OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES
February 4, 2011

Board Members Present:	Robert Mans, O.D., President Donald Garris, O.D. Jeffrey Pelson, O.D. Jessica Lynch, O.D.
Board Members Absent:	None
Board Staff:	Kelly Paige, Executive Director Cathy Boudreau, Administrative Assistant Debbie Hendricks, Administrative Assistant
Board Legal Counsel:	Lori Lindley, Asst. Atty. Gen.

CALL TO ORDER -

Dr. Mans called the meeting to order at 8:32 a.m. in the Mezzanine Level Conference room at 1900 Hines Street SE, Salem, OR., 97302. The Public Session was adjourned immediately to Executive Session for the purpose of discussing complaints. The meeting was reconvened at 12:25 p.m. The Public Session was adjourned at 12:26 p.m. for lunch. The Public Session was reconvened at 1:00 p.m.

Interested parties in attendance were Ms. Rose Thrush, Attorney, Ms. Karen Knauerhase, Attorney, and Stephen Kafoury, Lobbyist for the Semi-Independent Board Association. Tracy Oman, Executive Director of Oregon Optometric Physicians Association arrived at 3:45 p.m.

MINUTES - The Board reviewed the minutes from the Public Session of September 10, 2010. Dr. Pelson made a motion that the Board approve the minutes as distributed. Dr. Garris seconded the motion. There was no discussion. The minutes were approved unanimously by oral vote as distributed. Dr. Pelson made a motion that the Board approve the minutes of the November 5, 2010 Public Session. Dr. Garris seconded the motion. There was no discussion. The minutes of the meeting were unanimously approved by oral vote as distributed.

RATIFICATION -

Reactivation and Reinstatements - The following actions were approved by the Executive Director since the last meeting of the Board:

Reinstatement of license to Inactive Status: Gordon Dramen, OD
Reinstatement of license to Inactive Status: Mitsuhisa Hayashi, OD
Reactivation of license to Active Status: Kristine Gyving, OD
Reactivation of license to Active Status: Denise Wilkinson, OD
Reactivation of license from Inactive-Military to Inactive status: Joel Postma, O.D.

Dr. Mans read these actions into the record. Dr. Pelson made a motion to ratify the actions of the Executive Director. Dr. Lynch seconded the motion. There was no discussion. The motion carried unanimously by oral vote.

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A met all the requirements for licensure and were approved by the Executive Director since the last Board meeting. Dr. Mans read the names of the three new candidates into the record. Dr. Lynch made a motion that the Board approve these actions of the Executive Director since the last Board meeting. Dr. Pelson seconded the motion. The motion carried unanimously by oral vote.

ACTION ON EXECUTIVE SESSION -

10-05-01 - A letter will be sent to the doctor requesting five patient records for the next meeting. The records should contain medical details only, no billing information. The records should include patients with macular degeneration and diabetic patients. The records should be photocopied and the doctor's findings should be printed legibly on a separate document. This case will remain open

10-07-02 - This case was closed at the November meeting. It has been reopened in light of additional requests for investigation of the doctor's office procedures. A letter will be sent to the doctor requesting that he attend the next Board meeting for an interview. He will be instructed to send copies of the patient records in these investigations, and five additional contact lens patient record files immediately, and to bring the original files to the interview. This case will remain open.

10-09-01 - The doctor agreed to remove "MD" from his advertisements and business cards until the Oregon Medical Board licenses him to practice medicine. Dr. Mans confirmed that the signage at the practice location no longer says "MD". This case will be closed.

10-09-02 - The Board found no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. Letters were written to the complainant and the licensee. There has been no additional information received from the parties. This case will be closed.

10-10-01 - The investigation in this case will continue to determine the ownership of the business. This case will remain open.

10-10-02 - This doctor in this case has been requested to change some of the language on his prescription form. A letter will be sent to him with additional recommendations. A copy of his new prescription form should be obtained after the changes are made. This case will remain open.

10-11-01 - A letter will be sent to the doctor requesting that he attend the next Board meeting for an interview. He will be instructed to send copies of the patient records in these investigations, and five additional contact lens patient record files immediately, and to bring the original files to the interview. This case will remain open.

