

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 B
Juneau AK
TELECONFERENCE

July 10, 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 was held on July 10, 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 12:32PM.

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

James Graves, OD, Chair
Dennis Swarner, OD, Secretary
Paul Barney, OD
Forrest Messerschmidt, OD
Immanuel Lewis, Public Member

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

Present via telephone from the Department of Law:
Dan Branch, Attorney
Deborah Behr, Assistant Attorney General

Public via telephone:
Dr. Jack Terry, OD, Executive Director, NBEO

Chair welcomed Immanuel Lewis to the board.

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.
All in favor, no nays. No further discussion.**

Agenda item 4 – Review Regulations Project

Discuss avenues of licensure for applicants who have graduated from an approved school but failed the ISE portion of the NBEO. The Board feels that applicants should pass the ISE to be compliant with statute AS 08.72.140(4)c.

(4) shall have successfully completed

(C) 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; and

Chair feels we need to be consistent in applying standards. Optometry school curriculum is not the equivalent of passing an NBEO section and not the same as CE. Dr. Barney agrees, feels the board should take into account that the curriculum at each school is different, ie a Canadian school vs a school in Puerto Rico and whether or not if they have injections training, may want to look at the actual hours and course content given at each school vs a blanket approval. Dr. Messerschmidt feels that is reasonable.

Dr. Barney also shared that the 1st year the ISE was given in 2011, the pass rate was just over 80%; last year the pass rate was 50%. The 1st time it was given, the portion was an elective; however this past year it was required. The next year, the pass/fail of the ISE will impact your Part 3 score and students will be more prepared and motivated to pass the ISE.

Dr. Jack Terry from NBEO discussed how some applicants didn't even attempt the ISE in the latest exam cycle. On August 1st, the ISE will be calculated into the overall Part 3 score and the performance will be much more reflective of what was found in 2011 with a pass rate exceeding the 82%. A poor performance on the ISE could result in a failure of Part 3.

The board, staff, and Department of Law discussed there is not statutory requirement that applicants pass the ISE and would require a statute to make it a stand-alone requirement. The Board, thru its power, has the ability to set requirements and protect the public to ensure compliance with "successful completion" of the injections training. Dr. Terry and Dr. Barney conversed that applicants could retake the ISE should there be a failure by an applicant. Dr. Terry advised they can open additional slots should it be needed by additional applicants. The testing is done at the national center in Charlotte, NC. NBEO is considering a west coast site as the applicant pool base increases.

It was agreed to table this item until the November Board meeting, no vote was taken.

Agenda item 5 – Regulations Update & Changes

Mr. Branch advised there were a lot of changes from the Dept of Law and the Board can choose to adopt parts of the regulations or table them to the next meeting.

The Department of Law and Board discussed some of the changes to the statutes in 2010 and the need to update the regulations to close any loose ends and prevent any "gray" areas of interpretation. Some of the changed items include the time requirements for passage of the TMOD and successful completion of injections training.

The Department of Law also advised that some grammatical changes are also needed, such as changing "the board may" to "the board shall".

Department of Law advised that adding "territory" when discussing political boundaries of Canada may require a statute update & could be included with the annual "clean-up" statute project.

The Board has asked for more time to understand the changes and asked staff to provide a more visible way to "see" the changes between the adopted regulations and the proposed changes by the Department of Law. Staff will provide a better, more clear outline of the changes showing proper mark-up.

The board moved to table this item due to time constraints and possible loss of a quorum as two members have to leave the teleconference in short order.

On a motion by Dr. Barney, seconded by Dr. Messerschmidt and carried unanimously, to table the regulations project. All in favor, no nays. No further discussion.

Agenda item 6 – Review of the application for Stephanie Le

The board reviewed the application of Stephanie Le, applicant for optometry. The applicant scored a 37 on the ISE. The Chair would like to table the application based on the information received today from Dr. Terry and Dr. Barney regarding ISE scores and how to handle failures. Dr. Messerschmidt feels that if an applicant is going to take an exam, the applicant should pass it – with all board members agreeing. Chair feels she can retest or reconsider in November once the board has received all the information based on the ISE.

On a motion by Dr. Messerschmidt, seconded by Dr. Barney and carried unanimously to table review of the application. All in favor, no nays. No further discussion.

On a motion by Dr. Barney, seconded by Dr. Messerschmidt and carried unanimously.
The board having no other business adjourned the meeting at 1:24 p.m.

Respectfully Submitted:



Nate Vallier, Licensing Examiner



James Graves, OD, Chair

Date: 1 NOV 2012