

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 **April 7, 2017**
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 April 7, 2017 at 333 Willoughby Avenue, 9th Floor – Juneau, AK
12
16
17

18 **Agenda Item 1 – Call Meeting to Order**
19

20 Dr. Barney called the meeting to order on Friday April 7, 2017 for the Board of Examiners in
21 Optometry at 8:09 a.m. This meeting was public noticed on March 15, 2017 in the Anchorage
22 Dispatch News and the Online Public Notice system.
23

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

25
26 Paul Barney, OD Chair, Anchorage, AK
27 Damien Delzer, OD, Fairbanks, AK
28 Dr. Erik Christianson, OD Ketchikan, AK
29 Eric Lingle, Public Member, Douglas, AK
30 Pamela Steffes, OD Sitka, AK
31

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

33
34 Brian Howes, Investigator – Telephonically
35 Connie Petz, Licensing Examiner
36 Patricia Lonergan, Licensing Examiner
37
38

39 **Agenda Item 2 – Review/Approve Consent Agenda**
40

41 October 28, 2016 Final Meeting Minutes.

42
43 **ON A MOTION BY DELZER, SECONDED BY STEFFES TO APPROVE THE**
44 **OCTOBER 28, 2016 FINAL MEETING MINUTES. ALL IN FAVOR, NO NAYS.**
45 **MOTION PASSED UNANIMOUSLY.**
46

47 Task: Dr. Barney will sign and staff will publish final minutes to website.
48
49

50 **Agenda Item 3 – Review/Approve Meeting Agenda**
51

52 The board reviewed the agenda and made no changes.

53 **ON A MOTION BY DELZER, SECONDED BY CHRISTIANSON TO APPROVE**
54 **THE AGENDA AS DRAFTED. ALL IN FAVOR, NO NAYS. MOTION PASSED**
55 **UNANIMOUSLY.**

56
57 **Agenda Item 4 – Ethics Reporting**
58

59 Staff reviewed the importance of watching the Ethics video and reviewed when it would be
60 appropriate for board members to recuse themselves from voting on applications for licensure.
61 Dr. Barney asked if there were any ethics violations to report. All board members and staff stated
62 they did not have any ethical violations to report.
63

64 **Agenda Item 5 – Old Business/Tasks**
65

66 Staff reviewed that in continuing to locate the history on the military exceptions AS 08.72.181 (b)
67 which was enacted in 1987 her supervisor advised that determining the intent of the military law
68 must come directly from the Department of Law. This would be a research project and would
69 be an expense to the board. Discussion centered on the number of current exemptions and that
70 based on the low number that this could continue to be tabled for future board action.
71

72 Staff also advised by updating NBEO to reflect Alaska recommended passing ISE portion of the
73 NBEO test and the prospect of HB103 passing, the board advisories were not amended.
74

75 **Agenda Item 6 – Investigative Report**
76

77 Staff explained the investigative process to all board members. Dr. Barney advised the board
78 would only become aware of an investigation if it becomes jurisdictional.
79

80 Investigator Brian Howes joined the meeting telephonically and provided the board with the
81 investigative report for the period of October 19, 2016 through April 3, 2017. Including cases,
82 complaints, and intake matters since the last report, the Division opened one (1) matter and
83 closed one (1) matters. Brian advised during the meeting that one (1) additional matter was
84 closed after the investigative report had been submitted to the board. Brian also reviewed the
85 civil fine process.
86

87 **Agenda Item 7 – LEGISLATIVE PROGRESS UPDATE**
88

89 Dr. Barney stated that SB36 and HB103 have been introduced this legislative session and
90 recapped that the Board is in support of being given the authority to regulate their own
91 profession, similar to many other health care professions. The Board would be able to better
92 serve the public, the profession, and the state would also benefit administratively if the need to
93 go through the legislative process was removed to regulate the optometry profession; the board
94 would be able to regulate through regulation adoption process.
95

96 Dr. Barney also noted there is federal oversight of accredited schools and colleges of Optometry
97 by the US Department of Education, and that HB103/SB36 would not allow the Board of
98 Optometry to write regulations for any procedure that is not taught at accredited schools and
99 colleges of Optometry. He reiterated that this bill will not allow the Optometric profession to do
100 something outside of scope of education and training. Currently, continuing education is
101 accepted through approved Optometric educational programs and should this legislation pass,
102 Dr. Barney believes a regulation further defining acceptable continuing education should be
103 enacted. Dr. Barney has testified in favor of this bill at hearings and will testify again at the next
104 hearing.

