



OREGON BOARD OF OPTOMETRY

February 4, 2022 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Ami Halvorson, President
Derek Louie, OD
Patrick Ayres, OD
Ann Woods, OD
Laurie Goolsby, Public Member

Board Staff: Shelley Sneed, Executive Director
Melissa Auman, Administrative Coordinator

Board Legal Counsel: Lori Lindley, Assistant Attorney General

Others in Attendance: Paolo Vitiello, OD
Cameron Hoover, OD
Kevie Kawasaki, OD

CALL TO ORDER: Dr. Halvorson called the meeting to order at 8:58 a.m. The meeting was held via MS Teams due to COVID-19. The Public Session was adjourned at 8:58 a.m. to Executive Session for the purpose of discussing investigations and consultation with legal counsel.

During Executive Session the Board considered consumer and Board-initiated complaints and investigations as authorized by ORS 192.660(2)(f) and (k), and consulted with legal counsel as authorized by ORS 192.660(2)(h). No official Board action was taken in Executive Session; all Board actions are made in Public Session.

The Public Session was reconvened at 12:29 p.m.

MINUTES: The Board reviewed the minutes of the October 29, 2021, Public Session. Dr. Louie made a motion that the Board approve the minutes as presented. Dr. Ayres seconded the motion. There was no discussion, and the Board made no changes or additions to the minutes. The motion carried unanimously by oral vote.

RATIFICATIONS:

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

- **Reinstatement to Active Status – None**
- **Reinstatement to Inactive Status - None**
- **Reactivate Inactive to Active Status –**
 - Sarah Curtiss, OD
 - Jared Nuffer, OD
 - Kevin Dean, OD
 - Daniel Brauner, OD

Candidates for Examination and Licensure - The 12 optometrists listed in Open Regulate Governance Board Meeting 2/4/2022 Agenda item 3.20 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

Dr. Halvorson made a motion that the Board ratify these actions by the Executive Director regarding licensure made since the last Board meeting. Dr. Ayres seconded the motion. The motion carried unanimously by oral vote.

ACTIONS ON EXECUTIVE SESSION:

Existing Complaints

C2019-1134 – This case will remain open. Dr. Louie made a motion to approve the sharing of information regarding this case with the Washington state licensing board. Ms. Goolsby seconded the motion. The motion carried by unanimous oral vote.

C2021-1232- This case will remain open.

New Complaints

C2021-1236 – This case will be closed with no optometric error.

C2021-1237 – Dr. Ayres made a motion to ratify the stipulated order. Ms. Goolsby seconded the motion. The motion carried unanimously by oral vote.

C2021-1238 – This case will be closed with no optometric error.

C2021-1239 – This case will be closed with no optometric error.

C2021-1240 – This case will be closed with a letter of concern.

C2021-1241 – Dr. Ayres made a motion to ratify the stipulated order. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.

C2021-1242 – Ms. Goolsby made a motion to ratify the stipulated order. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.

C2021-1243 – This case will be closed.

C2021-1244 – Dr. Louie made a motion to ratify the stipulated order. Ms. Goolsby seconded the motion. The motion carried by unanimous oral vote.

C2021-1245 – This case will be closed with a letter of concern.

C2021-1246 – This case will be closed with a letter of concern.

Monitored Cases

C2020-1194 - This case will continue to be monitored.

EXECUTIVE DIRECTOR’S REPORT:

Ms. Sneed submitted the following reports and updates to the Board:

- **Accounting/Budget**
 - The Board packet included a memo and financial reports in the Open Regulate Governance 2/4/2022 Board Meeting that detailed the Board’s financial position at the end of 12/31/2021. The balance sheet shows a deficit budget with our cash position nearly \$90,000 less than last year, showing that the agency used our cash to pay our bills. The overall net loss for the year to date is over \$33,000 which is nearly \$7,000 worse than had been budgeted. Income is below budget by over \$20,000. Insurance and IT costs are above budgeted amounts. Ms. Sneed stated we may have to consider a fee increase. The last increase was 2.5 years ago. She said payroll is one of the biggest costs and the only way to cut staff costs would be to cut the number of hours staff work. That’s not a good long-term option. Also, facility lease costs could be cut by reducing office space—staff have been working on scanning the old licensee paper files, which would allow to Board to eliminate at least one, if not two of the existing offices. A major expense is the risk management costs. She had investigated buying insurance on the open market but found the cost was not viable and DAS may not allow an agency that goes to the open market to return to the State risk pool.
- **Board Activities Report**
 - Licensing as of January 10, 2022, saw an increase in active licensees of 22 and a decrease in inactive licensees of 33. Nine licensees were lapsed. The Board needs to ratify 4 reactivations from inactive to active license as well as 12 new licensees. Dr. Halvorson reviewed and approved 18.5 hours of continuing education. Dr. Halvorson made a motion to ratify the new licensees and reactivations and approve the CE hours. Dr. Ayres seconded the motion. The motion carried by unanimous oral vote.
- **Office Update**
 - OBO staff has been working on the licensee record scanning project. Another project is the biennial financial review. All the requested information was uploaded for the

biennial financial review and staff is waiting to hear about the results of the testing. Ms. Sneed filed temporary rules to allow OBO licensees to use COPE pain management courses to meet the pain management CE requirement. AAG Lori Lindley and Ms. Sneed met with new Board member Dr. Ann Woods to introduce her to Board service and went through the Thentia board management system. Lastly, Ms. Sneed plans to work with Dr. Mans and Dr. Walker on a presentation at OOPA's third party seminar in February.

