



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

BOARD OF EXAMINERS IN OPTOMETRY  
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BOARD OF EXAMINERS IN OPTOMETRY  
333 Willoughby Ave, 9<sup>th</sup> Floor Conf Room B  
Juneau AK  
TELECONFERENCE

August 28, 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 August 28, 2012 at 333 Willoughby Ave in Juneau, Alaska

Call to Order

The meeting for the State of Alaska Board of Examiners in Optometry was called to order by Dr. Graves; Chair at 12:03PM.

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  
Misty Frawley, Administrative Officer

Present from the Department of Law:

Dan Branch, Attorney  
Harriett Milks, Assistant Attorney General

Public via telephone:

None

Review / Amend Agenda

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

Agenda item 1 – Review Regulations Project

The Board and Department of Law discussed the edits to the adopted regulations. Ms. Milks reviewed each item of the previously adopted regulations and discussed the edits or rationale for changes. Ms. Milks explained that most of the changes are to provide better continuity with proper legalese and Alaska statutes. The Department did recommend removing section 12 AAC 48.020(c) due to lack of proper authority under the statutes.

Department of Law advised that the only means to have additional requirements for license by credential would need to be via a legislative fix. This particular section dealt with requiring completion of the TMOD and injections training within four years of the date of the application. The other concern by the Board was removal of "territory" when discussing Canada provinces.

On a motion by Dr. Barney and seconded by Dr. Messerschmidt, and carried unanimously, move to adopt the previously adopted amended regulations with additional amendments, as presented by the Department of Law, and that we do not feel there will be any additional cost to the public.

On a secondary motion by Dr. Messerschmidt and seconded by Dr. Barney, and carried unanimously move to remove section 12 AAC 48.020(c) to part 2 of the regulations project.

The final adopted version of the regulations are as follows:

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

(a) An applicant for a license by examination to practice optometry, with the prescriptive authority as described in AS 08.72.272, must submit or ensure the submission of

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 National Board of Examiners in Optometry (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 pathology or pharmacology 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) references from three individuals not related by blood or marriage to the applicant attesting to the applicant's good moral character and capacity to competently and safely practice optometry; the reference must be made on a form provided by the department, signed before a notary, and directly sent to the department by the individual providing the reference; to be eligible to provide a reference under this paragraph, the individual must be one of the following:

(A) an optometrist currently licensed in this state or another state or territory of the United States or in a province of Canada;

(B) an instructor or official from the applicant's school of optometry;

(C) a supervisor of the applicant through applicant's employment in optometry or in a related field.

12 AAC 48.011(b) is amended to read:

(b) The board will not review an application until the fees required by 12 AAC 02.300(1) and (2) and documents required in (a)(1) - (4), (7), and (8) of this section have been received by the department.

12 AAC 48.011 is amended by adding a new subsection to read:

(d) The board will issue a license by examination to practice optometry, with prescriptive authority described in AS 08.72.272, to an applicant who meets the requirements of AS 08.72 and this chapter.

Editor's note: Information regarding examinations by the National Board of Examiners in Optometry described in 12 AAC 48.011 may be obtained from the National Board of Examiners in Optometry, 200 South College, Ste. 1920, Charlotte, N.C. 28202, phone (704) 332-9565.

12 AAC 48.015(a)(1) and (2) are amended to read:

- (1) not earlier than four years immediately preceding the date of application, parts I, II, and III of the written and practical examination offered by the National Board of Examiners in Optometry (NBEO) with a minimum passing score as determined by the NBEO;
- (2) not earlier than the four years immediately preceding the date of application, the Treatment and Management of Ocular Disease (TMOD) examination offered by the National Board of Examiners in Optometry; and. . .

