



Dr. Delzer identified a spelling error on line 176 and asked for the minutes to be corrected to reflect the “previous.”

**Dr. Steffes moved to accept the minutes as amended. Mr. Lingle seconded.**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

**RESOLVED to approve the April 28, 2021, meeting minutes as amended by unanimous consent.**

Dr. Delzer clarified that the meeting published on the web site for July 9, 2021, had never been properly public noticed, so the meeting did not take place.

**Agenda Item 5 – Ethics Report**

All members affirmed that they had no conflicts to report.

**Agenda Item 6 – Public Comment**

No persons called in to provide public comment, and no person registered ahead of time to comment. Dr. Delzer asked Ms. Chambers to keep an eye on those joining the meeting so public comment could take place, if warranted.

**Agenda Item 7 – Licensing Report**

Ms. Chambers provided an update on the division’s high vacancy rate and ongoing recruitment for licensing examiners. She thanked Mr. Bay for processing applications and assisting in examiner duties while the position is vacant.

**Agenda Item 8 – Expanded Therapeutic Procedures (ETP)**

Dr. Delzer noted Mr. Bay’s “incredible work” in processing dozens of new ETP applications. Dr. Steffes appreciated how Mr. Bay presented them as a group in OnBoard, reducing board member work. She noted appreciation of AKOA’s work providing the training and documentation to ease in review and approval. Mr. Bay noted we had received about half of the expected 50 applications, which will be updated on Fridays.

**Agenda Item 9 – Categories of Privileges on the License Application**

Dr. Steffes noticed the license verification section of the application only asks other states to reflect TPA, not other types of privileges (DPA, injections, other). This makes it more difficult to confirm authorization and scope of practice in another state.

Dr. Delzer mentioned that other states don't always use our form. Mr. Bay confirmed this is not unusual; in fact, Alaska uses our own form for license verification. We try to be flexible as long as we can confirm the document is sent from a legitimate government source. This has become necessary especially during COVID. He stressed that it is the applicant's responsibility to ensure we receive adequate information.

Dr. Delzer confirmed that Oklahoma requires all licensees to pass the Advanced Procedures Course which qualifies as an injections course, so all Oklahoma licensees would automatically qualify for injection privilege. He stated this had been placed on the record by the board in the last year. This however does not allow for Expanded Therapeutic Procedures unless all conditions of Alaska Regulation requirements have been met.

Dr. Steffes asked if the additional privilege options could be added to the license verification. Dr. Delzer asked her to draft those changes and ask that they be placed in OnBoard for final board approval. Ms. Chambers offered to assist in drafting, if desired.

#### **Agenda Item 10 – License Application: Brooks, Ashley**

Dr. Brooks application had been placed in OnBoard for a vote and tabled by Dr. Steffes because she had never practiced under expanded practice in Oklahoma. Dr. Steffes' other two questions had been answered. Given the statutory requirement is to hold a license—not to have actively practiced—she meets the criteria for licensure, so Dr. Steffes changes her vote to “yes.”

Dr. Steffes underscored the need for the board to clarify that Oklahoma allows injections, especially if we should not expect an explicit statement from the state to confirm that injections are part of their scope.

Ms. Chambers reminded the board that they had previously determined applicants currently licensed in the state of Oklahoma meet the 32-hour injection training requirement. Placing that decision on the record should ease questions on applications from Oklahoma and relieve the board of any future concerns raised through an audit. Dr. Delzer concurred.

The board determined to take up this application later in the meeting.

#### **Agenda Item 10 – License Application: To, William**

Dr. Steffes raised concern that Dr. To indicated he intended to dispense scheduled II-IV controlled substances when it is not allowed in optometry scope of practice.

Dr. Steffes explained that the board, when adopting regulations regarding controlled substance prescriptive authority, deliberately did not include dispensing. Dr. Delzer encouraged discussion since “dispensing” and “administering” could be misunderstood—especially when pharmacies are often closed for longer hours and overnight pain relief may be appropriate. Dr. Steffes asked why the patient couldn't go to an urgent care or ER if the administered controlled substances were inadequate.

Mr. Bay asked if the section on dispensing could be removed from the application if it is not allowed in regulation. Dr. Delzer thought that the application was likely written that way to achieve standardization among PDMP boards. He suggested conferring with PDMP staff to ensure they do not need that information.

