



OREGON BOARD OF OPTOMETRY

August 26, 2022 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Ami Halvorson, OD, President
Patrick Ayres, OD, Vice-President
Gregory Kautz, 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: Shannon Seymour, OD
Elizabeth Sass, OD
Geoff Knapp, Director OOPA

CALL TO ORDER: Dr. Halvorson called the meeting to order at 9:18 a.m., in OTIC's downstairs conference room. The Public Session was adjourned at 9:18 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 12:36 p.m.

MINUTES: The Board reviewed the minutes of the May 6, 2022 Public Session. Dr. Ayres made a motion that the Board approve the minutes as presented. Ms. Goolsby 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 –**
 - Bernadette Pye, OD
 - Tina Zhu, OD

Candidates for Examination and Licensure - The 28 optometrists listed in Open Regulate Governance Board Meeting 8/26/2022 Agenda item 3.2 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

ACTIONS ON EXECUTIVE SESSION:

Existing Complaints

C2019-1134—No new information on this case.

C2022-1251- This case will remain open.

C2022-1253 - Ms. Goolsby made a motion to ratify the stipulated order. Dr. Ayres seconded the motion. The motion carried unanimously by oral vote.

New Complaints

C2022-1254 – Dr. Ayres made a motion to ratify the stipulated order. Dr. Kautz seconded the motion. The motion carried unanimously by oral vote.

C2022-1255 – Dr. Woods made a motion to ratify the stipulated order. Dr. Ayres seconded the motion. The motion carried unanimously by oral vote.

C2022-1256 – This case will be closed with no optometric error.

C2022-1257 – This case will remain open with more information being requested.

C2022-1258 – This case will remain open.

C2022-1259 – This case will be closed with a letter of concern.

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 8/26/2022 Board Meeting 3.10 that detailed the Board's financial position at the end of July 31, 2022. The balance sheet shows a cash position of nearly \$74,000 less than last year. There is no account payable at the end of July 2022. The overall net loss for the year is nearly \$55,000 which is nearly \$2,500 more than budgeted. Overall revenues are nearly \$25,000 less than budgeted and expenses are \$21,000 less than budgeted. Ms. Sneed said she will work with Ms. Goolsby on an amended budget in November which may require a fee change. She will send the amended budget to Dr. Ayres, Dr. Halvorson and Ms. Goolsby and if a fee increase is deemed necessary, the Board may need to call an emergency meeting so Ms. Sneed can file rules and assess the fees as of the January 1, 2023 renewals. Ms. Sneed also stated that insurance assessments have gone up and payroll expenses remain the Board's greatest expense. OBO hired a temporary employee during the summer to scan paper files into the electronic system. The expense was about \$200 per week but Ms. Sneed said it was well worth the cost. She is hoping once the paper file cabinets are reduced, we will no longer need two offices thus reducing the monthly rent expense.

- **Board Activities Report**

- Ms. Sneed reported an increase in active renewals but also a drop in inactive licensees, many due to retirement. Total licensing as of 8/9/2022 was 1,135. Two licensees have reactivated from inactive to active status. Dr. Halvorson has reviewed 61.5 hours of continuing education. Twenty-eight licenses have been issued since 4/1/2022. Dr. Kautz made a motion to ratify the actions of the Executive Director since the last board meeting. Dr. Woods seconded the motion. The motion carried unanimously by oral vote.

- **Office Updates**

Ms. Sneed is working on the biennial Affirmative Action, Diversity, Inclusion and Equity report. Prior to Covid, OBO had been asked to do outreach to high school students. Ms. Sneed and two other OD's did three outreach events at West Salem High School and Willamette Academy. Ms. Sneed said we need to start these events again and she is hoping OOPA will help by sponsoring outreach in the rural areas.

Ms. Sneed said we are currently using the SharePoint system for our agency website. There is a new version of the system now and we have to move the website. She has been talking to NicUSA to migrate the website. They will move data and Ms. Sneed can cleanup old files and get training on how to maintain the system. This will cost money but not sure how much. This project must be completed by summer 2023.

Ms. Sneed said we need to work on updating the policies and procedures. She has recently created two short CE videos and added them to the education page of our

website. They are: 1) how to enter CE courses in the portal and 2) how to find OBO course numbers.

BOARD MEMBER REPORTS:

Continuing Optometric Education: Dr. Halvorson had no report. Ms. Sneed brought up cultural competency continuing education. The Board's current rule only allows OBO approved or OHA approved cultural competency CE. COPE now has some cultural competency education and Ms. Sneed suggested a rule change to allow COPE cultural competency courses. The Board approved her filing temporary rules to allow these courses and then she will file a notice of permanent rule change.

Budget: Ms. Goolsby had no report. Ms. Sneed gave information on paying the agency credit card online to avoid late fees. She sends the bills to Dr. Halvorson for approval to make the payment and Ms. Goolsby approves the General Journal entry that records the payment that was made.

Legislative: Dr. Ayres said a long session coming in 2023.

Administrative Rules: No report.

Personnel: Dr. Kautz will do Ms. Sneed's annual review after the first of the year. Dr. Kautz thanked Ms. Sneed and Ms. Auman for their help in his transition to the Board.

