

BOARD OF EXAMINERS IN OPTOMETRY

CONDENSED MINUTES OF THE MEETING HELD OCTOBER 06, 2023

THESE DRAFT MINUTES WERE PREPARED BY THE STAFF OF THE DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING. THEY HAVE NOT BEEN REVIEWED OR APPROVED BY THE BOARD.

Date:	<i>October 06, 2023</i>
Time:	<i>9AM</i>
Location:	<i>Teleconference (Zoom)</i>
Attending:	<i>Members: Bradley Cross (Chair, OD), Katy Rice (OD), Ethan Arndt (OD) Staff: Ashley Carabajal (Licensing Examiner), Reid Bowman (Program Coordinator), Alison Osborne (Regulations Specialist), Josh Hardy (Investigator), Lisa Sherrel (PDMP Manager), Sara Chambers (Boards and Regulations Advisor)</i>
Absent:	<i>Pam Steffes (OD)</i>

1a. Call to Order: Ethics Report	
Brief Discussion:	<i>Dr. Cross welcomed Dr. Arndt, the boards newly appointed member as of June 2023, to his first board meeting. Dr. Cross took time to go over the ethics disclosure procedure to Dr. Arndt before asking the board if they had any ethical conflicts to disclose. Each board member confirmed that had no ethical conflicts to disclose. Dr. Rice asked how long it takes before licensees can view updates like approved requests for expanded therapeutic procedures to their licenses on the website. Ashley explained that the website should update automatically when the public note on their license file is updated and saved, and they are sent a status update when their license is updated.</i>
1b. Call to Order: Approve Agenda	
Brief Discussion:	<i>Dr. Steffes joined the teleconference. There was no discussion to amend the agenda.</i>
Motion:	<i>Move to accept the agenda as written. (First: Dr. Rice, Second: Dr. Steffes)</i>
Action Items:	<i>The board will follow the agenda as written unless amended later in the meeting.</i>
1c. Call to Order: Approve Meeting Minutes	
Brief Discussion:	<i>The board made no changes to the April 14, 2023, board meeting minutes. Dr. Cross asked Ashley if she met with Lisa about the PDMP out of compliance licensees from the April 14, 2023, meeting minutes. Ashley explained to the board that DEA registered applicants have 30 days to register with the PDMP and a 30-day tickler is set to the licensee's file after they have been issued a license. Charley (PDMP Examiner) keeps track of the 30-day ticklers and sends a letter via email and mail after 10 days. If the</i>

	<i>licensee does not register with the PDMP within 30 days, they will be referred to investigations.</i>	
Motion:	<i>Motion to approve April 14, 2023, meeting minutes as written. (First: Dr. Rice, Second: Dr. Steffes)</i>	
Action Items:	<i>The board approved the April 14, 2023, meeting minutes.</i>	
2. Public Comment		
Brief Discussion:	<i>Ashley informed the board there were no public comments at the time.</i>	
3. Regulations Update: Update to Current Regulations Project		
Brief Discussion:	<i>Alison informed the board Department of LAW had sent new final edits to Alison on the board's current regulations project. Alison explained the edit was to 12 AAC 48.370 (b)(4) to readd a section previously removed by LAW. The board spent time reviewing the final edits from LAW. Alison explained the regulation that defines what a telehealth facilitator is (12 AAC 48.370(d)) was removed due to lack of statutory power to delegate tasks to another individual.</i>	
	<i>Dr. Steffes informed Dr. Cross that she had to leave the meeting – quorum was still maintained.</i>	
	<i>Dr. Rice stated she believed it will not change or regulate anything differently than what people are already doing. The board spent time discussing Dr. Rice's main concern for 12 AAC 48.370 (b)(6) and the use of the phrase "ophthalmic prescription." She mentioned the wording does not specify medication prescriptions and the wording may lead to issues in the future.</i>	
	<i>Dr. Cross suggested a word change to 12 AAC 48.370 (b)(6) and Alison confirmed they can change the wording. Dr. Arndt suggested adding: "used to correct refractive error." Dr. Cross mentioned it would clarify that it relates to corrective eyewear. Alison confirmed with the board the change in wording to (b)(6) was, "may not determine ophthalmic prescription used to correct refractive error for corrective eyewear."</i>	
	<i>Dr. Arndt expressed his concern about adding the word "eyewear" because it excludes contact lenses as some people consider eyewear to be just glasses. Dr. Rice added that some people do consider contact lenses to be a medical device.</i>	
	<i>The board agreed to remove "for corrective eyewear" from their suggested edit. The edit to the regulations was changed to: "may not determine ophthalmic prescription used to correct refractive error".</i>	
Motion:	<i>Motion to approve the regulations as amended. (First: Dr. Rice, Second: Dr. Arndt)</i>	
Recorded Votes:	<i>Dr. Cross – Y</i>	<i>Dr. Rice – Y</i>
	<i>Dr. Arndt – Y</i>	<i>Dr. Steffes – Absent</i>
Action Items:	<i>An adoption certificate will be sent to Dr. Cross to sign. The regulations will then go for legal review, then to the Lt. Governor's for filing. The regulations will go into effect 30 days after filing. Alison will keep the board updated.</i>	
Executive Session		
Motion:	<i>Motion to enter into executive session to discuss matters involving consideration of government records that by law are not subject to public disclosure. (First: Dr. Arndt, Second: Dr. Rice)</i>	
Action Items:	<i>The board went off the record at 09:54AM and came back on the record at 10:20AM.</i>	