10-11-02 - A letter will be sent to the doctor indicating that, while the Board finds no optometric

error or violation of Oregon Revised Statutes and Administrative Rules, that the Board recommends additional communication with the patients with regard to dilation, and that the doctor check with the staff to verify the office procedures regarding patient education for this procedure. A letter will be sent to the patient informing her that the Board finds no optometric error or violation of Oregon Revised Statutes and Administrative Rules, and that a letter will be sent to the doctor recommending that she revisit her communication with patients about dilation procedure. This case will remain open.

10-11-03 - The Board sent a letter to the optical store advising them of the statutory requirement to notify customers that a licensed optometrist is practicing at the location. The store representative responded saying that they believe that their print advertisement already complies with law, and that they have mounted a sign at the location. The Board is satisfied that the optical store has complied with their request. This case will be closed.

10-11-04- The Board sent a letter to the optical store advising them of the statutory requirement to notify customers that a licensed optometrist is practicing at the location. The store representative responded with a copy of their revised sign. Ms. Paige has verified that the store now advertises the services of a licensed optometric physician. The Board is satisfied that the optical store has complied with their request. This case will be closed.

10-12-01 - The doctor's response was not received by the date of this meeting. The Board members would like the patient record in this case to be emailed to them when it is received at the office of the Board. This case will remain open.

10-12-02 - The doctor in this case has allowed his license to lapse. He has closed his office without notification to the Board of the closure or the custody arrangements for his patient records. To date, there has been no response from the doctor, and all the certified mail which has been sent to his known addresses has been returned unclaimed. The Board will propose disciplinary action under case number 11-02-04. A letter will be sent to the complainant stating that the Board is trying to contact the doctor. This case will remain open.

10-12-03 - A letter will be sent to the doctor requesting that he attend the next Board meeting for an interview. He will be instructed to send copies of the patient records in these investigations, and five additional contact lens patient record files immediately, and to bring the original files to the interview. This case will remain open.

11-02-01 - The Board will continue the investigation in this case. This case will remain open.

11-02-04 - This case has been opened at this meeting as a result of the unanswered requests by the Board for information from Jeremy Graziano, OD regarding his optometry license and in patient complaint investigations. All the certified mail which has been sent to his known addresses has been returned unclaimed. Dr. Lynch made a motion that the Board issue a Notice of Intent to Discipline – Revocation of License and Recovery of Costs to Dr. Graziano, citing ORS 683.140(1)© Unprofessional conduct, or for gross ignorance of inefficiency in the profession; ORS 683.140(1)(p) Any violation of the provisions of ORS 683.010 to 683.340; ORS 683.140(2)(e) Regarding the Board's authority to assess the costs of the disciplinary proceedings; OAR: 852-010-0051(3)(4) Failures with regard to patient record custody reporting and record release; OAR 852-

050-018 Failure to notify the Board of changes of practice location, and address of record; OAR 852-060-0027(11) Failure to respond in writing to a Board request for information as required. OAR 852-060-0027(20) Failure to retain or make appropriate transfer of the care of patient records. Dr. Pelson seconded the motion. There was no additional discussion. The motion carried by unanimous oral roll-call vote. There were no abstentions. This case will remain open.

MONITORED CASES:

04-06-07 - Five patient records will be obtained for next meeting. These records should include glaucoma or glaucoma suspect patients. The Board will continue to monitor the doctor until the completion of his probationary period in October 2011.

Dr. Pelson made a motion that the Board approve the actions from the Executive Session. Dr. Lynch seconded the motion. There was no further discussion. The motion carried unanimously by oral vote.

CORRESPONDENCE -

The Board has received an inquiry from Ben Coutant, OD regarding the "over-dispensing" of contact lenses. He requested an opinion from the Board about language he would like to add to his prescriptions. The Board conceded that there is nothing in Oregon Revised Statute or Administrative Rule that prevents the sale of contact lenses while the prescription is valid. The sample language submitted by the doctor for his prescription is within the letter of the law as written. A response will be sent to the doctor. The Board may include the language in the next newsletter.

