

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

MEETING MINUTES

June 9, 2005

By authority of AS 8.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Alaska State Board of Examiners in Optometry was held on June 9, 2005, in the Atwood Building at 550 West 7th Avenue, Suite 1270, Anchorage, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order by Jill Matheson, OD, Chair, at 9:52 a.m.

Those Present, constituting a quorum of the board, were:

Jill Matheson, OD, Chair
John Cobbett, OD, Secretary
Jeff Gonnason, OD

Thomas Carter, Public Member arrived later, at 1:25 p.m. due to unforeseen circumstances.

Staff Present was:

Steve Snyder, Licensing Examiner

Agenda Item 2 Public Comment

No public was present

Agenda Item 3 Review/Amend Agenda

It was noted that the board needed to discuss legislation under Item 6c.

On a motion by Gonnason seconded by Cobbett and carried unanimously it was

Resolved to approve the agenda.

Chief Investigator Rick Younkens joined the meeting at 10:55 a.m.

Agenda Item 4 Review/Approve Minutes

After review and on a motion by Cobbett seconded by Gonnason and carried unanimously it was

**Resolved to approve the minutes of the meeting held
December 3, 2004.**

Agenda Item 5 Investigative Report

Rick Younkens introduced himself as the chief investigator and told the board briefly of his background.

The board reviewed the written investigative report and had no questions regarding the report. Dr. Gonnason discussed the boards involvement in investigations and reiterated the fact that he would act as the board liason to the investigative unit in cases where expert input was required.

Mr. Younkens explained the new method for hearing officers to be assigned to cases involving licensees under the umbrella of the division of occupational licensing. Instead of one hearing officer for all cases there would be a pool of hearing officers beginning July 1, 2005.

The board discussed methods for disciplinary actions against licensees who practice without a license. (In the case of a licensee forgetting to renew).

The investigative report was completed and Mr. Younkens left the meeting at 10:15 a.m.

Agenda Item 6

Regulations

6a. The board reviewed and discussed each regulation amendment including:

- 12 AAC 48.025
- 12 AAC 48.200
- 12 AAC 48.320
- 12 AAC 48.905
- 12 AAC 48.920

No changes were made to the draft. It was reported that these regulation amendments had been public noticed and no written public comments had been received. The board considered the cost to the public and private person and determined that these changes would not be of any cost to the public.

It was noted that 12 AAC 48.905(c) uses the term "two full license biennium" twice and that the regulation specialist or department of law should add an "s" to "biennium" if appropriate.

On a motion by Gonnason seconded by Cobbett and carried unanimously it was

Resolved to adopt the 4 page regulation project in it's entirety.

6b. 12 AAC 48.220

The board had previously determined that they no longer wanted optometrists to be required to complete a detailed list of their continuing education courses at each license renewal. Signing a sworn statement that they had completed the required CE would be sufficient.

Since regulation 12 AAC 48.220 requires a detailed list they made changes to the regulation and approved it for public notice.

On a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to delete the second sentence of 12 AAC 48.220(a) and approve that change for public notice.

6c. Statute/Regulations Review

Tabled until later in the meeting. To be discussed just prior to the Annual Report discussion under Item 14.

Agenda Item 11

Audit of Continuing Education

It was reported that of 129 licensees 12 were randomly audited and 1 was audited as result of an M.O.A. and previously approved by the board.

The board reviewed the continuing education documentation submitted by the 12 licensees.

After review and on a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to approve all 12 audits as completed. (Listed Below)

License	Type	Name
AA 119	T	Bancroft, Edward
AA 199	T	Eischens, George N.
AA 75	T	Gonnason, Jeffrey Allen
AA 85	T	Hammond, Robert P.
AA 210	T	Hochreiter, Jason R.
AA 160	T	Keys, Barbara Malik
AA 112	T	Kjome, Gary M.
AA 148	T	Matheson, Jill Geering
AA 165	T	Powell, Kathleen E.
AA 154	T	Stemmler, Christie A.
AA 206	T	Tran, Nhan T.
AA 108	T	Wells, Steven M.

11:34 a.m. – Lunch Recess

1:25 p.m. – Reconvene

Tom Carter Public Member joined the meeting at 1:25 p.m.

Agenda Item 7

Applications for Licensure

After review of their files and on a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to approve the application of Jacqueline Ann Jones for licensure subject to verification of passage of the law examination and Part III of the National Examination NBEO.

On a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to approve the application of Andrew R. Adamich for licensure subject to verification of licensure in Colorado in good standing and passage of the law examination.

On a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to approve the application of Jason K. Bates for licensure subject to passage of the law examination and Part III of the NBEO.

On a motion by Cobbett seconded by Gonnason and carried unanimously it was

Resolved to approve the application of Anthony E. Fox subject to passage of the law examination and receipt of an official transcript indicating an OD degree.

Agenda Item 8

Budget Report

The board reviewed and accepted the budget report.

Dr. Gonnason stated that he feels it is unfair for all licensees to have to pay for legal costs and investigative costs against a single licensee through higher license fees and that paying for legal costs is not within the spirit of boards being self supporting.

It was noted that state legal costs against criminals are passed on to the general public since they are the ones being protected. Some of those costs are also paid by the criminals through fines.

