

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
8 October 22, 2021
9 Juneau, Alaska

10
11 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,
12 Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on
13 October 22, 2021, via Zoom and at 550 West 7th St., Anchorage, Alaska.
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17
18 **Agenda Item 1 – Call to Order / Roll Call**

19
20 Dr. Delzer called the special meeting to order on Friday, October 22nd, 2021, for the Board of Examiners
21 in Optometry at 9:00 a.m.

22
23 To comply with the voice roll call vote of the administrative procedures act, Dr. Delzer requested a voice
24 roll call.

25
26 Board members present, constituting a quorum of the board, were:

27
28 Dr. Damien Delzer, Fairbanks
29 Dr. Pamela Steffes, Sitka
30 Mr. Eric Lingle, Juneau
31 Dr. Bradley Cross, Soldotna
32 Dr. Michael Mavencamp, Fairbanks
33

34 In attendance from the Division of Corporations, Business & Professional Licensing, Department of
35 Commerce, Community and Economic Development were:

36
37 Ms. Sara Chambers, Division Director
38 Mr. Thomas Bay, Licensing Examiner
39

40 **Agenda Item 3 – Review/Approve Meeting Agenda**

41
42 The board reviewed the agenda. Dr. Steffes clarified that she wished to review the license application and
43 discuss exam review.

44
45 **Dr. Delzer moved to accept the agenda as amended and asked for unanimous consent.**

46
47 **RESOLVED to approve the October 22, 2021, agenda as amended by unanimous consent.**
48

49
50 **Agenda Item 4 – Review and Approve Minutes from the April 28, 2021, meeting**

51
52 Dr. Delzer identified a spelling error on line 176 and asked for the minutes to be corrected to reflect the
53 “previous.”
54

55 **Dr. Steffes moved to accept the minutes as amended. Mr. Lingle seconded.**
56

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

57
58 **RESOLVED to approve the April 28, 2021, meeting minutes as amended by unanimous**
59 **consent.**
60

61 Dr. Delzer clarified that the meeting published on the web site for July 9, 2021, had never been properly
62 public noticed, so the meeting did not take place.
63

64 **Agenda Item 5 – Ethics Report**
65

66 All members affirmed that they had no conflicts to report.
67

68 **Agenda Item 6 – Public Comment**
69

70 No persons called in to provide public comment, and no person registered ahead of time to comment. Dr.
71 Delzer asked Ms. Chambers to keep an eye on those joining the meeting so public comment could take
72 place, if warranted.
73

74 **Agenda Item 7 – Licensing Report**
75

76 Ms. Chambers provided an update on the division’s high vacancy rate and ongoing recruitment for
77 licensing examiners. She thanked Mr. Bay for processing applications and assisting in examiner duties
78 while the position is vacant.
79

80 **Agenda Item 8 – Expanded Therapeutic Procedures (ETP)**
81

82 Dr. Delzer noted Mr. Bay’s “incredible work” in processing dozens of new ETP applications. Dr. Steffes
83 appreciated how Mr. Bay presented them as a group in OnBoard, reducing board member work. She
84 noted appreciation of AKOA’s work providing the training and documentation to ease in review and
85 approval. Mr. Bay noted we had received about half of the expected 50 applications, which will be
86 updated on Fridays.
87

88 **Agenda Item 9 – Categories of Privileges on the License Application**
89

90 Dr. Steffes noticed the license verification section of the application only asks other states to reflect TPA,
91 not other types of privileges (DPA, injections, other). This makes it more difficult to confirm
92 authorization and scope of practice in another state.
93

94 Dr. Delzer mentioned that other states don't always use our form. Mr. Bay confirmed this is not unusual;
95 in fact, Alaska uses our own form for license verification. We try to be flexible as long as we can confirm
96 the document is sent from a legitimate government source. This has become necessary especially during
97 COVID. He stressed that it is the applicant's responsibility to ensure we receive adequate information.
98

