



OREGON BOARD OF OPTOMETRY

February 12, 2021 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Derek Louie, OD, President
Lauren Hunt, OD, Vice-President
Ami Halvorson, OD
Douglas Walker, OD

Board Member not Present: 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: Gary Wheeler, OD, Treasure Wheeler, OD, Rosiland Hursh, OD,
Shannon Seymour, OD, Christi Closson, OD

CALL TO ORDER: Dr. Louie called the meeting to order at 9:00 a.m. The meeting was held via Microsoft TEAMS. The Public Session was adjourned 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 12:30 p.m.

MINUTES: The Board reviewed the minutes of the November 6, 2020 and December 21, 2020 Public Session Board meetings. Dr. Walker made a motion that the Board approve the minutes as presented. Dr. Halvorson 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 Inactive Status – None**
- **Reactivate Inactive to Active Status – None**

Candidates for Examination and Licensure - The 5 optometrists listed in Open Regulate Governance Board Meeting Agenda item 3.3 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

ACTIONS ON EXECUTIVE SESSION:

C2019-1111 – This case will remain open.

C2019-1134 – This case will remain open.

C2019-1158 – This case will remain open.

C2019-1162 and C2019-1194 – Dr. Hunt made a motion to accept the signed stipulated order. The motion was carried and ratified by all. This case will continue to be monitored.

C2020-1182 – This case will remain open.

C2020-1183 – This case will remain open.

C2020-1193 – This case will be closed.

New Complaints

C2020-1195 – This case will be closed with no optometric error.

C2020-1196 – This case will be closed.

C2020-1197 – This case will be closed. Licensee signed stipulated order.

C2020-1205 – This case will be closed.

C2020-1203 - This case will be closed with no optometric error.

C2020-1206 – This case was withdrawn.

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 2-12-2021 Board Meeting item 3.1 that detailed the Board's financial position at the end of 12-31-2020. Ms. Sneed reported that the Board's cash position is \$47,000 more than last year but we also owe \$45,000 to DAS for payroll costs. We will consistently see this lag, making it look like we have more income than we do. Total income is \$7,000 more than last year and \$10,000 more than budget. There is over \$8,000 in miscellaneous revenue and interest income that wasn't budgeted. Overall expenses compared to budget and compared to last year are less. The overall net income for the first half of the fiscal year is \$5,123. That is about \$9,000 more than last year and \$18,000 better than budgeted.
 - Dr. Walker asked if there were any surprises. Ms. Sneed said no, she feels the Board is where we need to be. She is watching AAG and ALJ costs because we budget those costs conservatively. Next month OBO will be discontinuing office phone lines since we are now using state cell phones. Dr. Louie asked Ms. Sneed if we will continue to see improved income. Ms. Sneed said that our main income is active renewal fees so if we keep seeing more active renewals and new applications then our income should continue to increase.

- **Board Activities Report**

Licensing as of February 5, 2021 was 1,143 total licensees and that included 13 more active licensees than last year. Dr. Halvorson reviewed and approved 39 hours of CE courses. There were 5 new licensees that need to be ratified. Dr. Louie made a motion to ratify the 5 new licensees. Dr. Hunt seconded the motion. The motion carried unanimously by oral vote.

- **Office Updates**
 - The Board held two special meetings between the November 2020 and February 2021 meetings. Office staff continues to work on licensee record scanning with each staff member spending half a day a week in the office. OBO has been working with OOPA on proposed scope of practice expansion legislation that would allow OD's to give vaccinations. Documenting the new system processes is the next step of the system implementation. Thentia has reached out to OBO regarding statewide pricing agreement. Ms. Sneed said if Oregon adopts this model, our pricing would be \$1,200 less per month than it is now. Dr. Louie asked about any information regarding Dr. Walker's replacement on the Board. Ms. Sneed said the Senate confirmation will be at the end of March. The new member will be installed by the next Board meeting in May.

BOARD MEMBER REPORTS:

Continuing Optometric Education: No report.

Budget: No report.

Legislative: Dr. Walker shared that OOPA gave testimony on 2/11/2020 on House Bill 2541 which expands optometrists' scope of practice. He is open to comments from Board members and the public.

