

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF EXAMINERS IN OPTOMETRY

CONDENSED MINUTES OF THE MEETING HELD APRIL 03, 2025

Date:	April 13, 2025
Time:	08:30 AM
Location:	Teleconference
Attending:	Members: Kathleen Rice (Chair, OD), Ethan Arndt (OD), Charles Rudstrom (Public Member) Staff: Ashley Carabajal (Licensing Examiner), Reid Bowman (Program Coordinator), Sylvan Robb (Division Director), Josh Hardy (Investigator), Lisa Sherrell (PDMP Manager)
Absent:	Pamela Steffes (OD), Sheryl Lentfer (OD)

1a. Call to Order: <u>Ethics Report</u>	
Brief Discussion:	<i>Each board member confirmed they had no ethical conflicts to disclose.</i>
1b. Call to Order: <u>Review/Approved Agenda</u>	
Brief Discussion:	<i>No discussion to amend the agenda.</i>
Motion:	<i>Motion to approve the agenda as written. (First: Dr. Arndt; Second: Dr. Rice) The motion passed unanimously.</i>
Action Items:	<i>The board will follow the agenda as written unless amended later in the meeting.</i>
2. <u>Public Comment</u>	
Brief Discussion:	<i>There was one member of the public who joined the meeting to listen in. Dr. Rice asked the public member if they had any comments to make, but the member did not respond.</i>
Action Items:	<i>Ms. Carabajal will let the board know if anyone joins the line for public comments.</i>
3. <u>PDMP Update</u>	
Brief Discussion:	<i>Ms. Sherrell presented the Prescription Drug Monitoring Program (PDMP) Quarter 4, 2024 report to the board. She asked if any members had any questions or feedback and to let her know if so. Ms. Sherrell let the board know they are working on launching a new module that will be part of the PDMP that would send alerts to providers if a patient had a non-fatal overdose.</i>
4. <u>Investigative Report</u>	
Brief Discussion:	<i>Mr. Hardy presented the investigations report to the board.</i>
	<i>Dr. Rice asked about the standard of care case that was closed. Mr. Hardy let the board know that the standard of care was about whether an appropriate diagnosis was reached</i>

	<p>on time. Mr. Hardy mentioned the reviewing board member did not believe a diagnosis would have been found.</p> <p>Dr. Arndt asked if there are currently any investigations open for optometrists. Mr. Hardy confirmed there were no open cases at the time.</p> <p>Dr. Arndt mentioned the board would be discussing regulatory suggestions and one might involve investigations and asked Mr. Hardy if he would be available if the board had any questions for him.</p> <p>Mr. Hardy let the board know he can be available if needed and asked Ms. Carabajal to reach out if he is needed again for the meeting. The board had no further questions for Mr. Hardy.</p>
Action Items:	Ms. Carabajal will reach out to Mr. Hardy if the board has any questions for him during the regulatory suggestions' topic on the agenda.
5. Division Update: <u>Nursing Compact Bill and Temporary Permits Bill</u>	
Brief Discussion:	Division Director Sylvan Robb joined the meeting to inform the board about ongoing House Bills (HB) and Senate Bills (SB) that Governor Dunleavy introduced.
	HB 131, SB 124 has been trying to get passed the four past legislative sessions. This bill has been unanimously supported by the Board of Nursing since the beginning. She explained our professional licensing consists primarily of Nursing program. Nursing compact bill
	HB 158, SB 145 was introduced by the governor in the 2024 legislative session. Ms. Robb let the board know the bill will allow applicants for full licensure to obtain a temporary permit if they meet a set of requirements while the department waits for the remaining documents.
	Letter of support from the board. Sylvan will send some to Carabajal to distribute to board.
6. <u>Exam vs. Credentials Discussion</u>	
Brief Discussion:	Ms. Carabajal stated there is a current applicant who does not have the required 3,120 hours of active practice to apply by credentials. This applicant does not qualify to apply by examination due to their National Board of Examiners in Optometry (NBEO) exams completed over 4 years ago, which does not fall under regulations to apply by examination.
	Dr. Rice said they would need to complete the boards again to qualify to apply by examination if they do not meet the required hours of active practice for credentials.
	Dr. Rice says unless we change our rules for applying, we will need to make the applicants take the exams again. Ms. Carabajal asked if the applicant now must retake the NBEO exam if she already took the required injections course to apply for by credentials. Dr. Rice said she should retake the boards.
	Dr. Arndt said the other pathway would be to continue working in active practice to obtain the required 3,120 hours. The applicant can wait and earn more hours rather than retaking the NBEO exams.
	Mr. Bowman mentioned that some other boards have pathways to rejoin their profession. He mentioned Physical and Occupational Therapy Board have a pathway to allow licensees to join an internship under a licensed professional to earn hours to prove competency. He asked if the board would be interested in doing something like this in the future.

