

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF EXAMINERS IN OPTOMETRY
5

6 **TELECONFERENCE**
7 **January 3, 2018**
8 **Juneau, Alaska**
9

10 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,
11 Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on
12 January 3, 2018 at 333 Willoughby Avenue, 9th Floor, Juneau, AK
13

14
15 **Agenda Item 1 – Call Meeting to Order**
16

17 Dr. Barney called the meeting to order on Wednesday, January 3, 2018 for the Board of
18 Examiners in Optometry at 12:10 p.m. This meeting was public noticed on December 15, 2017 in
19 the Anchorage Dispatch News and the Alaska Online Public Notice system.
20

21 To comply with the voice roll call vote of the administrative procedures act, Dr. Barney
22 requested a voice roll call asking that each board member state their name.
23

24 **Voice Roll Call**, constituting a quorum of the board, were:
25

26 **Dr. Damien Delzer: present**

27 **Mr. Eric Lingle: present**

28 **Dr. Pamela Steffes: present**

29 **Dr. Erik Christianson: present**

30 **Dr. Paul Barney: present**
31

32 **Staff - Patricia Lonergan: present**
33

34 **Review/Approve Meeting Agenda**
35

36 The board reviewed the agenda and made no changes.
37

38 **On a motion duly made by Mr. Eric Lingle, seconded by Dr. Erik Christianson and**
39 **approved unanimously, it was:**

40 **RESOLVED to accept the agenda as drafted.**
41

42 **ROLL CALL VOTE:**
43

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Barney	X		

47 **Agenda Item 2 - Review Regulations Project**

48 Board members reviewed and discussed the following proposed draft regulations during the
49 teleconference.

50
51 **License Renewals and Continuing Education (12 AAC 48.200)**

52
53 Current regulation:

54
55 **12 AAC 48.200. LICENSE RENEWALS AND CONTINUING EDUCATION.** (a) In order to be approved
56 by the board, an applicant for renewal of a license must pay the appropriate renewal fee and
57 submit evidence of completing continuing education courses, related to the practice of
58 optometry, as specified in (b) or (c) of this section within the two-year renewal period as specified
59 in 12 AAC 48.210. (b) The following continuing education courses, if related to the practice of
60 optometry, are accepted by the board for renewal of a license to practice optometry:

61 (1) education courses offered at the American Optometric Association (AOA) Convention or
62 offered at any American Optometric Association affiliate state association convention;
63 (2) seminars held by committees of the AOA or organized regional Optometric Extension Program
64 Foundation seminars for educational purposes;

65 (3) postgraduate courses offered by recognized schools or colleges of optometry;

66 (4) postgraduate correspondence courses, except that no more than nine hours of continuing
67 education credits may be claimed in a single licensing renewal period;

68 (5) courses approved by the Council on Optometric Practitioner Education (COPE);

69 (6) educational courses offered by the American Academy of Optometry (AAO).

70 (c) Other continuing education courses not listed in (b) of this section, if related to the practice of
71 optometry under this chapter and AS 08.72, may be approved by the board upon written request
72 of the licensee. If pre-approval is requested for the continuing education course, the written
73 request must be received by the department at least 60 days before commencement of the
74 program. The request must include the following information:

75 (1) name and address of organization sponsoring courses;

76 (2) course title and outline of subject matter to be covered;

77 (3) instructors name and credentials; and

78 (4) location and dates of the course.

79 Authority: AS 08.72.050 AS 08.72.181

80

81 Proposed regulation:

82

83 **12 AAC 48.200. LICENSE RENEWALS AND CONTINUING EDUCATION.** (a) In order to be approved
84 by the board, an applicant for renewal of a license must pay the appropriate renewal fee and
85 submit evidence of completing continuing education courses, related to the practice of
86 optometry, as specified in (b) or (c) of this section within the two-year renewal period as
87 specified in 12 AAC 48.210. (b) The following continuing education courses, if related to the
88 practice of optometry, are accepted by the board for renewal of a license to practice
89 optometry:

90 (1) education courses offered at the American Optometric Association (AOA) Convention or
91 offered at any American Optometric Association affiliate state association convention;

92 (2) seminars held by committees of the AOA or organized regional Optometric Extension
93 Program Foundation seminars for educational purposes;

94 (3) postgraduate courses offered by recognized schools or colleges of optometry;

95 (4) remote learning, on-line and correspondence courses, except that no more than ten hours of
96 continuing education credits may be claimed in a single licensing renewal period;

97 (5) courses approved by the Council on Optometric Practitioner Education (COPE);

98 (6) educational courses offered by the American Academy of Optometry (AAO).

