



## OREGON BOARD OF OPTOMETRY

October 29, 2021 Board Meeting

### PUBLIC SESSION MINUTES

**Board Members Present:** Lauren Hunt, OD, President  
Ami Halvorson, OD, Vice-President  
Derek Louie, OD  
Patrick Ayres, 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:** Joel Tuttle, OD, Rebecca Chung, OD, Jennifer Tran, OD

**CALL TO ORDER:** Dr. Hunt called the meeting to order at 9:57 a.m. The meeting was held via MS Teams due to Covid-19. The Public Session was adjourned at 9:58 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 12:31 p.m.

**MINUTES:** The Board reviewed the minutes of the August 27, 2021 Public Session. Dr. Halvorson 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 Inactive Status – None**
- **Reactivate Inactive to Active Status – None**

**Candidates for Examination and Licensure** - The 7 optometrists listed in Open Regulate Governance Board Meeting 10/29/2021 Agenda item 3.20 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

## **ACTIONS ON EXECUTIVE SESSION:**

### **Existing Complaints:**

**C2019-1111** – Dr. Louie made a motion to accept the signed letter and dismiss the case. Dr. Ayres seconded the motion. The motion carried unanimously by oral vote.

**C2019-1134** – Dr. Louie made a motion to issue a notice of discipline which requires a 60-day suspension of license, the licensee to take and unconditionally pass the ProBe course, to update the Board regarding the case with Island County Washington and any investigations and cases in Washington and to maintain an inactive Oregon license until the completion of the 60 day suspension and licensee completes and passes the ProBe course. Dr. Ayres seconded the motion. The motion carried by unanimous oral vote.

**C2021-1201** – This case will be closed.

**C2021-1227** – Dr. Ayres made a motion to ratify the stipulated order. Ms. Goolsby seconded the motion. The motion carried unanimously by oral vote.

### **New Complaints:**

**C2021-1228** – This case will be closed with a letter of concern.

**C2021-1229** – This case was administratively closed.

**C2021-1230** – This case will be closed.

**C2021-1231** – Dr. Halvorson made a motion to ratify the stipulated order and close the case. Dr. Louie seconded the motion. The motion carried by unanimous oral vote.

**C2021-1232** – This case will remain open.

**C2021-1233** – This case was administratively closed.

**C2021-1234** – This case was administratively closed.

**C2021-1235** – This case was administratively closed.

### **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 10/29/2021 Board Meeting that detailed the Board’s financial position at the end of September 30, 2021. The balance sheet show our cash position is nearly \$70,000 less than last year. Per the P&L statements, the overall net income is nearly \$20,000, that is \$37,000 better than budgeted. Payroll costs are under budget but that is due to a lag in payroll processing and OBO receiving the invoice. OBO’s insurance costs were \$11,000 over budget. AAG Lindley asked if the Risk Management costs were higher than thought and Ms. Sneed replied yes. Dr. Ayres made a motion to approve the financial report. Dr. Louie seconded the motion. The motion carried unanimously by oral vote.
- **Board Activities Report**
  - Licensing at the end of September 2021 was up by 17 active licensees and saw a decrease in inactive licensees of 26. This decrease was mainly due to aging licensees and COVID-19. There were 7 new licensees issued at the end of September 2021 as well as 12 lapsed licenses and 11 retired licensees. Dr. Halvorson reviewed 26 hours of continuing education. Dr. Hunt made a motion to ratify the new licensees and approve the CE hours. Dr. Louie seconded the motion. The motion carried unanimously by oral vote.
- **Office Updates**
  - The OBO staff is still working of licensee record scanning. Our contract with Moss Adams has been fully executed for the financial review and we have begun working on giving them the information they need. We have filed temporary rules to allow OBO to accept electronic license verifications in lieu of paper copies as some states have been very slow in issuing paper verifications and it has been holding up application processing for new licensees. Dr. Hunt and Dr. Halvorson reviewed the rules and proposed making them permanent. Oregon State Police were taking up to 4 weeks to process fingerprint requests. They are now back to a 3-5 day turn around time.