Ms. Chambers pointed out that, for purposes of the license application, there were two issues to address: what practices can the optometrist legally perform, and what information does PDMP staff require? She also clarified that restricting dispensing appears to be something the board did in regulation and is

145 allowed in statute. She suggested the board approve the application and ask the examiner to provide  
146 clarification in writing to the applicant that dispensing is not allowed. It is important that the application  
147 does not mislead applicants to believe they can legally dispense. She also suggested that staff update the  
148 application to conform to optometry regulations. Mr. Bay agreed to do so.

149  
150 Dr. Delzer asked if the applicant needed to personally correct the application. Ms. Chambers said that it  
151 wasn't necessary since what he indicated about dispensing is irrelevant to approval for licensure. Mr. Bay  
152 agreed that he would include the regulatory clarification in his licensing letter and will also explain to him  
153 on the phone.

154  
155 **Dr. Steffes moved to approve Dr. William To for licensure with written advisement that he**  
156 **cannot dispense controlled substances. Dr. Mavencamp seconded.**  
157  
158

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

159  
160 **RESOLVED to approve Dr. William To for licensure as an optometrist.**  
161

162 **Agenda Item 11 – License Application: Abbott, Christopher**  
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164 Mr. Bay pointed out that Dr. Abbott voluntarily cancelled his DEA registration when he left military  
165 service, and this amendment is noted in his application.

166  
167 Dr. Steffes pointed out a concern that the Verification of Federal Employment section of the application  
168 uses the wording “all federal jurisdictions” and should say “federal agency” to align with the board’s  
169 regulations.

170  
171 Dr. Cross requested approval to abstain since he had not had time to review the application. No objection  
172 was raised.

173  
174 **Dr. Mavencamp moved to approve Dr. Christopher Abbott for licensure pending successful**  
175 **completion of the state law exam. Mr. Lingle seconded.**  
176  
177

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross			X

178  
179 **RESOLVED to approve Dr. Christopher Abbott for licensure as an optometrist pending**  
180 **successful completion of the state law exam.**  
181

182 **Agenda Item 12 – ETP Application: Stemmler, Christine**

Mr. Bay explained that Dr. Stemmler took 16 hours of the required 32-hour course. She indicated that she was told she did not need the remainder of the course since she did not plan to perform procedures related to ocular adnexa. The board discussed and agreed that there is no leeway for approval using partial credit as clearly stated in 12 AAC 48.040.

**Dr. Mavencamp moved to approve Dr. Christine Stemmler to perform the requested expanded therapeutic procedures. Dr. Cross seconded.**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer		X	
Mr. Eric Lingle		X	
Dr. Pamela Steffes		X	
Dr. Michael Mavencamp		X	
Dr. Bradley Cross		X	

**RESOLVED to deny Dr. Christine Stemmler approval to perform the requested expanded therapeutic procedures.**

Mr. Lingle asked why a member of the board would pose a motion that they intended to vote down. Ms. Chambers explained that it is for a few reasons: Placing the denial on the record provides the applicant due process for appeal. A motion consistently written in the affirmative ensures a more neutral process and reduces confusion. It also reduces any unwarranted prejudice.

#### **Agenda Item 13 – State Law Exam Review**

Dr. Delzer wanted to confirm that “must” would be changed to “may” on Question #6 in the state law exam. Mr. Bay stated he has already made conforming changes to the exam and answer key.

Dr. Delzer confirmed there were no additional changes needed as a result of the new regulations going into effect.

#### **Agenda Item 14 – License Application Review**

The board reviewed several changes the board has previously discussed:

- Verification of Federal Employment: Change “all federal jurisdictions” to “federal agency” to conform to regulations.
- Update questions on Verification of Licensure, as drafted by Dr. Steffes.
- Remove the “character” reference from Affidavit of Clinical Optometry Experience and move to the Professional Reference form to reflect the signer’s familiarity with the applicant’s character (as worded in regulation). Ms. Chambers suggested reviewing the Board of Veterinary Examiners’ professional reference form as a sample.
- Work with PDMP Manager Lisa Sherrell to ensure the controlled substance dispensing language is removed from the optometry application.

Ms. Chambers and Mr. Bay confirmed that these are administrative changes that can be made in conjunction with the division’s publications team. These changes can all be done concurrently.

Ms. Chambers confirmed that opioid education as required in statute has been added to the license renewal form.

### **Agenda Item 15 – Continuing Education Audits**

Given COVID is still impairing the ability to take in-person courses, the board restated its interpretation of 12 AAC 48.200 relating to distance learning:

- All COPE-certified courses are approved under subsection (b)(5), including COPE Live.
- Up to 10 hours of optometry-related online and correspondence courses do not require approval.
- Any hours that are not automatically approved under subsection (b) must be submitted for approval under subsection (c).
- There is no cap on the number of interactive distance-delivery hours available to meet CE requirements under 12 AAC 48.200 through December 31, 2021
- These regulations may need to be revisited in 2022.

