

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

**ALASKA STATE BOARD OF OPTOMETRY**

**MINUTES OF MEETING  
November 1, 2013**

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Examiners in Optometry was held on November 1, 2013, at the Atwood Building, 550 West 7<sup>th</sup> Ave., Suite 1760.

**Agenda item 1      Call to Order**

The meeting for the state of Alaska Board of Examiners in Optometry was called to order by Dr. Graves, Chair at 9:21 a.m.

Those present, constituting a quorum of the board, were:

James Graves, OD, Chair  
Grant Humphreys, OD  
Paul Barney, OD  
Forrest Messerschmidt, OD

Not present:

Immanuel Lewis, Public Member

Present from the Division of Corporations, Business and Professional Licensing were:

Sher Zinn, Records and Licensing Supervisor  
Michele Wall-Rood, Investigator

**Review agenda**

**On a motion duly made by Dr. Barney, seconded by Dr. Messerschmidt, and approved unanimously, it was**

**RESOLVED to approve the agenda as written.**

**Agenda Item 2      Review/Approve Minutes**

The board reviewed the April 19, 2013 meeting and July 31, 2013 teleconference minutes. Corrections were made to the July 31, 2013 teleconference minutes. Agenda 5, annual report update, should read "eighty five percent of those completing the survey by legislative audit responded that the Board has done as good as or better than it has in the past 4 years"; change Dr. Swarner to Dr. Humphreys, in the Call to Order. In the April 19, 2013 minutes the following corrections were made; agenda item 7, page 4, change "the" to "this" to read, "the Board felt there wasn't going to be a change at this time but will discuss....."; agenda item 10, page 7, change MD/OD to MD/DO.

**On a motion duly made by Dr. Humphreys, seconded by Dr. Messerschmidt and approved unanimously, it was**

**RESOLVED to approve the minutes of the April 19, 2013 meeting and July 31, 2013 teleconference with amendments.**

**Agenda Item 3      Ethics**

There were no ethics violations to report.

**Agenda item 4      Investigative Report**

Michele Wall-Rood joined the meeting to discuss the investigative report. The report included all open matters up to October 15, 2013. Currently there was one open matter which had gone out for board member review.

Ms. Wall-Rood reminded the board if they were contacted by someone wanting to file a complaint, to stop them and refer them to the investigator.

The board thanked Ms. Wall-Rood for her time and effort.

**Agenda Item 5      Expense/Budget Report**

Don Habeger, division director, and Sara Chambers, operations manager, joined the meeting via telephone for the report. Mr. Habeger reviewed the report reminding the board they had a fee increase at the last renewal, and the division would likely recommend another fee increase at the next renewal period due to a current deficit. Hopefully the fee increase would "bring the board back into a more positive cash flow picture." Mr. Habeger explained to the board what encompassed the direct expenditures, indirect expenditures, contractual expenditures, and supplies. Dr. Humphreys asked how indirect expenditures are allocated to the boards and noted they have had a steady increase over the years. Mr. Habeger stated there is a noted trend upward and most of the cost was due to labor and those increases. The professional licensing section incurs 85% of the costs of indirect expenditures, the remaining goes to corporations and business licensing. It would include the administrative support required to maintain the licensing and corporations sections and the total cost is divided by the number of the licensees.

Ms. Chambers addressed the board regarding HB 187 and HB 84. House bill 187 was presented to the board at its July 31<sup>st</sup> teleconference. Ms. Chambers asked the board if they needed further clarification and what any further information would they like. Ms. Chambers noted it would benefit all boards and would provide cost savings and fee management and potentially streamline some administrative processes. The new law would give "more tools in the tool box" to help keep license fees from drastic spikes either upward or downward, keeping licensee costs more predictable. She noted the bill would be taken up again at the next legislative session and the division would like as much support from the boards and commissions as possible. Mr. Habeger noted there are other outside organizations that have

stated support for the bill. Dr. Humphreys asked if there were any negative ramifications of the change. Mr. Habeger stated he did not see any at this time. Dr. Humphreys asked if either of them had any further information regarding HB 84 in regards to military experience for temporary licenses. Ms. Chambers noted that because the board does not have a temporary license, HB 84 does not affect the optometry board.

Mr. Habeger and Ms. Chambers thanked the board for their time.

