

1 *State of Alaska*
2 *Department of Commerce, Community and Economic Development*
3 *Division of Corporations, Business and Professional Licensing*

4
5 ***BOARD OF EXAMINERS IN OPTOMETRY***

6
7 *MINUTES OF THE MEETING*
8 *April 28, 2021*

9
10 ***By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.61, Article 6,***
11 ***a scheduled meeting of the Board of Examiners in Optometry (board) was held by***
12 ***teleconference.***

13
14
15 ***Agenda Item 1a*** ***Call to Order/ Roll Call*** ***Time 9:00 a.m.***

16
17 *The meeting was called to order by Board Chair, Dr. Damien Delzer, at 9:00 a.m.*
18

19 *Board Members present, constituting a quorum:*

20 Damien Delzer, OD- Fairbanks
21 Eric Lingle, Public Member- Juneau
22 Pamela Steffes, OD- Sitka
23 Bradley Cross, OD- Soldotna
24 Michael Mavencamp, OD- Fairbanks
25

26 *Division Staff present:*

27 Ilsa Lund, Occupational Licensing Examiner (Hereafter denoted OLE)
28 Melissa Dumas, Administrative Operations Manager (Hereafter denoted AOM)
29 Jasmin Bautista- Investigator III
30 Lisa Sherrell- Prescription Drug Monitoring Program (PDMP) Manager
31 Jun Maiquis- Regulations Specialist II (Hereafter denoted RS)
32

33 *Members of the Public Present:*

34 *There were no members of the public in attendance during this meeting.*
35

36 *In accordance with AS 44.62.310(e) and AS 44.62.175, this meeting of the Alaska Board of*
37 *Examiners in Optometry was public noticed in the Alaska Online Public Notice System on*
38 *March 16th and in the Anchorage Daily News on March 17th. Notification was also posted on the*
39 *board webpage “Board Meeting Schedule” when it was originally scheduled some time ago.*
40

41 *Dr. Delzer extended a welcome to the board’s newest member, Dr. Mavencamp.*
42

43 ***Agenda Item 1b*** ***Review Meeting Agenda*** ***Time 9:02 a.m.***

44 Dr. Steffes asked to follow up on something that was tasked to a previous OLE. The board had
45 proposed changes to the initial application for an optometrist. OLE Lund has already submitted
46 changes to the application to the Publication Specialist but has not gotten that document back for
47 a final review. Dr. Delzer asked if the opioid training attestation has been added. OLE Lund
48 confirmed that it had.

49 **On a motion duly made by Dr. Cross, seconded by Mr. Lingle, and with unanimous**
50 **approval it was:**

51 **RESOLVED to APPROVE the agenda for this meeting as written.**

52
53 ***Agenda Item 1c*** **Review Past Meeting Minutes** ***Time 9:05 a.m.***

54 Dr. Steffes proposed an edit to the October 2020 meeting.

55 **On a motion duly made by Mr. Lingle, seconded by Dr. Steffes, and with unanimous**
56 **approval it was:**

57 **RESOLVED to APPROVE the October 29, 2020 and January 22, 2021 meeting**
58 **minutes as amended.**

59
60 Dr. Delzer expressed concern that at least five previous meetings minutes posted on the board
61 webpage have not been signed or have an incorrect signature page attached. OLE Lund was
62 tasked with performing clean-up regarding this matter.
63

64 ***Agenda Item 1d*** **Ethics** ***Time 9:12 a.m.***

65 None of the board members had any ethics disclosures or made a request for ethics
66 determination.

67 *AOM Dumas joined the meeting at 9:17 a.m.*

68
69 ***Agenda Item 2*** **Division Update** ***Time 9:17 a.m.***

70
71 AOM Dumas began by presenting the board's fiscal information¹.

