

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF EXAMINERS IN OPTOMETRY
333 Willoughby Ave, 9th Floor Conf Room A
Juneau AK
TELECONFERENCE**

March 16, 2012

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 to be held on March 16, 2012 at 333 Willoughby Ave in Juneau, Alaska

Agenda item 1 - Call to Order

The meeting for the state of Alaska Board of Examiners in Optometry was called to order by Dr. Graves; Chair at 10:03AM. This board meeting was public noticed on February 28,2012 and published in the Anchorage Daily News.

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

James Graves, OD, Chair
Dennis Swarner, OD, Secretary
Paul Barney, OD
JoAnne Levine, Public Member

Present from the Division of Corporations, Business & Professional Licensing:
Nathan "Nate" Vallier, Licensing Examiner

Chair recognized Dr. Messerschmidt's excused absence due to a prior engagement.

Agenda item 2 - Review / Amend Agenda

**On a motion by Dr. Swarner, seconded by Dr. Paul Barney and carried unanimously.
IT WAS RESOLVED TO APPROVE THE AGENDA as AMENDED.
All in favor, no nays. No further discussion.**

Agenda item 3 – Review Regulations Project

Dr. Graves and staff discussed best way to proceed with covering the regulations project and staff advised of a typo on page 8, changing "five" to "ten". Dr. Graves agreed to read over each page and board will discuss each page before moving forward.

Page 1, Dr. Swarner questioned if the Board should add "educational" to the update to 12 AAC 48.011(a)(3) to state "sent directly to the department from the educational institution". Board decided that because the regulation is already discussing optometric education that educational is assumed.

On Page 3, Dr. Graves pointed out a typo on the word "describe" and should be "described" on 12 AAC 48.026(b). Staff recommended adding "for five years or less" after "person holding a retired status license" based on feedback from Department of Law and regulations specialist. Board agreed to the change.

On page 4, Board noted to fix spelling error in 12 AAC 48.026 (c) from describe to described. Dr. Graves requested we add "or territories" to the verbiage for 12 AAC 48.026 (6) to read "in another state or a territory of the United States or in a province or territory of Canada" and Board approved.

On page 5, staff advised removing "in accordance with AS 08.01.100(d)" based on initial feedback from Department of Law and regulations specialist, the board agreed.

The lead-in language of 12 AAC 48.011(a) is amended to read:

(a) The board will issue a license by examination to practice optometry to an applicant who meets the requirements of AS 08.72.140, AS 08.72.160, with authority to prescribe and use the pharmaceutical agents described in AS 08.72.272 and this section by submitting

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

(2) documentation showing that the applicant has passed, not earlier than the four 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 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 that meets the requirements of 12 AAC 48.210(b);

12 AAC 48.011(a)(3) is amended to read:

(3) college transcripts verifying graduation from a recognized school or college of optometry, sent directly to the department from the institution;

12 AAC 48.011(a) is amended by adding a new paragraph to read:

(8) three character and professional references from three persons not related to the applicant who must be an optometrist, instructor, supervisor, or official from the applicant's school of optometry sent directly to the department on a notarized form provided by the department.

12 AAC 48.020(a) is amended to read:

(a) The board will issue a license by credentials to practice optometry to an applicant who meets the requirements of AS 08.72.140, AS 08.72.170, with authority to prescribe and use the pharmaceutical agents described in AS 08.72.272, and this section.

12 AAC 48.020(c) is amended by adding new paragraphs to read:

(7) not earlier than the four years immediately preceding the date of application, the applicant must provide certification of completion in

(A) a nontopical therapeutic pharmaceutical agent course of at least 23 hours approved by the board or an examination approved by the board on the treatment and management of ocular disease or patient assessment and management; and

(B) an optometry and nontopical therapeutic pharmaceutical agent injection course of at least seven hours approved by the board or equivalent training acceptable to the board.

(8) provide three character and professional references from three persons not related to the applicant who must be an optometrist, instructor, supervisor, or official from the applicant's school of optometry sent directly to the department on a notarized form provided by the department.

12 AAC 48.026(b) is amended to read:

(b) The board will, in its discretion, issue an active license to practice optometry to a person holding a retired status license for five years or less in this state, under AS 08.72.185, with authority to prescribe and use the pharmaceutical agents described in AS 08.72.272, as appropriate, if the applicant submits a completed application on a form provided by the department; the completed application must include

(1) meeting the requirements of AS 08.72.140(2) and (3) and AS 08.72.181(d) and (e);

(2) the applicable fees established in 12 AAC 02.300;

(3) evidence of completion of all continuing education requirements in

12 AAC 48.200 – 12 AAC 48.230 that would have been required to maintain an active license during the period the person held the retired status license.

12 AAC 48.026 is amended by adding a new subsection to read:

(c) The board will, in its discretion, issue an active license to practice optometry, with authority to prescribe and use the pharmaceutical agents described in AS 08.72.272, to a person holding a retired status license that has been retired for more than five years, but less than ten years, if the applicant submits the following:

(1) a completed application on a form provided by the department;

(2) pays the applicable fees established in 12 AAC 02.300;

(3) documentation of 400 hours of clinical practice per year in the United States within the two year period immediately preceding the date of application;

- (4) a completed Alaska State Optometry Law examination required in 12 AAC 48.015(a)(3);
- (5) a statement of the dates and places of employment after the license was retired;
- (6) verification from all licensing jurisdictions in which the applicant holds or has ever held an optometry licenses in another state or a territory of the United States or in a province or territory of Canada, if any, for the entire period the Alaska license has been retired, showing that the applicant's license has not been the subject of any disciplinary action and that there are no pending or unresolved actions against the applicant, sent directly to the department from the licensing jurisdiction;
- (7) if the applicant is, or has ever been, employed as an optometrist with a federal agency, after the license was retired, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is, or has been, employed as an optometrist;
- (8) a license that has been retired for ten or more is considered permanently retired, and the former licensee must apply for a new license under AS 08.72 and this chapter.

12 AAC 48.210(d) is amended to read:

(d) An applicant for renewal of an optometry license must submit official verification of having successfully completed, not earlier than the four years immediately preceding the date of application for renewal

**On a motion by Dr. Barney, seconded by Dr. Swarner and carried unanimously.
IT WAS RESOLVED TO APPROVE THE REGULATIONS as AMENDED for public comment.
All in favor, no nays. No further discussion.**

Agenda item 4 – ARBO Conference

Staff updated Board that we have received approval to attend ARBO and have minor requirements to remain compliant with the NBEO scholarship.

Agenda item 5 – Confirming date of next meeting

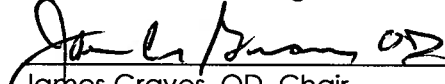
Dr. Graves asked the board if they prefer a one day, day and a half, or two day meeting for the next board meeting, to be held in Anchorage May 3rd & 4th. Board chair prefers one day. Staff advised the agenda doesn't seem to be overly cumbersome. Board decided to conduct a one day board meeting on May 4th from 9AM to 5PM.

**On a motion by Ms. Levine , seconded by Dr. Barney and carried unanimously.
The board having no other business adjourned the meeting at 10:31a.m.**

Respectfully Submitted:



Nate Vallier, Licensing Examiner



James Graves, OD, Chair

Date: 4 May 2012