

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF EXAMINERS IN OPTOMETRY  
333 Willoughby Ave, 9<sup>th</sup> Floor Conf Room C  
Juneau AK  
TELECONFERENCE**

**July 31, 2013**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Examiners in Optometry was held on July 31, 2013 at 333 Willoughby Ave in Juneau, Alaska

Call to Order

The meeting for the State of Alaska Board of Examiners in Optometry was called to order by Dr. Graves, Chair at 12:10PM.

Those present via telephonic means, constituting a quorum of the board, were:

James Graves, OD, Chair  
Grant Humphreys, OD, Secretary  
Forrest Messerschmidt, OD  
Paul Barney, OD  
Immanuel Lewis, Public Member

Present from the Division of Corporations, Business & Professional Licensing:  
Nathan "Nate" Vallier, Licensing Examiner  
Don Habeger, Director

Review / Amend Agenda

Staff advised that because of the workload and possible in-depth discussions that may be needed for our applicants and continuing education audit, that we move Agenda Items 6 & 7 to the beginning of the meeting.

**On a motion by Dr. Humphreys, seconded by Paul Barney and carried unanimously.  
IT WAS RESOLVED TO APPROVE THE AMENDED AGENDA. No further discussion.**

Agenda Item 6 & 7 – Travel Letter & HB 84/187

Director Habeger joined the conference to update the board on overall travel with the division; Director Habeger explained that the state legislature sets our travel budgets despite the amounts requested by professional licensing boards. Because of movements by the boards, the legislature did approve an additional \$200,000 in additional travel expenditures to give the Division more capabilities to approve travel. The legislature also approved \$20,000 in 3<sup>rd</sup> party reimbursements to be allocated back to the individual boards, whereas before those reimbursements went directly to the general fund. In the instance of this board, the \$1,000 stipend from the last conference did not get appropriated back into the board's finances – whereas now there is a good chance it could. Travel for FY14 should be 'solid', allowing for more boards to travel out of state and instate to conduct business, attend conferences, or attending training sessions.

The 2<sup>nd</sup> piece of discussion is House Bill 84, which requires the division & boards to promulgate regulations so that we can consider military training/credit/education and apply to licensure in our State. This requires boards with temporary licenses to review the law, effective January 2014. This puts a time constraint on boards to ensure regulations are in place.

House Bill 187 did not make it all the way through the legislative process – this bill could redirect investigative expenditures away from sole reliance on license fees and instead come from an allocation by the general fund. The goal is to prevent significant investigative costs from causing severe expense spikes from having an extreme negative impact on the license fees. The bill will also allow expenditures to be spread out over a longer period rather than require a fee change review every renewal cycle. The bill also allows the division to streamline and consolidate fees, as there are over 400 different fees imposed by CBPL at this time. In the Fall, the Director or another representative from CBPL will be contacting the board with ways in which the board can assist with getting this bill through the legislature.

Dr. Humphreys asked for clarification on where the bill is at – Director Habeger said that the bill wasn't voted down, but is still in the House Finance Committee and we have one more session to move the bill through for a vote. Our legislative cycle is a 2 year process, and last year was the first portion.

Director Habeger left the conference at 12:28PM

#### Agenda item 1 – Review of Dr. Gretchen Ariz Application

Dr. Humphreys review of the application & previous warning letter is that she wasn't quite practicing optometry from the information provided, and Dr. Graves concurred that she was only supervising. Therefore the board has sufficient information to move forward with a vote.

**On a motion by Grant Humphreys, seconded by Forrest Messerschmidt and carried unanimously, to approve licensure of Gretchen Ariz pending passage of the jurisprudence exam. No further discussion.**

#### Agenda item 2 – Review of Dr. Amber Mayberry Application

The board reviewed the application of Dr. Amber Mayberry and found no issues.

**On a motion by Forest Messerschmidt, seconded by Grant Humphreys and carried unanimously, to approve licensure of Amber Mayberry pending passage of the jurisprudence exam. No further discussion.**

