

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

ALASKA STATE BOARD OF EXAMINERS IN OPTOMETRY

June 10, 2009

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled Board of Examiners in Optometry meeting was held on June, 10, 2009, at the Best Western Kodiak Inn - The Harbor Room, 235 W. Rezanof, Kodiak, Alaska

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order by Jill Matheson and Chair at 9:06 a.m.

Those present constituting a quorum of the board, were:

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

Staff Present:
Connie Petz, Licensing Examiner

Agenda Item 2 Review/Amend Agenda

Additions to agenda:

Add discussion for regulations to agenda item 11.
Add discussion for "other courses" the board might find acceptable for the 23 hour and 7 hour requirements to agenda item 4.

On a motion by Tim Sullivan to amend the agenda as discussed, seconded by Jeff Gonnason; IT WAS RESOLVED TO APPROVE THE AMENDED AGENDA, carried unanimously; All in favor – No nays

Agenda Item 3 Review/Approve Minutes
December 19, 2008 Teleconference Meeting Minutes

On a motion by Jeffrey Gonnason to approve the minutes as written, seconded by Dennis Swarner, IT WAS RESOLVED TO APPROVE THE December 19, 2008 MEETING MINUTES AS PRESENTED, carried unanimously; All in favor – No nays.

Agenda Item 4 Ethics Report

Jill said no ethics violations to report; she does have a patient who said she will report her for not billing her secondary insurance carrier. Jeff Gonnason, James Graves, Tim Sullivan, Dennis Swarner all stated, no ethics violations to report. Staff also stated no ethics violations to report, **all members reported that they had no ethics violations or potential violations.**

Agenda Item 5 Public Comment

No public were present.

Agenda Item 6 Review/Approve Investigative Report

Investigator Michele Wall-Rood joined the meeting via telephone at 10:15 a.m.

**There are no open cases.
No new open complaints as of May 26, 2009 and as of June 10, 2009.
1 open case # 2500-08-001 allegation regarding sexual misconduct.
No cases were closed during the period of December 3, 2008 through
May 26, 2009**

Michele wanted to provide notice and seek permission from each board member to send a subpoena for employment records on the optometrist that is currently under investigation to his last two (2) employers, to look at his personal files as part of this investigation.

Jill asked Michele why she needs board approval for a subpoena. Michele said she does not need approval but she likes to notify the board to get a positive affirmative or negative from each board member. It's mostly a courtesy to the board.

The subpoena is a legal document requesting information not normally released and it commands the release of the information sought for the investigation under authority AS 08.01.087 (a) and (b) (4). Investigative and enforcement powers of department.

Each board member stated on the record they approved investigations to make the request for subpoena for the on going investigation. Approved by - Jill Matheson, Jeff Gonnason, James Graves, Tim Sullivan, Dennis Swarner. All in favor, No nays.

No action taken on the Investigative report.

Break at 10:18 a.m.; back on record 10:36 a.m.

Agenda Item 7 Review applications for licensure:

Discuss reinstatement application for Andrew Adamich. The Board had approved by a mail vote for license reinstatement at the DPA level. Board discussion was related to the TMOD, if taken within 5 years of the date of the application, it would satisfy the 23 hour course requirement. Then he would only need the 7 hour injection course. Connie will review the file again and advise Dr. Adamich which courses he will need to complete for the TPA requirements.

Board reviewed both the reinstatement application check list and the new license application check list. All agreed these forms helped them follow along with the layout of statutes or regulation requirements. Jill asked the board to keep staff informed whenever they notice that a check list item needed revision.

Jeff Gonnason asked about Maynard Falconer and if he now had the TPA endorsement. Jeff will work with Pacific University to see if they will amend the certification documentation for Dr. Falconer because he had attended the same courses as all the others.

Discussion regarding licensees who were changed from TPA to DPA due to the inability to meet the new law for either one or both the 23 hour course and the 7 injection course. The board determined the reinstatement of a TPA endorsement 12 AAC 48.905 (c) applicant must have taken a 23 hour course approved by the board within 5 years of the date when the statute changed Feb 19, 2003.

The board reviewed statute Sec 08.72.175. (a)(2)

On a motion by Jeff Gonnason for the board to accept the 23 hour course that Oregon offered by Pacific University February 19-21, 2003 and the doctors who took that course, meet the requirements as per the AS 08.72.175, seconded by Dennis Swarner. All in favor of approving – No nays.