BOARD MEMBER REPORTS:

Continuing Optometric Education: Ms. Sneed shared with the Board that ARBO is wanting to enhance the ARBO app. She asked the Board members for any input to share with the ARBO committee about how to market the app and its functionality.

Budget: No discussion

Legislative: Dr. Ayres said there were no optometric topics in the legislative short session at this time.

Administrative Rules: The Board asked Dr. Woods if she would accept the position as Administrative Rule committee chair. Dr. Woods accepted.

Personnel: No discussion

ITEMS FOR CONSIDERATION/DISCUSSION:

Administrative Rules Filings:

Rules to allow OBO acceptance of electronic license verifications for applications – New applicants must have license verifications sent from any and all states in which they have been licensed and these must currently be in paper form unless the state only does electronic verification. Ms. Sneed informed the Board that many states have online license verifications that supply all the necessary information such as initial licensure date, expiration date and any discipline a licensee might have that we require for application. During COVID, when many state boards were struggling with working remotely, paper license verifications were greatly delayed and thus extended the processing of new applicants. Temporary rules were filed to allow electronic license verifications. Also, a rules notice was filed to make these rules permanent. The draft rules were sent out and there were no responses or comments from licensees. Ms. Sneed requested a motion to file permanent rules to allow acceptance of electronic license verifications for new applicants and reactivations. Dr. Halvorson made a motion to file permanent rules to allow the acceptance of electronic license verifications. Dr. Louie seconded the motion. The motion carried by oral vote unanimously.

Draft proposed rules to clarify gross ignorance and inefficiency – Dr. Halvorson made a motion to file permanent rules to clarify gross ignorance and inefficiency. Dr. Ayres seconded the motion. The motion carried unanimously by oral vote.

Temporary and notice to accept COPE pain management courses to meet the pain management requirement- Ms. Sneed clarified that new applicants and first renewals after 1/1/2022 must take the Oregon Pain Management Commission's Pain Management course. Thereafter, the rules would state that COPE pain management courses were acceptable to meet

the biennial pain management requirement. Dr. Louie asked how a licensee would know that a COPE TMOD course was a pain management course. Ms. Sneed said the data feed coming in from ARBO is where there might be a problem discerning. She will talk to the system vendor about a possible solution. Dr. Halvorson asked Ms. Sneed to file the rules.

Revised COPE categories – Informational only. Ms. Sneed informed the Board that COPE added a new category and she will have the vendor add it to our CE reporting.

NEW BUSINESS:

SB 758 and marijuana prescribing – AAG Lindley said this bill added optometrists to the list of acceptable healthcare providers who can prescribe marijuana for eye treatments and prescribe medical marijuana cards. She said the formulary committee may need to meet to discuss the matter. She asked if the Board wants to request the Formulary Committee to meet and create a rule to cover usage of marijuana for eye conditions to make it clear when to use it. Dr. Louie said chronic eye pain management is the only instance he can think of when it might be appropriate to prescribe marijuana for pain management. AAG Lindley asked what category in the formulary did Dr. Louie think it fell under. Dr. Halvorson and Dr. Louie both said they thought it would fall under the analgesic category. AAG Lindley said if the Board did not want to pursue rule making at this time, they could just wait until the situation came before the Board. Dr. Ayres was concerned that if a licensee gave a medical marijuana card to someone else for a reason other than eye related and the Board did not have any rules about it, it would leave a vagueness as to if a rule was broken. Ms. Sneed feels it is important to have some kind of rule established before a situation arises. AAG Lindley suggested that Ms. Sneed reach out to other states with legalized marijuana to see how other optometric boards handle this scenario. She and Ms. Sneed can then draft rules for the August meeting.

HB 4096 – allows up to 15 hours of uncompensated work without licensure per calendar year – Ms. Sneed said this bill allows up to 15 hours of uncompensated volunteer work without licensure in the state per calendar year. The challenge will be that they have to provide us with certain information and how do we put that into our data base in case there is a complaint, seeing they are volunteers and not licensees.

Vice-President Board position nomination – Dr. Ayres accepted the position as Board Vice-President.

FUTURE MEETINGS:

- Friday May 6, 2022
- Friday August 12, 2022 (Dr. Halvorson commented that the August meeting had been changed to August 26, 2022. Ms. Sneed will note the change in the next agenda.)
- Friday November 18, 2022

ADJOURNMENT: There was no further business to come before the Board, and President Halvorson adjourned the meeting at 1:31 pm.

Minutes prepared by:

Approved by:

Melissa Auman
Administrative Coordinator

Shelley Sneed
Executive Director