



## OREGON BOARD OF OPTOMETRY

May 10, 2019 Board Meeting

### PUBLIC SESSION MINUTES

**Board Members Present:** Douglas Walker, OD, President  
Derek Louie, OD, Vice-President  
Steven Tronnes, OD  
Lauren Hunt, OD  
Renee Klein, Public Member

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

**Board Legal Counsel:** Lori Lindley, Assistant Attorney General

**Attendance via conference call:** Helena Tzou, OD  
Chelsea "Bruce" Stebel, OD  
Scott Kurita, OD  
Candy Hamel, OD  
Stephanie Rettenmeier, OD  
Janet Baker, OOPA

**CALL TO ORDER:** Dr. Walker called the meeting to order at 9:05 a.m., in OTE's downstairs conference room. The Public Session was adjourned at 9:05 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 12:34 p.m.

**MINUTES:** The Board reviewed the minutes of the February 9, 2019 Public Session and the January 18, 2019 Board meeting held via conference call. (The Public Session Agenda inadvertently stated the minutes were from January 17, 2019 and not the correct date of January

18, 2019.) Dr. Tronnes made a motion that the Board approve the minutes as presented. Ms. Klein 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** –
  - Rick Lundgren
- **Reinstatement to Active Status** –
  - Patricia Kozak, OD
- **Reactivate Inactive to Active Status** –
  - Jona Pradhan, OD
  - Crystal Edison, OD
  - Stephen Stone, OD
  - Phu Hoang, OD
  - Shannon Buckmaster, OD
- **Reactivation Inactive-Military to Active-Military - None**

**Candidates for Examination and Licensure** - The 5 optometrists listed in elite Attachment 3.2 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting. Dr. Louie has reviewed and approved 41 CE hours.

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

## **ACTIONS ON EXECUTIVE SESSION:**

### **Existing Complaints:**

**2017-16** – This case will remain open.

**2019-03** – This case will be closed with a letter of concern to the OD.

### **New Complaints:**

**2019-05** – (Dr. Hunt recused herself from this case.) This case will be closed with a letter of concern to both parties.

**2019-06** – This case will be closed with a letter of concern to both parties.

**2019-07** – (Dr. Hunt recused herself from this case.) This case will be closed.

**2019-08** – This case will be closed.

**2019-09** – This case will remain open.

**2019-10** – This case will be closed with a letter of concern to the OD.

**2019-11** – This case will be closed with a letter of concern to the OD.

**2019-12** – Dr. Louie made a motion for notice of proposed discipline of penalty of \$1,500.00 and 2 hours of continuing education in binocular vision. Ms. Klein seconded the motion. The motion carried unanimously by oral vote.

**2019-13** – (Dr. Hunt recused herself from this case.) This case will be closed.

**2019-14** – This case will be closed.

**2019-15** -- This case will remain open.

**2019-16** – This case will remain open.

### **EXECUTIVE DIRECTOR'S REPORT:**

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

- **Financial Report**
  - The Board packet included a memo and financial reports, attachment 3.1 in elite, which detailed the Board's financial position at the end of March 31, 2019. The Profit and Loss statements show the Board has 10% more income compared to budget than last year. The majority of the increase is due to the increase in licensing fees. Expenses compared to last year are about \$16,000 less. The Board had a net loss of \$4,090 to date. The Board's cash position is nearly \$6,600 less than the previous year.
- **Board Activities Report**

Licensing at the end of April 2019 was 1,158 (see elite attachment 3.2). There has been a decrease in inactive licensees and an increase in retirees. There are a number of applicants for licensure in the process of being approved due to the time of year and a larger number of graduates applying.
- **Office Updates**
  - The office update was included as elite attachment 3.3. The Board will preview a demonstration by Thentia regarding the new licensing system and the portals the licensees will use. On April 18, 2019 Ms. Sneed, along with Dr. Dana McLaughlin, OD, gave a presentation to 25 students enrolled in West Salem High School's Health Services program as part of OBO's plan review for outreach. Dr. Peck and Ms. Sneed are scheduled to give a presentation to Willamette Academy on May 15, 2019. Willamette Academy is on the Willamette University campus and is for high risk, primarily minority middle school and high school students. Ms. Sneed also reached out to Janet Baker of OOPA about outreach presentations regarding optometry careers in the Portland area high schools.

## **BOARD MEMBER REPORTS:**

**Continuing Optometric Education:** The continuing education offerings approved since the last meeting were presented to the Board in elite 3.2. Dr. Louie reviewed and approved 41 hours of CE. Dr. Louie stated the CE submissions were timelier than in the past and feels that the new licensing system will be a great help for sponsors and for OBO staff in tracking the progress of submissions for CE credit. The Board ratified approval of these courses earlier during ratification of the Executive Director's report.