99 Dr. Delzer confirmed that Oklahoma requires all licensees to pass the Advanced Procedures Course
100 which qualifies as an injections course, so all Oklahoma licensees would automatically qualify for
101 injection privilege. He stated this had been placed on the record by the board in the last year. This
102 however does not allow for Expanded Therapeutic Procedures unless all conditions of Alaska Regulation
103 requirements have been met.
104

105 Dr. Steffes asked if the additional privilege options could be added to the license verification. Dr. Delzer
106 asked her to draft those changes and ask that they be placed in OnBoard for final board approval. Ms.
107 Chambers offered to assist in drafting, if desired.
108

109 **Agenda Item 10 – License Application: Brooks, Ashley**
110

111 Dr. Brooks application had been placed in OnBoard for a vote and tabled by Dr. Steffes because she had
112 never practiced under expanded practice in Oklahoma. Dr. Steffes' other two questions had been
113 answered. Given the statutory requirement is to hold a license—not to have actively practiced—she meets
114 the criteria for licensure, so Dr. Steffes changes her vote to “yes.”
115

116 Dr. Steffes underscored the need for the board to clarify that Oklahoma allows injections, especially if we
117 should not expect an explicit statement from the state to confirm that injections are part of their scope.
118

119 Ms. Chambers reminded the board that they had previously determined applicants currently licensed in
120 the state of Oklahoma meet the 32-hour injection training requirement. Placing that decision on the record
121 should ease questions on applications from Oklahoma and relieve the board of any future concerns raised
122 through an audit. Dr. Delzer concurred.
123

124 The board determined to take up this application later in the meeting.
125

126 **Agenda Item 10 – License Application: To, William**
127

128 Dr. Steffes raised concern that Dr. To indicated he intended to dispense scheduled II-IV controlled
129 substances when it is not allowed in optometry scope of practice.
130

131 Dr. Steffes explained that the board, when adopting regulations regarding controlled substance
132 prescriptive authority, deliberately did not include dispensing. Dr. Delzer encouraged discussion since
133 “dispensing” and “administering” could be misunderstood—especially when pharmacies are often closed
134 for longer hours and overnight pain relief may be appropriate. Dr. Steffes asked why the patient couldn't
135 go to an urgent care or ER if the administered controlled substances were inadequate.
136

137 Mr. Bay asked if the section on dispensing could be removed from the application if it is not allowed in
138 regulation. Dr. Delzer thought that the application was likely written that way to achieve standardization
139 among PDMP boards. He suggested conferring with PDMP staff to ensure they do not need that
140 information.
141

142 Ms. Chambers pointed out that, for purposes of the license application, there were two issues to address:
143 what practices can the optometrist legally perform, and what information does PDMP staff require? She
144 also clarified that restricting dispensing appears to be something the board did in regulation and is

145 allowed in statute. She suggested the board approve the application and ask the examiner to provide
146 clarification in writing to the applicant that dispensing is not allowed. It is important that the application
147 does not mislead applicants to believe they can legally dispense. She also suggested that staff update the
148 application to conform to optometry regulations. Mr. Bay agreed to do so.

149
150 Dr. Delzer asked if the applicant needed to personally correct the application. Ms. Chambers said that it
151 wasn't necessary since what he indicated about dispensing is irrelevant to approval for licensure. Mr. Bay
152 agreed that he would include the regulatory clarification in his licensing letter and will also explain to him
153 on the phone.

154
155 **Dr. Steffes moved to approve Dr. William To for licensure with written advisement that he**
156 **cannot dispense controlled substances. Dr. Mavencamp seconded.**

157
158

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

159
160 **RESOLVED to approve Dr. William To for licensure as an optometrist.**

161
162 **Agenda Item 11 – License Application: Abbott, Christopher**

163
164 Mr. Bay pointed out that Dr. Abbott voluntarily cancelled his DEA registration when he left military
165 service, and this amendment is noted in his application.

166
167 Dr. Steffes pointed out a concern that the Verification of Federal Employment section of the application
168 uses the wording “all federal jurisdictions” and should say “federal agency” to align with the board’s
169 regulations.