### **BOARD MEMBER REPORTS:**

**Continuing Optometric Education:** No discussion

**Budget:** No discussion

**Legislative:** Dr. Ayres stated that it looks like there are currently no plans for any legislative actions for 2022.

**Administrative Rules:** Items to be discussed later in meeting.

**Personnel:** No discussion

#### **ITEMS FOR CONSIDERATION/DISCUSSION:**

- KP request to allow clinical and surgical observation at practice locations or affiliate sites – Dr. Hunt made a motion to file permanent rules to allow clinical and surgical observation at a licensee’s practice or affiliate site. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.
- Administrative Rule filings:
  - Amendments to surgical observation rules –Dr. Hunt made a motion approve to file permanent rules with a motion by Dr. Hunt and a seconded motion by Dr. Halvorson as stated above.
  - OSP fee increase rule changes – Dr. Hunt made a motion to file permanent rules regarding the \$10 OSP fee increase for background checks. Dr. Halvorson seconded the motion. The motion carried by unanimous oral vote.
  - Rules to require CE approval within 12 months of course completion – Ms. Sneed stated that a hearing had already been held with no attendance or comments. Dr. Hunt made a motion to file permanent rules to require CE approval within 12 months of course completion. Ms. Goolsby seconded the motion. The motion carried unanimously by oral vote.
  - Rules to allow OBO to accept electronic license verification – Ms. Sneed stated rules need to be published and a rules hearing will be held November 22, 2021. Temporary rules will cover until March 2022 and the Board can vote and approve permanent rules at the February 2022 board meeting.
  - Draft proposed rules to clarify gross ignorance and inefficiency – Drs. Hunt and Halvorson worked on the draft for proposed rules to clarify gross ignorance and inefficiency. Dr. Hunt said Dr. Louie’s comment from the last board meeting regarding “timeliness” didn’t make it into the draft and so she would like to add the word “timely” to #11 in the draft. Dr. Ayres agreed that #8 falls under #1-4 and that there was a bit of redundancy. Dr. Louie agreed but said it might be alright to be redundant. Ms. Goolsby saw no harm in repeating. Dr. Hunt said #8 will be left as is. Ms. Sneed clarified that Dr. Louie wanted the word “timely” added to #11. She said that once the language is finalized, she will file the rule notice. It will publish December 1, 2021 and then the Board can approve at the February 2022 meeting.
  - OHA COVID compliance model rules – Ms. Sneed gave an overview to the Board on the fact that OHA has come out with model rules for licensing agencies to adopt regarding COVID-19. She and AAG Lindley worked together to edit them for rules specific for optometry. AAG Lindley clarified with the Board that these rules are only regulating that healthcare providers are vaccinated, not regulating staff; they will be regulated by OSHA. AAG Lindley said some agencies have added rules specific to their agency. Dr. Ayres asked if the rules were going to be monitored by OHA. AAG Lindley said the Board would monitor any complaints by the complaint process. Ms. Sneed said that she has had a call

from a patient who had contacted their provider and asked about their vaccination status and was told that it was HIPAA protected information. AAG Lindley said that it's not technically HIPAA protected. A patient can ask the question about vaccination status but the provider does not need to answer. Ms. Sneed will file temporary rules and rule notice. Dr. Hunt gave Ms. Sneed approval to file rule notice with no objections from the Board members.

- Paracentesis Responses – AOA was asking through OOPA about paracentesis being performed by optometrists in Oregon. The Board had instructed Ms. Sneed to reach out to ARBO to see what other states allow. The ARBO inquiry showed most states responded “No” that optometrists were not allowed to perform this procedure in their state. Dr. Hunt feels paracentesis is outside the Oregon rules for scope of practice because it is an incision. Dr. Ayres also felt the procedure falls outside the scope of care as written. Dr. Louie agreed. Dr. Hunt directed Ms. Sneed to respond to OOPA and the AOA that the answer is no.

#### **NEW BUSINESS:**

- HB 2992 implementation (Board member compensation) – This bill is for compensation for board members to reduce monetary barriers for participation on boards. Dr. Hunt asked Ms. Sneed if she knows if the bill has been helping with recruitment of public members of diverse backgrounds. Ms. Sneed said she thinks we will see results in the next 12 months. Dr. Ayres asked about paragraph 2 regarding receiving per diems for meeting and preparing for Board meetings. Is this proposed rule affecting payment for time spent reviewing cases and preparing for the OBO meetings? Ms. Sneed said her understanding is that this bill would only impact a board member if they were an income qualified board member, probably a public member.

#### **FUTURE MEETINGS:**

- Friday February 4, 2022
- Friday May 6, 2022
- Friday August 12, 2022
- Friday November 18, 2022

**ADJOURNMENT:** There was no further business to come before the Board, and President Hunt adjourned the meeting at 1:22 p.m.

Minutes prepared by:

Approved by:

Melissa Auman  
Administrative Coordinator

Shelley Sneed  
Executive Director