#### Agenda item 3 – Review of the application of Dr. Lisa Hornick

The board was presented with an application for licensure of Dr. Lisa Hornick. Dr. Hornick holds licenses in a variety of states, namely Oregon, but does not have the required 3,120 clinical hours in 3 years due to working part time in Hawaii while raising her children; and she passed her NBEO in 2002 – there is not a clear method of licensure for Dr. Hornick. The recent passage of military licensing statutes present an opportunity, and the board discussed the military spouse option and what options exist. Grant Humphreys said we should be able to issue a military courtesy to give her time to meet by exam / credentials licensing requirements, which was concurred by other members of the Board. Staff advised we do not have a mechanism – the board needs to develop regulations for AS 08.01.063 to take effect. The centralized statute was recently enacted by the Alaska legislature and, as far as staff knows, no other board has yet to enable this law into their regulations. In discussions of AS 08.01.063, it was noted the requirements of the law when compared to our laws, staff noted that they believe only three states meet our same requirements and will verify – but those three being Arizona, Florida, and Oregon. Dr. Hornick has a valid license in Oregon and all verifications of licensure came back with no derogatory information, meeting the requirements of AS 08.01.063. Chair Graves said he doesn't want to deny her a license but the Board needs keep the ducks in a row and follow the law. Staff advised that it may be beneficial to review other states with military and temporary regulations and present those in another teleconference or web conference prior to the staff examiner's departure, which would then allow time for the regulations to complete the regulatory cycle and process with hopes of having

it completed by the November meeting. The Board would like to discuss possible regulation gateways for military licensing and military spouse licensing at a September teleconference with staff and Department of Law present. Board agreed that the best option for Dr. Hornick is to obtain a military spouse courtesy license for 180 days, followed by an extension, to give her the appropriate time to meet the license by credentials requirement, and to table her application for review until the next in-person meeting since the division does not have the legal mechanism to issue a courtesy or temporary permit.

**On a motion by Grant Humphreys, seconded by Forest Messerschmidt and carried unanimously to table review of the application to the next scheduled board meeting in order to give the division and board time to develop the military courtesy licensing regulations. No further discussion.**

#### Agenda item 4 – Review of the application of Dr. Reinke – Continuing Education

Dr. Reinke's continuing education audit was tabled at the last meeting because staff failed to bring the complete file / CE to the meeting for review. Staff's review of the file showed staff had marked her down as taking the injections education in February 2011, and feels there is a chance the division may have received the original documentation based on her previous CE submissions. Repeated attempts to contact Dr. Reinke for copies of the original AKOA 2011 certificate were not successful. Dr. Barney, who also taught the course, is confident that she was in attendance at the injections portion of the conference based on the information provided by Dr. Reinke's submissions. It was determined that the Board would like a strongly worded letter to be sent to the doctor reminding her that licensees are responsible for keeping their originals and/or copies and should provide better record keeping.

**On a motion by Forest Messerschmidt, seconded by Grant Humphreys and carried unanimously to accept her continuing education audit. Dr. Barney recused from vote. No further discussion.**

#### Agenda item 5 – Review of correspondence and annual report update

Dr. Graves gave the board an update from the sunset audit report and they did extend the board's sunset date. The sunset audit's only additional recommendation was for the division to ensure better capabilities within the investigations group. Eighty five percent of those completing a survey by legislative audit responded that the Board has done as good as or better than it has in the past 4 years.

In discussion of the annual report, the board feels that the changes of the Recommendation for Proposed Legislation is going from merely a public "wish list" to something that could become more involved by the Department and/or legislature. There was some discontent over the format & layout changes done only weeks before the deadline, despite the Board completing the annual report during the May 2013 meeting. In the future, the Board would hope that staff would submit any changes to the layout well in advance of the end of the fiscal year.

The Board decided to strike down all recommended legislative changes - "recognize that Canada has provinces and territories", statutes to address the issue of nonprescription contact lenses, remove any reference to specific hourly requirements for continuing education, and prepare for the sunset audit (as the audit is already completed) and move these to "goals" of the board. The Board is concerned that any attempts to change Chapter 08.72 could not always be in the best interest of the Board at this current time, as it can take years to ensure any follow-up regulations projects are completed. The Board feels that the current laws are sufficient and there are no proposed legislative changes except for a new military spouse & courtesy licensing regulations project. Staff will provide the Board with examples of law from other states and plan for a September teleconference.

#### Agenda item 8 – General Business

No further business, with exception of the planned departure of the examiner in September. Chairman Graves thanked Nate Vallier, our examiner, for all his hard work and everything he's done for the board, with all the board members thanking him for his dedication and insight.

**On a motion by Paul Barney, seconded by Grant Humphrys and carried unanimously. The board having no other business adjourned the meeting at 1:22 p.m.**

Respectfully Submitted:

*Thank you for Nate Vallier*  
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Licensing Examiner

*James C. Graves, OD.*  
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James Graves, OD, Chair

Date: *November 6, 2013*