170
171 Dr. Cross requested approval to abstain since he had not had time to review the application. No objection
172 was raised.

173
174 **Dr. Mavencamp moved to approve Dr. Christopher Abbott for licensure pending successful**
175 **completion of the state law exam. Mr. Lingle seconded.**

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177

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross			X

178
179 **RESOLVED to approve Dr. Christopher Abbott for licensure as an optometrist pending**
180 **successful completion of the state law exam.**

181
182 **Agenda Item 12 – ETP Application: Stemmler, Christine**

183
 184 Mr. Bay explained that Dr. Stemmler took 16 hours of the required 32-hour course. She indicated that she
 185 was told she did not need the remainder of the course since she did not plan to perform procedures related
 186 to ocular adnexa. The board discussed and agreed that there is no leeway for approval using partial credit
 187 as clearly stated in 12 AAC 48.040.

188
 189 **Dr. Mavencamp moved to approve Dr. Christine Stemmler to perform the requested**
 190 **expanded therapeutic procedures. Dr. Cross seconded.**

191
 192

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer		X	
Mr. Eric Lingle		X	
Dr. Pamela Steffes		X	
Dr. Michael Mavencamp		X	
Dr. Bradley Cross		X	

193
 194 **RESOLVED to deny Dr. Christine Stemmler approval to perform the requested expanded**
 195 **therapeutic procedures.**

196
 197 Mr. Lingle asked why a member of the board would pose a motion that they intended to vote down. Ms.
 198 Chambers explained that it is for a few reasons: Placing the denial on the record provides the applicant
 199 due process for appeal. A motion consistently written in the affirmative ensures a more neutral process
 200 and reduces confusion. It also reduces any unwarranted prejudice.

201
 202 **Agenda Item 13 – State Law Exam Review**

203
 204 Dr. Delzer wanted to confirm that “must” would be changed to “may” on Question #6 in the state law
 205 exam. Mr. Bay stated he has already made conforming changes to the exam and answer key.

206
 207 Dr. Delzer confirmed there were no additional changes needed as a result of the new regulations going
 208 into effect.

209
 210 **Agenda Item 14 – License Application Review**

211
 212 The board reviewed several changes the board has previously discussed:

- 213 • Verification of Federal Employment: Change “all federal jurisdictions” to “federal agency” to
 214 conform to regulations.
- 215 • Update questions on Verification of Licensure, as drafted by Dr. Steffes.
- 216 • Remove the “character” reference from Affidavit of Clinical Optometry Experience and move to
 217 the Professional Reference form to reflect the signer’s familiarity with the applicant’s character
 218 (as worded in regulation). Ms. Chambers suggested reviewing the Board of Veterinary
 219 Examiners’ professional reference form as a sample.
- 220 • Work with PDMP Manager Lisa Sherrell to ensure the controlled substance dispensing language
 221 is removed from the optometry application.

222 Ms. Chambers and Mr. Bay confirmed that these are administrative changes that can be made in
 223 conjunction with the division’s publications team. These changes can all be done concurrently.

224

225 Ms. Chambers confirmed that opioid education as required in statute has been added to the license
226 renewal form.

227

228 **Agenda Item 15 – Continuing Education Audits**

229

230 Given COVID is still impairing the ability to take in-person courses, the board restated its interpretation
231 of 12 AAC 48.200 relating to distance learning:

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247 **Agenda Item 16 – Military Licensure**

249 Ms. Chambers presented the packet on military spouse and active-duty military temporary licensure. She
250 explained the rationale for the legislation from the perspective of the Department of Defense and
251 reviewed the legislative mandate created in SB 21, effective January 1, 2022. She reviewed the definition
252 of “substantially equivalent” and ensured the board understood it meant “close to the same” but not “the
253 same”—the point being that the applicant can practice safely under a temporary license. She discussed
254 how other boards are wrestling with establishing substantial equivalency in regulation.

256 Dr. Delzer walked through the military licensing regulations the board already has in place and how the
257 board might amend them to meet the requirements of SB 21. Ms. Chambers indicated several ways the
258 proposed regulations could be revised to conform to SB21. She stated that requiring a state law exam, no
259 matter how simple and straightforward it may be, might not meet the legislature’s intent. It would
260 continue to be required for the permanent license.

