

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 6, 2018**
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 6, 2018 at 333 Willoughby Avenue, 9th Floor – Juneau, AK
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17 **Agenda Item 1 – Call Meeting to Order**
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19 Dr. Barney called the meeting to order on Friday April 6, 2018 for the Board of Examiners in Optometry
20 at 8:16 a.m. This meeting was public noticed on March 15, 2018 in the Anchorage Dispatch News and
21 on the Alaska Public Notice system.
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23 Those present, constituting a quorum of the board were:
24

25 Dr. Paul Barney, OD Chair, Anchorage, AK
26 Dr. Damien Delzer, OD Secretary, Fairbanks, AK
27 Dr. Pamela Steffes, OD, Sitka, AK
28 Dr. Erik Christianson, OD, Ketchikan, AK
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30 Eric Lingle requested approval to be absent from the meeting, Dr. Barney granted that approval.
31

32 Present from the Division of Corporations, Business and Professional Licensing:
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34 Melissa Dumas, Administrative Officer II
35 Marylene Wales, Accountant III
36 Patricia Lonergan, Licensing Examiner
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38 **Agenda Item 2 – Review/Approve Prior Meeting Minutes**
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40 October 27, 2017 Final Meeting Minutes
41 January 3, 2018 Board Teleconference
42 February 7, 2018 Board Meeting
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44 On a motion duly made by Dr. Pam Steffes, seconded by Dr. Damien Delzer and approved
45 unanimously it was: Resolved to approve the final meeting minutes for October 27, 2017,
46 January 3, 2018 and February 7, 2018, with minor grammatical updates.
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Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

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Agenda Item 3 – Review/Approve Meeting Agenda

The board reviewed the meeting agenda and made no changes.

On a motion duly made by Dr. Damien Delzer, seconded by Dr. Erik Christianson and approved unanimously it was: Resolved to approve the meeting agenda as drafted.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

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Agenda Item 4 – Ethics Reporting

Dr. Barney asked if there were any ethics violations to report. There were no ethics violations to report from the board or staff.

Dr. Barney disclosed that he had additional e-mails from Dr. Lonsberry regarding an updated version of a continuing education course, which he forwarded on to Patricia Lonergan. Dr. Barney also disclosed the he received a text message from a licensee regarding how many online CE were allowed. Dr. Barney responded via text message, that nine credits were allowed and included a link to the statute number.

Staff reminded board members that proper procedure when licensees ask questions of board members, is to refer them to the licensing examiner.

Agenda Item 5 – Correspondence

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The Board reviewed and answered ARBO member inquiries from the Kansas Board of Examiners in Optometry, the North Carolina Board of Examiners in Optometry, and West Virginia Board of Examiners in Optometry. The Board also reviewed ARBO inquiries regarding the NBEO, Background Checks. The Board reviewed the ARBO COPE Joint Accreditation announcement. The board discussed that joint accreditation would allow a provider of continuing education to utilize inter-professional Continuing Education (IPCE) for accreditation across multiple professions. It would still be the responsibility of the continuing education provider to obtain COPE approval, through IPCE. The Board reviewed the ARBO Annual Board Report, reviewing the requested information, listing out the three most important items the board is working on as regulation projects addressing the expanded scope of practice, regulations regarding telemedicine and regulations regarding the PDMP and opioid educational requirements.

Task: Dr. Delzer will complete the ARBO Annual Board Report.

85 Task: Staff forward the North Carolina Board of Examiners in Optometry full inquiry to board members.

86 **Agenda Item 6 – Investigative Report**

87
88 Investigator Brian Howes reviewed the investigative memo for the period of April 3, 2017 through
89 March 27, 2018, which showed that three matters were opened and closed and no matters remain
90 open at this time.

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92 **Agenda Item 7 – Legislative Update**

93
94 The Board reviewed HB268C, this bill will require that practitioners provide written and verbal
95 information to patients describing the reasons for prescribing the opioid, reasonable non-opioid
96 alternatives and information that the prescription being given could lead to addiction, and the
97 dangers of opioid addiction. The Board reviewed a letter from Representative Gara. The Board
98 discussed regulations that are currently in the process of being revised and will make further revisions
99 to 12 AAC 48.350 to include items address in Representative Gara's letter.