Nichole Rioux, OD asked about the optometric authority to prescribe Oral Diamox. Dr. Mans had replied to this question. He was of the opinion that the medication is within the scope of practice for Oregon optometrists and that it should be considered one of the two medications allowed prior to consultation in the treatment of secondary glaucoma. While the agent is not his first choice for treatment, it is used in various kinds of glaucoma. The other Board members concurred with Dr. Mans.

Sue Terry of National Board of Examiners in Optometry has sent a follow-up communication regarding the Board's participation in the NBEO administration of the Oregon Law and Administrative Rules Examination. Ms. Paige said that she would like to look at the examination and rewrite or add to the questions. She suggested that some sample questions be added to the Board's website. Dr. Mans and Dr. Pelson asked to see copies of the current law exam questions.

PRESIDENT'S REPORT - There was no report submitted at this time.

COMMITTEE REPORTS -

Continuing Optometric Education: Dr. Lynch made a motion that the Board ratify the continuing optometric education courses approved since the last Board meeting, including designation of acceptable TMOD offerings. Dr. Garris seconded the motion. There was no discussion. The motion carried unanimously by oral vote.

Budget Committee: Dr. Garris reported that he will be meeting with Ms. Paige to discuss the proposed budget. Ms. Paige stated that the director for the Physical Therapist Licensing Board is compiling some information for the semi-independent health agencies which will be of use in formulating a proposed budget. In addition, she mentioned that the Board's personnel budget will be reduced from the previous biennium, and she would like to find some cost-savings in some areas such as mail service.

Legislative Committee: Ms Paige distributed a hand out listing the bills that she is currently tracking. She recommended her favorite link to the Legislative website for tracking bills through the legislative process.

Mr. Kafoury and Ms. Paige noted that most of the bills on the handout don't have anything to do with semi-independent status, but may affect health regulatory boards, health professionals, or refer to public records.

SB13: This bill prohibits Semi-Independent boards from borrowing money in a manner which would incur a debt for the State of Oregon. Stephen Kafoury stated that he and Bob Keith, the Executive Director for the Appraisers Certification and Licensure Board, will attend the hearing on February 9, 2011 to affirm that SIBA is aware that any indebtedness will not encumber the State of Oregon. Ms. Boudreau asked if Mr. Kafoury was of the opinion that this bill might reaffirm that the Semi-Independent boards have authority to become encumbered, that is, to borrow money to purchase real estate for office purposes. Mr. Kafoury said that he isn't familiar with the original provisions of the statute which originally gave the boards semi-independence authority. Ms. Paige read the statute that applies, ORS 182.466(2) which states that semi-independent state agencies ". . may enter into contracts and acquire, hold, own, encumber, issue, replace, deal in and with and dispose of real and personal property." Mr. Kafoury agreed that the current bill does seem to implicate that the semi-independent boards have the authority to take on debt. Ms. Paige told the Board that the SIBA group had discussed this bill and had decided to remain neutral on it. The consensus of the group was the belief that semi-independent agencies were "on our own" when it came to taking on debt, but that we were not going to register any objection to this being formalized

HB2381: This bill will require that the semi-independent health licensing boards be exempted from provisions of ORS 182 which have governed personnel issues, the budget process, and segregation of funds.

Mr. Kafoury explained that Representative Mitch Greenlick, Co-Chair of the House Health Care Committee, doesn't like the budget process that the SIBA boards currently use because the budgets are adopted and reports are made to the Governor and Legislative assembly many months after the legislative session is complete. Executive Directors from the Board of Optometry, Board of Massage Therapists(Kate Coffey) and Physical Therapy Board(Jim Heider) met with Rep. Greenlick in December, and asked him whether he would consider amendments to the bill. He said that he would consider amendments that addressed his primary concerns. With agreement from Jim Heider and Kate Coffey, Kelly Paige drew up a compromise bill which included

- adopting State job classifications and salary ranges for all employees of semi-independent health boards;
- implementing a new budget timetable for these boards, which would preserve the current budget *process*, but accelerating the reporting of the budget *document* and

- piloting a revised budget document which had been developed by the Health Professional Regulatory Boards last summer.

