

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

**ALASKA STATE BOARD OF EXAMINERS IN OPTOMETRY**

**MEETING MINUTES**

**July 20, 2007**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Examiners in Optometry was held on July 20, 2007, in conference room A of the State Office Building at 333 Willoughby Avenue, 9<sup>th</sup> Floor, Juneau, Alaska.

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

The meeting was called to order by Jill Matheson, OD, Chair at 9:05 a.m.

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

Jill Matheson, OD, Chair  
James Graves, OD  
Jeff Gonnason, OD  
Tim Sullivan, Public Member  
Dennis Swarner, OD, Secretary

Staff Present:

Judy Weske, Licensing Supervisor

**Agenda Item 2     Review/Amend Agenda**

**On a motion by Gonnason, seconded by Swarner and carried unanimously it was  
RESOLVED TO APPROVE THE AGENDA**

**Agenda Item 3     Review/Approve Minutes**

**On a motion by Gonnason, seconded by Swarner and carried unanimously it was  
RESOLVED TO APPROVE THE DECEMBER 1, 2006 TELECONFERENCE MINUTES**

Dr. Gonnason noted two corrections needed to the minutes. Specifically, on page 3, Agenda Item 8, the word "sufficient" in the motion should read "significant" and Dr. Gonnason's name is misspelled in the motion as well.

**On an amended motion by Sullivan, seconded by Swarner and carried unanimously it was**

**RESOLVED TO APPROVE THE DECEMBER 1, 2006 TELECONFERENCE MINUTES AS AMENDED.**

**Agenda Item 4    Ethics Report**

All members reported that they had no ethics violations or potential violations.

**Agenda Item 5    Public Comment**

No public were present.

**Agenda Item 6    HB 113**

The board reviewed HB 113 relating to the prescription and use of pharmaceutical agents, including controlled substances by optometrists; and providing for an effective date. HB 113 has been transmitted to the Governor, but as the date of the board meeting had not been signed by the Governor.

In anticipation of the legislation becoming law, the board discussed each section of the bill. The board discussed whether an applicant should pass an exam as a part of the 23 hour course referenced in AS 08.72.175(a)(2). Successful completion of the course would be tied to passing an examination on the course. The board decided not to require exam to complete course. Amendments to AS 08.72.272 under HB 113 would require a "physician-patient relationship" when prescribing a pharmaceutical agent. The board determined that a physician-patient relationship exists when a physical examination and evaluation of a patient is conducted.

**On a motion by Matheson, seconded by Sullivan and carried unanimously**

**IT WAS RESOLVED TO add under the definitions in 12 AAC 48.990 that a Physician-patient Relationship exists upon a physical examination and evaluation of a patient.**

Amendments included in HB 113 to AS 08.72.175(a) include successful completion of a 23 hours nontopical therapeutic pharmaceutical agent course and a seven hour nontopical therapeutic pharmaceutical agent injection course. The board decided to amend 12 AAC 48.025(B) to define when the courses should be completed.

**On a motion by Gonnason, seconded by Sullivan and carried unanimously**

**IT WAS RESOLVED TO amend 12 AAC 48.025(a)(3)(B) to read: the "Treatment and Management of Ocular Disease" (TMOD) examination, or the TMOD examination equivalent derived from the National Board of Examiners in Optometry examination passed after January 1, 2004, or if passed prior to January 1, 2004 must also complete a nontopical therapeutic pharmaceutical agent course of at least 23 hours and complete a nontopical therapeutic pharmaceutical agent injection course of at least 7 hours offered by organizations as specified in 12 AAC 48.200."**

**On a motion by Gonnason, seconded by Swarner and carried unanimously**

**IT WAS RESOLVED TO amend 12 AAC 48.025(a)(3)(A) to add at the end of the sentence "must also complete a nontopical therapeutic pharmaceutical agent course of at least 23 hours and complete a nontopical therapeutic pharmaceutical agent injection course of at least 7 hours offered by organizations as specified in 12 AAC 48.200."**

**On a motion by Gonnason, seconded by Graves and carried unanimously**

**IT WAS RESOLVED TO amend 12 AAC 48.025(a)(3)(C) add at the end of the sentence "and additional requirements" required under (A) or (B).**

The board discussed whether to clarify the requirements under AS 08.72.175 in regulation. The board determined there was no need to amend regulations at this time since the statute is clear regarding requirements.

Recessed for lunch at 12:10 p.m.  
Back on record at 1:25 p.m.

The board discussed SB 149 a bill Relating to the Redistribution of Used Eyeglasses. Dr. Matheson gave background information on the bill. The bill would put the legislation under the Dispensing Optician statute (AS 08.71).