105 Dr. Barney advised he participated on the Alaska Opioid Policy task force that created the
106 opioid prescribing guidelines to satisfy the SB74 requirement. The board reviewed SB74 and the
107 implementation plan. During the review telehealth was discussed and Dr. Christianson
108 volunteered to research national trends and how other states have implemented telehealth for
109 the Optometry profession.

110
111 BREAK 9:35 A.M. and back on the record at 9:57 A.M.

112
113 During continued review of the SB74 implementation plan the board determined that sections 5,
114 10, 12, 21, 23, 25, 29, 33 and AS 08.64.101(7) did not need any regulatory changes addressed by
115 the board.

116
117 The board recessed for lunch.

118
119 **Lunch off the record at 11:56 AM and back on the record at 1:05 PM**

120
121 Dr. Barney called the meeting to order. All board members and staff were present

122
123 **Deviated to Agenda Item 11 – Public Comment**

124
125 No one from the public was present.

126
127 **Deviated back to Agenda Item 7 – LEGISLATIVE PROGRESS UPDATE**

128
129 The board continued working on legislation language for Sections 11, 27, 31, and 17.30.200 (o) of
130 the SB74 implementation plan. They crafted the following draft regulation.

131
132 **ON A MOTION BY CHRISTIANSON, SECONDED BY STEFFES IN COMPLIANCE WITH THE**
133 **SB74 IMPLEMENTATION PLAN WE PUT FORWARD A DRAFT REGULATION THAT STATES**

134
135 **A PRACTITIONER POSSESSING A DRUG ENFORCEMENT ADMINISTRATION (DEA)**
136 **SHALL:**

- 137 **A. REGISTER WITH THE ALASKA PRESCRIPTION DRUG MONITORING PROGRAM**
138 **(PDMP) DATABASE AVAILABLE THROUGH THE ALASKA BOARD OF**
139 **PHARMACY BOARD NO LATER THAN JULY 17, 2017 OR WITHIN 30 DAYS OF**
140 **BEING ISSUED A DEA NUMBER**
141 **B. COMPLY WITH THE RULES SET FORTH IN AS 17.30.200 (K) WHICH REQUIRES**
142 **PRIOR TO PRESCRIBING A SCHEDULE II OR III (CONTROLLED SUBSTANCE) A**
143 **REVIEW OF THE DATABASE EXCEPT IN THOSE INSTANCES AS DETAILED IN AS**
144 **17.30.200 (K)**
145 **C. BE SUBJECT TO DISCIPLINARY ACTION FOR FAILURE TO COMPLY WITH (A)**
146 **AND (B)**

147 **THE AUTHORITY OF THIS PROPOSED REGULATION IS AS 08.72.060(C) AS**
148 **17.30.200 (K) AS 17.30.200(E) AS 08.64.101(7)**

149
150 **ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**

151
152 The board completed the FAQ worksheet for this regulation. The board briefly reviewed HB90,
153 SB79 and SB159.

154

- 155 TASK: Dr. Delzer will draft board advisory to alert licensees of the need to register with the PMPD
156 by the July 17, 2017 deadline, and will send to staff to forward to board members for approval.
157 TASK: Dr. Christanson will research telehealth and present findings at the next board meeting
158 TASK: Staff will
- 159 • Confirm with regulations specialist the Optometry Statute & Regulations will be updated
160 with SB74 requirements on the website.
 - 161 • Submit draft regulations to regulations specialist.

162 **Agenda Item 8 – Continuing Education**

163
164 Staff reviewed the current Continuing Education disciplinary action matrix with the board. The
165 board determined they will clarify the matrix further. Discussion centered on what other
166 professions have adopted and the need to provide protection to the public by ensuring
167 continuing education credits are completed by each renewal period.

