

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 APRIL 18, 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 April 18, 2022, at 333 Willoughby Avenue, 9<sup>th</sup> Floor, Juneau, AK.**

<b>Date:</b>	April 18, 2022
<b>Time:</b>	9:00 a.m. (9:05 a.m.)
<b>Location:</b>	Online teleconference ran from 333 Willoughby Avenue, 9 <sup>th</sup> Floor, Juneau, AK
<b>Board Members Present:</b>	Bradley Cross (Chair, OD), Michael Mavencamp (Secretary, OD) at 9:07 a.m., Pamela Steffes (OD), Kathleen Rice (OD)
<b>Division Staff Present:</b>	Thomas Bay (Occupational Licensing Examiner), Melissa Dumas (Administrative Operations Manager), Jasmin Bautista (Investigator), Jun Maiquis (Regulations Specialist)
<b>Present from the Public</b>	Damien Delzer

<b>1. Call to Order: Review Agenda</b>		
<b>Brief Discussion:</b>	No discussion to amend the agenda.	
<b>Motion:</b>	Move to accept the agenda as written (First: Steffes; Second: Rice)	
<b>Recorded Votes:</b>	Cross - Y	Mavencamp - Y
	Steffes - Y	Rice - Y
<b>Action Items:</b>	The board will follow the agenda as written, unless amended later in the meeting.	
<b>2. Call to Order: Meeting Minutes Update</b>		
<b>Brief Discussion:</b>	Mr. Bay informed the board that their meeting minutes from their past two meetings were not ready for review and that he was unsure of when they would be. He reminded the board that the division was still extremely understaffed and that he would have an update for them when available.	
<b>Action Items:</b>	Mr. Bay will update the board on their meeting minutes at a later date.	
<b>3. Call to Order: Ethics Disclosure</b>		
<b>Brief Discussion:</b>	There were no ethical disclosures by any board members or staff.	
<b>4. Public Comment</b>		
<b>Brief Discussion:</b>	Dr. Cross opened public comment at 9:15 a.m. Nobody was in attendance for public comment and Dr. Cross closed it at 11:01 a.m.	
<b>5. Licensing Report: Staffing Update</b>		

<b>Brief Discussion:</b>	Mr. Bay informed the board that the division was still not able to hire a full-time examiner for them and that he would be helping them until a replacement was hired.	
<b>6. Prescription Drug Monitoring Program (PDMP): Staff Report/PDMP Board Chairs Meeting Update</b>		
<b>Brief Discussion:</b>	Mr. Bay provided the board with the 4 <sup>th</sup> quarter PDMP report. The board reviewed the report. Mr. Bay informed the board that their application had been updated to reflect the removal of the dispensing prescription drugs question that had been on the application, which was removed because optometrists can't dispense prescription drugs in Alaska. Dr. Cross informed the board that he had been attending the PDMP Board Chairs meetings, and that there was little impact to the optometry board in the discussions that had gone on so far. He also informed the board that the PDMP Manager, Lisa Sherrell, had received a federal opioid grant from the House Finance Committee to hire a consultant to analyze how the PDMP is running and to make recommendations for changes.	
<b>Action Items:</b>	The board will continue to monitor the Prescription Drug Monitoring Program.	
<b>7. Amend agenda</b>		
<b>Brief Discussion:</b>	The board decided to move agenda items #8C, "Board Business: Alaska Medicaid – RA Message," and #8D, "Board Business: Telemedicine and Optometry," ahead of agenda item #5, "Division Update," on the agenda.	
<b>Motion:</b>	Move to amend the agenda by moving items #8C and #8D ahead of item #5. (First: Steffes; Second: Mavencamp).	
<b>Recorded Votes:</b>	Cross - Y	Mavencamp - Y
	Steffes - Y	Rice - Y
<b>Action Items:</b>	The board began discussion on agenda items #8C and #8D.	
<b>8. Board Business: Alaska Medicaid – RA Message</b>		
<b>Brief Discussion:</b>	Dr. Steffes informed the board that Alaska Medicaid had issued updated guidance for vision exam coverage, specifically an updated policy clarification that required covered vision exams to include a near point subjective examination, dynamic retinoscopy, and subjective refraction. She said her issue with it was the dynamic retinoscopy and how it should not be required, to which the board agreed. The board also did not agree that a near point subjective examination or subjective refraction should be required. The board decided to respond to the Alaska Medicaid Policy-Clarification in writing and to have Dr. Steffes write the letter, which would be voted on via OnBoard before being sent.	
<b>Motion:</b>	Motion to address the Alaska Medicaid Policy-Clarification on subjective refraction, dynamic retinoscopy, and near point subjective examination, by having Dr. Steffes write a letter on the board's behalf (First: Mavencamp; Second: Rice).	
<b>Recorded Votes:</b>	Cross - Y	Mavencamp - Y
	Steffes - Y	Rice - Y
<b>Action Items:</b>	Dr. Steffes will draft a letter, that the board will approve via OnBoard, to be sent to Alaska Medicaid.	