**Budget:** There was no budget committee report made.

**Legislative:** Ms. Sneed updated the Board that SB 129A regarding telehealth was entering its 3<sup>rd</sup> reading and going to a vote. She said it looked like it was going to pass. HB 2265 regarding pain management had already passed and will be requiring a change in CE rules to require a one-time one hour pain management course through Oregon Pain Commission. Dr. Louie stated that his understanding of the bill was that all medical licensees needed to complete 6 hours of pain management. Ms. Baker of OOPA had emails from the Oregon Pain Commission which stated that optometrists were excluded from the 6 hours and only required to complete one hour of pain management CE. Dr. Hamel, OD, interjected via phone conference that she feels OD's should be included in the 6 hour requirement just like other medical professionals such as doctors, nurses and such. She feels optometrists have fought hard to be acknowledged as medical doctors and feels it would be a detriment to the profession to choose to be excluded. Ms. Sneed confirmed the rules of the Pain Commission only require one hour of pain management for dentists and she said it appears that the commission will likely add optometrists to the one hour only requirement. Ms. Sneed and Dr. Louie will confer regarding whether the pain management hour will be in addition to or counted in the 18 CE hours requirement the board currently has. Ms. Sneed will proceed with modifying OBO rules once all the information is complete and received.

**Administrative Rules:** Dr. Tronnes did not have a report. Ms. Sneed informed the Board that there will be a new rules changes coming about failure to notify the board about practice locations and transfer of patient records.

**Personnel:** This position is currently vacant. Dr. Walker welcomed the Board's newest member, Dr. Lauren Hunt. Dr. Tronnes announced that he will not be reapplying for another term with the Board. His last board meeting will be September 2019. Ms. Sneed has informed the Governor's office that the Board is in need of a new member as of October 1, 2019.

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

**Committee Assignments:** Dr. Hunt will chair the Administrative Rules committee.

**Approval of rule change:** Dr. Tronnes made a motion to approve the rule change to add a fee for failure to notify the Board of transfer of patient records or practice sale. Dr. Louie seconded the motion. The motion carried unanimously by oral vote.

**Replacement Licensing System:** Ms. Sneed has been having monthly oversight meetings with DAS regarding the new system. When asked by DAS if she had any concerns with the implementation of the new system or with Thentia, she replied that most of the work currently is on the backend so she is not seeing a lot of the functionality of the system. The CEO of Thentia will be visiting Oregon in the next three weeks and Ms. Sneed will meet with him and the other two boards which Ms. Sneed is working with that are also looking at the system.

**Introduction to the Board Orientation meeting:** Ms. Sneed sought Board approval to move forward to prepare and file rules for the Introduction to the Board orientation CE class which would be required for all new licensees to take within 12 months of initial licensure. Approval of the proposed rules would be done at the September board meeting and the rules could be implemented in October or November or whenever the Board decided. Ms. Sneed suggested this course could be used as a requirement when considering discipline in certain cases. Ms. Sneed reminded the Board members that OBO staff have been consistently seeing new licensees not following Oregon Board rules even though they have taken the Oregon Law and Administrative rules exam. An example of this has been several licensees not reporting multiple practice locations prior to practicing and resulting in costly fees.

Ms. Sneed sent out a survey using Survey Monkey to new licensees within the last 12 months to get their feedback. Some responders said they did not see a lot of value in the proposed course. Several licensees responding said they felt OBO staff and the OBO website were good resources to use instead of the orientation course.

Dr. Walker asked if this course could be done online as his concern is with it being a geographic burden for some licensees. Dr. Louie feels the goal is to meet OBO staff and board members face to face as well as to ask questions. Ms. Sneed suggested a waiver if the licensee is not able to meet the requirement in the first 12 months, with a 6 month extension for a total allowable time to complete of 18 months with board approval.

Dr. Tronnes made a motion that Ms. Sneed file rules as written to bring to next meeting for board to vote on and implement. Dr. Hunt seconded the motion. The motion carried unanimously by oral vote.

### **NBEO Part III Exam: Information Only**

**Vision Therapy Update:** An Oregon OD contacted the Board that physical therapists and occupational therapists are practicing vision therapy using lenses and filters. The matter was brought to the OBO to determine if this was within optometric scope of practice and defined as practicing optometry.

The board members agreed with Ms. Sneed that the practice was not for optometrists only. Ms. Baker of OOPA said the inquiry came from Dr. Marshall, a member who is involved nationally in vision therapy. Ms. Sneed met with the PT and OT Board Directors and they are looking for direction and guidance in best practices in vision therapy. Dr. Walker suggested tabling the discussion until further information is gathered. Ms. Sneed stated that this is the second time the matter has been tabled and she felt the topic is outside her scope of knowledge. She requested a Board member work with Dr. Marshall in regards to this inquiry. Dr. Hunt volunteered to reach out to Dr. Marshall.