	FY20	FY21- 1 st -3 rd Quarters
Total Revenue	\$22,970	\$125,410
Non- Investigation Expenditures	\$42,098	\$47,244
Investigation Expenditures	\$58	\$4,027
Cumulative Surplus (Deficit)	(\$126,856)	(\$69,065)

72 Dr. Cross asked AOM Dumas if there is any action required on part of the board or division in
73 order to make up the deficit. AOM Dumas confirmed that there is. The board was presented

¹ Full fiscal reports for all CBPL boards and programs can be found here:
<https://www.commerce.alaska.gov/web/cbpl/DivisionReports.aspx>

74 with a chart of general interest legislation. Included in that chart, as AOM Dumas pointed out, is
75 Senate Bill (SB) 68. Due to COVID-19, Governor Dunleavy put a moratorium on any licensure
76 fee increases through SB 241². Now, through SB 68, the division is asking for supplemental
77 appropriations from the budget reserve to make up for the funds that were not received because
78 of the moratorium. The division had previously discussed with the board that initial and renewal
79 fees would be increased for this board by \$400. The division is requesting \$100,000 for this
80 board, but that is not guaranteed. At the time of this meeting, SB 68 had been referred to the
81 Senate Finance Committee, but had not yet been heard. The bill may get rolled in with the
82 general operating budget, which would increase the chances of it making through the entire
83 process this legislative session.

84
85 AOM Dumas explained that any amount of appropriations would go a long way in helping to
86 erase the board deficit; however, fees for optometrist initial licensure and renewals will still need
87 to be increased. In accordance with state law, professional licensing boards must be self-funded.
88 The division prefers to implement smaller increases over a period of time so as to not make the
89 fees too burdensome on licensees. However, if the division is further restricted from making
90 incremental increases in the near future, then all boards and programs will likely see significant
91 increases once the fees can be adjusted.

92
93 Mr. Lingle asked if there was a timeline on the bill preventing the division from raising fees.
94 AOM Dumas confirmed that there is. SB241 has expired but there are bills in the House and
95 Senate (SB 56 and HB 76) that would extend the COVID emergency declaration. At the time of
96 this meeting, AOM Dumas said that the division was operating in a sort of gray area. The
97 division is currently operating under a memo issued by the governor requesting that fees not be
98 increased. More information will be provided during the board's next meeting.

99
100 *AOM Dumas left the meeting at 9:38 a.m.*

101
102 ***Agenda Item 8*** **Board Business** ***Time 9:40 a.m.***

103
104 **Item 8H- State Law Exam**
105 As the new examiner, OLE Lund noticed that there is a particular question on the State Law
106 Exam required for optometrist licensure that many of the applicants were answering incorrectly.
107 OLE Lund thought that the answer key to the exam may be incorrect. Dr. Steffes pointed out
108 that the key is not incorrect because of the qualifier "must" vs. "may." However, in the spirit of
109 not intentionally trying to trip up applicants in an attempt to make them aware of state laws, a
110 motion was made to amend the exam.

111
112 **On a motion duly made by Mr. Lingle, seconded by Dr. Cross, and with unanimous**
113 **approval, it was:**

114
115 **RESOLVED to amend the wording of the State Law Exam question on the agenda to**
116 **"may" instead of "must," so that the answer will be true.**

117 **Item 8A- Legislative Sunset Audit**

² <http://www.akleg.gov/basis/Bill/Detail/31?Root=SB%20241>

118 The findings of the audit have not yet been made public and are, therefore, confidential. The
119 division is currently working to resolve some of the issues found during the audit.

120

121 **Item 8B- Licensee Continuing Education (CE) Audit**

122 Dr. Steffes happened to be included in the pool of licensees randomly selected for CE audit.
123 After receiving the notice letter, Dr. Steffes reached out to OLE Lund to express concerns about
124 the requirements in 12 AAC 02.960; mainly that evidence of CE completion must be submitted
125 in the form of a certificate including the name, mailing address and signature of the course
126 instructor, sponsor or other verifier. Dr. Steffes pointed out that many of the certificates do not
127 include the name, address and signature of the instructor. Dr. Steffes submitted over 120 hours
128 of CE credit, but only about 43 of those credits received included most of the information
129 required by 12 AAC 02.960(e).