12 AAC 48.020(a) is amended to read:

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

12 AAC 48.026(b) is amended to read:

(b) The board will issue an active license to practice optometry, with prescriptive authority as described in AS 08.72.272, as appropriate, to a person holding a retired status license under AS 08.72.185, for five years or less in this state if the applicant meets the requirements of AS 08.72 and this chapter and submits a completed and notarized application on a form provided by the department. The completed application must include

- (1) documentation of satisfying AS 08.72.140(2) and (3) and 08.72.181(d) and (e);
- (2) the applicable fees established in 12 AAC 02.300; and
- (3) documentation of satisfying the continuing education requirements under AS 08.72 and 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 issue an active license to practice optometry, with the prescriptive authority as 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 10 years, if the applicant meets the requirements of AS 08.72 and this chapter and submits the following:

- (1) a completed and notarized application on a form provided by the department;
- (2) the applicable fees required by 12 AAC 02.300;
- (3) documentation showing the applicant has engaged in 400 hours of clinical practice per year in another state or territory of the United States or in a province of Canada under an active license to practice optometry in that jurisdiction and the practice was not earlier than the two years immediately before the date of application;
- (4) the completed Alaska State Optometry Law examination required under 12 AAC 48.015(a)(3);
- (5) a statement of the dates and places of employment involving the clinical practice of optometry after the license was retired under AS 08.72;
- (6) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice optometry in another state or a territory of the United States or in a province of Canada, if any, for the entire period the license has been retired under AS 08.72, 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; to be considered under this paragraph, the verification must be 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 under AS 08.72, 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 10 years or more may not be converted under AS 08.72.185 to an active or inactive license, and the former licensee must apply for a new license under AS 08.72 and this chapter.

The lead-in language of 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 before the date of application for renewal

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#### Agenda item 2 – Legislative Changes

Mr. Branch advised that a few items discussed would require legislative action in order to meet the desires of the board, which includes recognizing territories of Canada as provinces and the license by credential additions. Mr.

Branch told the Board they are past the opportunity to include this with a Department bill file for introduction by the Governor's office, however the Board has the ability to seek out a legislator who can then write the bill and present it, with the hopes of the bill becoming a statute. Staff and Department of Law are not involved in this process being Executive Branch staff. Mr. Branch feels it would be a small bill and wouldn't be a tough drafting assignment. He advised it is important to focus on making smaller changes rather than redoing all of the Statutes as it will be a more difficult sell to the legislators.

The board chair stated it would be nice to clean up the statutes and also seek the ability to have temporary (ie locum tenens) licensing authority, as well as be able to interview applicants at the boards will, similar to Medical Board.

Agenda item 3 – Other Board Business

Dr. Graves told the Board to ensure they have completed their tasks for the FY 12 Annual Report and get those to staff ASAP.

Misty Frawley discussed the budget from last year including reviewing the supplemental funds provided to the Department from the Legislature to assist in adjusting the indirect expenditures from previous fiscal years. That still left the Board in a shortfall and they do have a pending recommendation for a fee adjustment that is awaiting feedback from the Commissioner's office. After discussion of the previous fiscal performance, Staff will work to provide the Board with the total number of licensees in order to have a better picture of the fees for each licensing period, as Dr. Messerschmidt pointed out a very large income for FY05, which would have been the 2004 renewal period, and Dr. Swarner said he believes the Board had a large fee reduction in 2004 and that the branch licenses went away. Dr. Barney was able to find that fees were \$520 in the 2004 renewal period. Ms. Frawley said the goal is to work out a way to prevent the spikes in income from year to year.

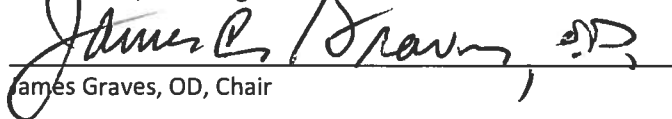
Dr. Graves has set the next board meeting to be a two day meeting, starting at 9:30AM on Thursday, November 1<sup>st</sup> in which the Board will focus on the injections training/education and statute 'wish list', ending at 3:00PM and meeting at 9:00AM on Friday as a regular board meeting and ending at 3:30PM.

On a motion by Dr. Swarner, seconded by Dr. Barney and carried unanimously.  
The board having no other business adjourned the meeting at 1:02 p.m.

Respectfully Submitted:



Nate Vallier, Licensing Examiner



James Graves, OD, Chair

Date: 11/01/2012