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**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF EXAMINERS IN OPTOMETRY**

**TELECONFERENCE**

**October 22, 2021  
Juneau, Alaska**

*These are DRAFT minutes by the staff of the  
Division of Corporations, Business and Professional Licensing.  
These minutes have not yet been reviewed or approved by the Board.*

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,  
Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on  
October 22, 2021, via Zoom and at 550 West 7<sup>th</sup> St., Anchorage, Alaska.

**Agenda Item 1 – Call to Order / Roll Call**

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

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

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

Dr. Damien Delzer, Fairbanks  
Dr. Pamela Steffes, Sitka  
Mr. Eric Lingle, Juneau  
Dr. Bradley Cross, Soldotna  
Dr. Michael Mavencamp, Fairbanks

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

Ms. Sara Chambers, Division Director  
Mr. Thomas Bay, Licensing Examiner

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

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

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

50  
51 **RESOLVED to approve the October 22, 2021, agenda as amended by unanimous consent.**  
52

53  
54 **Agenda Item 4 – Review and Approve Minutes from the April 28, 2021, meeting**  
55

56 Dr. Delzer identified a spelling error on line 176 and asked for the minutes to be corrected to reflect the  
57 “previous.”  
58

59 **Dr. Steffes moved to accept the minutes as amended. Mr. Lingle seconded.**  
60

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		

61  
62 **RESOLVED to approve the April 28, 2021, meeting minutes as amended by unanimous**  
63 **consent.**  
64

65 Dr. Delzer clarified that the meeting published on the web site for July 9, 2021, had never been properly  
66 public noticed, so the meeting did not take place.  
67

68 **Agenda Item 5 – Ethics Report**  
69

70 All members affirmed that they had no conflicts to report.  
71

72 **Agenda Item 6 – Public Comment**  
73

74 No persons called in to provide public comment, and no person registered ahead of time to comment. Dr.  
75 Delzer asked Ms. Chambers to keep an eye on those joining the meeting so public comment could take  
76 place, if warranted.  
77

78 **Agenda Item 7 – Licensing Report**  
79

80 Ms. Chambers provided an update on the division’s high vacancy rate and ongoing recruitment for  
81 licensing examiners. She thanked Mr. Bay for processing applications and assisting in examiner duties  
82 while the position is vacant.  
83

84 **Agenda Item 8 – Expanded Therapeutic Procedures (ETP)**  
85

86 Dr. Delzer noted Mr. Bay’s “incredible work” in processing dozens of new ETP applications. Dr. Steffes  
87 appreciated how Mr. Bay presented them as a group in OnBoard, reducing board member work. She  
88 noted appreciation of AKOA’s work providing the training and documentation to ease in review and  
89 approval. Mr. Bay noted we had received about half of the expected 50 applications, which will be  
90 updated on Fridays.  
91

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

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

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

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

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

112  
113 **Agenda Item 10 – License Application: Brooks, Ashley**

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

119  
120 Dr. Steffes underscored the need for the board to clarify that Oklahoma allows injections, especially if we  
121 should not expect an explicit statement from the state to confirm that injections are part of their scope.

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

127  
128 The board determined to take up this application later in the meeting.

129  
130 **Agenda Item 10 – License Application: To, William**

131  
132 Dr. Steffes raised concern that Dr. To indicated he intended to dispense scheduled II-IV controlled  
133 substances when it is not allowed in optometry scope of practice.

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

140  
141 Mr. Bay asked if the section on dispensing could be removed from the application if it is not allowed in  
142 regulation. Dr. Delzer thought that the application was likely written that way to achieve standardization

143 among PDMP boards. He suggested conferring with PDMP staff to ensure they do not need that  
144 information.

145  
146 Ms. Chambers pointed out that, for purposes of the license application, there were two issues to address:  
147 what practices can the optometrist legally perform, and what information does PDMP staff require? She  
148 also clarified that restricting dispensing appears to be something the board did in regulation and is  
149 allowed in statute. She suggested the board approve the application and ask the examiner to provide  
150 clarification in writing to the applicant that dispensing is not allowed. It is important that the application  
151 does not mislead applicants to believe they can legally dispense. She also suggested that staff update the  
152 application to conform to optometry regulations. Mr. Bay agreed to do so.

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

158  
159 **Dr. Steffes moved to approve Dr. William To for licensure with written advisement that he**  
160 **cannot dispense controlled substances. Dr. Mavencamp seconded.**

161  
162

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		

163  
164 **RESOLVED to approve Dr. William To for licensure as an optometrist.**

165  
166 **Agenda Item 11 – License Application: Abbott, Christopher**

167  
168 Mr. Bay pointed out that Dr. Abbott voluntarily cancelled his DEA registration when he left military  
169 service, and this amendment is noted in his application.

170  
171 Dr. Steffes pointed out a concern that the Verification of Federal Employment section of the application  
172 uses the wording “all federal jurisdictions” and should say “federal agency” to align with the board’s  
173 regulations.