130

131 The Association of Regulatory Boards of Optometry, Inc. (ARBO) uses a phone application to
132 allow subscribers to easily track and archive their CEs. An optometrist can then generate a
133 transcript of all of the obtained CEs. The transcript is very organized and concise, but does not
134 include all of the requirements listed in 12 AAC 02.960(e). OLE Lund explained that it is
135 ultimately up to the board to review and approve CEs. Dr. Steffes concerns were forwarded
136 along to division management. The board Annual Report is a great place to address these
137 concerns with the division.

138

139 *Investigator Jasmin Bautista joined the meeting at 10:00 a.m.*

140

141 Dr. Cross expressed the desire for the board and the division to not make the requirements more
142 stringent than what is required of ARBO's OE Tracker, since all CE credits input into that
143 clearinghouse must be verified to count as CE credit.

144

145 **On a motion duly made by Dr. Cross and seconded by Dr. Mavencamp, it was:**

146

147 **RESOLVED to accept the ARBO OE Tracker transcript as sufficient evidence of**
148 **Continuing Education.**

Board Member	Yes	No	Recuse
Damien Delzer	x		
Eric Lingle	x		
Pamela Steffes			x
Bradley Cross	x		
Michel Mavencamp	x		

149

150 ***Agenda Item 3***

Investigations

Time 10:09 a.m.

151 The report presented to the board by Investigator Bautista reflected the period of time from
152 October 17, 2020 through April 9, 2021. Several of the cases on the report have since been
153 closed –all four of those having to do with CE noncompliance for the last renewal biennium.
154 There is only one case that Investigator Bautista is currently working on pertaining to this board.
155 Investigator Bautista pointed out that there is a case on the report under the closed cases section
156 that is actually a test case for a new investigative program, so that was not actually a case for the
157 board.

158
159 Mr. Lingle pointed out that the board has a new member and asked Investigator Bautista to give
160 an overview of the investigative process. Investigator Bautista was happy to comply³.

161
162 *Investigator Bautista left the meeting at 10:23 a.m.*

163 *The board recessed for a break: 10:24- 10:30 a.m.*

164 *After a roll call, it was confirmed that all board members were present.*

165
166 ***Agenda Item 8*** **Board Business** ***Time 10:30 a.m.***

167
168 **Item 8C- In Person vs. Online CEs**

169 Under the authority of SB 241, the board was able to waive the requirement under 12 AAC
170 48.200(b)(4) that no more than 10 hours of CE may be obtained via online or remote learning.
171 The board recognized that, because of the ongoing public health emergency created by COVID -
172 19, further waiving of requirements may be necessary before the next license renewal deadline at
173 the end of 2022. The board has discussed at a previous meeting the mechanism by which this
174 must be carried out. Several options were discussed –from implementing a temporary regulation
175 change, under another emergency declaration if that should arise, etc.

176
177 Dr. Steffes brought up the fact that it may be difficult to distinguish what is live and what is not.
178 She stated that she has taken several CE courses in 2021 through interactive online sessions and
179 noticed on her ARBO transcript as well as the certificate that the courses were designated as live
180 despite not having taking place physically in person. There was a recent ruling by the Council
181 on Optometric Practitioner Education (COPE) stating that if an online course meets certain
182 interactive standards, then it is considered live. That ruling is effective through December 31,
183 2021.

184
185 Mr. Lingle asked the licensed board members if they noticed a decline in the quality of the
186 education that is being provided in these COPE online interactive courses. Dr. Steffes said that
187 she believed the online interactive format to be, possibly, even better than courses attended in
188 person. One example she gave was that, through the chat function, more questions make it to the
189 instructor as opposed to someone trying to yell across the room or quickly make it to a
190 microphone to pose a question. Dr. Cross agreed that the quality of the interactive CE sessions
191 he has attended have been very good.