4. PDMP Update: Update to PDMP + Integration	
Brief Discussion:	<i>Lisa Sherrell gave an update to the board on the PDMP and discussed the PDMP Report with the board. Lisa Sherrell informed the board of a grant that was awarded and went over what it will cover for the PDMP. She discussed the Statewide Gateway Integrations with the board and how it works.</i>
Action Items:	<i>The board went into a quick recess and went off the record at 10:35AM and back on the record at 10:40. Ashley took roll call and quorum was established.</i>
5. Investigative Report	
Brief Discussion:	<i>Investigator Josh Hardy went over the investigative report and explained there were no cases to report. Josh noticed the report had an inaccurate date for the period the report was for. Josh let the board know he will get an accurate report and submit it to Ashley. Josh conducted the annual board member investigations training, half of which was for the public. Dr. Steffes joined the teleconference for the remainder of the meeting. The board entered into executive session for the last half of the annual board member investigations training.</i>
Motion:	<i>Motion to enter into executive session for the purpose of discussing matters involving consideration of government records that by law are not subject to public disclosure. (First: Dr. Arndt, Second: Dr. Rice)</i>
Action Items:	<i>The board went off the record at 10:55AM and came back on record at 11:27AM. Josh will correct the investigative report for the board and submit it to Ashley. Ashley will send it to the board for review.</i>
6a. New Business: Audit Review	
Brief Discussion:	<i>The board reviewed to licensees under random audit. The board discussed the audits and concluded that both licensees should be referred to investigations. The board agreed that both licensees attested to completing all required CE upon renewal but when audited, did not submit CE that met the boards requirements for renewal or the required amount of hours.</i>
Action Items:	<i>Ashley will refer the two audits discussed to investigations.</i>
6b. New Business: Potential Regulations Projects	
Brief Discussion:	<i>Dr. Steffes explained to the board her suggestions for future regulation projects and gave reasoning to why. Dr. Steffes suggested to amend the following during the next regulation project: - 12 AAC 48.340, 48.350, 48.200(4), 48,011(a)(3), 48.020(c)(1), and 48.900(c)(1) Dr. Steffes suggested not only updating 12 AAC 48.200(4) to follow ARBO's new definitions of synchronous vs asynchronous, but also issuing an advisory to make licensees aware that synchronous courses, if not in person, is still limited by the 10 hours of online/remote learning limit. Dr. Cross agreed the suggested changes would help make it clearer for licensees. Dr. Cross assigned Dr. Steffes the task of putting together a proposal for edits to the regulations to bring to a future meeting review and voting to begin another regulation project. Dr. Cross will work on an advisory to be issued on synchronous vs asynchronous based on ARBO's new definitions and that synchronous, unless in person, is limited by the 10 hours limit on online/remote learning.</i>

Action Items:	<p><i>Dr. Steffes will work on putting together a proposal for edits to the regulations to bring to a future board meeting for review and voting to begin a new regulation project. Dr. Steffes' term with the board ends March 2023 and will submit a draft to Ashley prior to her term ending.</i></p>
	<p><i>Dr. Cross will put together an advisory to be posted to the website to clarify synchronous vs asynchronous based on ARBO's new definitions and that synchronous, unless in person, is limited by the 10 hours limit on online/remote learning. Dr. Cross will submit the advisory to Ashley who will post it to OnBoard for the board to review and approve. If approved, it will be posted on the Board of Examiners in Optometry webpage.</i></p>

Next Meeting:	<i>April 08, 2024; 8AM-12PM</i>
Adjournment:	<i>11:54AM</i>