

Minutes of January 21, 2011 Optometry Board Meeting

Dr. Matheson asked if there were any ethics violations to report, all board members and staff stated they had no ethics violations to report.

Off record at 9:07 a.m. - Back on record at 9:09 a.m.

Agenda item 5 Investigative Report

Joining the meeting were Karen Wilke, Paralegal and Margaret (Peggy) Weaver, Investigator. Ms. Wilke shared her role with the board and explained the process for consent agreements. Ms. Weaver stated she is stationed in Juneau and shared her role as investigator.

As of the January 5, 2011 investigative report, there were no open complaints and two complaints had been closed. There are neither open cases nor cases which have closed.

No board action was required on the Investigative report.

Agenda item 6 FY 10 Annual Report/Annual Report duties

The board discussed the annual report and agreed it was correct. At this time, no changes or additions are needed for board goals.

Administrative Officer, Katherine (Cathy) Mason joined the meeting to discuss the budget and explained the new budget format and how board expenses are calculated. The board now understands fiscal year, how costs are divided among indirect and direct expenses. Cathy also expressed license fees are adjusted as needed in relation to expenses. Sometimes, boards run at a deficit but the expenses are recovered with license fee increases.

Agenda item 7 Review Correspondence

The board discussed correspondence none of which required a response. The board was encouraged to learn that NBEO is considering adding injections to the national exam.

Off record at 9:50 a.m.
Back on record 9:58 a.m.

Agenda item 8 Regulation project

Department of Law attorney Dan Branch attended the meeting to review the draft regulations dated 12/17/10 with the board. After considerable discussion the only changes to the draft include:

12 AAC 48.020

(b) (3) an affidavit certifying at least 3,120 hours of active license clinical practice experience in optometry at the highest therapeutic level authorized by the licensing authority in their jurisdiction within the three years immediately preceding the date of application, signed by a licensed health care professional who is familiar with the applicant's practice; the board may require further documentation verifying the 3,120 hours of active licensed clinical practice;

Delete all of 12 AAC 48.020 (d)

12 AAC 48.022 Restricted licenses. Change date from June 1, 2010 to actual date signed into law which was June 2, 2010. A total of four (4) date changes are required within parts (a) and (b).

Change 12 AAC 48.026 Retired license rewritten to now read:

(a) If the licensee holds an optometry license that is not restricted, the licensee may apply for a retired license by submitting

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AS 44.62.310(c) (2) and (3) and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussion of (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and (3) matters which by law, municipal charter, or ordinance are required to be confidential.

Executive session included staff, Peggy Weaver, Melinda Butler and Connie Petz.

On a motion by Dr. Graves, seconded by Dr Gonnason the board will enter into executive session to discuss the application. All in favor, none opposed.

Executive session – off record at 1:47 p.m.

Out of Executive session - on record – 2:50 p.m.

The board has reviewed and discussed the application submitted by Dr. Gary Kitzrow and determined Dr. Kitzrow did not meet the license requirements for the state of Alaska.

On a motion by Dr Graves, seconded by Dr Gonnason, that the board, in review of the application for optometry submitted by Dr. Gary Kitzrow denies licensure due to prior license violations and disciplinary actions in Washington and Oregon; per statute Sec. 08.72.140. Qualifications for licensure. An applicant for licensure as an optometrist (2) may not have committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed;

(3) may not have been disciplined by an optometry licensing entity in another jurisdiction and may not be the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure.

And/or the applicant's history of discipline does not meet the requirements per statute Sec. 08.72.170 Licensure by credentials (6) has not committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed; and (7) has not been disciplined by an optometry licensing entity in another jurisdiction and is not the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure.

All in Favor - No nays.

The board discussed that the applicant did not meet the qualifications for licensure in the state of Alaska due to prior license violations, which had they occurred in the state of Alaska, they would have required disciplinary action. Staff will send a letter to the applicant explaining the license has been denied and his rights in relation to the decision of the board.

Off record 3:04 p.m. - Back on record 3:09 p.m.

Agenda item 12

Schedule Meetings/Task List

ARBO will meet in Salt Lake City, Utah June 12-14, 2011 and Dr. Matheson will attend.

The board established the next board meeting would be in Anchorage and tentatively set for 2 days – May 5-6, 2011. The dates are pending the schedules of the absent board members and the amount of board business at that time. A one day board meeting may be all that is necessary.

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For the record, today is the last board meeting for Dr. Gonnason as his term on the board will end on March 1, 2011. Dr. Gonnason thanked the board for allowing him to serve and the board thanked him for his many years of dedicated service with the board of optometry.

At the last board meeting Dr. Matheson expressed it would benefit the board to select another chairman of the board. This is to allow a transition time for the new chair to become familiar with their role. Dr. Matheson's term with the board ends on March 1, 2012 and she asked Dr. Graves if he would be willing to chair the board of examiners in optometry. Dr. Graves said he had considered the opportunity and agreed he would be willing to serve.

Dr. Gonnason nominated Dr. Graves as chair of the board, all board members were in favor and Dr. Graves will begin the role of the chair effective immediately.

TASK: Staff

- Forward adopted regulations to regulations specialist to prepare for public comment
- Forward additional facts and prior correspondence to Dept of Law related to the prescription authority and facts related to condition of hypotrichosis
- Follow up with all licensees regarding renewal CE's
- Follow up with applicant for license denial

Agenda item 13

Final Comments

Closing comments by Dr. Gonnason; for the record, the boards history on the intent for AS 08.72.140 section (2) and AS 08.72.170 section (7); regarding the board's discretion in considering disciplinary action in another jurisdiction, the intent was to give the board flexibility regarding disciplinary violation in other jurisdictions where the violation would not have been subject to discipline in Alaska.

**On a motion by, Dr. Gonnason, seconded by Dr. Graves and carried unanimously.
The board having no other business adjourned the meeting at 3:26 p.m.**

Respectfully Submitted:

Connie Petz

Connie Petz, Licensing Examiner

James C. Stanley O.D.

James Graves, OD, Chair

Date: 5/6/11