<b>9. Board Business: Telemedicine and Optometry</b>		
<b>Brief Discussion:</b>	Dr. Cross informed the board that House Bill 265, a bill involving optometry that had the intention to expand and extend telemedicine in its full scope, had moved out of committee, and asked the board’s opinion on the matter. The board agreed that certain types of visits should be allowed via telemedicine, but that certain visits, such as comprehensive eye exams, should not be allowed and are not in the best interest of the health and safety of the public.	
<b>Action Items:</b>	The board decided to keep the topic on their radar, pay attention to how the bill moves forward, and address it at a future meeting.	
<b>10. Division Update</b>		
<b>Brief Discussion:</b>	The division’s Administrative Operations Manager, Melissa Dumas, provided the board with their FY22 3 <sup>rd</sup> Quarter Report. She broke down the board’s total revenue and total expenditures, which ultimately came to a surplus. She informed the board that they will likely end the year close to \$0 and maybe even stay in a surplus. She reminded the board that they will be going into a renewal year, which will put them in a surplus if they are not already in one.	
<b>13. Amend Agenda</b>		
<b>Brief Discussion:</b>	The board decided to move agenda items #8B, “Annual Report,” #8E, “Correspondence,” and #8F, “Schedule Next Meeting,” ahead of agenda item #6, “Investigative Report,” on the agenda.	
<b>Motion:</b>	Move to amend the agenda by moving items #8B, #8E, and #8F ahead of item #6. (First: Rice; Second: Steffes).	
<b>Recorded Votes:</b>	Cross- Y	Mavencamp - Y
	Steffes - Y	Rice - Y
<b>Action Items:</b>	The board began discussion on agenda items #8B, #8E, and #8F.	
<b>14. Board Business: Annual Report</b>		
<b>Brief Discussion:</b>	Mr. Bay informed the board that it was time for them to begin writing their Annual Report, something that was required to be written by the board and not staff. He went through the board’s FY21 report as an example of what is needed in their FY22 report. After discussion, the board decided to have Dr. Cross and Dr. Steffes write the Annual Report and for it to be voted on via OnBoard for finalization.	
<b>Motion:</b>	Motion to have Dr. Cross and Dr. Steffes create the Annual Report and to vote on it via OnBoard. (First: Rice; Second: Steffes)	
<b>Recorded Votes:</b>	Cross- Y	Mavencamp - Not available for voting (quorum established)
	Steffes - Y	Rice - Y
<b>Action Items:</b>	Dr. Cross and Dr. Steffes will create the Annual Report and the board will vote on it via OnBoard for finalization.	
<b>15. Board Business: Correspondence – ARBO 2022 Annual Meeting</b>		

