

**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

May 12, 2006

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Alaska State Board of Examiners in Optometry was held on May 12, 2006, in the Atwood Building at 550 West 7th Avenue, Suite 1270, Anchorage, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order by Jill Matheson, OD, Chair at 9:09 a.m.

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

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

Staff Present was:

Steve Snyder, Licensing Examiner

Public Present:

Tracy Oman, representing the AKOA joined the meeting at 9:30 a.m.

The newest members were welcomed to the board as the members introduced themselves.

Agenda Item 2 Public Comment

There was no public comment

Agenda Item 3 Review / Approve Agenda

After review and on a motion by Swarner, seconded by Sullivan and carried unanimously it was

RESOLVED to approve the Agenda as presented.

Agenda Item 4 Ethics Reporting

All members reported that they had no ethics violations. Dr. Gonnason reported that he may be a candidate for the house of representatives and if elected would resign from the board.

Agenda Item 5 **Review Approved Minutes**

After review and on a motion by Swarner, seconded by Gonnason and Carried unanimously it was

RESOLVED to approve the minutes of the meeting held December 1, 2005.

Agenda Item 6 **Investigative Report**

The Board reviewed the written report showing one open case for unlicensed practice and no others.

Gonnason explained the investigative process involving a board liason and how costs are passed on to the licensees.

The board had no questions about the open case.

Agenda Item 7 **Regulations**

A. Recently Passed Regulations

The board reviewed the regulations most recently passed. The licensing examiner explained the regulation writing process and the boards role. These regulations allow the board to grant a TPA license endorsement to an applicant who has been practicing therapeutics in another state based on a state exam or an equivalent (to TMOD) examination. The new regulations also made changes to the contact lens prescription expiration date in accordance with the Federal "Fairness to Contact Lens Consumers Act."

B. Continuing Education Requirements

The recent statute amendments give the board the authority to set the continuing education requirements in regulation. The board determined that regardless of whether or not an optometrist wanted the authority to prescribe therapeutic pharmaceutical agents, they should all be educated in ocular pathology and pharmacology. It was determined that the continuing education for all licensees would be the same; 36 hours per biennium with 24 of those in ocular pathology or pharmacology.

On a motion by Swarner, seconded by Sullivan and carried unanimously it was

RESOLVED to amend 12 AAC 48.210

(a) to 36 hours (from 24 hours);

(b) to 24 hours (from 12 hours) and;

Repeal (d).

The board approved this change for public notice as well as their previous amendment of 12 AAC 48.220 to remove the requirement of listing out CE courses on renewal forms.

12 AAC 48.025(b) – Requirement for Pharmaceutical Agent Prescription and use endorsement.

This regulation requires 12 additional hours of CE for each year a new applicant for prescription and use endorsement has practiced in another state since they passed the national TMOD examination. New applicant for license by credentials could be required to submit an unlimited number of hours of CE (12 per year since the qualifying exam was passed) dating back to 1988 for some. The board determined that the requirement of 12 AAC 48.025(b) should be amended by limiting the hours to a maximum of 48. 12 per year up to 48 hours in ocular pharmacology or pathology.

On a motion by Sullivan, seconded by Graves and carried unanimously it was

RESOLVED to amend 12 AAC 48.025(b) by changing the hours requirement to 12 per year Limited to no more than 48 hours total during the last 4 years. The rest of (b) remains the same.

The board was informed that a loophole had occurred in the license by credentials as far as the license and possible disciplinary action in the state they are credentialing from.

A commissioned officer working for the Federal Government as an O.D. in Alaska needs to have a license in some state but not in Alaska. If that same O.D. was licensed in state X and has been working in Alaska for the last 10 years for the Federal Government it could be possible that an unlawful act was committed but since they are not practicing in state x, state x has not disciplined them. They may lack the authority to discipline them or may choose not to because of the cost of travel and/or they were not practicing in state X so state X's public was not harmed. When that O.D. applies for a license in Alaska, state X sends verification of license in good standing, but the board won't know if this O.D. was disciplined by the Federal Government because there is no regulation requiring a verification from an employer or in this hypothetical case the Federal Government.

The board reviewed a Dental Board regulation that this type of situation for a Dental license applicant.

The board reviewed their regulation 12 AAC 020 License by Credentials and statute 08.72.170(7).

The statute 08.72.170(7) states that the applicant for license by credentials must show that he/she has not committed an act in any jurisdiction that would have constituted a violation of Sec. 08.72 or 12 AAC 48.