Right now, Mr. Kafoury is waiting to hear whether the three licensing boards included in HB2381 will agree to the compromise. If approved, he (and Ms. Paige) will meet with Rep. Greenlick and ask him whether these proposed changes will satisfy him. Mr. Kafoury will also be speaking to Jim Thompson, the Republican co-chair of the House Health Care committee about the proposed amendments. He stated that Rep. Thompson has had a favorable attitude toward the profession of optometry in previous legislative sessions.

Ms. Paige explained that the other two Board have previously adopted DAS personnel policies, personnel classifications, and salary ranges, and take furlough days. The Massage Board is also a DAS client agency. The boards will retain the current budget process, but the process will be completed from July until December of even-numbered years, for the budget which is effective July 1 in the following odd-numbered year. Currently the Board completes the budget process between January 1 and June 30 of the odd numbered years. .

Dr. Mans was unclear why the personnel policies and classifications are an issue if Rep. Greenlick's is concerned with the timeliness of the boards' budget process. Ms. Paige and Mr. Kafoury pointed out the language in HB 2381 which rescinds the exemption from ORS chapters 240, 291, 292, and 293. ORS 240 addresses personnel issues. The other chapters speak to additional issues of public financial administration, salaries of officers and employees, and administration of public funds.

Dr. Mans expressed concerns about the language in the bill which requires the Board's civil penalties and fines to go into a Criminal Fine and Assessment Account. It appears that only the Board of Optometry is required to relinquish civil penalties into this account, unlike the Board of Massage Therapists and the Physical Therapists Licensing Board. He is not in favor of Board funds being transferred into this account. There was discussion about the statute that requires the transfer of funds to this account and it was noted that Ms. Paige has confirmed with Legislative Council that, if the budget exemption is removed from the bill, the Board's funds going into the Treasury will also be removed. Mr. Kafoury reiterated that, if the budget process is resolved, the issue of the Board keeping their money takes care of itself.

Ms. Paige is requesting that the Board agree to adopt the DAS salary classifications and salary ranges, without using DAS services, and that the Board's budget process will run from July through December of the even-numbered years for the budget which begins in July of the odd-numbered years. Mr. Kafoury noted that this schedule will allow the legislature to take legislative action before a budget goes into effect, rather than not having any recourse or influence.

Dr. Pelson asked what will happen if the Board concedes on these issues, and it is not enough to satisfy Rep. Greenlick. Mr. Kafoury said that in that case, the Board should fight the legislation. That is not Mr. Kafoury's first choice, but it will be done if necessary.

Dr. Lynch was excuse from the meeting at 2:00 p.m.

Dr. Mans asked how HB 2381 will affect the Board's staff if position classifications are adopted. Ms. Paige stated that under DAS policy, her current classification would be Principal Executive Manager F, Step two. [When Ms. Coffey's predecessor was terminated from the Massage Board, DAS audited all of the positions at the Board. The Executive Director position was classed using the Position Descriptions taken from all three of the semi-independent health boards.] Mr. Kafoury thought that the change would somewhat tie the Board's hands in that they currently have the flexibility to choose what to pay their staff, but this change will give authority to DAS to set salary schedules. The Board will be using whatever salary range that DAS establishes for a job classification. He stated that the Board will be adopting the ranges established by DAS, but the Board still determines the job description and can change the classification of a position.

Dr. Mans asked whether this will have any affect on the two administrative staff. Ms Paige stated that it might affect Ms. Boudreau, because her salary will probably be "topped out". Ms. Boudreau said that her current job description includes investigative responsibilities for which she has been compensated in her salary. This has pushed her salary over the range for the DAS classification for the position which has been proposed by Ms. Paige in the personnel policy manual, which has been presented to the Board. Her salary will be capped and her job responsibilities will be removed. Dr. Mans asked whether there is a job classification that includes Ms. Boudreau's current job duties. Ms. Boudreau stated that her current job description crosses over several DAS classifications and job descriptions. Ms. Paige said that she would look at the classifications for investigators and administrative assistants, and licensing, because all boards have these people working for them. Dr. Mans confirmed that Ms. Boudreau's position would need to be reclassified to include her current job description. Dr. Mans stated that he is not inclined to classify any employee in a position description that will prevent future salary increases. Dr. Mans asked how much different the Board's current policy is from the DAS personnel policy. Ms. Paige stated that there is not much difference.