On a motion by Jeff Gonnason for the board to accept the 8 hour injection course that Oregon offered by Pacific University February 19-21, 2003 and the doctors who took that course, meet the requirements as per the AS 08.72.175(a)(2), seconded by Dennis Swarner. All in favor of approving – No nays.

The Washington 23 hour course had been approved at the December 2008 board meeting.

On a motion by Jeff Gonnason, the board accepts the Washington 4 hour injection course and the board approves the 3 hour injections supplemental course being offered on Sunday August 9, 2009 at Pacific University, seconded by Dennis Swarner. All in favor of approving – No nays.

TMOD or 23 hour course satisfies the state law requirements. Board agreed they have the option of someday creating an exam but in the meantime it was not necessary to create an exam.

Review Application: Elizabeth Jean Lane

IT WAS RESOLVED TO approve Elizabeth Jean Lane for licensure with TPA endorsement pending passing all parts of NBEO and the Alaska State Law Exam. Carried unanimously; All in favor – No nays.

Board discussed they were ALL agreeable to receive all future applications for mail ballot voting via e-mail in a PDF format. This is fiscally responsible as it saves paper, stamps and mail time both directions.

Agenda Item 8 Review CE Audits

The board reviewed the continuing education audit documentation of the 8 licensees submitted in time for the board meeting. All CE was in order and deemed acceptable.

Audits received from licensees:

Dan Hart	# 208
Donald J. Johnson	# 244
Allision Claire Moir	#262
Carmencita T. Palma	# 186
Chad D. Personett	# 193
Ladd M. Nolin	# 207
Wayne T. Hagerman	# 55
Brian D. Cin	# 171

On a motion by Jill Matheson, seconded by James Graves, and carried unanimously it was resolved to approve the licensees CE's submitted for the audit period of January 1, 2007 to December 31, 2008. All in Favor, no Nays.

Agenda Item 9 Discuss revision of State Law Exam

Exam was last updated June 2008, wording on one question amended for reader clarity.

Agenda Item 10 Lunch recess – reconvene

Time OUT – 11:58 a.m.

Time back on record – 1:20 p.m.

Agenda Item 11 HB Optometry Bill

Board discussion of the final drafts of HB 245 and SB 193. If this bill passes there will no longer be a TPA endorsement, everyone will have full privileges. This bill puts the highest level of optometry requirements into law. Aside from technical and grammatical changes and housekeeping issues; highlights are:

Qualifications for licensure now have the same wording as the requirements for the TPA endorsement.

Credentialing requirements now includes passing the NBEO exam.

Create a Retired license, cannot practice but does not require renewal of license.

Licensee's holding a license issued before the effective date of the law change can continue to renew and hold same license type and/or may apply to upgrade for license endorsements. They are not required to comply with CE requirements of the higher endorsement if they do not have the endorsement.

All agreed it was well written and the board asked staff to send a letter of thanks to Alpheus Bullard for his work on the project.

On a motion by Dennis Swarner, Approve HB 245 and SB 193 as written and approved and request this be adopted as a position of the board. Seconded by Tim Sullivan and carried unanimously. All in Favor, No Nays.

Lunch Break: off record at 11:58 am - back on record topic 1:20 pm

Added to agenda discussion on Regulations: Nothing more to discuss at this time.

Agenda Item 12 Review of FY 08 Annual Report

Board requested that at future board meetings the prior year annual report be brought to the meeting for reference source. Annual report to be completed by staff, board chair will review and revise the goals and objectives for the FY 09 report.

Add to goals and objectives:

Keep up with statute changes SB 193 and HB 245

Keep up with 12 AAC 48.905 needs to be watched, regulation will need changes if the above bill passes. Watch this regulation; if the NEW statute changes it would be repealed. IF not, the board will need to amend it.

Annual Report should be a reflection of what the board has already discussed at the prior board meeting. Jill will review the annual report, board asked staff to do all but, goals and objectives and the narrative statement. Jeff asked staff to put it together and the board will update what is new for the report.

Agenda Item 13 2009 ARBO Attendance

Jeff will attend ARBO June 2009 in Washington DC because the AOA congressional conference dates overlap.

