

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4

5 **ALASKA STATE BOARD OF OPTOMETRY**
6 **MINUTES OF MEETING**
7 **October 28, 2016**
8

9 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,
10 Article 6, a scheduled meeting of the Board of Examiners in Optometry was held on
11 October 28, 2016 at 550 West 7th Ave, Suite 1760, Atwood Building – Anchorage, AK
12

13 **Agenda Item 1 – Call Meeting to Order**
14

15 Dr. Barney called the meeting to order on Friday October 28, 2016 for the Board of Examiners in
16 Optometry at 8:32 a.m. This meeting was public noticed on August 17, 2016 in the Anchorage
17 Dispatch News and the Online Public Notice system.
18

19 Those present, constituting a quorum of the board, were:
20

21 Paul Barney, OD Chair, Anchorage, AK
22 Damien Delzer, OD, Fairbanks, AK
23 Eric Lingle, Public Member, Douglas, AK - Video Conference
24 Pamela Steffes, OD Sitka, AK - Telephonically
25

26 Present from the Division of Corporations, Business and Professional Licensing:
27

28 Sonia Lipker, Investigator
29 Connie Petz, Licensing Examiner - Video Conference
30

31 Present from the Public:
32

33 Shalome Cederberg, Boards and Commissions, Governor's Office
34

35 **Agenda Item 2 – Review/Approve Consent Agenda**
36

- 37 1. April 8, 2016 Final Meeting Minutes
38 2. August 2, 2016 Final Teleconference Meeting Minutes
39

40 **ON A MOTION BY DELZER, SECONDED BY LINGLE TO APPROVE THE APRIL 8, 2016**
41 **FINAL MEETING MINUTES AND THE AUGUST 2, 2016 FINAL TELECONFERENCE**
42 **MEETING MINUTES. ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**
43

44 Task: Dr. Barney will sign and staff will publish final minutes to website.
45

46 **Agenda Item 3 – Review/Approve Meeting Agenda**
47

48 The board reviewed the agenda and made no changes.
49

50 **ON A MOTION BY DELZER, SECONDED BY LINGLE TO APPROVE THE AGENDA AS**
51 **DRAFTED. ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**
52

53 **Agenda Item 4 – Ethics Reporting**

54
55 Dr. Barney asked if there were any ethics violations to report. All board members and staff
56 stated they did not have any ethical violations to report.

57
58 Dr. Stralka was not at the meeting for this agenda item.

59
60 **Agenda Item 5 – Old Business/Tasks**

61
62 Staff explained the director determined the non-refundable application fee be increased to
63 \$300.00 would be more in line with the budget. This project moved through the Public Comment
64 period (no comments received) and is now in process of review by the Lieutenant Governor. If
65 he approves, it would become law effective 30 days after it is signed.

66
67 Dr. Stralka arrived at 8:46 a.m.

68
69 The board had been looking for other educational courses for injections education.

70
71 The board reviewed Northeastern State University Oklahoma College of Optometry (NSUOCO)
72 advance procedures course. They determined the educational content would meet the 7 hour
73 injections and 8 hour pharmaceutical requirement. This would provide another resource for
74 optometrists.

75
76 **ON A MOTION BY DELZER, SECONDED BY STRALKA, TO ACCEPT NORTHEASTERN STATE**
77 **UNIVERSITY ADVANCED OCULAR THERAPEUTICS COURSE AS MEETING OUR INJECTIONS**
78 **REQUIREMENT FOR ALASKA.**

79
80 Dr Barney called for a vote and Dr. Steffes asked to amend the motion for clarity.

81
82 **MOTION AMENDED BY STEFFES, SECONDED BY DELZER, NORTHEASTERN STATE UNIVERSITY**
83 **ADVANCE PROCEDURES SURGICAL COURSE IS APPROVED TO MEET THE 7 HOUR INJECTIONS**
84 **AND 8 HOUR PHARMACEUTICAL REQUIREMENT. ALL IN FAVOR, NO NAYS. MOTION PASSED**
85 **UNANIMOUSLY.**

86
87
88 Other old business, staff has not had success on locating the history on the military exemptions
89 08.72.181(b) which passed in 1987. The board tabled it to the next meeting.

90
91 The board reviewed COPE course guidelines and education certificates provided by Dr.
92 McKinley as he is planning to take the injections course prior to renewal. The board agreed he
93 met the requirement for the 8 hours in pharmaceutical education. Dr. Barney explained most of
94 the ocular disease courses cover pharmaceutical education.

