

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 30, 2015**

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 30, 2015 at 550 West 7th Ave. Suite 1270, Anchorage, AK

Agenda Item 1 - Call to Order - Review Agenda

Dr. Barney called the Board of Examiners in Optometry meeting to order at 9:06 a.m.

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

Paul Barney, OD Chair, Anchorage, AK
Forrest Messerschmidt, OD, Juneau, AK
Eric Lingle, Public Member, Douglas, AK
Damien Delzer, OD, Fairbanks, AK
Stephen Stralka, OD, Anchorage, AK

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

Janey Hovenden, Director - telephonically
Sara Chambers, Operations Manager - telephonically
Martha Hewlett, Administrative Officer – telephonically
Angela Birt, Chief Investigator
Jasmin Bautista, Investigator
Connie Petz, Licensing Examiner

Agenda Item 2 – Consent Agenda

1. Letter to Sara Chambers 6-3-15
2. ARBO response 5-11-15
3. April 10, 2015 Final Meeting Minutes

ON A MOTION BY DR. MESSERSCHIMDT, SECONDED BY DR. STRALKA, TO APPROVE THE CONSENT AGENDA, LETTER TO SARA CHAMBERS NONREFUNDABLE APPLICATION FEE, ARBO RESPONSE 5-11-15 AND THE APRIL 10 2015 FINAL MEETING MINUTES AS DRAFTED. ALL IN FAVOR, NO NAYS.

Dr. Barney signed the final April 2015 minutes and he and Dr. Messerschmidt signed the wall certificates. Staff will post the final minutes to the website and forward the wall certificates to the licensees.

Agenda Item 3 – Review/Approve Meeting Agenda

ON A MOTION DULY MADE BY DR. STRALKA, SECONDED BY DR. MESSERSCHIMDT APPROVE THE AGENDA. ALL IN FAVOR, NO NAYS.

Agenda 4 – Old Business/Tasks

Dr. Stralka had researched what other states require for military optometry license holders. Across the nation other states are also reviewing military requirements as well as considering or increasing the number of continuing education requirements (CE's).

Currently the military requires an optometrist to hold one active unrestricted license and at least 15 CE's per year while Alaska requires 36 CE's per 2 year period.

In Alaska the most difficult requirement to meet is the 7 hour injection requirement. It was noted that AK also has a maximum limit for correspondence courses of 9 CE's per renewal period (12 AAC 48.200(4)).

Dr. Messerschmidt has decided not to seek reappointment to the Board and has notified Boards and Commissions. He will serve out his term and Dr. Barney thanked him for his term of service.

Agenda 5 – Ethics Reporting

Dr. Barney informed the board that in July 2015 he spoke with Dr. Stanley (an applicant for licensure). He explained to Dr. Stanley both the injections requirement and that he (Dr. Barney) would now need to be recused from any decision of the board for Dr. Stanley's application. His ethics disclosure will be in the consent agenda for the next board meeting.

Dr. Barney asked if there were any ethics violations to report. Board members, Dr. Messerschmidt, Mr. Lingle, Dr. Delzer, Dr. Stralka, and staff stated they had nothing to report.

Task: Staff will notify Dr. Stanley of a potential December 2015 injections class that may be offered in Anchorage by Pacific University if they have at least six participants sign up.

Agenda 6 – Investigative Report

Investigator Jasmin Bautista reported for the period of April 11, 2015 through October 8, 2015 there are no open matters. This does not include any intakes. She also stated Chief Investigator Angela Birt wanted to meet the board and recap the investigative process.

Chief Birt shared the investigative process and explained the investigative website outlines all of the processes so it is accessible to anyone. She explained how complaints are handled and noted that action only proceeds if the complaint is followed through by the complainant or if it can be substantiated via other sources; IE: news source such as a criminal situation. This board has a very low level of activity in the arena of complaints.

Ms. Birt told the board that fines are now being credited back to boards' which is helping on their budget. There is also potential in the future a nominal fee may be established where an investigative fee may be portioned out of license application fee. She told the Board if they would be in support of this to offset future costs they should let it be known. The board was non-committed to this concept as they do not have investigations. They may discuss in the future.