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101 **Agenda Item 8 – Old Business/Tasks**

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103 The Board reviewed the draft Dr. Steffes presented of the State Law Exam.

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105 On a motion duly made by Dr. Damien Delzer, seconded by Dr. Erik Christianson and
106 approved unanimously it was: Resolved to approve the State Law Exam revised by
107 Dr. Pamela Steffes.
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Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

109
110 The Board reviewed and discussed 12 AAC 48.330, discussion centered on the word "certified" going
111 through several revisions within the profession. To date the Board has no regulations regarding this,
112 there are a few optometrist here in Alaska who are certified by the ABO and they do not currently to
113 promote or advertise themselves as such. Medicare uses it as a billing mechanism, outside of that, the
114 actual certification is a good process, maintaining it requires additional credentialing requirements.
115

116 Dr. Steffes reviewed 12 AAC 48.920 with the Board and presented her suggested revisions with the
117 Board.
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119 Task: Dr. Steffes will complete the revisions discussed for 12 AAC 48.330 and 12 AAC 48.920 and have
120 draft regulations for the next board meeting.
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122 **Agenda Item 9 – Discussion Time/10 Minute Topics**

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124 Staff asked the Board to consider a new process for approving continuing education, the board
125 discussed the process.

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On a motion by Dr. Pam Steffes, seconded by Dr. Erik Christianson and approved unanimously it was: Resolved to approve in those instances the Board may want to identify specific continuing education courses that meet statutory or regulatory requirements those courses will be issued an approval number and be posted on the Boards continuing education webpage for practitioners to reference.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

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On a motion by Dr. Pam Steffes, seconded by Dr. Damien Delzer and approved unanimously it was: Resolved to approve the course Pain Management & Opioid Misuse and Addiction from Pills to Injections given in Juneau at the AKOA annual meeting in February 2018.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

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Deviated to Agenda Item 12 – Regulations

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The Board reviewed and discussed 12 AAC 48.011(a) License by examination draft language received from the regulations specialist.

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On a motion by Dr. Erik Christianson, seconded by Dr. Damien Delzer and approved unanimously it was: Resolved to approve 12 AAC 48.011(a) as drafted by the regulations specialist, and upon review by the department of law, if no substantive changes are made, move 12 AAC 48.011(a) to the regulations specialist for written public comment.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

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The Board reviewed and discussed draft 12 AAC 48.020(c) License by credentials language received from the regulations specialist.

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On a motion by Dr. Delzer, seconded by Dr. Erik Christianson and approved unanimously it was: Resolved to approve 12 AAC 48.020(c) as drafted by the regulations specialist, and upon review by the department of law, if no substantive changes are made, move 12 AAC 48.020(c) to the regulations specialist for written public comment.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

158
159 The Board reviewed and discussed draft 12 AAC 48.200(d) License renewal and Continuing education
160 language received from the regulations specialist.

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162 On a motion by Dr. Erik Christianson, seconded by Dr. Pamela Steffes and approved
163 unanimously it was: Resolved to approve 12 AAC 48.200(d) as drafted by the regulations
164 specialist, adding AS 08.72.060 authority, if deemed appropriate, and upon review by the
165 department of law, if no substantive changes are made, move 12 AAC 48.200(d) forward to
166 the regulations specialist for written public comment.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

168
169 The Board reviewed and discussed draft 12 AAC 48.200(b)(4) License renewal and continuing
170 education language received from the regulations specialist.

171
172 On a motion by Dr. Pamela Steffes, seconded by Dr. Christianson and approved unanimously
173 it was: Resolved to approve 12 AAC 48.200(b)(4) as drafted by the regulations specialist, and
174 upon review by the department of law, if no substantive changes are made, move 12 AAC
175 48.200(b)(4) to the regulations specialist for written public comment.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

177
178 The Board reviewed and discussed draft 12 AAC 48.210(a) and 12 AAC 48.210(d) Hours of continuing
179 education required language received from the regulations specialist.

180
181 On a motion by Dr. Pamela Steffes, seconded by Dr. Erik Christianson
182 Consideration to approve 12 AAC 48.210(a) and 12 AAC 48.210(d) as drafted by the
183 regulations specialist, and upon review by the department of law, if no substantive changes
184 are made, move 12 AAC 48.210(a) and 12 AAC 48.210(d) to the regulations specialist for
185 written public comment.