168
169 **ON A MOTION BY STEFFES, SECONDED BY CHRISTIANSON TO PUT FORWARD**
170 **CONTINUING EDUCATION DISCIPLINARY ACTION MATRIX EFFECTIVE APRIL 7, 2017.**

171
172 **\$3,500 FOR FALSE/INACCURATE RESPONSE (UP TO \$3000 OF THIS AMOUNT, MAY BE**
173 **SUSPENDED. BASED ON THE GRAVITY OF THE OFFENSE), PLUS \$100.00 FOR EACH**
174 **DEFICIENT HOUR, UP TO A \$1,000.00 MAXIMUM. A TOTAL POTENTIAL FINE OF**
175 **\$4,500.00.**

176
177 **ADOPT 08.01.075 DISCIPLINARY POWERS OF BOARDS (a) A BOARD MAY TAKE THE**
178 **DISCIPLINARY ACTIONS, SINGLY OR IN COMBINATION: (8) PENDING IMPOSITION OF**
179 **CIVIL FINE NOT TO EXCEED \$5000.00.**

180
181 **LETTER OF ADVISEMENT APPROVAL IN SOME CASES.**

182
183 **ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**

184
185 Staff reviewed the continuing education audit process. Discussion centered on acceptable
186 signatures, known continuing education providers, and electronic badges keeping track of
187 courses taken. Staff advised that once you accept a certificate for one person, a precedent is
188 set and the board needs to accept them from everyone.

189
190 Staff reviewed a documentation tool for continuing education the board thought would help
191 streamline the process. The Board decided to table review of continuing education audits until
192 the fall board meeting as not all board members have had an opportunity to review the
193 documentation.

194
195 The board received a letter from a doctor who had a concern about how the audit pool was
196 selected. Staff advised how individuals are selected by a computer program for each audit
197 period prior to the renewal. Dr. Delzer will draft a response and send to staff for full board
198 approval.

199
200 TASK: Dr. Delzer to draft a response letter for audited licensee who asked a question and staff will
201 forward for full board approval.

202 TASK: Staff will

- 203 • Forward approved matrix update to Para-Legal
- 204 • Contact audited licensees for CE items needed.
- 205 • Create CE form for future audit reviews for board consideration.

206 **Agenda Item 9 – Budget**

207
208 Staff reviewed the budget. There were no questions. Dr. Barney stated he would not attend
209 ARBO meeting this year, with the budget restraints it made sense to save costs this year.
210

211 BREAK: off the record at 4:11 PM back on the record at 4:17 PM
212

213 **Agenda Item 10 – Applications**

214
215 The board reviewed two applications.
216

217 In review of the optometry application for Dr. George Zikos, the board determined the New York
218 license is not equivalent because it does not provide for systemic medication. Alaska authority
219 AS 08.72.170(3) holds a current license to practice optometry in another state or territory of the
220 United States or in a province of Canada that has licensure requirements that the board
221 determines are equivalent to those established under this chapter.
222

223 **ON A MOTION BY CHRISTIANSON, SECONDED BY DELZER, THAT CURRENT APPLICANT**
224 **DR. ZIKOS BE APPROVED FOR AN OPTOMETRY LICENSE PENDING SUBMISSION OF**
225 **SUCCESSFUL COMPLETION OF A NON-TOPICAL THERAPEUTIC PHARMACEUTICAL**
226 **AGENT COURSE OF AT LEAST 23 HOURS AND PASSING THE ALASKA STATE LAW**
227 **EXAM. ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**
228

229 In review of optometry application for Dr. Krystle Miller, additional continuing education credits
230 were reviewed and approved.
231

232 **ON A MOTION BY STEFFES, SECONDED BY CHRISTIANSON THAT DR. KRYSLE MILLER**
233 **BE APPROVED FOR AN OPTOMETRY LICENSE PENDING PASSING THE ALASKA STATE**
234 **LAW EXAM. ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY**
235
236

237 TASK: Staff will

- 238 • Send a letter to Dr. Zikos and advise him of the board's decision. Once successful
239 completion of a non-topical therapeutic pharmaceutical agent course of at least 23
240 hours has been approved, and the state law exam has been passed Staff will issue the
241 license.
- 242 • Contact Dr. Miller and send her the state law exam. Staff will issue the license once the
243 state law exam is passed.