<p><b>Brief Discussion:</b>  <b>Off Record: 10:46 a.m.</b>  <b>On Record: 10:56 a.m.</b></p>	<p>Dr. Cross informed the board that he spoke to ARBO’s Executive Director, Lisa Fennell, and found out that no board members had attended the ARBO Annual Meetings since 2018. After discussion, no board members were available to attend the meeting for 2022. In her email, Ms. Fennell asked the board if they could create an annual report that ARBO could use at the meeting, to update other state boards on optometry in Alaska. Dr. Cross’s internet connection was lost and Dr. Mavencamp was unavailable, so there was no quorum at 10:46 a.m. The board took a break until 10:56 a.m., at which time Dr. Cross and Dr. Mavencamp were back on the line, constituting a quorum. The board’s investigator, Jasmin Bautista, joined the meeting and the board paused discussion on correspondence to review their Investigative Report.</p>	
<p><b>16. Investigative Report</b></p>		
<p><b>Brief Discussion:</b></p>	<p>Ms. Bautista provided the board with their Investigative Report. She informed the board that from October 20, 2021, thru April 11, 2022, there were no cases opened, meaning there were no complaints against any optometrists. She also informed the board that three cases had been closed: One was closed due to lack of jurisdiction, one was closed with an advisement letter, and one was closed with a license action. Having no questions for Ms. Bautista, she left the meeting and the board continued discussion on correspondence.</p>	
<p><b>17. Board Business: Correspondence - ARBO 2022 Annual Meeting (continued)</b></p>		
<p><b>Brief Discussion:</b></p>	<p>The board continued discussion on sending an annual report to ARBO. After discussion, the board decided to have Dr. Cross write the annual report and to vote on it via OnBoard.</p>	
<p><b>Motion:</b></p>	<p>Motion to have Dr. Cross complete the ARBO Annual Report and to submit it to Mr. Bay so the board can vote on it via OnBoard. (First: Steffes; Second: Mavencamp)</p>	
<p><b>Recorded Votes:</b></p>	<p>Cross- Y</p>	<p>Mavencamp - Y</p>
	<p>Steffes - Y</p>	<p>Rice - Y</p>
<p><b>Action Items:</b></p>	<p>Dr. Cross will write the ARBO Annual Report and give it to Mr. Bay so he can upload it to OnBoard for voting.</p>	
<p><b>18. Board Business: Correspondence - Accreditation Council on Optometric Education (ACOE)</b></p>		
<p><b>Brief Discussion:</b></p>	<p>The board reviewed the ACOE’s report on recent accreditation actions and decisions. The report was merely for informational purposes and did not have any bearing on optometry in Alaska. The board continued with their agenda.</p>	
<p><b>19. Board Business: Schedule Next Meeting</b></p>		
<p><b>Brief Discussion:</b></p>	<p>The board discussed a possible date for their Fall meeting and decided on October 21<sup>st</sup>, 2022. With only two items left on the agenda, the board took an early lunch.</p>	
<p><b>20. Lunch (11:20 a.m. – 12:33 p.m.)</b></p>		
<p><b>21. Board Business: Present Sunset Bill Update</b></p>		
<p><b>Brief Discussion:</b>  <b>Off Record: 12:54 p.m.</b>  <b>On Record: 1:01 p.m.</b></p>	<p>Coming back from lunch, the board welcomed the board’s previous Chairman, Dr. Damien Delzer, to the meeting. Dr. Delzer was in attendance to provide the board with an update regarding their Sunset Bill, which was being reviewed by the legislature. Dr. Delzer informed the board that their Sunset Bill was moving forward, through the legislature, and that it looked like the board would be extended again. Having nothing left to discuss, Dr. Delzer left the meeting. The board decided to take a break until their next agenda item.</p>	
<p><b>22. Military Regulations</b></p>		

<b>Brief Discussion:</b>	The board welcomed the division’s Regulations Specialist, Jun Maiquis, to the meeting. Mr. Maiquis informed the board that the proposed regulations they approved at their last regularly scheduled meeting, specifically the proposed documentation required to attain a temporary military courtesy license, were too similar to their existing requirements for a regular full license, and the purpose of the temporary military license was to expedite licensing. The division proposed removing certain documentation requirements from the proposed regulations. After reviewing the division’s proposal, the board agreed to remove certain documentation requirements from the proposed regulations.	
<b>Motion:</b>	Motion to approve the revised and proposed regulations as amended (First: Steffes; Second: Rice)	
<b>Recorded Votes:</b>	Cross- Y	Mavencamp - Not available for voting (quorum established)
	Steffes - Y	Rice - Y
<b>Action Items:</b>	Mr. Maiquis will send out the amended proposed regulations for public comment. The board set a date of May 26 <sup>th</sup> , 2022, to review any public comment on the proposed regulations.	

<b>Next Meetings:</b>	Special Teleconference: May 26, 2022; Fall Board Meeting: October 21, 2022
<b>Adjournment:</b>	1:44 p.m.