The board discussed that perhaps they may want to consider requiring fingerprints as part of the licensing process. They determined this is something they would need to consider very carefully and is it even necessary?

Deviated to Agenda 8 – Legislation Senate Bill 55

Dr. Barney recapped that if SB55 is enacted it puts more authority in how the practice of optometry is regulated into the board of Optometry. There are restrictions in SB55 and it is well written, the intent is not to broaden the scope of practice beyond their training. This bill puts optometry in line with how other professions are regulated and it does not give excessive authority to the board of optometry.

Staff asked the board if they are familiar with licensure 'compacting' on a national level. Dr. Barney said that if more states had similar laws it may be a possibility one day but as most states statutes are so different it wouldn't be possible at this time.

The board is aware that once the statute changes, they will need to work on the regulations. Rewriting the injections skill requirements will be one area that needs attention.

Agenda 7 - Budget Report

Director Janey Hovenden, Sara Chambers, Operations Manager and Martha Hewlett, Administrative Officer all attended the meeting for the budget report telephonically.

Ms. Hewlett explained the current year end budget for fiscal year 2015. She clarified the \$20,000 authority for third party reimbursement can be allocated to boards who seek reimbursement. There was no further board comment on the budget report.

Ms. Chambers told the board that their budget is moving in the right direction. A new fee analysis tool will be used with the board next year as will consideration of increasing the application fees.

Commissioner Chris Hladick has developed a strategic planning process that has five key initiatives. One in which is streamlining processes. Online renewal applications will be implemented by the next renewal. This will help with costs for the board.

Staff thanked Dr. Messerschmidt for submitting the FY15 annual report information on time. Dr. Barney stated he would like to attend the June 26-28, 2016 ARBO meeting in Boston, MA. It was decided that it would be good to have a board member attend this meeting at least every other year to keep informed on a national level of the current trends or concerns in the field of optometry. He noted that it was the last meeting he attended where he learned the injections skills would begin to be offered by the NBEO. He may also attend the American Optometric Association meeting (June 29th - July 3rd) which is also in Boston. ARBO has offered a stipend if a board member attends both the Sunday morning NBEO workshop and the ARBO annual meeting. The board will request the stipend to help offset the costs. Cost to the board for ARBO membership is around \$750.00 per year.

Break Off record at 10:31 a.m. back On record at 10:42 a.m.

Agenda 9 – Regulation Project

The board had received a response from the Department of Law (DOL) on their questions on Military Exemption 12 AAC 48.230 on exemption for continuing education. This generated additional questions and they were not ready to consider crafting any regulation changes yet. Perhaps they will consider a similar military requirement as Texas where they cannot practice in TX. If so, then active duty military personnel could not practice AK which will protect the citizens in AK.

Discussion was also held on 12 AAC 48.011 License by Examination. The key point noted is that in the past, during the course of education an optometry student would begin taking their national boards in their last two years of school. Now, many begin taking them in their sophomore year. It was decided this law should be amended to allow for the dates when the NBEO exams begin.

If SB55 passes, the board will craft new regulations in preparation to the statute change.

It was determined a committee of two - Dr. Delzer and Dr. Messerschmidt would work together to amend these laws for clarity (12 AAC 48.011 and 12 AAC 48.230). They will draft a "potential revision" and submit to staff in time to be placed in the next board packet so the entire board can discuss at the next board meeting.

ON A MOTION DULY MADE BY MR. LINGLE SECONDED BY DR. STRALKA FOR DR. DELZER AND DR. MESSERSCHMIT TO FORM A COMMITTEE TO WORK ON REGULATION FOR LICENSE BY EXAM AND MILITARY EXEMPTION. ALL IN FAVOR, NO NAYS.

LUNCH Off record at 11:55 a.m. back On record at 1:07 p.m.

Roll call - Dr. Messerschmidt, Mr. Lingle, Dr. Delzer, Dr. Stralka, Dr. Barney and Staff in attendance.

