

BOARD OF EXAMINERS IN OPTOMETRY

CONDENSED MINUTES OF THE MEETING HELD NOVEMBER 17, 2022

THESE DRAFT MINUTES WERE PREPARED BY THE STAFF OF THE DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING. THEY HAVE NOT BEEN REVIEWED OR APPROVED BY THE BOARD.

Date:	November 17, 2022
Time:	11:30 AM
Location:	Teleconference
Attending:	Members: Bradley Cross (Chair, OD), Pamela Steffes (OD), Kathleen Rice (OD) Staff: Ashley Carabajal (Occupational Licensing Examiner), Alison Osborne (Regulations Specialist II), Sara Chambers (Division Director)
Absent:	Members: Michael Mavencamp (OD)

1. Call to Order: <u>Review Agenda</u>	
Brief Discussion:	<i>No discussion to amend the agenda.</i>
Motion:	<i>Move to accept the agenda as written – unanimous</i>
Action Items:	<i>The board will follow the agenda as written, unless amended later in the meeting.</i>
2. Call to order: <u>Ethics Report</u>	
Brief Discussion:	<i>Each board member confirmed they had no ethical conflicts to disclose.</i>
3. Call to Order: <u>Approve Meeting Minutes</u>	
Brief Discussion:	<i>The board made no changes to the October 21, 2022, board meeting minutes.</i>
Motion:	<i>Move to approve October 21, 2022, meeting minutes as written - unanimous</i>
Action Items:	<i>The board approved the October 21, 2022, meeting minutes.</i>
4. <u>Public Comment</u>	
Brief Discussion:	<i>Ashley Carabajal informed the board that an applicant would be joining the meeting later to discuss their application with the board.</i>
5a. Review Draft Regulations: <u>7-Hour Injections Course Requirement</u>	
Brief Discussion:	<i>Dr. Cross explained 12 AAC 48.015 (a)(4) should be removed from the proposed regulations changes. Dr. Cross stated that Licensure by Examinations requires the ISE, which is all of the National Board Exams, not just the 7 hour post graduate injections course. The 7-hour course only applies to Licensure by Credentials. Dr. Steffes agreed and states that there is no option to skip the ISE and take the injections course if you apply by examination.</i>

	<i>Dr. Cross asked for suggestions on how to word his edits. Dr. Steffes brought up that these words are also written in statute. Dr. Cross agreed that it cannot conflict with the statute.</i>
Action Items:	<i>Dr. Cross will remove his proposed edit.</i>
5b. Review Draft Regulations: <u>Continuing Education</u>	
Brief Discussion:	<i>Dr. Cross reviewed his edits to 12 AAC 48.020 (c)(8). Dr. Steffes stated the wording is broad and suggested finding a way to define “certification” to prevent applicants from providing a certificate for inequivalent training. Dr. Rice suggested also adding “prior approval of the board.” Dr. Cross explained that adding “certification” is to verify the completion of training.</i>
	<i>Dr. Cross asked the board members for any suggestions on how he should word his edits to 12 AAC 48.020 (c)(8). Dr. Steffes mentioned to the board that the wording is the same in the statutes. Dr. Cross agreed that it cannot conflict with the statute. Dr. Rice did not think this section needs to be edited and Dr. Steffes agreed.</i>
	<i>Dr. Cross agreed to delete his change and keep 12 AAC 48.020 (c)(8) the same.</i>
Action Items:	<i>Dr. Cross will delete his edits to 12 AAC 48.020 (c)(8) and it will remain the same.</i>
5c. Review Draft Regulations: <u>License Renewals</u>	
Brief Discussion:	<i>Dr. Cross presented his edits to 12 AAC 48.200 (f). Dr. Steffes and Dr. Rice decided “retirement” should no longer be included under 12 AAC 48.200 (f)(2). Dr. Steffes states applicants who are retired do not need to maintain a license or continuing education. Dr. Cross will remove “retirement” from his proposed edits.</i>
	<i>Dr. Steffes suggested also changing the wording for 12 AAC 48.200 (f)(1) from “chronic illness” to “acute illness” as “chronic” is too broad. Applicants will still be asked to submit their exemption letters to the board. Dr. Cross asked if anyone had any more suggestions on word usage for 12 AAC 48.200 (f)(2).</i>
	<i>Dr. Steffes also suggested changing “apply” to “appeal” in 12 AAC 48.200 (e). This would allow the applicants to write their letters and provide the information to the board.</i>
Action Items:	<i>Dr. Cross will remove “chronic” from 12 AAC 48.200 (f)(1) and “retirement” from 12 AAC 48.200 (f)(2). Dr. Cross will also change the wording in 12 AAC 48.200 (e) from “apply” to “appeal.” The remaining parts of 12 AAC 48.200 (e) & (f) will remain as written.</i>
5d. Review Draft Regulations: <u>Telehealth 12 AAC 48.370 (a)</u>	
Brief Discussion:	<i>Dr. Cross presented his proposed edits to 12 AAC 48.370 (a). He informed the board that he wanted to include a policy statement from the AOA regarding telehealth information from October 2020. Dr. Cross decided to move his edit and place the AOA policy statement before 12 AAC 48.370 (a). Dr. Cross let the board know that the department of law may not allow the board to add the statement to the regulations. Dr. Cross also suggested we include a link to the AOA practice guidelines in the regulations.</i>
	<i>Regulations Specialist II, Alison Osborne, let the board know she had met with Director Chambers regarding the AOA Policy prior to the meeting. She informed the board that the policy cannot be added to the regulations because of the way the policy was written. Alison also stated the disclaimer that came with the policy itself. The disclaimer stated that the policy is intended for information and educational purposes only and is not intended to establish a legal, medical, or other standard of care, therefore, the statement cannot be added to the regulations.</i>