	<i>Dr. Arndt is interested in hearing more about Mr. Bowman's suggestion but would like to wait until everyone on the board is present at a future meeting. Dr. Rice agrees with Dr. Arndt.</i>
Action Items:	<i>Ms. Carabajal will let the applicant know their options for pathways to licensure.</i>
7. <u>Application/Requests Discussion</u>	
Brief Discussion:	<i>Ms. Carabajal let the board know the tabled Expanded Therapeutic Procedures (ETP) Request was denied by Dr. Steffes, who is not present for this meeting. She let the board know it was because the licensee requesting ETP had requested approval to perform injections, which does not require board approval to perform. The other issue was they didn't type in part of their request but wrote it on the side. Their request to perform ophthalmic procedures was not specific enough to what procedures they were requesting.</i>
	<i>Dr. Arndt said we can just ask the licensee to resubmit a more specific request and type in the handwritten procedures. Dr. Rice mentioned this has come up more than once where a licensee requests a procedure that does not need board approval. She suggested making an application for ETP Requests instead of making a written request. Dr. Arndt agrees on making a form with checkboxes and initials to check off which procedures they are requesting to perform.</i>
	<i>Mr. Bowman asked if the board has a list of procedures licensees can request. Dr. Rice let him know they do not have a specific list.</i>
	<i>The board discussed suggestions for creating a form for ETP requests in the future. Dr. Rice suggested updating the website for guidance on how and what can be requested for ETP.</i> <i>Dr. Rice is going to reach out to Dr. Steffes.</i>
Action Items:	<i>Ms. Carabajal will reach out to the licensee and request they submit a new ETP request that is more specific and remove injections from the request, as it does not require board approval.</i>
8a. New Business: <u>Telehealth Regulations</u>	
Brief Discussion:	<i>Ms. Carabajal explained to the board she had an out-of-state optometrist reach out via email asking for clarification on what the board means by "solely" in 12 AAC 48.370(b)(6) to which she asked Dr. Arndt for guidance. Dr. Arndt responded to Ms. Carabajal via email with what he believes the board means by "solely" but wanted to discuss it with the board. The optometrist planned to have doctors present for at least two weeks a month or every business day.</i>
	<i>Dr. Rice mentioned our regulations do not specifically state that an optometrist needs to see someone in person before they can meet them via telehealth. She mentioned the regulations were intended to prevent this situation mentioned by the out-of-state optometrist.</i>
	<i>Adding regulations to clarify (CO). Dr. Arndt mentioned presenting this when the whole board is present. Dr. Arndt will email Ashley some draft language to distribute to the members.</i> <i>Dr. Arndt suggested updated 12 AAC 48.370(b)(6) to state "unless the patient is already established within the practice and seen in person within the last three years" or wording along those lines. He said the board will need to brainstorm on ways to make these</i>