The board considers a Federal Entity as a jurisdiction and will site 08.72.170 as the authority to require a verification of good standing with the Federal Jurisdiction they had been working for.

On a motion by Gonnason, seconded by Swarner and carried unanimously it was

RESOLVED to amend 12 AC 48.011 and 12 AAC 48.020 by adding language as follows:

12 AAC 48.011(d) – if the applicant is or has ever been employed as an optometrist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;

12 AAC 48.020(c)(5) – if the applicant is or has ever been employed as an optometrist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;

This change was approved for public notice.

The board's decision to require the same CE for all licensees regardless of an endorsement brought about other ideas.

Dr. Gonnason suggested that there should not be a fee for the TPA endorsement, but one fee for the license itself. He did not like the idea that an optometrist could by choice drop the endorsement in order to save money. The board was in agreement. However, the licensing examiner explained that the fees are established by the department in centralized regulations which can only be amended by the department. The licensing examiner explained that he would report the board's position on fees to supervisory staff. The Board searched the law booklet for references to the endorsement fee in regulations that they could amend.

On a motion by Gonnason seconded, by Sullivan and carried unanimously it was

RESOLVED to recommend to the division that the endorsement fees be absorbed into the license fee and the license fee would be the same fee for those with or without the endorsement.

On a motion by Gonnason, seconded by Swarner and carried unanimously it was

RESOLVED to repeal the specific section in the following regulations that require the license endorsement fee of 12 AAC 02.300:

**12 AAC 48.021(a) 2
12 AAC 48.025(a) 2
12 AAC 48.905(a)(1)
12 AAC 48. 905 (b)(1)
12 AAC 48.905 (c)(1)**

Lunch break at 11:30 a.m.
Reconvened at 12:28 p.m.

Agenda Item 8 Annual Report and Legislation.
Agenda Item 9

Both were discussed simultaneously

The board needed to elect a secretary to draft the FY06 Annual Report.

On a motion by Gonnason, seconded by Graves and carried unanimously it was

RESOLVED to elect Dennis Swarner as secretary.

Dr. Swarner accepted the position and started working on the annual report using the FY05 as a template.

The Board discussed a number of legislative changes that they would like to see including:

- The Optometry Board continuation bill CSSB 255. The Legislative audit conducted on board recommended that statute be amended to authorize the board to grant a license with conditions in cases where the applicant had disciplinary actions in another state (current license by credentials law requires the board to deny licensure to an applicant who has been disciplined by another licensing board.)

In addition to that, the audit recommended that statute be amended to authorize the board to deny a license to an applicant who was caught cheating on the examination (current law does not allow the board to take action until the applicant is a "Licensee".)

It was reported that the board continuation bill included these types of amendments. The board asked that these changes be added to the annual report.

Agenda Item 10 Budget Report / License Fees

On a motion by Swarner seconded by Graves and carried unanimously it was

RESOLVED to enter executive session pursuant to AS 44.62.310 to review and discuss the division's proposal for license fee amendments, which is a confidential document.

Off record at 1:32 p.m.
Reconvened to open session at 1:52 p.m.

Tracy Oman left the meeting at the onset of the executive session.

Agenda Item 11 ARBO Meeting Report

Dr. Gonnason gave a report on his attendance of the ARBO Annual Meeting (Association of Regulatory Boards of Optometry)

Meeting Topics included:

NBEO Examination Workshop

CELMO (Council on Endorsed Licensure Mobility for Optometrists)
An ARBO Sponsored clearinghouse for established Optometrists.

State Board Reports

All boards present gave a short report on their current issues and progress.

Dr. Gonnason stated he would be attending the July 2006 ARBO meeting and would make his report at the December 1, 2006 board meeting.

Agenda Item 12 **2005 State Legislature Year End Report**

The board reviewed a summary of important new health care legislation throughout the country – No Action was taken.

Agenda Item 13 **Miscellaneous Correspondence**

None

Agenda Item 14 **Sign Certificates / Schedule Meetings**

Wall Certificates were signed and meetings were scheduled as follows:

Friday, December 1, 2006, Teleconference

Friday, May 11, 2007, Anchorage

Agenda Item 15 **Final Comments**

The board having no further Business to discuss on a motion by Sullivan, seconded by Gonnason and carried unanimously

RESOLVED to adjourn the meeting at 3:30 p.m.

Respectfully Submitted:

Steven B. Snyder, Licensing Examiner

Approved:

Jill Matheson, O.D., Chair

Date: _____