There was some discussion of a legal defense fund born of all licensees under the Division of Occupational Licensing. This would still put the burden of public protection on individual licensees, the innocent ones.

Agenda Item 9 **Ethics Reporting**

All members present reported that they had no ethics violations or potential violations since they last met.

Agenda Item 10 **Association of Regulatory Boards of Optometry Annual ARBO Meeting**

The board had previously appointed Dr. Gonnason to attend the ARBO meeting and vote on the board's behalf.

The Licensing Examiner reported that the travel authorization had been submitted but had not yet been approved. It was reported that Dr. Gonnason would be in the area on personal business so the state would not have to pay for travel.

The Licensing Examiner agreed to follow up with this travel issue and keep things moving forward.

The Licensing Examiner distributed copies of the State Report to ARBO.

Gonnason stated he would seek information while at ARBO meeting from other states that have eliminated optometry licensing for refraction/glasses/contacts only. It is the board's intention that in the near future all optometrists be able to recognize and diagnose eye disease. (There are still a few licensed optometrists who are not authorized to use diagnostic drugs.)

Matheson asked that Dr. Gonnason also obtain basic information on proposed changes of the NBEO examination.

Agenda Item 12 **Sign Certificates/Schedule Meetings**

The wall certificates were signed and meetings were scheduled as follows:

Friday, December 2, 2005, Juneau

Friday, May 12, 2006, Anchorage

Agenda Item 13 **Review/ Revise Law Exam**

The board reviewed and discussed the law examination. The current examination is fine except for one change that may have to be made once the adopted regulations become law. The licensing examiner agreed to update the examination when regulation changes dictated and the board would review the exam periodically.

**Agenda Item 6c
and Item 14** **Review Statutes/Regulations**
Discussion of Legislation for Annual Report

The board discussed statute changes that needed to be added to the Annual Report and submitted to the auditor who is presently compiling a board audit report to be used by the legislature for their consideration in continuing the board.

AS 08.72.150 is outdated. It says basically that an applicant applies for examination (an examination which is no longer given by the board) and will get a license if they pass the exam.

AS 08.72.240 outlines grounds for disciplinary sanctions for a licensee but nowhere does it say that license can be denied to an applicant for license by examination.

Anyone who passes all parts of the national board exam (NBEO) can apply for a license by examination. There is no authority for the board to deny them if they have disciplinary actions or felonies committed previous to their application date.

The board wants legislative changes that will enable them to grant a license with stipulations, on probation, or deny a license based on prior actions.

The board discussed a number of possible amendments to the practice act such as changing lead in language to AS 08.72.240 to include "applicants"; adding language similar to AS 08.72.170(7) and (8) to AS 08.72.140 qualifications for examination (licensure).

There was also some discussion on "License by Credentials" statute AS 08.72.170(8) being too stringent. It disqualifies any applicant for license by credentials who has had a disciplinary action in another licensing jurisdiction. The board wants to be able to consider factors such as how severe the infraction was, how long ago it had occurred, and whether or not it would have violated Alaska Law. They want to have the authority to grant a license on probation or with stipulations if they see fit.

3:10 p.m. Recess

3:18 p.m. Reconvene

TPA/DPA Endorsement Discussion

The board has had problems in the past when optometrists with TPA endorsement downgraded their license to a DPA endorsement (TPA Therapeutic Pharmaceutical Agent – DPA Diagnostic Pharmaceutical Agent – TPA's can prescribe, DPA's cannot) because they did not have enough CE. When an Optometrist downgrades as such it suddenly becomes illegal for them to refill or prescribe topical drugs to their patients.

The board discussed statute AS 08.72.175 which authorizes the board to issue TPA endorsements but does not specifically authorize the board to issue DPA endorsements. (The TPA's include DPA authority)

The board, as previously discussed, determined that they no longer want to issue Diagnostic (only) Endorsements. The board would like the Statute rewritten so that there are no endorsements, only (full) licenses which include both TPA and DPA. Any optometrists who are currently DPA certified or have no endorsement could be grand-fathered to continue to practice with a "restricted" license. All new licenses would be at the highest level and no new restricted licenses would be issued and no full licenses could downgrade.

The board suggested repealing statute AS 08.72.175 leaving in a grand-father clause for the licensees (currently 8) who are currently practicing at the lower level. Any of those 8 licensees could upgrade their licenses or keep them as is.

The board also suggested that the continuing education (CE) requirement be the same for all licensees regardless of their TPA/DPA status. The board agreed that statute AS 08.72.181(d) be amended, removing the reference to the number of CE hours required and authorizing the board to set the hours requirement in regulation.

This would all be added to the Annual Report and submitted to the legislative auditors who were currently conducting a board audit.

The board reviewed their past and current goals and objectives and made suggestions for Dr. Cobbett to add to the annual report for FY05.

Dr. Cobbett agreed to finish the annual report and submit it to the licensing examiner for finalization.

Dr. Gonnason brought up a current bill regarding the licensing of opticians. (the board of dispensing opticians had gone sunset starting in 2004). There was discussion.

The board having no further business to discuss adjourned the meeting at 4:40 p.m.

Respectfully Submitted:

Steven B. Snyder, Licensing Examiner

Approved:

Jill Matheson, OD, Chair

Date