99 (c) Other continuing education courses not listed in (b) of this section, if related to the practice
100 of optometry under this chapter and AS 08.72, may be approved by the board upon written
101 request of the licensee if request is submitted within 30 days following course completion.

102 The request must include the following information:
103 (1) name and address of organization sponsoring courses;
104 (2) course title and outline of subject matter to be covered;
105 (3) instructors name and credentials; and
106 (4) location and dates of the course.

107 Authority: AS 08.72.050 AS 08.72.181

108

109 **Hours of Continuing Education Required (12 AAC 48.210)**

110

111 Current Regulation:

112

113 **12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED.** (a) An applicant for renewal of a
114 biennial optometry license, must document at least 36 contact hours of continuing education
115 credit that meets the requirements of 12 AAC 48.200, and that was completed during the
116 concluding licensing period.

117 (b) Continuing education credit received under (a) of this section must include at least 24 contact
118 hours of ocular pathology or pharmacology.

119 (c) No more than three contact hours of credit in practice management is acceptable as
120 continuing education credit under (a) of this section for each license period.

121 (d) An applicant for renewal of an optometry license must document successful completion, not
122 earlier than the four years immediately before the date of application for renewal

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

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

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

130 (e) An applicant for renewal of an optometry license for the first time must document completion
131 of at least one-half of the continuing education requirements in this section for each complete
132 calendar year that the applicant was licensed during the concluding license period.

133 Authority: AS 08.72.050 AS 08.72.181 AS 08.72.272

134

135 Proposed Regulation:

136

137 **12 AAC 48.210. HOURS OF CONTINUING EDUCATION REQUIRED.** (a) An applicant for renewal of a
138 biennial optometry license, must document at least 40 contact hours of continuing education
139 credit that meets the requirements of 12 AAC 48.200, and that was or will be completed during
140 the concluding licensing period. (b) Continuing education credit received under (a) of this

141 section must include at least 24 contact hours of ocular pathology or pharmacology. (c) No
142 more than three contact hours of credit in practice management is acceptable as continuing
143 education credit under (a) of this section for each license period.

144 (d) A minimum of 2 hours of Pain Management and Opioid Use and Addiction are required of all
145 licensees holding a DEA license.

146 (e) An applicant for renewal of an optometry license for the first time must document
147 completion of at least one-half of the continuing education requirements in this section for each
148 complete calendar year that the applicant was licensed during the concluding license period.

149 Authority: AS 08.72.050 AS 08.72.140 AS 08.72.181 AS 08.72.272

150

151 **Exemption from Continuing Education Requirements for Active Duty Military Service (12 AAC**
152 **48.230)**

153
154 Current Regulation:

155
156 **12 AAC 48.230. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY**
157 **MILITARY SERVICE.** (a) An optometrist who meets the requirements of this section is exempt from
158 the continuing education requirements of 12 AAC 48.200 – 12 AAC 48.220 as specified in this
159 section for renewal of an optometrist license for the biennial licensing period immediately
160 following a period of service by an optometrist during which an optometrist was engaged in
161 active duty military service in the armed forces of the United States.

162 (b) To obtain an exemption under this section, an optometrist must submit official documentation
163 satisfactory to the board of active duty military service.

164 (c) The board will waive half of the continuing education hours required in 12 AAC 48.210 if the
165 board determines that the applicant was engaged in active duty military service in the armed
166 forces of the United States for at least six consecutive months during the concluding licensing
167 period.

168 (d) The board will waive all continuing education hours required in 12 AAC 48.210 if the board
169 determines that the applicant was engaged in active duty military service in the armed forces of
170 the United States for 12 or more months during the concluding licensing period.

171 (e) In this section, "engaged in active duty military service" means military personnel serving in an
172 active capacity, including

173 (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard;
174 and

175 (2) reservists and National Guard personnel in a combat zone for a named United States military
176 conflict; in this paragraph, "combat zone" means an area that the President of the United States
177 designates by executive order as an area in which the armed forces of the United States are
178 engaging or have engaged in combat.