Agenda 10 – Public Comment

No public in attendance.

Agenda 11 – Application Review

For the record it was noted that in the past, NBEO exams were not taken until the last 2 years of schooling, now the trend is that students begin taking NBEO exams earlier in their education process. This has caused concern for how to approve an application by exam based on the current regulation wording. Both these applicants have met all the requirements and have graduated in the past two years so the board agreed this would be accepted when one or more parts of the exam was taken prior to 2 years.

The board reviewed two applications for licensure, Hanna R. Froehlich and Lawrence J. Sieve both of whom had continued education since their first part of the NBEO exam.

ON A MOTION DULY MADE BY DR. MESSERSCHIMDT, SECONDED BY DR. DELZER TO APPROVE THE APPLICATIONS FOR HANNA R. FROEHLICH AND LAWRENCE J. SIEVE PENDING PASSING THE LAW EXAMINATION. ALL IN FAVOR, NO NAYS.

TASK: Staff will forward the law exams to each applicant.

Agenda 12 – CE Audits – Continuing Education

Board members had reviewed documentation for 14 continuing education audits. Staff explained that her supervisor had reviewed all the licenses at the renewal period and renewed them if they met the both the injections and pharmacology requirements.

ON A MOTION DULY MADE BY DR. MESSERSCHIMDT, SECONDED BY DR. DELZER TO APPROVE ALL CONTINUING EDUCATION AUDITS AS RECEIVED. ALL IN FAVOR, NO NAYS.

TASK: Staff will contact the 3 outstanding audited licensees.

Agenda 13 – Discussion time – 10 minute topics

The board discussed the Oklahoma executive order in response to the North Carolina State Board of Dental Examiner v. Federal Trade Commission and noted they will continue to monitor this issue.

Staff discussed the approval process for travel with the board noting it is fine to deviate but it is important to disclose in advance of the actual travel and preferably when staff makes the initial request for approval. It was noted board members had difficulty regarding state rates for the rental car and the hotel. Staff will put in future board packet the form letter they can show for the state rate as a board member.

Agenda 14 – Correspondence

ARBO informed the board of their new ARBO board of directors liaison is Dr. Jerry Richt.

ARBO has a query asking the board if they were experiencing any problem with illegal sales of contact lenses. It was noted that yes, it is not uncommon for a patient to use old prescriptions to purchase contact lenses online even though it is expected a current RX is required for filling a contact lens order. The board recognizes this occurs and that they do not have a strategy to address this and the state has not enacted any rules to combat the sale of contact lenses without a valid prescription. Staff will send the boards' response back to ARBO.

Agenda 15 – Task List / New Business / Schedule Meetings

The 2016 board meetings will be in Juneau on April 9, 2015 and in Anchorage on October 28, 2016.

Committee - Dr. Delzer and Dr. Messerschmidt to craft regulation language for potential future changes for 12 AAC 48.011 License By Examination and 12 AAC 48.230 Exemption From Continuing Education Requirements For Active Duty Military Service as well as complete the FAQ and PRRF forms.

Dr. Barney will plan to attend the NBEO/ARBO June 2016 meeting and staff will request a stipend for this travel.

Board members will submit receipts for travel reimbursement.

Staff tasks:

- Mail letters to all audited license holders for approval and for outstanding documentation
- Mail State Law exam to two applicants approved for license pending passing exam
- Post meeting dates to website April 9 and October 28, 2016
- Post final minutes for April 2015 board meeting to website
- Mail wall certificates to licensees
- Forward to ARBO the board response member query re: internet sale of contact lens
- Notify NBEO to contact AKOA for the request for nominations for a NBEO board of directors
- Draft October 30 board meeting minutes
- Find out about the military exemption of fee and if the regulation change will also effect the fee exemption
- Contact 3 audited licensees
- Inform applicants for license or renewal of license about potential for December injections course in Anchorage by Pacific University

Agenda 16 – Adjourn Meeting

Dr. Barney adjourned the meeting at 2:58 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Paul Barney, Chairperson
Alaska Board of Optometry

4-8-2016

Date