262 Dr. Steffes pointed out that the law requires the applicant to be living with the military member. Ms.
263 Chambers said that the division would be reviewing all regulations and working with the Department of
264 Law to ensure they meet the statutory requirements, as well as ensuring that application material is
265 streamlined for the sake of applicants, staff, and board members.

267 Ms. Chambers also indicated that the law goes into effect on January 1 and that she would be satisfied if
268 boards continue to make forward progress and these regulations are effective in the spring.

270 Dr. Steffes asked if the current expedited licensure application would still be required. Ms. Chambers
271 stated that there would not be a separate form but the same types of questions mandated in AS 08.01.063
272 would be incorporated into all military temporary license applications across all programs.

273 The board discussed whether it is allowed to include the state law exam, which is open book and takes
274 less than an hour.

276 Dr. Cross inquired about how to manage applications that do not include injection training since Alaska
277 now requires this training as part of the basic license, and only about 19 states do. Dr. Delzer suggested
278 that perhaps they could be issued a license but not permitted to perform injections. Ms. Chambers stated
279 that the board could stipulate that they can only practice within their education and training, which could
280 be stipulated through a license restriction if they do not have adequate qualifications to perform
281 injections. Chambers recommended this be stated in the regulations so it is a clear and transparent
282 expectation.

283
284 Ms. Chambers said that if the board was concerned about excluding the state law exam, it could keep it in
285 their proposal and then take it out after public comment and further deliberation. The board discussed the
286 simplicity of the exam and that it could be retaken multiple times since it is “designed to be passed.”
287 Chambers reiterated the legislature’s intent on requiring only a “substantially equivalent” license and this
288 is a matter of designing a conforming regulation and not that optometrists would be unwilling to take the
289 exam.

290
291 Dr. Delzer said he could work on some changes to the proposal in front of the board and resume
292 discussion after the lunch break.

293
294 The board recessed at 12:00 p.m. and resumed at 1:00 p.m.

295
296 Members Cross, Delzer, Lingle, Mavencamp, and Steffes were present. Staff members Bay and Chambers
297 were present.

298
299 **Agenda Item 16 – Military Licensure (Continued)**

300
301 Dr. Delzer resumed discussion of draft military licensing regulations and offered an additional subsection:
302 “A holder of a temporary military courtesy license may not perform injections or expanded therapeutic
303 procedures until successful completion of education required in regulation and written authorization from
304 the board.”

305
306 This subsection would allow a qualified person to practice optometry but not injections or ETP if they did
307 not hold those qualifications. Members of the board said they appreciated this change and supported the
308 idea that the state law exam would not be necessary to qualify for a temporary military license.

309
310 Dr. Steffes asked whether the temporary licensing fees would apply toward the permanent license. Ms.
311 Chambers explained that is up to the board; however, since a separate license requires a separate review,
312 she recommended separate fees and processes.

313
314 **Dr. Mavencamp moved to open a regulations project using the draft temporary military**
315 **courtesy license language. Dr. Cross seconded.**

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317

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

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319 **RESOLVED to open a regulations project on the draft temporary military courtesy license.**

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Agenda Item 17 – Investigative Report

Investigator Jasmin Bautista presented the investigative report. During the period of April 20-October 19, 2021, there were two open cases and four closed cases. The two open cases involve a sexual misconduct complaint and a continuing education investigations. The four closed cases were all continuing education and no violations were found.

Ms. Chambers thanked Ms. Bautista for her excellent service to the division.

Agenda Item 10 – License Application: Brooks, Ashley (Continued)

Dr. Delzer requested the board revisit Dr. Brooks’ application, citing research he had performed during the break regarding Oklahoma Title 505:10-5-17 requirements for injections training and education as a mandate for licensure. He added that it is common knowledge that injections are included in Oklahoma’s scope of practice.