95
96 The board determined that Bellingham Technical College does not appear to offer the
97 extended injections education so no further follow up was required.

98
99 Task: Staff will publish this NSUOCO course on the continuing education link on the website,
100 inform Dr. McKinley his pharmaceutical education was approved and continue to locate the
101 history on the military exemptions 08.72.181(b) which passed in 1987.

102
103
104

105 **Agenda Item 6 – Investigative Report**

106
107 Investigator Sonia Lipker attended the meeting and provided the board with the investigative
108 report for the period of March 23, 2016 through October 19, 2016. Including cases, complaints,
109 and intake matters since the last report, the Division opened three (3) matters and closed two
110 (2) matters. A total of one (1) matter remains ongoing and under review.

111
112 Mr. Lingle asked if any information was available about the open case. Ms. Lipker said in order
113 to not taint the case, there is nothing to disclose to the board.

114
115 **Agenda Item 7 – CE Audits – Continuing Education**

116
117 One licensee had not completed his audit from the last licensing period and he notified staff he
118 is retiring and does not plan to renew this year. He was informed if he did decide to renew in the
119 future he will need to document his CE's and have board approval prior to being able to renew
120 his license.

121
122 Staff explained the process for auditing licensees. Approximately 30 days after the license
123 renewal period, 10 percent of renewed licensees will be sent an audit letter. Staff will screen
124 them for board members to review electronically. If the licensee does not respond to the first
125 audit notification they would be sent an audit letter via certified mail.

126
127 The board discussed all licensees are responsible to manage and maintain their continuing
128 education certificates. If audited they must submit documentation of completion as they
129 attested to have met on their renewal requirement. It is a centralized regulation that all
130 licensees are required to keep their documentation four years from the date of completion.

131
132 COPE courses are accepted but are not required however, ocular disease courses meet the
133 pharmaceutical education requirements.

134
135 **Agenda Item 8 – Budget and Annual Report**

136
137 Staff recapped the 3rd quarter budget the 4th quarter fiscal year end budget was not yet
138 finalized. The board discussed the annual report and maintained it is a goal of the board to
139 attend the ARBO/NBEO annual meeting. If a board member is approved to attend then the
140 stipends will also be sought.

141
142 **ON A MOTION BY DELZER, SECONDED BY STRALKA, THAT THE BOARD HAS SELECTED DR.**
143 **BARNEY TO ATTEND THE 2017 ARBO MEETING IN WASHINGTON D.C.**
144 **ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**

145
146 TASK: Staff to work on the out of state travel approval and research for any stipends which in the
147 past came to around \$1000.00.

148
149 BREAK 10:06 A.M. and back on the record at 10:22 A.M.

150
151 **Deviated to Agenda Item 9 – Legislative Progress Update**

152
153 Last session, Senate Bill 55 did not pass. It is understood the Alaska Optometric Association
154 (AKOA) will be introducing a similar bill this session. The board is in support of giving the authority
155 to regulate their own profession, similar to many other health care professions. The board hopes
156 to come to Juneau in April 2017 to attend to legislative issues if a bill is introduced.

157 **Deviated to Agenda Item 11 – Applications**

158
159 There were no applications to review.

160
161 The board discussed the injections skills exam (ISE) with the NBEO. It appears students applying
162 for a license in Alaska are not studying for the ISE part of the exam as it's not 'required'. This then
163 makes it appear they are not competent to perform injections.

164
165 Dr. Barney said in the recent past the board was told the NBEO would begin requiring passing
166 the ISE as a component of Part III of the NBEO exam. This is no longer the case. However, the
167 board has determined passing the ISE proves competency. It was noted that the board is going
168 to work towards that regulation.

169
170 Dr. Steffes noted the NBEO website identifies 10 jurisdictions which currently require passing the
171 ISE. Alaska does not require passing the ISE but will work towards regulatory change to require
172 passing. The board is confident NBEO will continue to offer the injections skills examination.

173
174 TASK: Staff will ask the NBEO to update their website stating that Alaska recommends passing
175 the ISE as they are in the process of a regulation change that will require passing the ISE.

176
177 **Deviated to Agenda Item 10 – Regulations Project**

178
179 Dr. Delzer crafted the below regulation for board consideration on how to require **passing the**
180 injections skills exam for applications by examination.

