

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF EXAMINERS IN OPTOMETRY
550 W 7th Avenue Conference Room 1860
Anchorage AK**

May 4, 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 May 4 2012 at 550 W 7th Avenue, Conference Room 1860 in Anchorage, 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 9:02AM.

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

James Graves, OD, Chair
Dennis Swarner, OD, Secretary
Paul Barney, OD
Forrest Messerschmidt, OD

Present from the Division of Corporations, Business & Professional Licensing:
Nathan "Nate" Vallier, Licensing Examiner
Present from the Department of Law - Harriett Milks, via telephone

Chair welcomed Dr. Forrest Messerschmidt to the board, replacing Dr. Matheson. Public member Jo Anne Levine resigned due to unforeseen circumstances and she is grateful for the opportunity to serve and learn about the profession.

Agenda item 2 - Review / Amend Agenda

Staff advised that we will review applications during the public comment period if we have no public comment.

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

Agenda item 3 - Review / Approve Minutes

Dr. Swarner advised of a typo in the January 2012 meeting minutes regarding an accidental listing of his attendance. Staff made note and will make the change.

On a motion by DR. BARNEY, seconded by DR. MESSERSCHMIDT and carried unanimously, IT WAS RESOLVED TO APPROVE THE AMENDED of the January 6, 2012 MEETING MINUTES. All in favor, no nays. No further discussion.

On a motion by DR. SWARNER, seconded by DR. BARNEY and carried

unanimously IT WAS RESOLVED TO APPROVE the March 16, 2012 TELECONFERENCE MINUTES as written. All in favor, no nays. No further discussion.

Agenda item 4 - Ethics Reporting

Dr. Graves asked if there were any ethics violations to report, all board members and staff stated they had no ethics violations to report.

Board hand-out: AG opinion on PPACA and the effects on licensure

Staff shared the recent opinion from the Office of Attorney General/Department of Law regarding Section 221 covering Indian Health Service health care related staff.

Advised that the Department is investigating the best way to move forward, such as a registry, to ensure compliance with the law. PPACA is presently pending in front of the United States Supreme Court.

Board member Dr. Barney mentioned that a situation such as a complaint filed against a military doc, the military would pursue it. His concern was that we need to provide a vehicle to address a complaint, as someone needs the authority to address it as the state of licensure of the practitioner may never be made aware of said complaint nor enforce it.

Board and staff discussed the possible impact being maybe 15 licensees in the State. Staff advised that one large facility is still going to require Alaska state licensure for medical related staff, it is unknown if that will cover any optometrists on staff, and there is a chance other Alaska IHS facilities may follow suit.

Agenda item 5 - Investigative Report

The board was advised that Michelle Wall-Rood is returning as the board's investigator.

Investigator Wall-Rood spoke briefly with the board, advised there have only been a few calls and questions and no disciplinary action or open investigations.

Agenda item 6 - Regulations Project

The board reviewed the public noticed regulations project and public comment.

Dept of Law asked to discuss the regulations project with the Board; Harriett Milks, Assistant Attorney General, joined via telephone.

Ms. Milks had a few questions regarding the verbiage "with authority to prescribe and use the pharmaceutical agents described in AS 08.72.272", and asked for explanation regarding "with authority to" and understand what the function of the change intends to be. Concern is that the way it is written, it modifies pharmaceutical agents and not authority, from a grammatical point of view. Ms. Milks and the Board discussed the varying legal terms with the intentions of clearing up the intent of the Board. Dr. Barney suggested changing the verbiage to "with the prescriptive authority as described in AS 72.272" and Ms. Milks felt comfortable with that change. The Board agreed and requested to amend the regulations as such.

The lead-in language of 12 AAC 48.011(a) was presented 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

Will now 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 the prescriptive authority as described in AS 08.72.272 and this section by submitting

And update:

12 AAC 48.020(a) was presented 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.

To now 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 the prescriptive authority as described in AS 08.72.272, and this section.

And update:

12 AAC 48.026(b) was presented 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

To read:

12 AAC 48.026(b):

(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 the prescriptive authority as 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

And update:

12 AAC 48.026 is amended by adding a new subsection was presented 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:

To read:

12 AAC 48.026:

(c) The board will, in its discretion, 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 ten years, if the applicant submits the following:

Off the record at 10:23AM for break

On the record at 10:37AM back from break

The Board also discussed possible issues by requiring federal verification of employment and/or disciplinary actions, and asked staff to add military history to the application.

On a motion by DR. SWARNER, seconded by DR. BARNEY, IT WAS RESOLVED TO ADOPT THE REGULATIONS as revised. All in favor, No nays.

Board discussed further verbiage of the 7 hours injections requirement and discussed making an amendment to the regulations to remove the word "course" and "an" from 12AAC 48.020(c)(7)(b) to read: "(B) optometry and nontopical therapeutic pharmaceutical agent education of at least seven hours approved by the board or equivalent training acceptable to the board."