	<p><i>Alison suggested seeing if the AOA had any statements that have legal backing to them or taking sections from the policy and incorporating them into the regulations. She also suggested an alternative route by having the board members draft their own statement.</i></p> <p><i>Dr. Cross asked Dr. Rice for advice on whether to move forward with the regulations change. Dr. Rice did not see the benefit in changing it now, compared to in a couple months. She thought it would be more effective for the board to review the AOA policy and decide what to keep from it.</i></p> <p><i>Dr. Cross encouraged the board to take time reviewing the AOA Policy and see if there was any wording that may be helpful for them to incorporate into the regulations. Dr. Cross suggested setting up a meeting mid-January to discuss the policy further after the board members have had time to review the policy.</i></p>
Action Items:	<i>The board members will take time reviewing the AOA policy to see if there are any sections they want to use from the policy and will meet again at a later time to discuss the policy.</i>
5e. Review Draft Regulations: <u>Update on Medicaid Regulations</u>	
Brief Discussion:	<p><i>Director Chambers reminded the board of a letter from Medicaid back in Spring 2022. The board sent a letter to the Director of Medicaid for the State. Director Chambers updated the board on the letter.</i></p> <p><i>Director Chambers met with the Director of Medicaid for an update regarding the Medicaid letter. The announcement from Medicaid was about a state regulation regarding Medicaid and it was a regulation on optometry that wasn't consistent with their practice of optometry.</i></p> <p><i>Director Chambers informed the board that she asked the Medicaid board "how the Board of Examiners in Optometry and other healthcare boards can work together and be informed when Medicaid regulations are being adopted that are in their scope of practice." She stated there was not a clear answer from the Medicaid board.</i></p> <p><i>Director Chambers stated that her next step was to go back and meet with the Director of Medicaid to see if the board could be added to their regulations update list or if the board should depend on Medicaid reaching out themselves.</i></p>
Action Items:	<i>Director Chambers will continue to get more information from Medicaid regarding updates on their regulations. She will report back when more information is provided.</i>
6a. <u>License Approvals: B. Becken</u>	
Brief Discussion:	<p><i>Optometry applicant Brandon Becken joined the meeting at 12:31 PM to answer any further questions board members had about his application. The board dismissed Dr. Becken as no further questions were needed. Dr. Cross informed Dr. Becken that the division would contact him when an update is given.</i></p> <p><i>Dr. Cross told Ashley it was easiest to resubmit Brandon Becken's application via OnBoard for the board to review and approve after the meeting.</i></p>
Action Items:	<i>Ashley will resubmit Dr. Becken's application via OnBoard for the board to review.</i>
6b. <u>License Approvals: M. Bui</u>	
Brief Discussion:	<p><i>Ashley informs the board M. Bui's application has been submitted to the board before. She lets the board know a board member voted "no" on his application without providing a proper reason why and stating the statutes/regulations it violates.</i></p> <p><i>Dr. Rice explained she voted no but couldn't find the reason why after looking over M. Bui's application again.</i></p>

	<i>Director Chambers clarified between “no” votes and “table” votes and informed the board of why we have the options to vote “no” or to “table” an application. Ashley asked the board if she could continue processing M. Bui’s application for licensure. Dr. Cross told Ashley she could continue with the process of M. Bui’s application.</i>
Action Items:	<i>Ashley will continue processing M. Bui’s application.</i>

Next Meeting:	January 12, 2023, at 12:00 PM
Adjournment:	1:18 PM