179 Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

180
181 Proposed Regulation:

182
183 **12 AAC 48.230 EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY**
184 **MILITARY SERVICE, IN A COMBAT ZONE, DANGER PAY POST, OR QUALIFIED HAZARDOUS DUTY**

185 **AREA.** (a) An optometrist who meets the requirements of this section is exempt from the
186 continuing education requirements of 12 AAC 48.200 – 12 AAC 48.220 as specified in this section
187 for renewal of an optometrist license for the biennial licensing period immediately following a
188 period of service by an optometrist during which an optometrist was engaged in active duty
189 military service in the armed forces of the United States, in a combat zone, danger pay post, or
190 qualified hazardous duty area. (b) To obtain an exemption under this section, an optometrist
191 must submit official documentation satisfactory to the board of active duty military service, in a
192 combat zone, danger pay post, or qualified hazardous duty area. (c) The board will waive half
193 of the continuing education hours required in 12 AAC 48.210 if the board determines that the
194 applicant was engaged in active duty military service in the armed forces of the United States
195 for at least six consecutive months during the concluding licensing period, in a combat zone,
196 danger pay post, or qualified hazardous duty area. (d) The board will waive all continuing
197 education hours required in 12 AAC 48.210 if the board determines that the applicant was
198 engaged in active duty military service in the armed forces of the United States for 12 or more
199 months during the concluding licensing period, in a combat zone, danger pay post, or qualified
200 hazardous duty area. (e) In this section, "engaged in active duty military service, in a combat
201 zone" means military personnel serving in an active capacity, including active duty personnel in
202 the United States Army, Navy, Air Force, Marine Corps, National Guard, Coast Guard or reserves;

203 (f) in this section,
204 (1) "combat zone" means an area that the President of the United States designates by
205 executive order as an area in which the armed forces of the United States are engaging or have
206 engaged in combat.
207 (2) "danger pay post" means a post so designated by the United States Secretary of State in the
208 Department of State Standardized Regulations for purposes of danger pay under 5 U.S.C. 5828;
209 (3) "qualified hazardous duty area" means an area that, during the applicant's deployment, is
210 treated as if it were a combat zone for purposes of federal tax exemption under 26 U.S.C. 112
211 (Internal Revenue Code).

212
213 Exemption from Continuing Education Requirements for Active Duty Member of Commissioned
214 Corp during Deployment.

215 (a) An optometrist who meets the requirements of this section is exempt from the continuing
216 education requirements of 12 AAC 48.200 – 12 AAC 48.220 as specified in this section for renewal
217 of an optometrist license for the biennial licensing period immediately following a period of
218 service by an optometrist during which an optometrist was engaged in active duty
219 Commissioned Corp service deployed to respond to acute public health emergencies as
220 determined by the Office of Force Readiness and Deployment (OFRD) (b) To obtain an
221 exemption under this section, an optometrist must submit official documentation satisfactory to
222 the board of active duty Commissioned Corp Service Deployment (c) The board will waive half
223 of the continuing education hours required in 12 AAC 48.210 if the board determines that the
224 applicant was engaged in active duty Commission Corp service of the United States for at least
225 six consecutive months during the concluding licensing period while in a qualified deployment
226 area (d) The board will waive all continuing education hours required in 12 AAC 48.210 if the
227 board determines that the applicant was engaged in active duty Commissioned Corp Service
228 of the United States for 12 or more months during the concluding licensing period, in qualified
229 deployment area. (e) In this section, "engaged in active duty Commission Corp service in a
230 qualified deployment area" means Commission Corp personnel service in an Office of Force
231 Readiness and Deployment (OFRD) designated acute public health emergency area and away
232 from the assigned duty station.

233 Authority: AS 08.01.100 AS 08.72.050 AS 08.72.181

234

235 **Prescription and Use of Pharmaceutical Agents**

236

237 Proposed regulation outlines scope of practice to be limited by education and training as well
238 as provide limitations on prescription and use of pharmaceuticals by Alaska Optometrists.

239

240 **PRESCRIPTION AND USE OF PHARMACEUTICAL AGENT** (a) Every optometrist desiring to prescribe
241 and use a pharmaceutical agent, including a controlled substance, for the treatment of eye
242 disease shall have satisfactorily completed courses in general and ocular pharmacology at an
243 institution accredited by the Council on Post-Secondary Accreditation of the United States
244 Department of Education and acceptable to the board. The board shall only approve the
245 highest levels of education and training and shall license those qualified by such education and
246 training to prescribe and use such pharmaceutical agents, including controlled substances for
247 the treatment of eye disease. The use of any such pharmaceuticals by an optometrist or the
248 obtaining of same by an optometrist shall require the optometrist to be in possession of a current
249 license as provided in this section. Such optometrist shall furnish evidence to any pharmacist or
250 other supplier from whom such pharmaceuticals are sought as to his or her holding a current
251 license.