244 **Deviated to Agenda Item 12 – Regulations Project**

245
246 Fee increase 12 ACC 02.300(1) was enacted November 26, 2016 raising the non-refundable
247 application fee from 100.00 to 300.00.

248 The board reviewed the final updates submitted by the regulations specialist for 12AAC
249 48.011(a)(2), 12 ACC 48.15 (a)(1) and 12 AAC 48.210(d). They want them to be public noticed
250 and sent to the interested parties list.

251
252 **ON A MOTION BY DELZER, SECONDED BY LINGLE, THAT REGULATIONS AS DRAFTED**
253 **BY THE REGULATIONS SPECIALIST BE SUBMITTED FOR WRITTEN PUBLIC COMMENT.**
254 **ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**

255 Task: The Board decided to table the Military regulation discussion for the fall board meeting.
256

257 Task: Staff to forward to the regulations specialist the request for written public comment to be
258 ready by the end of June so that the board can have a teleconference to adopt them in
259 August.
260

261 **Agenda Item 13 – Discussion time – 10 Minute Topics**
262

263 Staff informed the board of the informational FARB talking points within the board packet.
264

265 Staff reviewed question received from a foreign trained optometrist. Board confirmed per AS:
266 08.72.300 (5) that they only recognize a school or college approved the American Optometric
267 Association or a committee of the American Optometric Association. Board advised it was
268 appropriate to encourage potential applicants to pursue degree programs from Accredited US
269 or Canadian Degree program.
270

271 TASK: Staff to follow-up with the foreign trained optometrist and provide the statute and
272 accredited US degree programs.
273

274 **Agenda Item 14 – Correspondence/Annual report**
275

276 There was no correspondence for the board to address.
277

278 During the discussion of the annual report the board agreed it is a goal of the board to attend
279 the ARBO annual meeting. The ARBO meeting and AOA sponsored courses reflect national
280 trends which the board should be pro-active in attendance so they have the opportunity to
281 glean the knowledge and requirements to meet future demands in maintaining required
282 national standards. During the annual conference a variety of issues facing optometrists and
283 requirements for licensure are discussed. It is critical that the Optometry Board stay current with
284 national educational training and testing requirements as well as new and updated practices or
285 challenges facing the profession. If a board member is approved to attend then the stipends
286 will also be sought.
287

288 **ON A MOTION BY CHRISTIANSON, SECONDED BY DELZER, THAT THE BOARD HAS**
289 **SELECTED DR. BARNEY TO ATTEND THE 2018 ARBO MEETING.**
290

291 **ALL IN FAVOR, NO NAYS. MOTION PASSED UNANIMOUSLY.**
292

293 Travel action summary was discussed and completed.
294

295 TASK: Dr. Delzer will craft the narrative and goals of the annual report for the board to review
296 and approve via e-mail.
297

298 TASK: Staff will work with Dr. Delzer and the board to make sure annual report is completed and
299 approved by the board prior to the June 1, 2017 due date.
300

301 **Agenda Item 15 – Schedule Meetings /Tasks**
302

303 Board meetings scheduled:
304

305 October 27, 2017 - Anchorage
306

April 6, 2018 – Juneau

307 Potential August teleconference to review written public comment of regulations submitted.

308

309 TASK: Staff will

- 310 • Publish final minutes for October 28, 2016 Board meeting to website.
- 311 • Schedule meeting rooms and teleconference.

312 Dr. Delzer announced that our Board chairman, Dr. Paul Barney, has been named by the
313 American Optometric Association, Optometrist of the Year. Dr. Barney will be recognized at the
314 2017 Optometry's Meeting Opening General Session, Wednesday, June 21, 2017 in Washington,
315 D.C.

316

317 **Adjourn Meeting**

318

319 Dr. Barney adjourned the meeting at 5:25 p.m.

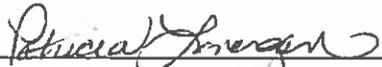
320

Respectfully Submitted:

321

322

323



Patricia Lonergan, Licensing Examiner

324

325

326

Approved:

327

328



Paul Barney, Chairperson
Alaska Board of Optometry

329

330

331

332

10 - 27 - 2017
Date

333