

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

**Teleconference
August 26, 2011
Juneau, Alaska**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Board of Examiners in Optometry to be held on August 26, 2011 in conference room A on the 9th floor at 333 Willoughby Avenue, Juneau, Alaska.

Agenda Item 1 Call to Order/Roll Call

Dr. Graves called the Board of Examiners in Optometry teleconference meeting to order on August 26, 2011 at 1:01 p.m. This teleconference was public noticed on August 15, 2011 in the Anchorage Daily News. The purpose of the teleconference is to discuss the amended revisions to the proposed regulations adopted at the May 6, 2011 board meeting.

Dr. Graves requested a Voice Roll call asking each board member to state their name to comply with the voice roll call vote of the administrative procedures act.

Voice Roll Call Vote:

Jill Matheson, OD
Paul Barney, OD
James Graves, OD, Chair

Staff – Connie Petz

There was a quorum of the board.

Agenda Item 2 Review/Amend Agenda

**On a motion by Dr. Barney, seconded by Dr. Matheson and carried unanimously
by voice roll call vote of the administrative procedures act.
IT WAS RESOLVED TO APPROVE THE AGENDA.**

Voice Roll Call Vote:

Yes - Jill Matheson, OD
Yes - Paul Barney, OD
Yes - James Graves, OD, Chair

Agenda approved as drafted.

Agenda Item 3 - Regulation project

At the May 6, 2011 board meeting, the Board had adopted the proposed regulations. The Board noted that, although no public comments were received, they paid special attention to the cost to private persons of the regulatory action being taken.

There were some edits to the adopted regulations by the Dept. of Law, which required re-adoption by the Board. The Board reviewed the proposed changes to 12 AAC 48.011(a)(2), 12 AAC 48.015(a)(1) and 12 AAC 48.01(a)(2), 12 AAC 48.200(c).

Where the word 'within' was used it was changed to 'not earlier than' because the word 'within' is no longer the preferred drafting style for regulations. This is because there is a question whether the last day of the five year period is counted or not when the word 'within' is used.

During final review of the regulation project adopted regulations, department of law found a couple of sections that should have been amended to conform with the changes made in 12 AAC 48.011(a)(2).

Also, in the process of review it was determined that there needed to be a specific date in which CE's would be accepted. Without it being clearly defined the board would not be able to refuse to accept CE's which were taken at any date prior to the application.

12 AAC 48.011(a)(2) is amended to read:

(2) documentation showing that the applicant has passed, **not earlier than the five years immediately preceding the date of application, all parts of** the examinations required in 12 AAC 48.015(1) and (2) sent directly to the department **from** [FORM] the NBEO; **if one or more parts of the examination was passed by the applicant two years or more before the date of the application, the applicant must provide verification of the completion of 36 hours of approved continuing education taken not earlier than the two years immediately preceding the date of application, in ocular pharmacology or pathology;**

Two new sections that are being inserted are sections 12 AAC 48.015(a)(1) & 12 AAC 48.015(a)(2). Which include the wording: **not earlier than the five years immediately preceding the date of application,**

The final amendment is to 12 AAC 48.200(c) as the adopted wording has a clerical error and the regulation change was adopted with the 30 day wording inadvertently left in.

The regulation will now read:

12 AAC 48.200(c) is amended to read: (c) Other continuing education courses not listed in (b) of this section, if related to the practice of optometry under this chapter and AS 08.72, may be approved by the board upon written request of the licensee [AT LEAST 30 DAYS BEFORE COMMENCEMENT OF THE PROGRAM]. **If pre-approval is requested for the continuing education**

course, the written request must be received by the department at least 60 days before commencement of the program.

No discussion.

On a motion by Dr. Barney, seconded by Dr. Matheson it was resolved to ADOPT the REGULATIONS AS AMENDED. Carried unanimously by voice roll call vote of the administrative procedures act.

Voice Roll Call Vote:

Yes - Jill Matheson, OD
Yes - Paul Barney, OD
Yes - James Graves, OD, Chair

Regulations adopted as amended.

Agenda Item 15 Final Comments

Dr. Graves, reminded the board the next meeting is scheduled for Friday January 6, 2012 in Juneau. He also asked board members to encourage optometrists to apply to become a member of the board. Jill's position is open effective March 1, 2012. All interested applicants should submit forms to boards and commissions soon. Applicants should apply no later than October 2011 to allow time for boards and commissions to review all applicants for the board.

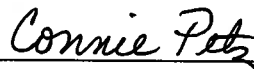
On a motion by Dr. Barney, seconded by Dr. Matheson it was RESOLVED TO ADJORN THE MEETING. Carried unanimously by voice roll call vote of the administrative procedures act.

Voice Roll Call Vote:

Yes - Jill Matheson, OD
Yes - Paul Barney, OD
Yes - James Graves, OD, Chair

Meeting adjourned at 1:13 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner



James Graves, OD, Chair

Date: 01/06/12