	<i>regulations easier for licensees to understand. Ms. Carabajal let Dr. Arndt know that she had received more than one email for clarification on 12 AAC 48.370. Dr. Rice mentioned the optometrist would not be allowed to dispense prescriptions via telehealth.</i>	
	<i>The board wants optometrists to be invested in the community and patients.</i>	
	<i>Mr. Rudstrom agrees with Dr. Arndt suggestion on changing 12 AAC 48.370 to better clarify the regulations. Dr. Arndt suggests waiting until a later meeting when more members are present. Dr. Arndt will send Ms. Carabajal some draft language via email.</i>	
Action Items:	<i>Ms. Carabajal will update the out-of-state optometrist with information from the board.</i>	
	<i>Dr. Arndt will send draft language for updating 12 AAC 48.370 for better clarification to Ms. Carabajal.</i>	
8b. New Business: <u>Prescription Requirements</u>		
Brief Discussion:	<i>Dr. Arndt explains the issue with invalid eye glass prescriptions and why they suddenly became an issue and how to resolve it.</i>	
	<i>Ms. Carabajal had recently become aware of invalid prescriptions coming from optometrists that do not follow 12 AAC 48.920. Regulations require optometrists to include the inter-pupillary distance (PD) on their prescriptions under 12 AAC 48.920(a)(1)(C).</i>	
	<i>The board agreed to remove the PD requirement under 12 AAC 48.920(a)(1)(C) for optometrists. Dispensing opticians are trained to take the PD themselves when fitting prescription eyeglasses on patients, regardless of if the optometrist provided the PD on the prescription. The board believes there should be no issue with removing the requirement. Dr. Rice says it does not allow monocular (one-eyed) patients to receive a valid prescription because you cannot measure the PD On a monocular patient and removing this regulation would allow monocular patients to receive valid prescriptions.</i>	
	<i>Mr. Bowman explained the regulation project process to the board and how to start one. Dr. Arndt asked if the board is allowed to let licensees know that RX's without a PD are still valid even though it is required under regulation. Mr. Bowman said it is best not to do that because it is currently required under regulation.</i> <i>Mr. Bowman mentioned a member of the board must complete the Project Opening Questionnaire and the board staff will complete one as well to start the regulations project.</i>	
Motion:	<i>Motion to start a regulations project to remove 12 AAC 48.920(a)(1)(C). (First: Mr. Rudstrom; Second: Dr. Arndt)</i>	
Recorded Votes:	<i>Dr. Rice – Y</i>	<i>Dr. Arndt - Y</i>
	<i>Dr. Steffes – Not Present</i>	<i>Dr. Lentfer – Not Present</i>
	<i>Mr. Rudstrom - Y</i>	
Action Items:	<i>Dr. Rice will complete the board's Project Opening Questionnaire (POQ) and Ms. Carabajal will complete the staff POQ and the excerpt of the motion to open a regulations project. Ms. Carabajal will send the POQ's and excerpt of the meeting minutes to Ms. Stephanie Davis (Regulations Specialist) to start a new regulations project to remove 12 AAC 48.920(a)(1)(C).</i>	

