

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF EXAMINERS IN OPTOMETRY**

**Teleconference
August 2, 2016
Juneau, Alaska**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on August 2, 2016 in conference room A on the 9th floor at 333 Willoughby Avenue, Juneau, Alaska.

Agenda Item 1 Call to Order/Roll Call

Dr. Barney called the Board of Examiners in Optometry teleconference meeting to order on August 2, 2016 at 12:01 p.m. This teleconference was public noticed on July 15, 2016 in the Anchorage Dispatch News.

To comply with the voice roll call vote of the administrative procedures act, Dr. Barney requested a Voice Roll call asking each board member to state their name.

Voice Roll Call Vote:

Damien Delzer, OD
Eric Lingle, Public Member
Stephen Stralka, OD
Pamela Steffes, OD
Paul Barney, OD

Sara Chambers, Operations Manager
Connie Petz, Staff

There was a quorum of the board.

Agenda Item 2 Review Fee regulations

The Board affirmed with Ms. Chambers they had all viewed the excel spread sheet with the fee regulation projections and acknowledged Director Hovenden was not recommending any fee increases at this time. They agreed the current license renewal fee is acceptable for the budget but determined they would proceed with seeking a fee increase for the non-refundable application fee from \$100.00 to \$400.00 to cover the cost for processing the initial application for licensure.

ON A MOTION BY DELZER, SECONDED BY STRALKA TO INCREASE THE NON-REFUNDABLE APPLICATION FEE TO \$400.00. CARRIED BY VOICE ROLL CALL VOTE OF THE ADMINISTRATIVE PROCEDURES ACT. FOUR YES VOTES, ONE NO – LINGLE. MOTION PASSED.

53 VOICE ROLL CALL VOTE:
54 DAMIEN DELZER - YES
55 ERIC LINGLE – NO
56 STEPHEN STRALKA - YES
57 PAMELA STEFFES – YES
58 PAUL BARNEY – YES
59

60 TASK: Ms. Chambers will relay the request for the application fee to be increased to
61 \$400.00 over to Director Hovenden. The board will be informed when the regulation fee
62 is public noticed.
63

64 Staff, Petz explained the department is working on the first online Optometry renewal
65 application. This will expedite the process for all licensees. However, submission of
66 documentation for completion within four years immediately before the date of
67 application for renewal for both the 7 hour injections and the 8 hours in use and
68 prescription of pharmaceutical agents has been required prior to the license being
69 renewed. This would eliminate many from renewing online.
70

71 Prior to the teleconference, discussion was held on how to implement the new online
72 renewal application for all licensees. Licensing supervisor Zinn, operations manager
73 Chambers and staff, Petz reviewed the regulations determined requiring submission of
74 the certificates causes delays in the license renewal application process. It is the
75 responsibility of the licensee to be able to document their education. If audited, the
76 licensee would need to document they renewed their license to what they had attested
77 on the renewal application which is completion of all renewal requirements.
78

79 The board was asked to consider amending 12 AAC 48.210(d) with their next regulation
80 project by changing 'must submit official verification' to ' must document' to make it
81 consistent and clear for the licensees. This allows all auditable CE's to be treated the
82 same and will expedite the renewal application process.
83

84 Current law reads:
85

86 **12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED.** (a) An applicant for
87 renewal of a biennial optometry license, must document at least 36 contact hours of
88 continuing education credit that meets the requirements of 12 AAC 48.200, and that was
89 completed during the concluding licensing period.

90 (d) An applicant for renewal of an optometry license must submit official verification of
91 having successfully completed, not earlier than the four years immediately before the
92 date of application for renewal.

93 (1) eight hours of continuing education in the use and prescription of pharmaceutical
94 agents that meets the requirements of 12 AAC 48.200(b) or (c); and

95 (2) seven hours of continuing education in the injection of nontopical therapeutic
96 pharmaceutical agents that meets the requirements of 12 AAC 48.200(b) or (c); and

97 (3) may include continuing education hours used to satisfy the requirements of this
98 paragraph in the total continuing education hours required under (a) and (b) of this
99 section for renewal of a license.
100

101 Mr. Lingle asked how many licensees are audited, Dr. Barney said 10 percent. It was
102 noted that an optometrist who is not in compliance would be subject to disciplinary
103 action on their professional license. The board noted historically, those audited have
104 met their license renewal requirements.