186
187 During discussion Dr. Delzer indicated that AS 08.72.060 should also be listed as an approval authority
188 as it provides the board authority to require registration with the PDMP.

189

190 Dr. Delzer brought forward an Amended motion seconded by Dr. Pamela Steffes, and approved
191 unanimously it was:

192 Resolved to approve the amended motion 12 AAC 48.210(a) and 12 AAC 48.210(d) as drafted
193 by the regulations specialist, if applicable add AS 08.72.060 authority, and upon review by the
194 department of law, if no substantive changes are made, move 12 AAC 48.210(a) and 12 AAC
195 48.210(d) to the regulations specialist for written public comment.
196

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

197
198 The board adjourned for lunch at 11:59 am and the board was back on the record at 1:07 PM
199

200 **Agenda Item 11 – Public Comment**

201
202 There were no members of the public in attendance.
203

204 **Agenda Item 12 – Regulations Project**

205
206 The Board reviewed and discussed draft 12 AAC 48.230 Exception from continuing education
207 requirements for active duty military service in a combat zone, danger pay post, or qualified
208 hazardous duty area language received from the regulations specialist.
209

210 On a motion by Dr. Erik Christianson, seconded by Dr. Damien Delzer and approved
211 unanimously it was: Resolved to approve 12 AAC 48.230 as drafted by the regulations
212 specialist, and upon review by the department of law, if no substantive changes are made,
213 move 12 AAC 48.230 forward to the regulations specialist for written public comment.
214

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

215
216 The Board reviewed and discussed draft 12 AAC 48.240 Exemption from continuing education
217 requirements for active duty members of commissioned corps during deployment language,
218 regarding exemption from continuing education requirements for active duty members of
219 commissioned corps during deployment received from the regulations specialist.
220

221 On a motion by Dr. Pamela Steffes, seconded by Dr. Erik Christianson and approved
222 unanimously it was: Resolved to approve 12 AAC 48.240 as drafted by the regulations
223 specialist, and upon review by the department of law, if no substantive changes are made,
224 move 12 AAC 48.240 to the regulations specialist for written public comment.
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Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

228

229 The Board reviewed and discussed draft 12 AAC 48.340 Prescription and use of pharmaceutical agent
230 language received from the regulations specialist.

231

232 On a motion by Dr. Pamela Steffes, seconded by Dr. Erik Christianson and approved
233 unanimously it was: Resolved to approve 12 AAC 48.340 as drafted by the regulations
234 specialist, with the revision **from:** Such optometrist shall furnish evidence to any pharmacist or
235 other supplier from whom such pharmaceutical are sought as to his or her holding currant
236 license **to: Upon request,** such optometrist shall furnish evidence to any pharmacist or other
237 supplier from whom such pharmaceuticals are sought as to his or her holding a current license.
238 And upon review by the department of law, if no substantive changes are made, move 12
239 AAC 48.340 to the regulations specialist for written public comment.

240

241

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

242

243 The Board reviewed and discussed draft 12 AAC 48.350 Use of controlled substances; limitations
244 language received from the regulations specialist, they also reviewed the letter received from
245 Representative Gara and discussed changes that could be made to incorporate the intent of HB268.

246

247 The board would like to revise 12 AAC 48.350 (a)(4) to read: an optometrist shall ensure that any out-
248 patient and/or guardian is informed both verbally and in written form of the benefits and risks of
249 controlled substance therapy and be provided any reasonable non-opioid alternative.

250

251 On a motion by Dr. Damien Delzer, seconded by Dr. Erik Christianson and approved
252 unanimously it was: Resolved to approve 12 AAC 48.350 as drafted by the regulations
253 specialist, making revisions to 12 AAC 48.350 (a)(4) and upon review by the department of
254 law, if no substantive changes are made, move 12 AAC 48.350 to the regulations specialist for
255 written public comment.

256

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

257

258 The Board reviewed and discussed draft 12 AAC 48.360 Registration with the prescription drug
259 monitoring program controlled substance prescription database language received from the
260 regulations specialist.