Administrative Rules: Dr. Hunt made comments under Items for Discussion/Consideration.

Personnel: No report.

ITEMS FOR CONSIDERATION/DISCUSSION:

Strategic Plan Review – No new information.

Administrative Rule filings –

- **CE changes to accept PB courses – temporary rules expire 5/7/2021** – Dr. Hunt made a motion to accept t permanent rules to allow PB courses and clinical observation for continuing education. Dr. Louie seconded the motion. The motion carried by oral vote.
- **CL Prescription rule changes** – Dr. Louie has recently read that the Federal government put a hold until March on this matter. Ms. Sneed asked AAG Lindley how long temporary rules could stay in effect until made permanent. AAG Lindley responded there in no time limit.
- **Draft rules to require quiz with online CE (pre-recorded and non-interactive)** - Dr. Hunt stated this requirement is very similar to how COPE handles online CE. Dr. Halvorson asked if there would be a requirement to pass 15 questions per one or two hours of instruction. Dr. Louie asked if we could align with COPE standards for passing and Dr. Hunt said yes. Dr. Halvorson agreed that would be a good idea. Ms. Sneed will file draft rules by the end of February so the Board can vote at the May Board meeting.
- **Proposed removal of 30 day limit for CE course approvals** – Dr. Hunt asked if the wording should be different. Dr. Louie said he was fine with the removal of the 30 day limit wording. Ms. Sneed will file rules.
- **2021-2023 Budget rule** – A special budget meeting was held December 21, 2020 and was open to public comment. Dr. Doug Smith submitted a comment regarding the proposed budget presenting some suggestions as to where the Board might reduce costs. Ms. Sneed stated that IT costs and Risk Management fees are the Board's greatest expenses. She is looking at risk management options outside the state of Oregon for possible lower cost.

Proposed legislative concept to increase the prescription monitoring fee – House Bill 2074 proposes an increase from \$25 to \$35 in the prescription monitoring program fees which are collected with each active license renewal. Ms. Sneed reminded the Board that licensees who have a DEA number for prescribing drugs must be enrolled in the program. Dr. Walker said he personally doesn't feel like he has ever used the system in his years of practice. AAG Lindley said that in her experience with other licensing boards she has seen the system be very helpful in monitoring drug prescription and usage in patients. Dr. Hunt suggested Ms. Sneed include AAG

Lindley's comments in the OBO newsletter when she sends the information out to OD's for feedback.

Future of Telehealth report – Informational only.

Request for PD measurement on prescription – A member of the public submitted a question to the Board about the measurement of a patient's pupillary distance being reported on a prescription. She said that many online spectacle providers request the PD. Dr. Louie responded that you need to know what frame the patient has chosen before the PD measurement would be of help. He said an optician would be the best person to determine that. Dr. Hunt said she did not feel that measuring PD was part of critical care for OD's. Ms. Sneed will reply to the inquirer that the PD is not a fixed measurement as it depends on the frame and what the glasses are being used for.

ARBO 2020 annual report – Informational only.

OHA workforce survey results – Informational only.

NEW BUSINESS;

HB 3030 regarding OD's having authority to give vaccinations – Ms. Sneed stated that no hearing had been scheduled. More information to follow.

Election of Officers – Board President Dr. Louie's term serving on the Board will end 5/31/2022. The Board thought it prudent to have a transition of the President's position to another Board member while Dr. Louie is still on the Board. He nominated Dr. Hunt for the position of Board President. Dr. Hunt accepted but did add that she may have some work changes in the future that could affect her availability. Dr. Walker nominated Dr. Halvorson for the position of Board Vice-President. Nominations passed by consensus. The new positions will take affect at the end of this present meeting.

FUTURE MEETINGS:

- **Friday, May 7, 20201**
- **Friday, August 27, 2021**
- **Friday, October 29, 2021**

ADJOURNMENT: There was no further business to come before the Board, and President Louie adjourned the meeting at 1:45 p.m.

Minutes prepared by:

Approved by:

Melissa Auman
Administrative Coordinator

Shelley Sneed
Executive Director