192
193 OLE Lund asked if a board member would be willing to draft a policy statement to be posted on
194 the board webpage. Dr. Steffes volunteered.

195
196 **On a motion duly made by Dr. Steffes, seconded by Mr. Lingle, and with unanimous**
197 **approval it was:**
198 **RESOLVED to accept interactive continuing education and COPE live education as being**
199 **exempt from the 10 hour remote learning limitation through December 31, 2021.**

³ More information about the State of Alaska Investigations process can be found here:
https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL_Investigative_Process_Explanation.pdf;
<https://www.commerce.alaska.gov/web/Portals/5/pub/InvestigativeProcess.pdf>;
<https://www.commerce.alaska.gov/web/Portals/5/pub/ComplaintInvestigationFlowchart.pdf>

200

201 **Item 8D- Annual Report**

202 The board discussed some aspects of the Annual Report. There is a section of the report that
203 asks for legislative and regulatory recommendations. OLE Lund explained that, if the board
204 would like to see specific changes to statute or regulation, this section of the report is where that
205 would be addressed. This is a great opportunity for the board to thoroughly review the statutes
206 and regulations to ensure that they are up-to-date and to remove or adjust anything that might be
207 antiquated. OLE Lund will include the board concerns about 12 AAC 02.960(e) in this section.

208

209 Dr. Delzer brought up an issue that was addressed during a PDMP Board Chairs meeting the
210 evening prior to the meeting. PDMP staff is asking that boards put into their own regulations the
211 mandated 30-day deadline to register with the PDMP. Currently, the board has 12 AAC 48.360
212 explaining that a DEA registered optometrist must register with the PDMP, but it does not
213 include the 30-day deadline. OLE Lund pointed out that, since the PDMP affects so many
214 boards, the Regulations Specialists have standardized language for this issue that has already
215 been vetted by the Department of Law. When the board initiates another regulations project, this
216 change will be able to be added without incurring much extra expense to the board.

217

218 *PDMP Manager Lisa Sherrell joined the meeting at 10:58 a.m.*

219

220 ***Agenda Item 4***

PDMP

Time 10:59 a.m.

221

222 Mrs. Sherrell explained that PDMP reports for boards are now being generated on a quarterly
223 basis⁴. As a result, the information in the report presented during this meeting was compiled in
224 March 2021. The State has extended their contract with the previous PDMP database vendor,
225 Appriss. This is a positive outcome because Alaska practitioners will not have to learn to use a
226 new database. Additionally, PDMP staff has been compiling a wish list of enhancement features
227 that Appriss offers. Now that the contract is extended, division staff will be able to work with
228 the vendor to start implementing some of those features.

229

230 Since data about DEA and PDMP registrations were collected during the optometrist license
231 renewal application, the board now has a 100% licensee registration compliance with the PDMP.
232 Later this year, PDMP staff will be implementing license integration between the State licensing
233 database and the PDMP database. This will help remove any of the stale accounts from the
234 PDMP database that may be responsible for skewing some of the data.

235

236 ***Agenda Item 8***

Board Business

Time 11:15 a.m.

237

238 **Item 8E- Board Recommendations on COVID**

239 **On a motion duly made by Mr. Lingle, seconded by Dr. Steffes, and with unanimous**
240 **approval it was:**

241 **RESOLVED to approve the following guidance regarding COVID-19 and to post it on the**
242 **board webpage.**

⁴ All reports generated for PDMP affected boards can be found here:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PrescriptionDrugMonitoringProgram/PDMPBoardReports.aspx>

243

244 The Alaska Board of Examiners in Optometry recognizes the unprecedented
245 circumstances optometric professionals have faced and continue to face during the
246 COVID-19 pandemic.

