

2. Public Comment – No members of the public presented themselves for comment.

3. Division Update

A. Administrative Order 335

Director Chambers presented the governor’s administrative order regarding “right-touch regulations.” Chair Cross suggested the board look at regulations pertaining to restricted licenses at a future meeting. Steffes suggested looking at whether the 3,120 hour requirement for applications by credential should be amended. She also suggested reviewing the requirement for federal employment verifications; they can be complicated to get right and could be a barrier, especially if they have been federally employed for many years. The board agreed to look at proposals later in the meeting.

B. HB265: Telehealth Legislation Overview

Chambers walked through HB 265 and requested the board’s input. The board confirmed that safe practice would require in-person exam prior to prescribing a controlled substance, so they had no issue with that language. Cross segued into the next topic regarding telehealth practice and possible clarity in regulations.

4. Regulations

A. Telehealth

The board discussed the chair's draft of regulations designed to clarify the practice of telehealth, particularly with the expansion of telehealth without an in-person exam as enacted in HB265. The board expressed concern that online-only prescriptions are gaining in popularity and are not in the best interest of public health. Chambers suggested Cross further clarify the draft, send to her, and she can request attorney assistance in determining what can be adopted under current law and what may need a statute change. She recommended scheduling a brief subsequent meeting with the AAG to discuss with the board in November. The board concurred with this plan.

B. Consider expanding COPE-certified distance learning continuing education (CE) credits

Steffes described the Council on Optometric Practitioner Education's (COPE) new statement on continuing education hours and options to align with these new offerings. Rice and Mavencamp expressed concern with expanding the number of hours of CEs coming from virtual sources. Steffes suggested the board message licensees to reiterate CE requirements for this renewal period. Chambers stated that staff can include this on the web site and in the standard renewal announcement. Chambers also suggested the board adopt a regulation allowing a variance to CE requirements, akin to what the Board of Chiropractic Examiners has in place. Dr. Cross suggested that he can work on some language to add to the telehealth regulations project and bring back to the board.

5. April Letter to Medicaid

Dr. Steffes discussed the letter that was written to Renee Gayhart, director of Alaska's Medicaid division, in April regarding communication from Medicaid about what a comprehensive exam should include (7 AAC 110.710 and 715). Director Chambers suggested the board draft changes in regulation to provide the Medicaid director and follow up by inviting her to meet with the board, if needed. Dr. Cross asked if Chambers could start by asking the Medicaid director for feedback first, and she agreed.

Off the record: 11:05

On the record: 11:15

6. Regulations, continued

Dr. Steffes continued the discussion of concerns regarding documentation of the 3,120 hours required for licensure by credentials, especially in relation to optometrists seeking to reenter the workforce after a long break. The board also discussed documentation requirements of federal employment and considered whether self-certification of

employment hours would be acceptable to the board. Members registered concern about self-certification and opined that it was not in the public interest to eliminate documentation of employment requirements. Chambers suggested the board consider issuing a temporary license to allow employment documentation to be submitted during the duration of that license; this would allow persons to practice while the final signatures were obtained. She also encouraged the board to look at reinstatement requirements as a guide for creating a “bridge” for those who may have been out of the workforce for less than five years.

Dr. Cross moved the discussion forward by asking for board members to offer any amendments to regulations.

Motion: Remove 12 AAC 48.020(c)(5) and 12 AAC 48.900(c)(6) and any other regulation that may require specific documentation of federal employment. (Steffes) Seconded by Cross. Rice: yes, Cross: yes, Steffes: yes, Mavencamp: no

Motion passes.

Off the record: 12:12

On the record: 1:00

1. Investigative Report

Inv. Hardy presented the quarterly report, and the board had no further questions or comments.

2. License approvals

The board discussed the application from Dr. B. Becken, stating he needs to provide employment end dates, explain how he is practicing in Florida and California without a license, and complete the post-graduate injections course required in AS 08.72.140(4)(C).

Motion: Table the application from Dr. Becken until he can provide the requested documentation, then upload the application and his responses to OnBoard for review and vote. (Cross) Seconded by Steffes. Unanimously approved.

Chambers mentioned that board regulations are not clear that the seven-hour nontopical therapeutic pharmaceutical agent injection course must be taken in a post-graduate setting. Further, the advisory from 2012 posted on the board’s web site does not specify the post-graduate requirement. The board agreed to add clarification of the

requirements of the seven-hour course in regulations. Dr. Cross will include this in the forthcoming package that he will send to Director Chambers.

The application for Dr. M. Bui was presented by OLE Carabajal since a quorum had not been established in OnBoard. She asked board members who had not yet voted to do so in OnBoard. Chambers reminded board members that they cannot simply vote to deny an application without giving a reason: A “no” vote must include a statement of the statute or regulation that is potentially not being met.

3. Other board business

Dr. Cross requested board members encourage others to apply for the vacant board position.

The board set a tentative meeting date for Thursday, November 17, from 11:30 – 1:00 to consider AAG advice on regulations and approve a project.

4. Adjourned at 1:45 p.m.