252 (b) Every optometrist license to prescribe and use pharmaceutical agents, including a
253 controlled substance, for the treatment of eye disease shall be limited within the scope the

254 licensee's education, training and experience as found acceptable by the board under
255 paragraph (a).
256 (c) A licensee may only prescribe, order or administer a pharmaceutical agent in the practice of
257 optometry if: the requirements of (a) and (b) are met and the pharmaceutical agent is
258 prescribed, ordered or administered for the treatment of ocular disease or conditions, ocular
259 adnexal disease or conditions, or emergency anaphylaxis.
260 (d) A licensee may prescribe, order or administer a controlled substance if the requirements of
261 (a), (b) and (c) of this section are met and if:
262 (1) the controlled substance is not a schedule IA, IIA, or VIA controlled substance; however,
263 notwithstanding this subparagraph, a licensee may prescribe and use a pharmaceutical agent
264 containing hydrocodone; and
265 (2) the licensee(A) has on file with the department the licensee's current federal Drug
266 Enforcement Administration registration number that is valid for the controlled substance
267 prescribed, ordered or administered; (B) registers and complies with Alaska's Prescription Drug
268 Monitoring Program; and (C) prescribes in accordance with AS 08.72.276
269 (e) In this section, "controlled substance" has the meaning given in AS 11.71.900
270 Authority: AS.08.72.050 AS.08.72.272 AS.08.72.278
271

272 **USE OF CONTROLLED SUBSTANCES; LIMITATIONS**

273 (a) Requisite Prior Conditions. In utilizing any controlled substances, an optometrist shall comply
274 with the following:
275 (1) Evaluation of the Patient. Evaluation of the patient shall initially include a full history, including
276 complete medical, pain, alcohol and substance abuse histories.
277 (2) Medical Diagnosis. A medical diagnosis shall be established and fully documented in the
278 patient's medical record, which indicates the nature of the underlying disease, presence of pain
279 and pain mechanism if such are determinable.
280 (3) Treatment of Pain. An individual treatment plan shall be formulated and documented in the
281 patient's medical record, which includes medical justification for controlled substance therapy.
282 (4) Patient Information. An optometrist shall ensure that the patient and/or his guardian is
283 informed of the benefits and risks of controlled substance therapy.
284 (b) Controlled Substance Therapy. Upon completion and satisfaction of the conditions
285 prescribed in (a), and upon an optometrist's judgment that the prescription of a controlled
286 substance is medically warranted, an optometrist shall adhere to the following:
287 (1) Treatment Records. An optometrist shall document and maintain in the patient's medical
288 record, accurate and complete records of all history, physical and other examinations and
289 evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives,
290 controlled substance and other medication therapy, informed consents, periodic assessments
291 and reviews.
292 (2) Any optometrist qualified to prescribe controlled substances shall maintain complete records
293 on any controlled substances he or she prescribes, which records shall clearly identify the
294 controlled substances prescribed, the individual to whom each controlled substance was
295 prescribed, the date of each prescription and the amount of the controlled substance
296 prescribed.
297 (3) An optometrist shall not dispense or administer controlled substances in their optometry
298 practice and shall not keep an inventory of controlled substances on hand for purposes of
299 dispensation or administration by an optometrist in their optometry practice.
300 (4) The controlled substances records required by this regulation shall be readily retrievable and
301 available for examination, inspection, copying, and verification of accuracy, currency and
302 completeness by the board or its designated employee or agent, immediately upon the request
303 of the board, its agents, or employees, at any reasonable time, but without the necessity of prior
304 notice by the board.
305 Authority: AS.08.72.050 AS.08.72.272(a) AS.08.72.278

306 Additional proposed regulations were tabled until further information, deliberation and time for
307 discussion are completed.

308
309 On a motion duly made by Dr. Erik Christianson, seconded by Dr. Pamela Steffes, and
310 approved unanimously, it was:
311 RESOLVED having reviewed and discussed drafted regulations to forward these
312 regulations to the regulations specialist.

313
314 ROLL CALL VOTE:

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Barney	X		

316
317 Agenda Item 3 – Review and Approve CE Audit

318
319 The board reviewed and discussed the four remaining CE audit licensees.

320
321 On a motion duly made by Dr. Pam Steffes, seconded by Dr. Erik Christianson and
322 approved by quorum, it was:
323 RESOLVED to approve CE audits for licensees 152, 292, 317 and 356

324
325 ROLL CALL VOTE:

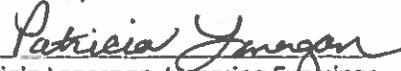
Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle			X
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Barney	X		

327
328 Agenda Item 4 - Adjourn Meeting

329
330 Dr. Barney asked if there was any other board business, hearing none and having concluded
331 the agenda items, Dr. Barney adjourned the conference call.

332
333 The conference call adjourned at 12:45 p.m.

334 Respectfully Submitted:

335 
336 Patricia Lanergan, Licensing Examiner

337 Approved:

338 
339 Dr. Paul Barney, Chairperson
340 Alaska Board of Optometry

341 4.19.18
342
343
344 Date

345