Dr. Mans asked Mr. Kafoury to clarify what the amended bill to be presented to Rep. Greenlick will include. Mr. Kafoury stated that the bill will require the semi-independent boards to 1.) adopt the DAS salary schedules and personnel policies, and 2.) change the Board's budget schedule. This will not change the process, but the timing of the budget process. Ms. Paige distributed a sample of a fiscal impact statement which reflects the costs to the Board if HB 2381 passes as it is currently written. This statement reflects additional costs of $58,865 in the 2011-2013 biennium to implement payroll under the current version of HB2381.

Dr. Pelson stated that he is willing to adopt the two changes regarding personnel and budget schedule if the remaining provisions of HB2381 will be retracted. Otherwise, he is willing for the Board to fight the legislation. Dr. Mans asked how the state furlough policy will affect the Board. Mr. Kafoury stated that there is a separate bill that, essentially, stipulates that only General Fund employees will be subject to furlough days.

Dr. Mans stated that he is in agreement, to a certain degree, with Dr. Pelson regarding adopting the changes. He added that he wants the Board's employees to be protected and he has no interest in anyone's salary being reduced. Ms. Paige stated that no one's salary would be reduced. Dr. Mans restated that he did not wish to "max-out" anyone's salary, either. Dr. Pelson stated that the Board wishes to adjust the job classifications to match the current job descriptions. Mr. Kafoury restated that, because DAS will not provide oversight, that a reasonable job classification will not cause any problem.

Dr. Garris asked Mr. Kafoury what track this bill is on. Mr. Kafoury said that he plans to meet with legislative council and Rep. Thompson in the next week and offer the amendments. The bill should move very quickly through House.

Dr. Mans asked whether the Board would have an opportunity to see the bill in the amended form prior to any final action. He would also like to see the DAS personnel policy manual. Ms. Paige will send him the link to the online DAS personnel policy. She mentioned that the staff will be given more days off under the DAS personnel policy because there are three personal business days, and one extra holiday provided for employees.

Dr. Mans asked for a motion to direct the Executive Director to join the other semi-independent health licensing boards' executive directors in drafting an amendment to HB2381 which will require semi-independent health licensing board to adopt the DAS personnel policies and salary schedules, and change the time line of the budget process in order that a biennial budget would be adopted no later than December in the even number years. Dr. Pelson made the motion as stated. Dr. Garris seconded the motion. There was no additional discussion. The motion passed unanimously by oral vote.

Mr. Kafoury asked if the Board wants to see the amended bill before they give final approval. Drs. Pelson and Mans indicated that they do want to see the amended bill. The bill can be emailed to Board members and a meeting will be scheduled by conference call to approve the amendments.

The Board thanked Mr. Kafoury for coming to the meeting. Mr. Kafoury left the meeting at 2:50 p.m.

Ms. Paige indicated that she will send an email to the Board with her review of ten legislative bills that she is tracking. These bills may not all directly affect the Board, but have some impact on either the profession, or health licensing in general.

SB96 - The Oregon Workforce Database bill will extend a pilot program to include all the health boards except the Veterinary Examiners Board and the Mortuary and Cemetery Board. The licensees will have to be surveyed and the data will be maintained to provide statistical healthcare information. The costs to the Board will be in payments to the Oregon Health Authority, which maintains the statistics, and in surveying the licensees. The Dentistry Board has been part of the pilot program and has mailed the required survey to all their licensees at the time of renewal. This bill will have a fiscal impact on the Board of Optometry.

SB97 – Dr. Pelson had questions regarding this bill. As a result of this bill, cultural competency continuing education will have to be completed by licensees. Ms. Paige reported that five proponents of this bill addressed the executive directors of the health licensing boards in favor of this bill. The bill was represented to have no fiscal impact, however, this is not actually the case for the boards which have to implement the program. The Board is not in favor of the passage of this bill.

SB 47 – Ms. Lindley suggested that the Board look at this bill. It affects public records cost recovery and will affect transparency in this regard.