Tim Sullivan recommended responding to SB 149 in the following manner:

The board supports the concept of providing fitted eyeglasses free of charge and that if statutory authority is needed for this service, it should be placed under the Optometry law and to require that glasses are verified by an optometrist and patient has a current prescription.

## **Agenda Item 7      Regulations**

The board was advised that the regulations the board had proposed in May 2006 had not yet been public noticed; however, the board was assured that the project would move forward. The regulations currently approved by the board for public notice include the following regulations:

12 AAC 48.011(a); 48.020(c); 48.021(a)(2); 48.025(a)(2); 48.025(d); 48.210(a), (b), (d); 48.220(a); 48.905(a)(1); 48.905(b)(1); 48.905(c)(1).

**On a motion by Gonnason, seconded by Sullivan and carried unanimously**

**IT WAS RESOLVED TO approve for public notice repealing subsection (d) in 12 AAC 48.905.**

**On a motion by Gonnason, seconded by Sullivan and carried unanimously  
IT WAS RESOLVED TO approve for public notice amending 12 AAC 48.900 to require an applicant for reinstatement of a lapsed license to provide verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed.**

#### **Agenda Item 8      Applications**

The board reviewed pending licensure applications for Allison Moir, Ian Ford, and Shannon Farr.

On a motion made by Matheson, seconded by Swarner it was

**RESOLVED TO APPROVE FOR SHANNON FARR, IAN FORD, AND ALLISON MOIR FOR LICENSURE PENDING PASSING THE STATE OPTOMETRY LAW EXAMINATION.**

(Tim Sullivan, public member, out of room during vote).

#### **Agenda Item 9      Annual Report**

The board reviewed FY 07 accomplishments and drafted the Narrative Statement for the board's annual report, to read:

"The board met in December 2006 via teleconference and set Goals and Objectives. During FY 07, the board was active in monitoring HB 113, which passed and is awaiting the Governor's signature. The board approved 11 applicants for licensure. Goals and objectives were set at the December teleconference. A member of the board attended the Association of Regulatory Boards of Optometry (ARBO) conference in June 2007."

The board set Goals and Objectives for FY 08:

1. Continue regular review of optometry statutes and regulations. This review is necessary to be sure that the laws are adequately protecting the public and properly regulating the modern practice of optometry. Possible examples:

Consider "standard of care" issues.

2. Develop a list of recommended changes to legislative statutes for the audit committee to take note of. Possible examples:
  - a. Licensure by endorsement should be restricted to those coming in at the highest level of license.
  - b. All new licenses should be at the highest level.
  - c. All current Alaska licenses to be at the highest level of licensure by 2012.
  - d. Refusal of license: authority for the board to refuse to grant a new license for certain reasons and/or to impose certain stipulations.
3. Make active Alaska licensed optometrists aware of recent amendments to regulation.
4. Show support for pharmaceutical agent amplification legislation.
5. Continue to meet twice per year.
6. If possible send a board member to ARBO.
7. Keep informed of and support legislation on the state and federal level concerning patient protection and access to care.
8. Continue to support provider non-discrimination language in state and federal legislation.
9. Develop continuing education regulations to begin with the 2012 renewal for "injection" related courses.
10. Review the Lions Club legislation (SB 149).

#### **Agenda Item 10 ARBO Meeting Report**

Dr. Gonnason reported on his attendance of the ARBO meeting held in Boston June 23-25, 2007. Dr. Gonnason prepared a hand out for the board which listed the many topics discussed at the ARBO meeting. Dr. Gonnason briefly spoke on each topic and updated the board on ARBO happenings.

The NBEO has restructured the national examination to be more "clinical in nature" with changes to take effect beginning 2009. The updates to the NBEO examination are a good move.

The ARBO meeting will be held in Seattle in 2008.

**Agenda Item 11    Investigator Report**

The board reviewed the report provided.

**Agenda Item 12    Budget Report**

The board reviewed the report provided.

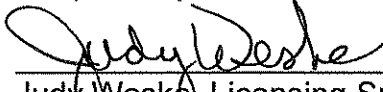
**Agenda Item 14    Sign Certificates/Meeting Dates Discussion**

The next meeting is set for a teleconference to be held December 7, 2007 beginning at 9:00 a.m.


**Agenda Item 15    Final Comments/Wrap Up**

The board having no other business adjourned the meeting at 3:30 p.m.

Respectfully Submitted:

  
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Judy Weske, Licensing Supervisor

  
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Jill Matheson, OD, Chair

Date: 5-16-08