181
182 Current law reads:

183
184 **12 AAC 48.015. EXAMINATIONS. (a)** Except as provided in 12 AAC 48.020, to qualify for a license
185 to practice optometry, an applicant must provide verification of having passed
186 (1) not earlier than the four years immediately preceding the date of application, parts I, II, and
187 III of the written and practical examination offered by the National Board of Examiners in
188 Optometry (NBEO) with a minimum passing score as determined by the NBEO;

189
190 It would now read:

191
192 **12 AAC 48.015. EXAMINATIONS. (a)** Except as provided in 12 AAC 48.020, to qualify for a license
193 to practice optometry, an applicant must provide verification of having passed
194 (1) not earlier than the four years immediately preceding the date of application, parts I, II, and
195 **III, including the ISE (Injections Skill Examination)** of the written and practical examination
196 offered by the National Board of Examiners in Optometry (NBEO) with a minimum passing score
197 as determined by the NBEO;

198
199 The board also completed the frequently asked questions form for 12 AAC 48.015 (a) (1).

200
201 The board determined at their August 2, 2016 teleconference to work towards amending
202 regulation 12 AAC 48.210(d) by changing "must submit official verification" to "must document"
203 to make it consistent and clear for the licensees.

204
205 Current law reads:

206

207 **12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED.** (d) An applicant for renewal of
208 an optometry license must submit official verification of having successfully completed, not
209 earlier than the four years immediately before the date of application for renewal.

210

211 The new law would read:

212

213 **12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED.** (d) An applicant for renewal of
214 an optometry license must document successful completion, not earlier than the four years
215 immediately before the date of application for renewal.

216

217 At the April 2016 board meeting the board drafted an amendment to 12 AAC 48.011(2) License
218 by Examination to clarify dates the NBEO Exams could be completed prior to requiring
219 submitting 36 hours of additional CEs. The FAQ was also completed at that time for this draft
220 regulation.

221

222 Current law reads:

223

224 **12 AAC 48.011 License by Examination (2)** documentation showing that the applicant has
225 passed, not earlier than the four years immediately preceding the date of application, all parts
226 of the examinations required in 12 AAC 48.015(1) and (2) sent directly to the department from
227 the National Board of Examiners in Optometry (NBEO); if one or more parts of the examination
228 was passed by the applicant two years or more before the date of the application, the
229 applicant must provide verification of the completion of 36 hours of approved continuing
230 education taken not earlier than the two years immediately preceding the date of application,
231 in ocular pathology or pharmacology that meets the requirements of 12 AAC 48.210(b);

232

233 The board determined to **strike** if one or more parts of the examination was passed by the
234 applicant and to **add** the applicant has graduated in accordance with 12 AAC 48.011(3)

235

236 This law would then read:

237

238 **12 AAC 48.011 License by Examination (2)** documentation showing that the applicant has
239 passed, not earlier than the four years immediately preceding the date of application, all parts
240 of the examinations required in 12 AAC 48.015(1) and (2) sent directly to the department from
241 the National Board of Examiners in Optometry (NBEO); **if the applicant has graduated in**
242 **accordance with 12 AAC 48.011(3)** two years or more before the date of the application, the
243 applicant must provide verification of the completion of 36 hours of approved continuing
244 education taken not earlier than the two years immediately preceding the date of application,
245 in ocular pathology or pharmacology that meets the requirements of 12 AAC 48.210(b);

246

247 The board recessed for lunch.

248

249 **LUNCH off the record at 11:59 a.m. and back on the record at 1:03 p.m.**

250

251 Dr. Barney called the meeting to order. Roll call, Delzer, Lingle, Stralka, Steffes, Barney and staff
252 present.

253

254 **Agenda Item 8 – Public Comment**

255

256 Shalome Cederberg of Boards and Commissions, Governor's Office introduced herself to the
257 board. She asked Dr. Stralka to inform them as soon as he knows if he will reapply for his seat on

258 the board. All board appointments need to be ready for the approval at the beginning of the
259 upcoming legislative session.

260
261 No other public was present.

262
263 For the record, Dr. Barney will sign the final minutes for April 2016, August 2016 and wall
264 certificates and return to staff.

265
266 **Deviated back to Agenda Item 10 – Regulations Project**

267
268 The board wanted to clarify what they are removing from 12 AAC 48.210.