### **CORRESPONDENCE:**

- USA Today medical board investigation story – informational only.
- NPR Opioid sting story – informational only.
- Visibly’s Indiana law suit – informational only
- ARBO’s Spring 2019 Greensheet – informational only.

**NEW BUSINESS:**

**Updated Policies & Procedures:** Procedures are for Board review and information only. Ms. Sneed needs the Board to take action regarding DAS policy around auto insurance, enabling OBO to be under the state’s umbrella auto policy for insurance when driving personal vehicles for agency purposes. There is no cost to adopt the policy at this time. Dr. Tronnes made a motion to adopt the DAS policy. The motion was seconded by Dr. Hunt. The motion carried unanimously by oral vote.

**Board Strategic Plan:** Ms. Sneed would like to have an outside facilitator come to OBO and facilitate a strategic planning session. She suggested that at the next board meeting we have the strategic planning portion of the board meeting on the afternoon of September 26, 2019 and the afternoon of September 27 following a regular board meeting in the morning.

**New Licensing System Demo:** The Board had a live presentation of the OpenRegulate licensing program by Thentia.

**ARBO Query Results:** Results look like Oregon would be on the cutting edge if OBO implements the Board orientation meetings for licensees. No other state is doing this kind of required course. Ms. Lindley commented that the orientation is a chance for licensees to see the Board as a resource, as “good guys” not “bad guys”.

License by endorsement was looked at by the Board. License by endorsement requires a 23 hour didactic course if the licensee has never taken the NBEO exam or taken the NBEO TMOD prior to 2002. Pacific University had a 23 hour didactic course whose COPE approval has expired. There are not a lot of other courses offered in the US. Dr. Walker suggested getting a taskforce together with Dr. Eakland, OD from Pacific University to discuss requirements and material matter for another course. Dr. Louie and Dr. Tronnes volunteered to be on the taskforce.

**Canadian license verification:** The board has had several applicants that have had Canadian licenses. Ms. Sneed asked the Board if license verification is required for licensure from those licensed in Canada. Dr. Louie said his opinion is yes, it should be required. The other board members agreed. Ms. Sneed will prepare a rule change to include “providence or territory” to the license verification requirement.

**Multiple practice location reporting:** Ms. Sneed requested clarification from the Board regarding reporting multiple practice locations. She asked if a licensee has a job that is transitory, such as fill-in doctors or OD’s that work for senior facilities, can they report all locations once and not have to fax the date each time they work sporadically at each location. She noted that the licensee must still notify the board within 14 days but before the last day, of termination of practice at a location. Board members agreed that it is important to have a record of all practice locations for patient record access. It is not necessary to notify each time a licensee works there. The exception would be Pacific University which has a Portland office, Hillsboro office and does eye clinics from a mobile van. Dr. Louie reminded the board that for Pacific University it was

discussed previously that all locations, their Portland office, van, Hillsboro office, etc., should be reported and each date of practice reported.. Dr. Louie suggested that the patient record custody issue be addressed in a newsletter reminding OD's that they are responsible for records and if filling in at a practice, the practice location must keep the patient record for the substitute OD as well as the OD make a copy for themselves. Dr. Hunt said that in the case of Kaiser Permanente OD's, they have a contract that states the anticipated practice locations. She said Kaiser OD's could certainly report all the potential practice locations listed in their contract. Ms. Lindley suggested to Ms. Sneed that a note be put on the website reminding licensees of their patient record responsibilities. Ms. Sneed said the new Thentia licensing system will make it easier to notify the board online of each practice location. She said that the first 30 days after implementation of the new system will allow licensees to update their records with addresses and practice locations without penalty or fee.

**Email regarding IPL (Intense Pulse Light):** Dr. Walker received an email from an OD regarding Intense Pulse Light. They asked the question as to whether the use of IPL was within the licensee scope of practice. In Oregon, aestheticians use IPL for rosacea and beautification of the skin. Some OD's are referring to aestheticians for IPL use for dry eye. Ms. Lindley reviewed the rules and feels it falls within the scope of practice for optometrists. Dr. Tronnes is concerned with the risks to the eye if done incorrectly by an aesthetician. Dr. Walker said by consensus of the board members, he will tell the inquiring OD that there is nothing in OBO rules and scope that prevents the use of IPL by an optometrist.

**FUTURE MEETINGS:**

- Thursday, September 26, 2019 & Friday, September 27, 2019
- Friday, November 8, 2019

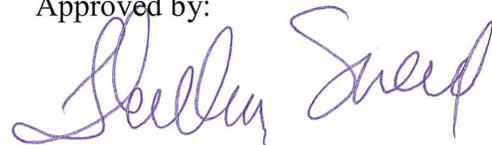
**ADJOURNMENT:** There was no further business to come before the Board, and President Walker adjourned the meeting at 3:00 p.m.

Minutes prepared by:



Melissa Auman  
Administrative Coordinator

Approved by:



Shelley Sneed  
Executive Director