Dr. Mavencamp had also reviewed Oklahoma’s law, and agreed it does not prohibit injections. Members of the board expressed agreement and wanted to ensure the record is clear that the board’s understanding is that Ms. Brooks meets the qualifications for licensure.

Dr. Cross moved to approve Dr. Ashley Brooks for licensure. Dr. Mavencamp seconded.

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Michael Mavencamp	X		
Dr. Bradley Cross	X		

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344

RESOLVED to approve Dr. Ashley Brooks for licensure as an optometrist.

345

Agenda Item 18 – Board Business

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There was no correspondence for the board’s review.

347

348

Dr. Delzer wanted to bring before the board his knowledge of a new medication called Tyrvaya, approved by the FDA for the treatment of dry eye. The board discussed the delivery mechanism and interest in seeing how well the medication works, and that this falls within optometric scope of practice.

349

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Agenda Item 19 – Legislative Audit Report Review

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Ms. Chambers presented the 2021 sunset audit performed by the Division of Legislative Audit. The report had been accepted and published by the Legislative Audit and Budget Committee. Dr. Delzer stated that he felt the board had fulfilled their requirements and asked Ms. Chambers to walk through the findings. She stated that the concerns were focused on deficiencies in staff quality control, not problems directly within the board’s control. She reassured the board that staff had worked diligently to correct concerns raised in the audit relating to the licensing database, continuing education requirements, and the license renewal form. She reiterated the previous conversation on vacancies and turnover, pointing to the need for improved staff retention.

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365 She explained that the audit is a necessary part of extending the board's existence in AS 08.03. The
366 legislative process requires a member of the board to be available by phone to speak to the importance of
367 the board and the audit findings at every hearing.

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369 **Agenda Item 20 – Prescriptive Drug Monitoring Program Report**
370

371 PDMP Manager Lisa Sherrell presented the PDMP report, which was included in the board packet and is
372 published at pdmp.alaska.gov. She walked through many software enhancements, including a
373 communications module, changes to the patient report, delinquent reporting notice, and license
374 integration. She also mentioned the division's intention to reduce PDMP fees to zero, as well as related
375 efficiencies to the registration process. The board discussed the statistics and recommendations stated in
376 the report, as well as various operational and investigative processes.

377
378 The board asked whether Ms. Sherrell had concerns about amending the DEA Registration and PDMP
379 Acknowledgment section of the optometrist application as discussed previously in the meeting. She said
380 that would be wise.

381
382 Ms. Sherrell asked whether the board would consider adopting a regulation stating optometrists would
383 only need to register with the PDMP if practicing in this state. The board discussed but did not take
384 further action.

385
386 Launching from the fee discussion, Dr. Delzer asked if Ms. Chambers had any updates on the board's
387 financial position, especially in light of the Administration's moratorium on fee increases. Ms. Chambers
388 said that 4th quarter fiscal reports are forthcoming this month, and we are working to apply general funds
389 that were included in the state budget for FY21 and FY22 to affected boards, as well as requesting funds
390 in the FY23 budget.

391
392 **Agenda Item 21 – COVID Statement Request**
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394 At the request of the Board of Pharmacy, Ms. Chambers presented a statement related to COVID
395 prescriptive practice and treatment and asked whether the board wished to add its name as a co-sponsor.
396 The statement is being discussed by most health care boards, and the Board of Nursing has also signed
397 on.

398
399 The board discussed and determined that while they are sympathetic to the challenges pharmacists are
400 facing, they elected not to offer explicit support since optometrists are not engaged in front-line COVID
401 treatment.

402
403 **Agenda Item 22 – Next Meeting**
404

405 The board will hold a teleconference from 12:00 – 1:15 p.m. on Friday, January 28, followed by a regular
406 meeting in the spring.

407
408 Mr. Lingle pointed out that while he plans to attend in January, this is his last regular meeting since his
409 term ends in March. The board expressed appreciation for his service.

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411 The meeting adjourned by unanimous consent at 2:59 p.m.

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Respectfully Submitted:

Sara Chambers, Division Director

Approved:

Date:

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