On a motion by DR. BARNEY, seconded by DR. SWARNER, IT WAS RESOLVED TO ADOPT THE AMENDED REGULATIONS. All in favor, no nays.

Agenda item 7 – Jurisprudence Exam

The board reviewed the exam and decided to not make any changes at this time.

Agenda item 8 – Discuss Injections Course/Education Parameters

The board reviewed a compilation of requirements & standards put together by the West Virginia board to determine how the State can better serve our licensees, applicants, and educators.

The board understands the difficulty in finding a 7 hour "course" but has interpreted the laws as education, thereby the board has moved to allow 7 hours of proper optometric injections training.

Board discussed the varying degree of knowledge needed for new licensees coming into the state, fresh out of optometry school vs a licensee who has had the training previously. The board will also be willing to accept injections-related courses by AKOA count towards a cumulative total towards biennial continuing education requirements. Non-AKOA courses will be considered if the licensee provides the course outline & description.

Dr. Barney suggested the board does additional research and develop the guidelines at the November meeting, with the fear any movement now could hamper or discourage current courses.

Task: Board members to start researching and developing criteria for applicants versus licensees that have taken the course and develop a policy at the November meeting.

Lunch break/off record at 12:13PM

Back on record at 1:20PM

Dr. Graves called the meeting to order. Roll call, all Board members and staff were present.

Agenda item 9 – Public Comment

No public commentary.

Agenda item 10 – Review applications for licensure

On a motion by Dr. Barney, seconded by Dr. Messerschmidt, it was resolved to approve the application of Dr. John Coulter pending receipt of the law exam fee and licensing fees, and passing of the law exam. All in favor and none opposed.

On a motion by Dr. Barney, seconded by Dr. Swarner, it was resolved to approve the application of Dr. Lauren Evans pending passing of the law exam. All in favor and none opposed.

The board also reviewed the application of Dr. Laura Kompkoff for acceptance of the injections training presented. Dr. Barney reviewed the training and felt that while Washington has a 12 hour course, only 4 hours are on injections that could be accepted. Alaska statutes require a seven hour course approved by the board or equivalent training acceptable to the board (AS 08.72.140(4)(C)). Dr. Barney said that she & her family are highly competent & leaders in our practice, however this is not the correct course.

Agenda item 11 – Correspondence

The board reviewed and discussed multiple pieces of correspondence and assigned tasks accordingly.

- 1) Donna Delay for ARBO and the AOA's House of Delegates resolution and motion regarding optometric continuing education.

The board decided that no action is needed, there is no reason to state a position.

- 2) Laura Wallrath of Alaska Dept of Health and Social Services forwarded an e-mail related to British Columbia regulations for sale of eyewear.

The board feels that with a limited boundary with BC that we have not become aware of the issue outlined in the letter is a problem for Alaska residents and/or regulators and we have no way of tracking this information; the AOA may have some information for the request. Chair will send an e-mail to the person advising that the AOA may have the information as we do not.

- 3) Mark Sawamura of Southern California College of Optometry regarding injections training & requirements to ensure graduates are compliant with our law

The board feels that the education provided by SCCO would qualify as the training/instruction while in school is sufficient as the students must also pass the injections portion of the NBEO. Dr. Paul Barney will respond.

- 4) Licensee Anne Maygren regarding OPW injections course

The OPW course focuses more on systemic diseases than injections & doesn't meet the spirit of the law. Staff will respond.

- 5) Licensee Cheryl Landry e-mail regarding New England College of Optometry injections course

The board reviewed Dr. Landry's email and will respond inquiring about the course curriculum and the level of participation she provided (ie - participate in the class for the entire duration?).

- 6) Lisa Fennell of ARBO regarding illegal sales of contacts

The board directs all illegal sales to investigations; no to part II of the letter. Dr. Messerschmidt will respond.

- 7) ARBO requesting a Board report

Dr. Paul Barney will do this report for ARBO.

Off the record at 3:12PM
Back on record at 3:23PM

Agenda item 12 - Annual Report

Board discussed the annual report and assigned duties.

Agenda item 13 - Other Business/Schedule Meetings/Task List

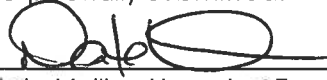
The next Optometry board meeting is scheduled for Anchorage, November 2, 2012 at 9AM

Recap TASKS/Projects from board meeting:

- All board members to continue researching what they feel should be appropriate guidelines/needs for the injections education/course compliance policy
- Dr. Barney will report topics from the ARBO conference in June
- Board members will respond to the correspondence
- Staff will update application - add federal verification and military history

**On a motion by DR. BARNEY, seconded by DR. SWARNER and carried unanimously.
The board having no other business adjourned the meeting at 4:25 p.m.**

Respectfully Submitted:



Nate Vallier, Licensing Examiner



James Graves, OD, Chair

Date: 1 NOV 2012