Discussion of the ARBO - Joint Board Certification Project Team (JBCPT): Jeff Gonnason will represent the board at the June meeting and has been given the ok to go forward sharing that the Alaska State Board of Optometry is in support of the JBCPT proposal for board certification. Dr Gonnason stated if the board does not join in support of this project, it could be that down the road optometrists would not be qualified for the payments for Medicare/Medicaid if the Federal Government moves ahead and requires board certification for reimbursement.

All other health care professionals are board certified and this certification is not tied to licensure. Optometrist's are the ONLY prescribing profession which currently does not require board certification. If someone chooses not to get board certified they do not lose their license, but down the road they may not be able to get reimbursed from insurance programs. It was pointed out that optometrists ignored a prior issue which affected medical payments and they were left out of Medicare reimbursements.

On a motion by Dennis Swarner, seconded by James Graves, it was resolved to approve Dr. Gonnason, while at ARBO, to represent the board's position in support of JBCPT. Board members all voted in favor, none opposed, Tim Sullivan abstained.

Tim Sullivan abstained as he felt he needed to do more research to understand the position of how the board certification process effects or impacts the licensees in AK.

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Agenda Item 14 Review Pacific University courses

Board approved the 23 hour AOT course, the 4 hour injection course and 3 hour injection supplemental course to be offered at Pacific University August 8-12, 2009. The supplemental course is for those doctors who have already completed a 4-hour injections lab. This course provides additional 3-hours, including a wet lab on inter-dermal and lid injections, and didactic instruction on immunology of drug reactions and anaphylaxis.

Staff to provide letter to all Alaska licensed DPA holders of the board's decision.

Agenda Item 15 Review Correspondence

Don McIntyre:

Dr. McIntyre wrote to the board asking when he will need to take additional 7 hours of injections CE for renewal. Board discussed that 4 years means including through a licensing period. Dr McIntyre is off cycle but he will be in the same time frame as all Alaska Licensed doctors. January 1, 2009 to December 31, 2012 is the period which ALL optometrists will need to provide a new 7 hour injection course to be able to renew at the TPA level.

Jeff Gonnason moves that the board determined the first renewal requirement for the continuing education 7 hour injection course will be for the renewal period January 1, 2013 to December 31, 2014. The 7 hours must be taken in the 4 year period prior to that renewal date (January 1, 2009 to December 31, 2012).

No more discussion **All in favor of approving – No nays.**

Henry McPherson:

Dr. McPherson is questioning contact hours in the continuing education requirement. The board agreed that post graduate courses are contact hours. Of the 36 required hours no more than 9 can be from “correspondence courses”. Board agreed Dr. McPherson can consider his 9 hours per 12 AAC 48.210 (4) postgraduate correspondence courses, except that no more than nine hours of continuing education credits may be claimed in a single licensing renewal period.

Future regulation project: strike out the word “contact” out of continuing education because it is irrelevant and confusing.

Discussion evolved to digital “virtual Grand Rounds” education courses. It was agreed that some courses offer very interactive opportunities for continuing education requirements. Board will add to goals and objectives to review alternate forms of CE’s as technology courses and consider regulation change to include them for continuing education requirements. Also need to define the amount of CE’s which could be earned from alternate forms of education.

Donald J. Johnson:

Discussion by the board that we had approved the prior classes earlier in our meeting and any licensees who took the OR and WA courses qualify for TPA if they have the required certificates to document the TPA requirements.

All the above Agenda Item 15 correspondents will be contacted by staff to advise them of the boards decision.

Agenda Item 16 Schedule Meetings

November 20, 2009 teleconference 9:15 a.m. to noon.

Anchorage Board meeting May 21, 2010 at 9:00 a.m. Atwood building.

All board members agreed with meeting dates and times. No further discussion.

Agenda Item 17 Final Comments

Board positions coming up for reappointment March 2010; Tim Sullivan and James Graves both agreed they would like to continue on the board. They will both contact Boards and Commissions to state their desire to be reappointed by November 2009.

On a motion by Tim Sullivan, moved to adjourn meeting. seconded by Dennis Swarner. Carried unanimously, All in favor - No nays.

The board having no other business adjourned the meeting at 2:35 p.m.

Respectfully Submitted:

Connie Petz
Connie Petz, Licensing Examiner

Jill Matheson, OD
Jill Matheson, OD, Chair

Date: 11-20-09