Personnel Committee: There was no report from the committee at this time.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Ms. Paige submitted her Revenue & Expense Budget Report covering the period of July 1, 2009 through December 31, 2010 and the current Balance Sheet. She noted that the income from licensing fees and license verifications are both over budget, while the investment income is below budget. Overall, income is over budget, at 104.6%. Expenses for In-state travel and office supplies are below budget, however, the expenses for professional development are 346.1% of budget. Ms. Paige stated that this is because she has been attending various training sessions. Professional services expenses, for such items as Assistant Attorney General fees and audit charges, are at 99% of budget. Overall, expenses are 93.2% of budget. Dr. Mans asked whether the Board is then 7% to the good. Ms. Paige replied in the affirmative. Ms. Paige also submitted her monthly check register report to the Board.

Ms. Paige reported that she and Ms. Hendricks have met with a representative from Paychex, a large company which provides payroll services for small companies and government agencies. Ms. Paige would like to employ them to prepare payroll for the Board. Her reason for requesting the change in procedure is that payroll is such a large portion of the Board's budget (80%). She believes the change would provide better internal control. The cost for the service was quoted at $103.50 per month. Ms. Hendricks' workload would not be decreased as a result of the change. She would still deal directly with PEBB and PERS. Dr. Garris asked how payroll is currently prepared. The Board currently uses Quickbooks payroll service, at a cost of $59.00 per month, on a month-to-month basis. Dr. Garris asked what advantage there will be to changing services, other than for appearance? Ms. Hendricks stated that she would feel more confident in the accuracy of the payroll with a company that is competent in payroll. Ms. Paige noted that there would be a "live" person to consult with. She did check with the state payroll department, whose services would be even less expensive than Paychex. Using their services would require that funds to be deposited in the State Treasury, which will not benefit the Board. Dr. Pelson asked whether the date of entry will be the same for Ms. Hendricks. Ms. Hendricks replied that she currently enters the information electronically but that the checks are directly deposited to the employees bank accounts. This will not change. Dr. Mans asked Ms. Hendricks whether this change would make the process easier for her. She said that the change will not make her job easier, but will increase her confidence in the accuracy of the payroll. Dr. Mans noted that making this change will not provide better oversight or internal control since, currently, Ms. Hendricks only transmits the monthly hours to Quickbooks. She is not calculating the payroll. By using Paychex, this process will remain the same. So, the oversight will remain the same. He said that if the change will provide more confidence in the accuracy of the payroll, he is willing to pay the difference. Dr. Pelson confirmed that the company is liable if the payroll isn't completed in a timely manner. Dr. Mans asked whether Ms. Hendricks supports the change. She replied that she does. Dr. Pelson made a motion to employ Paychex to provide the payroll services to the Board. Dr. Garris seconded the motion. There was no additional discussion. The motion carried unanimously by oral vote.

Ms. Paige submitted the following reports to the Board:

Financial & Internal Controls Policy: Ms. Paige informed the Board that she combined the accounting manual, with the current purchasing policy, and financial controls previously adopted by the Board, to produce the document she has presented to the Board. She has inserted the limitations which the Board had adopted at the September 2010 meeting, and some changes that she wanted to make.

Dr. Mans inquired about the section titled "Receivables", and asked what the current procedure is, and how the license reconciliation process is altered when Kelly is not in the office. Ms. Paige stated that usually it waits for her return. Dr. Mans asked if it would be possible for Ms. Boudreau to perform the reconciliation in her absence. Ms. Paige agreed that it would be possible. Dr. Mans asked that the language in section C, number (3), be changed to say "by the Executive Director or authorized Administrative Assistant". He said that he would like the language to cover the instances when she is absent.

Dr. Mans asked if Ms. Paige foresaw any purchases that she would be making that would exceed the $1,000.00 threshold established by the Board, and what they might be. Ms. Paige stated that she had just purchased three licenses for Microsoft Office the cost of which was just less than $1,000.00. The purchase was made under the State of Oregon contract because it was the least expensive option.

Ms. Knauerhase asked if she could make the suggestion that the Board may wish to think about deleting the words "on a daily basis" from this section so that staff would not be violating the policy if a day went by without performing the reconciliation. Dr. Mans suggested that the word "in a timely manner" should be substituted for the words "on a daily basis". He thanked Ms. Knauerhase for her suggestion.