Dr. Cross and Steffes suggested expanding 12 AAC 48.200(b)(4) to include in-person classes, such as those offered by a local clinic. Mr. Lingle agreed that the format may not matter as much as it has pre-COVID since technology has improved and is becoming a preferred method of delivery.

Mr. Bay asked for clarification whether Dr. Stemmler could take the remaining 16 hours of the 32-hour course to complete her ETP qualifications. Dr. Delzer concurred that is acceptable.

### **Agenda Item 16 – Military Licensure**

Ms. Chambers presented the packet on military spouse and active-duty military temporary licensure. She explained the rationale for the legislation from the perspective of the Department of Defense and reviewed the legislative mandate created in SB 21, effective January 1, 2022. She reviewed the definition of “substantially equivalent” and ensured the board understood it meant “close to the same” but not “the same”—the point being that the applicant can practice safely under a temporary license. She discussed how other boards are wrestling with establishing substantial equivalency in regulation.

Dr. Delzer walked through the military licensing regulations the board already has in place and how the board might amend them to meet the requirements of SB 21. Ms. Chambers indicated several ways the proposed regulations could be revised to conform to SB21. She stated that requiring a state law exam, no matter how simple and straightforward it may be, might not meet the legislature’s intent. It would continue to be required for the permanent license.

Dr. Steffes pointed out that the law requires the applicant to be living with the military member. Ms. Chambers said that the division would be reviewing all regulations and working with the Department of Law to ensure they meet the statutory requirements, as well as ensuring that application material is streamlined for the sake of applicants, staff, and board members.

Ms. Chambers also indicated that the law goes into effect on January 1 and that she would be satisfied if boards continue to make forward progress and these regulations are effective in the spring.

Dr. Steffes asked if the current expedited licensure application would still be required. Ms. Chambers stated that there would not be a separate form but the same types of questions mandated in AS 08.01.063 would be incorporated into all military temporary license applications across all programs.

The board discussed whether it is allowed to include the state law exam, which is open book and takes less than an hour.

Dr. Cross inquired about how to manage applications that do not include injection training since Alaska now requires this training as part of the basic license, and only about 19 states do. Dr. Delzer suggested that perhaps they could be issued a license but not permitted to perform injections. Ms. Chambers stated that the board could stipulate that they can only practice within their education and training, which could be stipulated through a license restriction if they do not have adequate qualifications to perform injections. Chambers recommended this be stated in the regulations so it is a clear and transparent expectation.

Ms. Chambers said that if the board was concerned about excluding the state law exam, it could keep it in their proposal and then take it out after public comment and further deliberation. The board discussed the simplicity of the exam and that it could be retaken multiple times since it is “designed to be passed.” Chambers reiterated the legislature’s intent on requiring only a “substantially equivalent” license and this is a matter of designing a conforming regulation and not that optometrists would be unwilling to take the exam.

Dr. Delzer said he could work on some changes to the proposal in front of the board and resume discussion after the lunch break.

The board recessed at 12:00 p.m. and resumed at 1:00 p.m.

Members Cross, Delzer, Lingle, Mavencamp, and Steffes were present. Staff members Bay and Chambers were present.

#### **Agenda Item 16 – Military Licensure (Continued)**

Dr. Delzer resumed discussion of draft military licensing regulations and offered an additional subsection: “A holder of a temporary military courtesy license may not perform injections or expanded therapeutic procedures until successful completion of education required in regulation and written authorization from the board.”

This subsection would allow a qualified person to practice optometry but not injections or ETP if they did not hold those qualifications. Members of the board said they appreciated this change and supported the idea that the state law exam would not be necessary to qualify for a temporary military license.

Dr. Steffes asked whether the temporary licensing fees would apply toward the permanent license. Ms. Chambers explained that is up to the board; however, since a separate license requires a separate review, she recommended separate fees and processes.

**Dr. Mavencamp moved to open a regulations project using the draft temporary military courtesy license language. Dr. Cross seconded.**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

**RESOLVED to open a regulations project on the draft temporary military courtesy license.**

**Agenda Item 17 – Investigative Report**

Investigator Jasmin Bautista presented the investigative report. During the period of April 20-October 19, 2021, there were two open cases and four closed cases. The two open cases involve a sexual misconduct complaint and a continuing education investigations. The four closed cases were all continuing education and no violations were found.

