

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF EXAMINERS IN OPTOMETRY

CONDENSED MINUTES OF THE MEETING HELD JANUARY 28, 2022

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting (teleconference) of the Board of Examiners in Optometry was held on January 28, 2022 at 333 Willoughby Avenue, 9th Floor, Juneau, AK.

Date:	January 28, 2022
Time:	12:00 (12:03 official start time)
Location:	Online teleconference ran from 333 Willoughby Avenue, 9 th Floor, Juneau, AK
Board Members Present:	Damian Delzer (Chair, OD), Bradley Cross (OD), Pamela Steffes (OD), Michael Mavencamp (OD), Eric Lingle (public member)
Division Staff Present:	Sara Chambers (Director), Terry Ryals (Records and Licensing Supervisor), Thomas Bay (Occupational Licensing Examiner), Marilyn Zimmerman (Paralegal II), Brian Surprise (Investigative Paralegal)
Present from the Public:	Kathleen Rice

1. Consent Agenda	
Brief Discussion:	Director Chambers explained that a consent agenda allows the board to accept certain agenda items instead of discussing them, but that the board could pull items from a consent agenda to discuss them, if they wanted to.
Motion:	Move to accept the consent agenda as presented (First: Steffes; Second: Lingle).
Recorded Votes:	Delzer - Y Mavencamp - Y
	Cross - Y Lingle - Y
	Steffes - Y
Action Items:	Board accepted consent agenda items as follows: <ol style="list-style-type: none"> Affirm no ethics disclosures by any member Accept interpretation of dispensation and sales of pharmaceuticals Accept correspondence on cultural competency training
2. Meeting Minutes (10/22/2021 BM)	
Brief Discussion:	The board discussed edits to their 10/22/2021 draft meeting minutes. After discussion, they decided to amend the minutes by changing line 236 to the proposed edits in red, in their board packet, and remove lines 240 and 241.
Motion:	Move to change line 236 to the red revision and delete lines 240 and 241 (First: Steffes; Second: Mavencamp).

Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
	<i>Steffes - Y</i>	
Action Items:	<i>The 10/22/2021 meeting minutes will be amended.</i>	
3. Meeting Minutes (10/22/2021 BM)		
Brief Discussion:	<i>The board decided to approve the amended 10/22/2021 meeting minutes in their entirety.</i>	
Motion:	<i>Move to approve the amended 10/22/2021 meeting minutes (First: Cross; Second: Steffes).</i>	
Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
	<i>Steffes - Y</i>	
Action Items:	<i>The 10/22/2021 meeting minutes will be finalized and published on the board's website.</i>	
4. Regulation Review: Military Temporary License		
Brief Discussion:	<i>Director Chambers reminded the board that they had discussed changes to their military courtesy license regulations, per a new legislative requirement, at their 10/22/2021 board meeting, and that a draft was ready to possibly be sent out for public comment. The board decided to approve the regulations, as written, to go out for public comment.</i>	
Motion:	<i>Move to adopt the military temporary license regulations to public comment (First: Cross; Second: Lingle).</i>	
Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
	<i>Steffes - Y</i>	
Action Items:	<i>The division's Regulations Specialist will send the board's military temporary license regulations out for public comment.</i>	
5. Position Review: Continuing Education		
Brief Discussion:	<i>The board discussed possible changes to their continuing education limitation of 10 hours of remote learning during a licensing period. This was a topic on the agenda because the board had allowed, through the legislature and because of COVID-19, qualifying continuing education provided through interactive distance learning, including COPE live courses, to be accepted and not count toward the 10 hour remote learning limitation, through 12/31/2021. The order allowing for the determination expired on 12/31/2021, requiring the board to go back to their limitation of 10 hours of remote learning. After discussion, it was found that any changes to their remote learning hour requirement would require a regulations project. The board agreed to wait for any changes to their remote learning limitation until ARBO/COPE comes out with their plan on how they will accredit distance learning CE moving forward (this decision will most likely be made after June 30th).</i>	
6. Amend Agenda		
Brief Discussion:	<i>The board decided to move agenda item #6, "Elect Chair Pro Tempore/Schedule Next Meeting," ahead of agenda item #5, "Executive Session," on the agenda.</i>	

Motion:	<i>Move to amend the agenda by moving item #6 in front of item #5 on the agenda (First: Lingle; Second: Steffes).</i>	
Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
	<i>Steffes - Y</i>	
Action Items:	<i>The board began discussion on agenda item #6.</i>	
7. Elect Chair Pro Tempore/Schedule Next Meeting Date		
Brief Discussion:	<i>The board discussed having Chairman Delzer, who would no longer be on the board effective 03/01/2022, available for the Legislative Audit and Budget Committee when they review the board's Sunset audit because he was a participant in the audit and would be able to speak to the results. Chairman Delzer opined that he was willing to speak to the committee if the board wanted him to.</i>	
Motion:	<i>Move to have Dr. Delzer represent the board for legislation pertaining to the Sunset of the Board of Examiners in Optometry (First: Steffes; Second: Cross).</i>	
Recorded Votes:	<i>Delzer - Abstain</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
	<i>Steffes - Y</i>	
Action Items:	<i>Dr. Delzer will represent the board for any legislation pertaining to the Sunset of the Board of Examiners in Optometry.</i>	
8. Elect Chair Pro Tempore/Schedule Next Meeting Date		
Brief Discussion:	<i>The board discussed dates for their upcoming board meetings, which would consist of a quick teleconference to elect a board Chair/Secretary and their regularly scheduled Spring meeting. The board decided to have their teleconference on 03/02/2022, at noon, and decided to have their Spring meeting on 04/18/2022.</i>	
Board member Steffes left the meeting at 1:01 p.m. (quorum still established)		
9. Executive Session		
Brief Discussion:	<i>Executive Session is private to the board and any requested persons.</i>	
Motion:	<i>In accordance with the provisions of Alaska Statute 44.62.310(c), I move to go into executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Staff to remain during Executive Session. (First: Cross; Second: Lingle).</i>	
Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
Action Items:	<i>The board went into Executive Session at 1:06 p.m. and returned from Executive Session at 1:33 p.m.</i>	
10. Executive Session		
Brief Discussion:	<i>After returning from Executive Session, the board motioned to accept an amended consent agreement that was discussed during Executive Session.</i>	

Motion:	<i>Move to accept the consent agreement for Case No. 2021-000437 as written, with the single change of reducing an unsuspended fine from \$1000 to \$500 due to extenuating circumstances of COVID and the apparent non-malicious nature of the offense (First: Lingle; Second: Mavencamp).</i>	
Recorded Votes:	<i>Delzer - Y</i>	<i>Mavencamp - Y</i>
	<i>Cross - Y</i>	<i>Lingle - Y</i>
Action Items:	<i>The division's Paralegal, Marilyn Zimmerman, will move forward in the process with the board approved consent agreement.</i>	

Next Meetings:	<i>Special Teleconference: 03/02/2022; Spring Board Meeting: 04/18/2022</i>
Adjournment:	<i>1:36 p.m.</i>