	<i>The board went off the record at 10:13AM for a short break and went on the record at 10:22AM. Ms. Carabajal took a roll call, and a quorum was established to continue the meeting.</i>
8c. New Business: <u>Regulation Considerations</u>	
Brief Discussion:	<p><i>After the short break, Mr. Bowman had a slight amendment to the motion previously proposed in the "Prescription Requirements" section of the agenda.</i></p> <p>Motion: <i>move to amend the previous motion to add the project is approved to go to public comment unless substantive changes are suggested by the Department of Law. (First: Mr. Rudstrom; Second: Dr. Arndt) – the motion passed unanimously.</i></p> <p><i>The board reviewed two regulatory suggestions submitted by an Alaska licensed optometrist. The board agreed there was not enough information to thoroughly discuss these suggestions and asked Ms. Carabajal to reach out to the licensee for more information on why they were being suggested.</i></p>
Action Items:	<i>Ms. Carabajal will reach out to the licensee and request more information regarding their regulatory suggestions. This will be added to the next meeting agenda if more information is submitted.</i>
8d. New Business: <u>Injections Discussion from Previous Meeting</u>	
Brief Discussion:	<p><i>The board discussed updating advisory #4 on the board's website to clarify if the Injection Skills Examination (ISE) through the NBEO would qualify an applicant by credentials to fulfill the injections requirements. The advisory states something different than our website and applications and the advisory is outdated and needs to be updated.</i></p> <p><i>Dr. Rice mentioned removing "typically" from the second bullet point and Dr. Arndt agreed. The board decided to remove the second bullet point stating "applicants who have successfully passed the ISE portion of the NBEO Exam Part III will typically meet the requirement of AS 08.72.140. Dr. Rice decided to leave "typically" in the first bullet point instead.</i></p> <p><i>Mr. Bowman pointed out the continuing education page on our website states the ISE could not be used in lieu of the injections course. Ms. Carabajal pointed out that she had been telling applicants that they need to take an injections course if applying by credentials and cannot use the ISE. The continuing education page and advisory #4 contradict each other. Dr. Rice is okay with removing the second bullet point and removing "typically" from the first bullet point on advisory #4. Mr. Rudstrom and Dr. Arndt agree.</i></p>
Action Items:	<i>Ms. Carabajal will work with the publications team to remove the second bullet point under advisory #4 and remove "typically" from the first bullet point.</i>
8e. New Business: <u>ARBO Annual Report and Meeting</u>	
Brief Discussion:	<p><i>Ms. Carabajal let the board know that she had been putting together the ARBO Annual Report that is presented at every ARBO Annual Meeting but needed help with one question: "what are three regulatory issues of greatest concern to the board?"</i></p> <p><i>Dr. Rice said questions or issues with new applicants. She stated recent changes with our applications will help and updating our webpage to make it easier for applicants to follow. Dr. Rice's second issue is telehealth regulations and people applying for licensure but having no intention of working here but remotely via telehealth. The board will work on regulations updates for telehealth.</i></p>

	<p><i>The last issue is continuing education hours and receiving numerous questions regarding the requirements for renewal. Dr. Rice liked the previous wording (“live, not live”) instead of “synchronous” and “asynchronous.” Dr. Arndt agrees with Dr. Rice. Dr. Arndt pointed out that we discussed this at a previous meeting to make it clearer.</i></p> <p><i>Ms. Carabajal will complete the ARBO Annual Report and send it to ARBO to be presented at the annual meeting in June 2025.</i></p> <p><i>Ms. Carabajal asked the board if anyone was interested in going to the ARBO Annual meeting June 22-24, 2025, in Minneapolis, MN. Each member of the board is unavailable.</i></p>
Action Items:	<i>Ms. Carabajal will complete the annual report and submit it to ARBO to be presented at the annual meeting.</i>
8f. New Business: <u>Division Annual Report – Due June 30, 2025</u>	
Brief Discussion:	<i>Ms. Carabajal wanted to let the board know the division’s annual report is coming up and the board approved report is due June 30, 2025. A member of the board should be chosen to complete the division report.</i>
	<i>Ms. Carabajal showed the 2024 annual report as an example of what is asked for in the report this year. Mr. Bowman let the board know this report does not need to be extremely long and it is up to the board what they would like to put in the report.</i>
	<i>Ms. Carabajal let the board know she has the template ready to send to whoever chooses to complete it on behalf of the board. Dr. Arndt asked that Ms. Carabajal sends out an email to the board with a copy of the 2024 annual report and the 2025 template for the board to review and decide on who will be taking over the report this year.</i>
	<i>Before the board moves to the next agenda item, Mr. Bowman wanted to let the board know about board vacancies and to reach out to any optometrists to encourage them to apply for the board to fill Dr. Steffes’ vacant spot. Dr. Rice knows of a couple who have already applied but have not heard back regarding their application. The board is continuing to look for an optometrist to fill a spot on the board.</i>
Action Items:	<i>Ms. Carabajal will send a copy of the 2024 Annual Report and the 2025 template for the board to review and decide on who will complete the report this year.</i>

Next Meeting:	September 25, 2025 (Tentative) at 09:00 AM
Adjournment:	11:23 AM