ITEMS FOR CONSIDERATION/DISCUSSION:

- **Administrative Rules Filings:**
 - **Business Ownership rule update** – The goal of the rule change was to find out who the Board would contact if the Board had questions, for investigation purposes and/or needed to know who owns the records versus who owns the practice. Dr. Neron emailed he had concerns about redundancy since some of this information is available through the Secretary of State already. The National Association of Optometrists & Opticians had some changes to language they were recommending. They had proposed narrowing the language to “ownership interest” in a practice and also proposed changes to make it unprofessional conduct for failing to report. Ms. Sneed asked who agrees with narrowing down the language to only reporting if ownership interest in practice. Dr. Kautz agreed. Ms. Sneed asked AAG Lindley if we need to do a rule change to add the language. AAG Lindley said it is saying “any ownership interest” in a practice and can add the word “any” to the language. Sneed will make the change and file the final rules. Ms. Sneed also had an inquiry from a telehealth company with three OD's looking to come to Oregon about what the application process was. We have the law to issue a telehealth only license but we have never issued one and do not currently have a process for issuance. Ms. Sneed recommended they get a regular active license if there was any chance they were ever going to be fully licensed in Oregon.

- **Volunteer service registration fee rule change** – Ms. Sneed said there were comments and concerns about charging fees for volunteers. What may not have been clear to the commenters was that currently, to volunteer, an OD must have an active Oregon license. That means an application fee and a license renewal fee. This rule allows the OD to be licensed wherever they are currently licensed and just pay the small fees to volunteer for a total of up to 30 days per year. Dr. Halvorson said some thought this was an additional fee instead of a reduction in the full license fee and a possible barrier to volunteering. She asked is this a one-time fee. Ms. Sneed said the fee would be charged annually. The initial application would be \$100, and the annual renewal would be \$50. Dr. Kautz asked if there is something is Oregon law stating a fee must be charged. Ms. Sneed said there is no requirement to charge a fee. These fees are needed to help offset the cost of updating the licensing system to maintain the records and process the licenses. The Board agreed to approve the rule as written. Dr. Woods made a motion to file the rules as written. Dr. Ayres seconded the motion. The motion passed unanimously by oral vote.

- **AOA medicated contact lens question follow up** – There was a question from the last board meeting regarding J & J medicated contact lens and if OD's were able to dispense the product. Dr. Halvorson did some research and found that all state jurisdictions are different. AAG Lindley said the Oregon Board of Pharmacy stated that the OD needs to be registered through the Board of Pharmacy if dispensing more than a 72-hour supply. If an OD was giving a sample less than a 72-hour supply, such as a trial, then they would not have to register. Ms. Sneed said a comment came up about OD's storing pharmaceutical agents. Dr. Ayres questioned the distribution of the product also. Can someone order them online he asked. Dr. Kautz said this will not be the last time the question of medicated contacts will come before the Board. Ms. Sneed said we can answer the question that Oregon licensed optometrists can prescribe but the selling and dispensing of medicated contact lens must be coordinated through the Board of Pharmacy. She will respond to the AOA and put information in the newsletter. Dr. Kautz recommended that she include in the newsletter information about giving out samples that includes writing up what the sample is, date of expiration, the lot number and directions for use just as in a prescription.

- **PDMP Secretary of State Audit** – for information only.

- **SB 1512 from 2022 legislative session** – Ms. Sneed said this has been an ongoing conversation among health directors regarding criminal background checks. OBO rarely has issues with applicants' criminal background checks, most are MIPs or DUIs and most occur before graduation. If an applicant's background check comes back with a criminal record, then Ms. Sneed asks for more information. If there is anything suspicious, then the Board President will review and then it is sent to the Board for further discussion. This legislation states that prior to enrolling in optometry school, an individual can apply to the Board for a background check to

ensure there would be no issue with licensure after completing school. There will need to be some rule changes and a fee charged of about \$50 Ms. Sneed said.

- **COPE approval for optometry college CE (Dr. Asay request)** – This was a request from Dr. Asay for the Board to consider accepting non-COPE CE from schools of optometry without going through the process of OBO course approval. Dr. Kautz said the Board is clear that CE must be COPE or OBO approved only. Dr. Halvorson said SCCO, where Dr. Asay took several hours of CE, is one of only a few schools whose courses are not COPE approved. She said there are many other opportunities to get CE if SCCO will not get COPE approved. Ms. Sneed said recently SCCO had submitted CE information for course approval per the OBO process.

OTHER BUSINESS

Dr. Kautz offered to switch with Dr. Woods for the Administrative Rule Committee Chair. Dr. Woods agreed to take over the Personnel Committee Chair position.

FUTURE MEETINGS:

Proposed 2023 meeting schedule:

- February 3, 2023
- May 5, 2023
- August 4, 2023
- November 3, 2023

Future 2022 Board Meetings:

November 18, 2022

ADJOURNMENT: There was no further business to come before the Board, and President Halvorson adjourned the meeting at 1:41 p.m.

Minutes prepared by:

Approved by:

Melissa Auman
Administrative Coordinator

Shelley Sneed
Executive Director