

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
October 31, 2014**

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 October 31, 2014 at the Atwood Building, 550 West 7th Avenue, Suite 1270, Anchorage, AK.

Agenda Item 1 - Call to Order

The meeting for the state of Alaska Board of Examiners in Optometry was called to order by Dr. Barney, Chair at 9:03 a.m.

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

Paul Barney, OD Chair
Damien Delzer, OD
Forrest Messerschmidt, OD
Eric Lingle, Public Member

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

Sara Chambers, Director
Colleen Kautz, Operations Manager
Martha Hewlett, Administrative Officer, telephonically
Michelle Wall-Rood, Investigator
Jasmin Bautista, Investigator
Virginia Geary, Licensing Examiner

Review Agenda

The board reviewed the agenda and made no changes.

Agenda Item 2 - Review/Approve Minutes

Dr. Delzer requested changes be made to page 3, Agenda 7 under Correspondence. The minutes would be changed to read Dr. Pam Steffes instead of Ms. Steffes. In the same section instead of Ms. Hornick it would read Dr. Lisa Hornick. The sentence stating, "Dr. Delzer stated as a highly qualified tech she could refract and check blood pressure but the doctors still have to do the final check," should be changed to the 'licensed' doctors referring to the licensed Kodiak doctors. The last sentence is to be changed to read "Dr. Delzer with Dr. Barney's assistance said he would write the letter and send it to Virginia for mailing." He had no additional comments or changes to suggest on the minutes. Dr. Barney agreed with the changes. Dr. Messerschmidt and Eric Lingle had nothing to add.

On a motion duly made by Dr. Messerschmidt, seconded by Dr. Delzer and approved unanimously, it was RESOLVED to approve the minutes after the editing has been made to page 3, Agenda 7 of the April 4, 2014 meeting.

Agenda 3 - Ethics

Dr. Barney asked if there were any questions concerning the scope of ethics and would anyone have any trouble adhering to the rules. All said no. There were no ethics violations to report.

Agenda 4 - Correspondence

The board reviewed and discussed the letter from ARBO requesting for comment on COPE policy changes. The board discussed how fractional contact hour classes are being put through by each panel speaking as low as 15 minutes called rapid fire speakers. Dr. Barney explained to public member Eric Lingle that once a program is COPE approved most states including Alaska accept the meeting as quality education. COPE makes the courses free of commercial bias so the speaker isn't someone pushing a product or clinic. Dr. Barney asked the board if they should send any comment to ARBO and the board said they had no recommendations and no objections.

The second correspondence the board discussed was concerning AmbioDisk. Dr. Delzer and Dr. Messerschmidt said they have not used it. Dr. Barney said they use it in some of his offices in the lower 48. He explained it is a device of amniotic membrane that goes on the surface of the eye to help heal areas of the cornea. The request of the correspondence was to include this as an OD scope of practice. Dr. Messerschmidt said ProKera was approved earlier and said this is less complicated for the average Optometrist to use. Dr. Barney called for a motion.

On a motion duly made by Dr. Messerschmidt, seconded by Dr. Delzer, it was RESOLVED to approve the placement of amniotic membrane on the ocular surface without sutures and the associated procedure code CPT 65778 as part of optometry's scope of practice.

Eric Lingle abstained from the vote.

Correspondence was put on hold at 9:20am because Director Sara Chambers and Colleen Kautz, Operations Manager joined the meeting for the Budget Report.

Agenda 5 - Budget Report

Martha Hewlett joined the meeting via phone. Director Chambers introduced Colleen Kautz, Operations Manager to the board. Dr. Barney asked Martha to walk the board through the budget. She went through the FY 2014 numbers line by line. There was a difference to one line due to a formula error and during break Virginia picked up the corrected page from the CBPL office and passed out to the board. Martha explained the direct fees are such as Virginia's time that she is working on the board and investigation time, supplies for board packets, travel, advertising and other equipment. The board had no questions about the direct expenses. Indirect fees were her and Director Chambers' time, front desk routing calls, computer services and overhead for lease spaces. She said the inflation made FY14 look on target compared to other years. Director Chambers went over the accounting codes and congratulated the board for low legal fees. She explained the numbers are so the board can understand where the dollars are used and help them ask questions and give answers when speaking to other constituencies. Director Chambers told the board she wants to be transparent and accountable and welcomes calls and emails to herself and Colleen Kautz. She made the board aware she is working on a comprehensive booklet that they can refer to when needed and it will be helpful to new members who are not accustomed to new terms and help them get up to speed. She addressed changes to the division travel policy and mentioned board member Dr. Humphrey's resignation due to travel policy communication. She wants to be sure board

members know there is continuous improvement. Dr. Barney asked how a board member could get approval for out of state travel. Director Chambers said Commissioner Bell has now given directors authority to approve out of state travel. The board was updated on the optometry fee increase and Director Chambers noted Dr. Delzer was the only one who made a comment. After the Lt. Governor signs the fee increase the renewal forms will be mailed out. The board had no questions on the budget report and thanked Director Chambers for her work.