247 The Alaskan health care authorities monitor the statewide situation closely and working
248 in conjunction with public health experts have made recommendations for providers to
249 apply during the rendering of care to mitigate the risks of COVID-19 transmission.

250 The Alaska Board of Examiners in Optometry strongly recommends that licensees
251 continue to, at minimum, adhere to CDC recommendations while rendering care,
252 including pre-screening for symptoms, universal masking, encouraging physical
253 distancing and enhanced office sanitation.

254 Please continue to frequently monitor communications from the Office of the Governor,
255 the Department of Health and Social Services, the Alaska Legislature and the board's
256 website for any updated information and future mandates.

257

258 ***Agenda Item 5*** **Regulations** ***Time 11:25 a.m.***

259

260 The public comment period for the proposed regulations project dealing with examinations,
261 restricted licenses, renewals and continuing education, unprofessional conduct, reinstatement,
262 prescriptions requirements and definitions, sections 12 AAC 48.015, .022, .200, .330, .900, .920,
263 and .990 ended on April 20th. No public comment was received.

264

265 **On a motion duly made by Dr. Cross, seconded by Dr. Mavencamp, and with unanimous**
266 **approval, it was:**

267

268 **RESOLVED to ADOPT the changes to regulations 12 AAC 48.015(b), 12 AAC 48.022(c),**
269 **12 AAC 48.200(a), 12 AAC 48.330(d), 12AAC 48.900(b)(1) and (2), 12 AAC 48.900(c)(2), 12**
270 **AAC 48.920(a)(2), 12 AAC 48.920(a)(3), 12 AAC 48.920(b), 12 AAC 48.990(b) as written**
271 **and publicly noticed.**

272

273 *Dr. Steffes left the meeting at 11:33 a.m.*

274

275 ***Agenda Item 6*** **Lunch** ***Time 11:36 a.m.***

276

277 Dr. Delzer called for lunch recessed at 11:36 a.m.

278

279 *Off record: 11:36 a.m.*

280 *On record: 1:01 p.m.*

281

282 *After a roll call, it was confirmed that all board members were present.*

283

284 ***Agenda Item 8*** **Board Business** ***Time 1:01 p.m.***

285 Before the public comment agenda item, the board took a few minutes to review the COVID
286 guidance and position statement about COPE live CEs that were approved previously during the
287 meeting that OLE Lund amended and put on board letterhead during the break.
288

289 **On a motion duly made by Dr. Steffes, seconded by Dr. Mavencamp, and with unanimous**
290 **approval, it was:**

291

292 **APPROVED to publish the board COVID-19 guidance on the board webpage.**

293

294 **On a motion duly made by Mr. Lingle, seconded by Dr. Mavencamp, and with unanimous**
295 **approval, it was:**

296

297 **APPROVED to publish the COPE live CE statement on the board webpage.**

298

299 **Item 8F- Association of Regulatory Boards of Optometry (ARBO)**

300 The ARBO is holding their annual meeting virtually on June 19th and 20th. All board members
301 and staff are invited to join this free event. In preparation for the meeting, ARBO staff requested
302 that each jurisdiction fill out an annual report that covers the various board actions taken, how
303 many new licenses were issued, etc. during the previous year. OLE Lund asked for board
304 member assistance in completing that report and Dr. Delzer volunteered.

305

306 ***Agenda Item 7*** **Public Comment** ***Time 1:15 p.m.***

307

308 No members of the public were present to participate in public comment.

309

310 ***Agenda Item 8*** **Board Business** ***Time 1:20 p.m.***

311

312 **Item 8G I- Advanced Procedures Request**

313 The board discussed a request for a licensee to perform Expanded Therapeutic Procedures (ETP)
314 at length. During the discussion, it was noted that Laser Iridoplasty is not a procedure that is
315 commonly performed and therefore, the request for that procedure was not approved.