269
270 **ON A MOTION BY DELZER, SECONDED BY LINGLE STRIKE FROM 12 AAC 48.210 THE**
271 **WORDING "MUST SUBMIT OFFICIAL VERIFICATION" UNDER (D)AND CHANGE THE WORDING**
272 **TO (D) AN APPLICANT FOR RENEWAL OF AN OPTOMETRY LICENSE MUST DOCUMENT**
273 **SUCCESSFUL COMPLETION, NOT EARLIER THAN THE FOUR YEARS IMMEDIATELY BEFORE THE**
274 **DATE OF APPLICATION FOR RENEWAL. ALL IN FAVOR, NO NAYS. MOTION CARRIES**
275 **UNANIMOUSLY.**

276
277 The board completed the FAQ worksheet for this regulation change. They discussed these
278 regulations would have no additional cost to the public.

279
280 **ON A MOTION BY DELZER, SECONDED BY STRALKA TO PROCEED WITH REGULATION**
281 **CHANGES FOR 12 AAC 48.015, 12 AAC 48.210, AND 12 AAC 48.011 AS DISCUSSED. ALL IN**
282 **FAVOR, NO NAYS. MOTION CARRIES UNANIMOUSLY.**

283
284 Task: Staff will forward the regulations and FAQs to the regulations specialist.

285
286 **Agenda Item 12 – Discussion time – 10 Minute Topics**

287
288 The board agreed Dr. Lonsberry had completed the NSUOCO advanced procedures course
289 which they had approved earlier in the meeting.

290
291 The board reviewed the four advisories currently published on the website. As passing the ISE is
292 not in regulation, they determined advisory # 1 it should be removed and the remaining three to
293 be renumbered 1-3.

294
295 Dr. Barney updated the board on the Prescriptive Guidelines Committee which is part of SB74.
296 The current optometry statute 08.72.272 Use of Pharmaceutical Agents already makes it clear
297 there are limitations for prescribing controlled substances. It is unlikely there will be a need to
298 make additional regulations.

299
300 TASKS: Staff will send letter to Dr. Lonsberry, repost Advisories renumbered from 1 to 3.

301
302 **Agenda Item 13 – Correspondence**

303
304 The board reviewed 12 pieces of correspondence and crafted responses to some of them.

305
306 Attorney, Caitlyn Ozier asked for a list of drugs the board may prescribe. There is no list, the
307 statute 08.72.272 defines what optometrists can use.

308

309 Questions from a potential applicant (name redacted) to allow board response and full board
310 review if they apply in the future for a license in AK. Dr. Delzer will craft a letter for the board to
311 review prior to staff forwarding to them.
312

313 It was discussed students take courses the length of education for OD Students and as they are
314 not required to pass the ISE for Alaska yet, staff will ask NBEO if they can publish the "board
315 recommends passing the ISE because they are in the process of a regulatory change to require
316 passing the ISE".
317

318 The ARBO green sheet will be forwarded to board members via email and not included in future
319 board packets. It's informational reading but does not require board action.
320

321 The board does not approve courses and do not intend to. Staff will email Mr. Farkas and direct
322 him to article 2 in the law which already identifies the amount of online courses allowed which is
323 9 hours of online CEs every 2 years. Currently there is no plan to change the regulation.
324

325 Jerry Werbner asked about the sale of readers, the board said to direct him to the law 08.72.110
326 via email response.
327

328 Dr. Stanley asked the board to review his CE's for pharmaceutical education for an optometrist
329 who is out of the country. They approved the courses taken within the required time frame to
330 renew his license. Staff will send an email advising he may renew online unless he is seeking
331 military exemption which requires a paper renewal.
332

333 TASK: Staff will email or send letters per board discussion: Ozier, NBEO for ISE news, Farkas,
334 Werbner and Dr. Stanley.
335

336 Dr. Delzer will forward letter to staff for full board approval for the potential future applicant.
337 Once approved, staff will put on state letterhead.
338

339 **Agenda Item 14 – Schedule Meetings / Tasks**

340

341 Board meetings scheduled:
342

343 April 7, 2017 – Juneau/Anchorage (2 locations if travel is not approved)

344 October 27, 2017 - Anchorage (November 3, 2017 - 2nd choice)
345

346 Tasks: Staff will book rooms for meetings
347

348 Dr Delzer:

- 349 • Craft letter for future applicant and forward to staff for board to approve to
350 send.

351 Staff:
352

- 353 • Publish final minutes for April and August meetings to website.
- 354 • Publish this NSUOCO course on the continuing education link on the website.
- 355 • Inform Dr. McKinley his pharmaceutical education was approved.
- 356 • Research the history of 08.72.181 (b) which passed in 1987 and forward to board.
- 357 • Work on the out of state travel approval and research for any stipends which in
358 the past came to around \$1000.00.