After Director Chambers and Colleen Kautz left the meeting Dr. Delzer addressed the public comment he made concerning the fees. He said the application fee seems quite low even with the imposed increase. Virginia was asked how much time she spends on new applicants and applications. She said 80% of the time she bills optometry is spent on applications unless she is preparing for a board meeting. Dr. Delzer said a large portion of the board time and Virginia's time is spent on examining applications and the applicants applying by credentials take a considerable amount of time. Dr. Delzer said the application fees should be higher in the future to cover the time Virginia spends on new applications. The board agreed the application fees should be reflective of the time spent processing new applications. Dr. Barney said the renewal fees are great but it would feel fair if new applicants spend more on application fees and help the board stay in the black and it is not unprecedented compared to other board fees. The board agreed in theory if the application fees are raised it might in theory keep renewal fees from going higher. Dr. Messerschmidt asked if the application fee could be doubled again. Virginia said she would ask her licensing supervisor, Sher Zinn. Dr. Barney asked the board if they had any further comment on the budget. Dr. Messerschmidt said he liked seeing the budget break down and knowing what the expenditures are. Dr. Delzer noted that the last investigation charge reported was a new applicant that perhaps mistakenly applied with an incorrect answer on their application regarding disciplinary action and it took time and expense on a person not licensed yet. Dr. Barney noted it was an honest mistake but did require an investigation and all the more reason we may need a higher application fee. There was no further board comment on the budget report.

Agenda 4 - Correspondence continued

Dr. Michael Connors sent a letter and certificates of CE's for board approval. Dr. Barney said the board had to look at the statutes and regulations to see if they allow them to approve CE's after the fact. Dr. Messerschmidt said everything a doctor does doesn't have to be for approved CE's, they can be to become a better practitioner. Dr. Barney said he allows someone to come and observe surgery but doesn't offer CE credits because our statutes don't allow us to do that. The board noted there were ample opportunities for courses available for Dr. Connors to meet the CE requirement by the end of renewal. Dr. Delzer will write a letter to Dr. Connor telling him the CE's taken from observing surgery and a clinic are not acceptable toward the fulfillment of the educational requirements set forth in 12AAC 48.200 for renewal of licensure and send the letter to Virginia for mailing.

Lisa Fennel sent a letter to the board asking a question concerning a Canadian doctor treating a spouse. In Canada it is prohibited for a practitioner to treat spouses calling it sexual abuse. Dr. Delzer said in the military you couldn't treat a family member if multiple other doctors were available to treat them. Dr. Barney says he knows a lot of optometrists who take care of their family. Dr. Messerschmidt and Dr. Delzer said they do too. The board said they think an Alaskan optometrist can treat their family. Virginia will respond to Ms. Fennel with the board's decision.

The board reviewed program information the American Academy of Optometry submitted for continuing education credit for their annual meeting in Denver. Dr. Delzer said he thought this was already approved at the April 4, 2014 meeting but the regulation is not out yet. The

educational courses offered by the American Academy of Optometry was approved to 12AAC 48.200b as an approved CE provider.

On a motion duly made by Dr. Delzer, seconded by Dr. Messerschmidt, and approved unanimously, it was RESOLVED to approve the educational courses of Academy 2014 meeting in Denver, Colorado.

Break – Off the record at 10:26 a.m. back On the record at 10:35 a.m.

Agenda 6 - Applications for Review

Nathan DeDeo's application was reviewed by the board. Dr. Delzer noted that on the 13th page the New Jersey verification of licensure it was indicated that the candidate didn't have certification for the use of oral medication and because he was applying by credentials his restricted license didn't make it equivalent to Alaska licensure. Therefore the applicant does not meet the spirit of the statutes and regulations as credentials. Dr. Messerschmidt will write a letter notifying the applicant they are not approved at this time and give him suggestions of what he can do to be approved. The letter will be forwarded to Virginia for mailing. The doctors gave Eric Lingle further guidance in what to look for while reviewing an application.

The second application was put on hold because Michelle Wall-Rood joined the meeting.

Agenda 8 - Investigative Report

Michelle Wall-Rood, Investigator, explained there is a new Chief which is bringing reorganization. She said she would no longer be the optometry investigator and introduced Jasmin Bautista to the board. Ms. Bautista introduced herself and talked about her experiences. The board thanked Ms. Wall-Rood for her years of wonderful work and expressed they will miss her. There was one open matter, an intake, two closed matters, both intakes. There were no complaints and no investigation. The board had no questions and was happy to hear there were no complaints.

William Giles' application was reviewed by the board. The applicant had a consent order from the board of Georgia. Dr. Barney said it is understandable that a continuing education course could have been taken and the document misplaced. He said the Georgia board did an appropriate job and was satisfied with what transpired. After discussion of the application Dr. Barney said the board was ready to approve Giles for the law exam. He took roll for the vote. All said yes except Dr. Delzer who abstained because he was familiar with Dr. Giles job intentions.

Agenda 7 - Regulations

The board further discussed the fee changes. Virginia will ask Sher Zinn how the board can begin the process to get the application fee raised to \$400.00. Dr. Delzer said licensed doctors would feel better if the new applicants paid more for the application fee and the dollars were more evenly appropriated. There was no further discussion on regulations.

Agenda 9 - Public Comment

No one was present for public comment.

Agenda 11 -Office Business

The chairperson and secretary signed wall certificates. Board travel information and receipts were collected. The board scheduled two meetings for 2015. The spring optometry meeting is scheduled for April 10, 2015 in Juneau. The fall meeting is scheduled for November 6, 2015 in Anchorage. The chairperson and secretary signed wall certificates.

Dr. Barney said the way the board interpreted the law and the spirit of the law was new licensees needed to take a 7 hour injection course that was workshop style training. The continuing renewal process for licensees does not have to be a workshop. A new licensee who is applying for licensure could not take the AKOA course March 26-29 in Girdwood because it is not a workshop, therefore it wouldn't qualify for licensure. The board had no further business to discuss.

Dr. Barney adjourned the meeting at 12:00pm.

Off the record at 12:00pm.

Respectfully Submitted:



Virginia Geary, Licensing Examiner

Approved:



Paul Barney, Chairperson
Alaska Board of Optometry

4-10-2015

Date