261

262 On a motion by Dr. Erik Christianson, seconded by Dr. Damien Delzer and approved
263 unanimously it was: Resolved to approve 12 AAC 48.360 as drafted by the regulations
264 specialist, and upon review by the department of law, if no substantive changes are made,
265 move 12 AAC 48.360 to the regulations specialist for written public comment.

266

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

267

268 Dr. Delzer reviewed with the board the methodology, resources and other state laws he used in
269 crafting the draft regulation language he presented for educational requirement for therapeutic
270 procedures to the board. He advised that he drafted the regulations from the perspective that only
271 a current licensee with an unrestricted license would be able to perform therapeutic procedures, the
272 current licensee would have to take an approved continuing education course approved by the
273 board after graduation. Dr. Delzer advised the board that he had spoken with representatives from
274 other states who currently have advanced procedures and faculty at colleges that teach current
275 advanced procedures

276

277 Dr. Barney had previously submitted draft regulations for therapeutic procedures, and had requested
278 from the board the ability to pull it back for further revision. He presented to the board the new draft
279 regulation language for therapeutic procedures starting with the perspective of defining what
280 therapeutic procedures a licensee would be able to perform. In his draft regulations he indicated
281 educational requirements that would be essential, specified a licensee's education, training and
282 experience would determine if a practitioner would be able to perform procedures, listed out
283 potential procedures that would be excluded, and included grounds for discipline should a licensee
284 perform procedures without documenting require educational requirement.

285

286 **Deviated to Agenda Item 10 – Budget/Annual Report**

287

288 Melissa Dumas and Marylene Wales joined the meeting and reviewed the board financials. There will
289 be a fee analysis prior to the next board meeting and there may be a fee increase.

290

291 **Deviated to Agenda Item 12 - Regulations**

292

293 The Board continued review and debate on the proposed regulations Dr. Barney drafted. The Board
294 understands that they are not able to create tiered licensure and will clarify if they have the authority
295 to attach an endorsement or credential to current licenses. If the Board does not have the authority
296 to create an endorsement or credential, they will put in place a regulation requiring licensees submit
297 proof of taking a Board approved continuing education therapeutic procedures course. This will be
298 placed in the licensing record, and, licensees will receive a letter from the Board advising they have
299 submitted appropriate continuing education and have the ability to perform therapeutic procedures.

300 The Board also concluded that if an endorsement or credential is not possible, that continuing
301 education requirements for the profession will be increased, to ensure public safety.

302
303 The Board reviewed potential ways to define therapeutic procedures. Dr. Barney reiterated that
304 language in the draft proposal mirrors language used in three other states that have therapeutic
305 procedures. The Board discussed and debated the proposed list of excluded procedures from the
306 scope of practice. Dr. Barney advised that to alleviate concerns brought up in testimony during the
307 legislative process, having a list of excluded procedures would limit licensees from interpreting the
308 procedures they are able to perform.

309
310 Dr. Barney will get further clarification on why other states listed out excluded procedures the way
311 they appear in their current law. Dr. Barney reviewed a rough draft of potential discipline should a
312 licensee practices outside of their scope of education, training and experience. Staff will inquire if this
313 would fall the continuing education matrix the board recently updated or if the board needs to
314 define in regulation specific discipline for practicing outside scope of education, training and
315 experience.

316
317 Tasks: Dr. Barney will contact other state boards for further information on laws and revise draft
318 regulations for further Board review.

319 Tasks: Dr. Delzer will refine educational requirements and revise draft regulations for further Board
320 review.

321 Task: Staff will forward Board questions and report answers back to the Board.

322

323 **Agenda Item 13 – Applications**

324

325 There were no applications to review.

326

327 **Agenda Item 14 – Schedule Meetings**

328

329 Board meetings scheduled:

330 May 2, 2018 Board Teleconference

331 October 19, 2018 Board Meeting.

332 April 5, 2019 Board Meeting.

333 October 11, 2019 Board Meeting.

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335 **Agenda Item 15 – Adjourn Meeting**

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337 Dr. Barney adjourned the meeting at 4:40 PM.

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Respectfully Submitted:



Patricia Lonergan, Licensing Examiner

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Approved:



Dr. Paul Barney, Chairperson
Alaska Board of Optometry

10-19-2018

Date