174  
175 Dr. Cross requested approval to abstain since he had not had time to review the application. No objection  
176 was raised.

177  
178 **Dr. Mavencamp moved to approve Dr. Christopher Abbott for licensure pending successful**  
179 **completion of the state law exam. Mr. Lingle seconded.**

180  
181

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

<b>Dr. Bradley Cross</b>			<b>X</b>
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**RESOLVED to approve Dr. Christopher Abbott for licensure as an optometrist pending successful completion of the state law exam.**

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

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

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

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

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

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

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

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

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

**Agenda Item 14 – License Application Review**

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The board reviewed several changes the board has previously discussed:

- Verification of Federal Employment: Change “all federal jurisdictions” to “federal agency” to conform to regulations.
- Update questions on Verification of Licensure, as drafted by Dr. Steffes.
- Remove the “character” reference from Affidavit of Clinical Optometry Experience and move to the Professional Reference form to reflect the signer’s familiarity with the applicant’s character (as worded in regulation). Ms. Chambers suggested reviewing the Board of Veterinary Examiners’ professional reference form as a sample.

- 224 • Work with PDMP Manager Lisa Sherrell to ensure the controlled substance dispensing language  
225 is removed from the optometry application.

226 Ms. Chambers and Mr. Bay confirmed that these are administrative changes that can be made in  
227 conjunction with the division’s publications team. These changes can all be done concurrently.  
228

229 Ms. Chambers confirmed that opioid education as required in statute has been added to the license  
230 renewal form.  
231

### 232 **Agenda Item 15 – Continuing Education Audits**

233  
234 Given COVID is still impairing the ability to take in-person courses, the board restated its interpretation  
235 of 12 AAC 48.200 relating to distance learning:

- 236 • All COPE-certified courses are approved under subsection (b)(5), including COPE Live.
- 237 • Up to 10 hours of optometry-related online and correspondence courses do not require approval.
- 238 • Any hours that are not automatically approved under subsection (b) must be submitted for  
239 approval under subsection (c).
- 240 • There is no cap on the number of interactive distance-delivery hours available to meet CE  
241 requirements under 12 AAC 48.200 through December 31, 2021
- 242 • These regulations may need to be revisited in 2022.  
243

244 Dr. Cross and Steffes suggested expanding 12 AAC 48.200(b)(4) to include in-person classes, such as  
245 those offered by a local clinic. Mr. Lingle agreed that the format may not matter as much as it has pre-  
246 COVID since technology has improved and is becoming a preferred method of delivery.  
247

248 Mr. Bay asked for clarification whether Dr. Stemmler could take the remaining 16 hours of the 32-hour  
249 course to complete her ETP qualifications. Dr. Delzer concurred that is acceptable.  
250

### 251 **Agenda Item 16 – Military Licensure**

252  
253 Ms. Chambers presented the packet on military spouse and active-duty military temporary licensure. She  
254 explained the rationale for the legislation from the perspective of the Department of Defense and  
255 reviewed the legislative mandate created in SB 21, effective January 1, 2022. She reviewed the definition  
256 of “substantially equivalent” and ensured the board understood it meant “close to the same” but not “the  
257 same”—the point being that the applicant can practice safely under a temporary license. She discussed  
258 how other boards are wrestling with establishing substantial equivalency in regulation.  
259

260 Dr. Delzer walked through the military licensing regulations the board already has in place and how the  
261 board might amend them to meet the requirements of SB 21. Ms. Chambers indicated several ways the  
262 proposed regulations could be revised to conform to SB21. She stated that requiring a state law exam, no  
263 matter how simple and straightforward it may be, might not meet the legislature’s intent. It would  
264 continue to be required for the permanent license.  
265

266 Dr. Steffes pointed out that the law requires the applicant to be living with the military member. Ms.  
267 Chambers said that the division would be reviewing all regulations and working with the Department of  
268 Law to ensure they meet the statutory requirements, as well as ensuring that application material is  
269 streamlined for the sake of applicants, staff, and board members.  
270

271 Ms. Chambers also indicated that the law goes into effect on January 1 and that she would be satisfied if  
272 boards continue to make forward progress and these regulations are effective in the spring.  
273

274 Dr. Steffes asked if the current expedited licensure application would still be required. Ms. Chambers  
275 stated that there would not be a separate form but the same types of questions mandated in AS 08.01.063  
276 would be incorporated into all military temporary license applications across all programs.  
277 The board discussed whether it is allowed to include the state law exam, which is open book and takes  
278 less than an hour.

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

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

294  
295 Dr. Delzer said he could work on some changes to the proposal in front of the board and resume  
296 discussion after the lunch break.

297  
298 The board recessed at 12:00 p.m. and resumed at 1:00 p.m.

299  
300 Members Cross, Delzer, Lingle, Mavencamp, and Steffes were present. Staff members Bay and Chambers  
301 were present.