316

317 The board requested that a draft template letter to notify licensees of approved ETP be created.
318 In that letter, board members would like specifically stated that approved procedures are only
319 valid for ocular care rendered within the state of Alaska and are not transferable to any other
320 jurisdiction.

321

322 **On a motion duly made by Dr. Cross, seconded by Dr. Mavencamp, and with unanimous**
323 **approval, it was:**

324

325 **RESOLVED to APPROVE Dr. Tyler Maxon (141646) to perform the following Expanded**
326 **Therapeutic Procedures:**

327

- 328 • **Chalazion removal through incision and curettage**
- 329 • **Eyelid lesion removal by shave excision and/or radio frequency (Ellman Unit)**
- 330 • **YAG Capsulotomy**
- **Selective Laser Trabeculoplasty**

- **Laser Peripheral Iridotomy**

Item 8G II- Post Graduate Education

An inquiry was received from a professor at Southern College University asking if injections training offered in their curriculum would suffice for licensure requirements in Alaska. For historical perspective, Dr. Delzer stated that, previously, some applicants would attest that they completed all of the required training for injections privileges during the course of their graduate education and then proceed to fail the national Injection Skills Exam (ISE). As a result, the board now requires the ISE for new licensees (12 AAC 48.015(a)(1)), and any training for ETPs must be completed after graduation from optometry school (12 AAC 48.040(e)(4)).

Dr. Delzer wanted to stress that anyone inquiring about Alaska statutes and regulations should pull the information from the board webpage so that the most current information is obtained.

Item 8F I- National Board Exam Review Committee (NBERC)

Dr. Cross volunteered to serve on the NBERC. That committee is responsible for reviewing the National Board of Examiners in Optometry (NBEO) and is a committee of ARBO. Committee members were tasked with observing the exam process and providing input to refine that process. Dr. Cross reported that the members of the NBERC felt that the standards are strong and the committee had confidence in the ability of the NBEO as a measurement for minimum competence for entry level optometrists. He went on to say that the process that is used to every question and testing procedure was very impressive.

There was some discussion about state boards sponsoring exam candidates to take the NBOE. This would only be required if an applicant had taken the NBEO six times and would need special permission to retake the exam after that. This is not something the board would be interested in due to potential conflict of interest.

Agenda Item 10

Next Meetings

Time 2:15 p.m.

The board confirmed the dates for the rest of their meetings in 2021.

- *July 9, 2021- 12:00 p.m.- 1:00 p.m.*
- *October 8, 2021- 9:00 a.m.- 3:00 p.m.*

Agenda Item 8

Board Business

Time 2:20 p.m.

Item 8J- Medications to Be Aware Of

Dr. Delzer informed the board that there are a couple of agents in the form of eye drops that have made it through several phases of testing that could delay the need for reading glasses in aging adults by 5-7 years. If these agents are approved by the FDA, they would be considered a topical medication for the treatment of an ocular condition and fall within the privileges of a fully licensed provider.

Another medication in the final stages of approval is to treat a common mite condition that affects eyelashes. It is not anticipated that there will be a need for the board to render an opinion regarding these medications.

377 *Dr. Steffes left the meeting at 2:23.*

378

379 OLE Lund asked if the board would like to have a listserv set up to push information out to
380 interested parties or licensees. This service is something that the division would like to
381 implement for all boards and will not incur extra costs to the board. Board members said that
382 listserv sounded like a good idea and would like to see that implemented.

383

384 Dr. Delzer called to adjourn the meeting at 2:35 p.m.

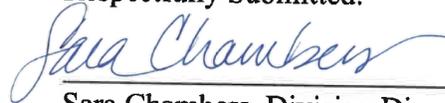
385

386

387

Respectfully Submitted:

388



389

Sara Chambers, Division Director

390

391

Approved:

Date:

392



11/16/2021

393

394

Dr. Damien Delzer, OD; Chairperson
Alaska Board of Examiners in Optometry

395

396

397