#### **Agenda Item 6      Correspondence**

The board reviewed the correspondence. The first letter from Biotissue asked the board to confirm that CPT Code 65778 is under the scope of practice for an optometrist. The board did confirm the procedure is in the scope of optometric practice in Alaska and Dr. Humphreys would write the letter in response and send to Ms. Zinn for mailing.

The board reviewed the letter from DIOPSYS asking the board to confirm that Visual Evoked Potential (VDP) and Electroretinography (ERG) are within the scope of practice for optometrists. The board confirmed the procedures and Dr. Humphreys would write the letter and send to Ms. Zinn for mailing.

#### **Agenda Item 7      Regulations**

The board discussed drafting a regulation for Military Courtesy licenses under AS 08.01.063. Dr. Graves reminded the board of an applicant who did not meet the requirements of a permanent license due to not having the required 3120 hours of optometry experience in the three years prior to applying for licensure. The board wants to make a military courtesy license to allow an applicant whose spouse is in the military to work so they may obtain the required hours of experience to qualify for permanent licensure if they desire. The original courtesy license would be for six months with an extension of six months as noted in the statute. Ms. Zinn explained to the board they must have a regulation that would outline the requirements for a courtesy license, which could include items found in the license by credentials regulation. The regulation would include; a courtesy license application, fees, verifications of licensure, etc. Dr. Graves asked Ms. Zinn if they could put in a provision in the regulation for "at the boards discretion". Ms. Zinn would ask the regulation specialist to check with the Department of Law.

The board decided the military courtesy license would be for a military spouse only, and would include everything under 12 AAC 48.020 except for (b)(3), certification of 3120 hours of active licensed clinical practice in optometry in the last three years prior to submitting the application. Dr. Graves noted the applicant would still be required to verify the oral and injectable requirements.

Ms. Zinn noted the regulation may possibly be added to 12 AAC 48.020, under a new section (d), and would work with the regulation specialist to have a draft available at the April meeting.

Break- off the record at 10:36 a.m.

On the record at 10:53 a.m.

The board discussed making a resolution in support of HB 187. The board decided to hold a teleconference December 10<sup>th</sup> at 12:15 to discuss a resolution in support. The board wanted to review the information originally sent to the board at the July 31<sup>st</sup> board meeting.

Ms. Zinn would schedule the teleconference and send the information to the board members via email upon her return to Juneau.

**Agenda Item 10    Application Review**

Ms. Zinn noted that the regulation for professional references was changed in January 2012 from two to three. She noted the current regulations for licensure by credentials under 12 AAC 48.020 does not have that requirement, it is only found in licensure by exam regulations in 12 AAC 48.011(a)(8). The board was unaware of that and wanted the three references to be required for both exam and credentials. The board asked Ms. Zinn to add the three references to the requirements for licensure by credentials to the regulation draft.

The board reviewed one application for licensure.

**On a motion duly made by Dr. Humphreys, seconded by Dr. Barney, and approved unanimously, it was**

**RESOLVED to approve the application for licensure for Markitta Barnett, OD, pending passage of the jurisprudence exam.**

**Agenda Item 11    Board Business**

The board held election of the Chair.

**On a motion duly made by Dr. Humphreys, seconded by Dr. Messerschmidt, and approved unanimously,**

**the board elected Paul Barney as Chair.**

The board discussed a replacement for Dr. Graves position on the board. The board suggested the new optometrist member should be either from a rural area or from the Fairbanks area.

The board scheduled the meetings for 2014-

April 4, 2014 in Juneau, starting at 9:00 a.m.  
October 31, 2014 in Anchorage- tentative

The board signed wall certificates and TA approvals.

Lunch Break- off the record at 12:09 p.m.  
On the record at 1:05 p.m.

**Agenda Item 8     Public Comment**

No one was present for public comment.

**Agenda Item 12     Adjourn**

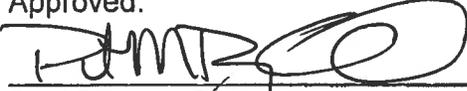
**On a motion duly made by Dr. Barney, seconded by Dr. Humphreys, and approved unanimously, the board adjourned the meeting.**

Off the record at 1:07 p.m.

Respectfully Submitted:

  
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Sher Zinn, Licensing Supervisor

Approved:

  
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Paul Barney, Chairperson  
Alaska Board of Optometry