Ms. Chambers thanked Ms. Bautista for her excellent service to the division.

**Agenda Item 10 – License Application: Brooks, Ashley (Continued)**

Dr. Delzer requested the board revisit Dr. Brooks' application, citing research he had performed during the break regarding Oklahoma Title 505:10-5-17 requirements for injections training and education as a mandate for licensure. He added that it is common knowledge that injections are included in Oklahoma's scope of practice.

Dr. Mavencamp had also reviewed Oklahoma's law, and agreed it does not prohibit injections. Members of the board expressed agreement and wanted to ensure the record is clear that the board's understanding is that Ms. Brooks meets the qualifications for licensure.

**Dr. Cross moved to approve Dr. Ashley Brooks for licensure. Dr. Mavencamp seconded.**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

**RESOLVED to approve Dr. Ashley Brooks for licensure as an optometrist.**

**Agenda Item 18 – Board Business**

There was no correspondence for the board's review.

Dr. Delzer wanted to bring before the board his knowledge of a new medication called Tyrvaya, approved by the FDA for the treatment of dry eye. The board discussed the delivery mechanism and interest in seeing how well the medication works, and that this falls within optometric scope of practice.

**Agenda Item 19 – Legislative Audit Report Review**

Ms. Chambers presented the 2021 sunset audit performed by the Division of Legislative Audit. The report had been accepted and published by the Legislative Audit and Budget Committee. Dr. Delzer stated that he felt the board had fulfilled their requirements and asked Ms. Chambers to walk through the findings. She stated that the concerns were focused on deficiencies in staff quality control, not problems directly within the board's control. She reassured the board that staff had worked diligently to correct concerns raised in the audit relating to the licensing database, continuing education requirements, and the license renewal form. She reiterated the previous conversation on vacancies and turnover, pointing to the need for improved staff retention.



364 She explained that the audit is a necessary part of extending the board's existence in AS 08.03. The  
365 legislative process requires a member of the board to be available by phone to speak to the importance of  
366 the board and the audit findings at every hearing.  
367

### 368 **Agenda Item 20 – Prescriptive Drug Monitoring Program Report**

369 PDMP Manager Lisa Sherrell presented the PDMP report, which was included in the board packet and is  
370 published at pdmp.alaska.gov. She walked through many software enhancements, including a  
371 communications module, changes to the patient report, delinquent reporting notice, and license  
372 integration. She also mentioned the division's intention to reduce PDMP fees to zero, as well as related  
373 efficiencies to the registration process. The board discussed the statistics and recommendations stated in  
374 the report, as well as various operational and investigative processes.  
375

376 The board asked whether Ms. Sherrell had concerns about amending the DEA Registration and PDMP  
377 Acknowledgment section of the optometrist application as discussed previously in the meeting. She said  
378 that would be wise.  
379

380 Ms. Sherrell asked whether the board would consider adopting a regulation stating optometrists would  
381 only need to register with the PDMP if practicing in this state. The board discussed but did not take  
382 further action.  
383

384 Launching from the fee discussion, Dr. Delzer asked if Ms. Chambers had any updates on the board's  
385 financial position, especially in light of the Administration's moratorium on fee increases. Ms. Chambers  
386 said that 4<sup>th</sup> quarter fiscal reports are forthcoming this month, and we are working to apply general funds  
387 that were included in the state budget for FY21 and FY22 to affected boards, as well as requesting funds  
388 in the FY23 budget.  
389

### 390 **Agenda Item 21 – COVID Statement Request**

391 At the request of the Board of Pharmacy, Ms. Chambers presented a statement related to COVID  
392 prescriptive practice and treatment and asked whether the board wished to add its name as a co-sponsor.  
393 The statement is being discussed by most health care boards, and the Board of Nursing has also signed  
394 on.  
395

396 The board discussed and determined that while they are sympathetic to the challenges pharmacists are  
397 facing, they elected not to offer explicit support since optometrists are not engaged in front-line COVID  
398 treatment.  
399

### 400 **Agenda Item 22 – Next Meeting**

401 The board will hold a teleconference from 12:00 – 1:15 p.m. on Friday, January 28, followed by a regular  
402 meeting in the spring.  
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404 Mr. Lingle pointed out that while he plans to attend in January, this is his last regular meeting since his  
405 term ends in March. The board expressed appreciation for his service.  
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407 The meeting adjourned by unanimous consent at 2:59 p.m.  
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Respectfully Submitted:

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Sara Chambers, Division Director

Approved:

Date:

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Dr. Damien Delzer, OD; Chairperson  
Alaska Board of Examiners in Optometry