302  
303 **Agenda Item 16 – Military Licensure (Continued)**

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

309  
310 This subsection would allow a qualified person to practice optometry but not injections or ETP if they did  
311 not hold those qualifications. Members of the board said they appreciated this change and supported the  
312 idea that the state law exam would not be necessary to qualify for a temporary military license.

313  
314 Dr. Steffes asked whether the temporary licensing fees would apply toward the permanent license. Ms.  
315 Chambers explained that is up to the board; however, since a separate license requires a separate review,  
316 she recommended separate fees and processes.

317  
318 **Dr. Mavencamp moved to open a regulations project using the draft temporary military**  
319 **courtesy license language. Dr. Cross seconded.**

320  
321

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		

<b>Dr. Pamela Steffes</b>	X		
<b>Dr. Michael Mavencamp</b>	X		
<b>Dr. Bradley Cross</b>	X		

322  
323 **RESOLVED to open a regulations project on the draft temporary military courtesy license.**  
324

325 **Agenda Item 17 – Investigative Report**  
326

327 Investigator Jasmin Bautista presented the investigative report. During the period of April 20-October 19,  
328 2021, there were two open cases and four closed cases. The two open cases involve a sexual misconduct  
329 complaint and a continuing education investigations. The four closed cases were all continuing education  
330 and no violations were found.

331 Ms. Chambers thanked Ms. Bautista for her excellent service to the division.  
332  
333

334 **Agenda Item 10 – License Application: Brooks, Ashley (Continued)**  
335

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

340  
341 Dr. Mavencamp had also reviewed Oklahoma’s law, and agreed it does not prohibit injections. Members  
342 of the board expressed agreement and wanted to ensure the record is clear that the board’s understanding  
343 is that Ms. Brooks meets the qualifications for licensure.  
344

345 **Dr. Cross moved to approve Dr. Ashley Brooks for licensure. Dr. Mavencamp seconded.**  
346

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

347  
348 **RESOLVED to approve Dr. Ashley Brooks for licensure as an optometrist.**  
349

350 **Agenda Item 18 – Board Business**  
351

352 There was no correspondence for the board’s review.  
353

354 Dr. Delzer wanted to bring before the board his knowledge of a new medication called Tyrvaya, approved  
355 by the FDA for the treatment of dry eye. The board discussed the delivery mechanism and interest in  
356 seeing how well the medication works, and that this falls within optometric scope of practice.  
357

358 **Agenda Item 19 – Legislative Audit Report Review**  
359

360 Ms. Chambers presented the 2021 sunset audit performed by the Division of Legislative Audit. The report  
361 had been accepted and published by the Legislative Audit and Budget Committee. Dr. Delzer stated that  
362 he felt the board had fulfilled their requirements and asked Ms. Chambers to walk through the findings.



363 She stated that the concerns were focused on deficiencies in staff quality control, not problems directly  
364 within the board's control. She reassured the board that staff had worked diligently to correct concerns  
365 raised in the audit relating to the licensing database, continuing education requirements, and the license  
366 renewal form. She reiterated the previous conversation on vacancies and turnover, pointing to the need for  
367 improved staff retention.

368  
369 She explained that the audit is a necessary part of extending the board's existence in AS 08.03. The  
370 legislative process requires a member of the board to be available by phone to speak to the importance of  
371 the board and the audit findings at every hearing.

### 372 **Agenda Item 20 – Prescriptive Drug Monitoring Program Report**

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

381  
382 The board asked whether Ms. Sherrell had concerns about amending the DEA Registration and PDMP  
383 Acknowledgment section of the optometrist application as discussed previously in the meeting. She said  
384 that would be wise.

385  
386 Ms. Sherrell asked whether the board would consider adopting a regulation stating optometrists would  
387 only need to register with the PDMP if practicing in this state. The board discussed but did not take  
388 further action.

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

### 395 **Agenda Item 21 – COVID Statement Request**

396  
397  
398 At the request of the Board of Pharmacy, Ms. Chambers presented a statement related to COVID  
399 prescriptive practice and treatment and asked whether the board wished to add its name as a co-sponsor.  
400 The statement is being discussed by most health care boards, and the Board of Nursing has also signed  
401 on.

402  
403 The board discussed and determined that while they are sympathetic to the challenges pharmacists are  
404 facing, they elected not to offer explicit support since optometrists are not engaged in front-line COVID  
405 treatment.

### 406 **Agenda Item 22 – Next Meeting**

407  
408  
409 The board will hold a teleconference from 12:00 – 1:15 p.m. on Friday, January 28, followed by a regular  
410 meeting in the spring.

411  
412 Mr. Lingle pointed out that while he plans to attend in January, this is his last regular meeting since his  
413 term ends in March. The board expressed appreciation for his service.

414  
415 The meeting adjourned by unanimous consent at 2:59 p.m.

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Respectfully Submitted:

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Sara Chambers, Division Director

Approved:

Date:

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

DRAFT