Dr. Pelson made a motion that the Board adopt the Financial and Internal Controls Policy with the amendments to section C (3) as proposed. Dr. Garris seconded the motion. There was no additional discussion. Dr. Mans restated the motion to accept the Oregon Board of Optometry Financial and Internal Controls Policy as amended. He called for a vote. The motion carried unanimously by oral vote.

Ms. Paige said that she has purchased Microsoft Office, which includes Outlook as an email application. She requested that the Board approve a move by the office from the use of the WordPerfect email client, to real state email, using Outlook. This would change the Board's office email addresses. Dr. Mans asked whether the staff could not continue to use the current email addresses with Outlook. Ms. Paige stated that she wants to look as much like other health licensing boards as possible. She wants to use the "state.or.us" addresses. She explained that there is a problem sending readable email from WordPerfect email and gave the Board a printout of an example of an email which was illegible.

Ms. Boudreau noted that it would be simple to switch to the use of Outlook after Microsoft Office is installed on the office computers. Dr. Garris pointed out that office staff could use Outlook without changing the email addresses. Dr. Pelson asked whether there is a cost associated with using the state email. Ms. Paige replied that the cost is the same as what is paid to Applied Logic, which currently provides the Board with email service. Dr. Pelson asked what the history is behind the Board's use of an email address separate from the state email system. Ms. Paige stated that Mr. Plunkett had wanted to set the Board apart and this was one of his ways of making the Board "super" semi-independent. Ms. Boudreau noted that when boards were first granted semi-independent status, all but one established their own email and web page addresses.

Ms. Paige asked for permission to migrate the Board's web page to the State system as well. Dr. Mans stated that using Outlook is not an issue for him, but he feels that making a decision regarding the other changes should wait until Dr. Lynch could be part of the discussion.

Dr. Garris and Dr. Pelson agreed that the decision should include Dr. Lynch. Dr. Pelson felt that changing the web and email addresses are less of an issue than some of the other more important issues which have been discussed today. As a compromise, Ms. Paige would like to use her old state email as a contact address and use the state web page for the Board which serves as a "jump" page to the Board's website. She would like to have a document which lists these addresses. Dr. Mans stated that he does not want her to put the state addresses on the Board's letterhead, but that Ms. Paige may give the addresses to legislative contacts for the present.

Ms. Paige would like to change the Board's licensee lookup to one similar to the search engine format used by Oregon Medical Board. She gave the board handouts with examples of the current OBO licensee lookup page and an example of the OMB lookup page. Dr. Pelson asked who would be responsible for maintaining all the data on these sites. Ms. Paige said that Teamsite has said that they would transfer all the data. Grant Moyle, who has worked with several other boards, could create a search engine which updates when the database is updated on a daily basis. Dr. Mans asked whether this could be incorporated on the Board's current website. Ms. Paige said that it could not. She indicated that we would have to do all of the work ourselves if a search engine were added to our current site. Ms. Knauerhase apologized for interrupting, and stated that the Board could contract with somebody who is a database programmer and familiar with this sort of script writing. From the current web page, a link could be created which would open the search page, with the parameters to be determined by the Board. Ms. Paige indicated that she wants to have a website that looks like all the other state web sites, and links to other state web sites. Dr. Mans wonders who will use the Board's web site expecting to access every other state agency web site. He feels that this is a feature which won't be used often. Ms. Paige stated that she will use it. She wants to have a web site which is part of the State system. Dr. Mans explained to Ms. Paige that since she comes from a state background, she is more accustomed to those systems. He is not opposed to updating the Board's web page and making the licensee-lookup more user-friendly, but is not willing to migrate to the State web site at this time. He asked whether the other Board members had any other comments. No other comments were made by the Board.

The following reports were submitted but were not discussed:

Board Activities Report: The report for the current fiscal year beginning July 1, 2010 through the end of January 2011.

Facilities & Equipment Report: Relocation of File Storage room and recycling for small offices in the MAPS building.