105
106 In the meantime, until the regulation was clarified and enacted the board could make a
107 motion that the "attestation" on the renewal application fulfils the license renewal
108 requirements for documenting they have met the renewal competency requirements
109 and submission of documentation to be the same for all parts for license renewal.
110

111 **ON A MOTION BY STEFFES, SECONDED BY LINGLE THAT THE BOARD ACCEPT AN**
112 **ATTESTATION FROM THE LICENSEE THAT THE REQUIREMENTS OF 12 AAC 48.210(D)**
113 **HAVE BEEN MET FOR THE PURPOSES OF LICENSE RENEWAL. THE BOARD'S AUDIT OF**
114 **LICENSEES PER 12 AAC 02.960 WILL INCLUDE REVIEW OF ALL CONTINUING**
115 **EDUCATION REQUIRED IN 12 AAC 48.200-230 FOR LICENSE RENEWAL. CARRIED**
116 **UNANIMOUSLY BY VOICE ROLL CALL VOTE OF THE ADMINISTRATIVE PROCEDURES**
117 **ACT.**

118
119 **VOICE ROLL CALL VOTE:**
120 **DAMIEN DELZER - YES**
121 **ERIC LINGLE - YES**
122 **STEPHEN STRALKA - YES**
123 **PAMELA STEFFES - YES**
124 **PAUL BARNEY - YES**
125

126 Motion Passed.
127

128 TASK: Staff will send a letter to all current licensees informing them of the upcoming new
129 online renewal application, the continuing education law, the attestation on the
130 application and their need to be in compliance prior to renewing their license as well as
131 disciplinary consequences for falsification of an application.
132

133 **Agenda Item 3** Regulations project SB74
134

135 Ms. Chambers reviewed the regulation implementation guide with the board for SB74 –
136 requiring the board to draft regulations within specified deadlines. SB74 requires all
137 licensees who have a DEA certificate to register with the prescription drug monitoring
138 program (PDMP). This program is under construction and will include a fee for registration
139 to cover the cost of the program.
140

141 The division must have a joint board report on prescriptive guidelines delivered to the
142 legislature by January 1, 2017. All professions which fall SB74 are required to prepare
143 recommended guidelines by September 30, 2016.
144

145 Optometrists have authority per 08.72.272 Use of Pharmaceutical agents which is why
146 they are included in SB74. The Department will regulate the fees for PDMP. Optometrists
147 have authority under 08.72.272 Use of Pharmaceutical agents and need to craft and
148 then adopt a regulation for optometrists requiring they register their DEA with the PDMP
149 database as well as guidelines for discipline for optometrists who fail to comply with the
150 law.
151

152 The board determined Dr. Barney would be the emissary for the board. Dr. Barney will
153 work on draft guidelines, forward to staff who will disperse via email to other board
154 members to individually review and return with comments to staff. All comments will be
155 compiled and returned to Dr. Barney for the final 'draft' and then staff will forward to all
156 board members to approve prior to submitting to Ms. Chambers.

157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189

ON A MOTION BY DELZER, SECONDED BY LINGLE THAT THE BOARD NOMINATE
CHAIRMAN PAUL BARNEY AS 'EMISSARY' FOR THE BOARD TO MEET AND NEGOCIATE
ON THE BOARD'S BEHALF A DRAFT OF GUIDELINES FOR THE PRESCRIPTION OF
SCHEDULE II CONTROLLED SUBSTANCES TO MEET THE IMPLEMENTATION
REQUIREMENTS OF SB74 GUIDELINES. CARRIED UNANIMOUSLY BY VOICE ROLL CALL
VOTE OF THE ADMINISTRATIVE PROCEDURES ACT.

VOICE ROLL CALL VOTE:
DAMIEN DELZER - YES
ERIC LINGLE - YES
STEPHEN STRALKA - YES
PAMELA STEFFES - YES
PAUL BARNEY - YES

Motion Passed.

The next board meeting is October 28, 2016 in Anchorage.

Meeting adjourned at 1:25 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner


Paul Barney, OD, Chair

Date: 10-28-2016