Executive Director's Monthly Activities Report: For the month of January 2011

Semi-Independent Boards Association: Report on semi-independence as a model of governance for small boards and commissions.

Legislative Fiscal Office Report: Final copy.

Administrative Rules Committee: Dr. Mans asked for a motion to amend the Oregon Administrative Rule 852-050-0005, with regard to requiring that an original license be posted in a practice location by a licensee. Ms. Paige asked whether the motion could be postponed and the change added to the list of changes she is compiling. Dr. Mans agreed to table the request. Ms. Paige stated that she would like

for an Administrative Rules Advisory Committee to be formed which would take part in the development of rules, especially those which may have significant public impact. There would be rule advisory hearings in the process of developing rules, where public comment would be welcome.

Dr. Mans asked whom Ms. Paige envisions being on the committee. She suggested that a member of the faculty at Pacific University College of Optometry who is not eligible to serve as a Board member could volunteer for the committee. Other licensees who may not be eligible due to residency requirements could also volunteer. Ms. Lindley noted that members of the committee don't have to be licensed optometrists. Some boards have standing rule committees, while other situations may not require a standing committee. Instead a committee would be formed on an "as-needed" basis. Ms. Lindley stated that the committee only makes recommendations to the Board, with the Board remaining the decision making body. She explained that the Board of Dentistry and the Chiropractic Examiners Board have two board members on their committees, with other volunteers who are not currently board members.

Dr. Mans asked whether the Board could stipulate what the make-up of the committee would be. Ms. Paige suggested that the committee representation a cross section of people. Dr. Garris asked how many people would be on the committee. Ms. Paige suggested five to seven people. Dr. Garris asked how often the committee would meet. The committee would meet whenever a significant rule is developed. Simple housekeeping rules or corrections to rules would not necessarily require the committee to have input. Ms. Lindley provided the Board with additional information from her experience with these committees for other boards.

Dr. Mans asked Ms. Oman from the Oregon Optometric Physicians Association whether she felt that OOPA would be interested in having someone volunteer on this sort of committee, or whether it would be perceived as a conflict of interest. Ms. Oman said that her initial thoughts were favorable, but that now she feels that it would be inappropriate for a current OOPA board officer or member to be on a committee such as this. She would like that to be a clear differentiation between the Board and OOPA. However, she would see no problem with an OOPA member participating. Dr. Mans agreed with Ms. Oman. Ms. Lindley said that an OOPA board member could come to monitor the activities of the committee.

Dr. Pelson asked how this committee would be formed should the Board decide to go in that direction. Several suggestions were made, such as posting an announcement on the Board's web page, an article in a newsletter, contact the OOPA to act for interested people. Ms. Paige said that she would like to develop a listserve in order to communicate with licensees. She has been in touch with the State Library which could establish a listserve for the Board. Licensees could be contacted in this way for this and other topics.

Ms. Oman said that the Association would be happy to send out a notification to their members regarding the committee. Dr. Mans asked who would educate the members as to their role and the rulemaking process in Oregon. Ms. Lindley suggested that training could be provided at a committee meeting. She also said that the committee could meet on a regular Board meeting day.

Dr. Pelson made a motion that the Board establish an Administrative Rules Advisory Committee. Dr. Garris seconded the motion. There was no additional discussion. The motion carried unanimously by oral vote.

Health Professional Regulatory Boards – Peer Review Report - Ms. Paige has submitted this report to the Board for their review. Ms. Paige noted that the Peer Review committee has asked for a response from the Board. Dr. Mans stated that he has several comments that he wants to make with regard to the report, but would like to give more thought to his response. He and the other Board members will make comments by email and formulate their reply before the next meeting.

UNFINISHED BUSINESS:

OTHER: Ms. Paige suggested that the Board may want to schedule their meetings for the year in advance. She suggested four regular meetings, with additional meetings as needed. The Board tentatively scheduled the next regular meetings for May 6, 2011, August 12, 2011, and November 4, 2011.

ADJOURNMENT - There was no further business to come before the Board and President Mans adjourned the meeting at 4:50 p.m.

Prepared by,

Catherine M. Boudreau
Administrative Assistant

Revised and edited by:

Kelly Paige

Kelly Paige
Executive Director