



## OREGON BOARD OF OPTOMETRY

January 31, 2020 Board Meeting

### PUBLIC SESSION MINUTES

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

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

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

**Others in Attendance:** Geoff Knapp, Executive Director, OOPA

**In attendance via conference call:** Joel Tuttle, OD and Lindsay Clunes, OD

**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 directly 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 12:33 p.m.

The rule hearing for the multiple practice location late reporting fee opened for public comment. There were no comments and the public comment period was closed.

**MINUTES:** The Board reviewed the minutes of the December 6, 2019 Public Session. Dr. Louie made a motion that the Board to approve the minutes as presented. Dr. Hunt 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**
- **Reinstatement to Active Status - None**
- **Reactivate Inactive to Active Status – None**

**Candidates for Examination and Licensure** - The 2 optometrists listed in Attachment Dropbox 3.2 for January 31, 2020 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

**ACTIONS ON EXECUTIVE SESSION:**

**Existing Complaints:**

**2017-1044** – This case will remain open.

**2019-1111** – This case is on-going.

**2019-1116** – Stipulated order that will be ratified.

**2019-1134** – This case is on-going.

**2019-1148** – This case is on-going.

**2019-1152** – This case will be closed with a letter to both parties stating no optometric error was found.

**New Complaints:**

**2019-1154** – This case is on-going.

**2019-1157** – Stipulated order that will be ratified.

**2019-1158** – This case is on-going,

**2019-1162** – This case is on-going.

Dr. Louie made a motion that the Board accept the actions taken in Executive Session. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.

## Monitored Cases

None at this time.

## 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, Dropbox 3.1 for January 31, 2020 meeting attachment, which detailed the Board's financial position at the end of December 31, 2019. Ms. Sneed reported that the Board is fairly close to budget. Expenses are greater than last year but within budget. The invoice for the financial review of around \$8,500 has not been paid yet but is less than the budgeted amount of \$10,000. The balance sheet shows the Board's cash position at \$9,700 more than last year. Total income is \$28,600 more than last year and \$2,300 higher than budget. The Board's expenses compared to budget are higher than last year. Expenses are about \$26,000 more than last year at this time. The overall net loss for the year to date is \$3,952. This is better than the budgeted loss of \$13,000.
  
- **Board Activities Report**
  - Licensing as of January 13, 2020 was a total of 1,149. There has not been a lot of licensing activity since the last board meeting in December 2019. Two new licenses were issued in December 2019.
  - The office update was included in Dropbox 3.3 for January 31, 2020. Staff has been working with DAS to get setup on the state payroll system. Board members were informed that their checks for per diem would be coming from DAS in the future around the 15th of the month following a board meeting. Travel reimbursements will be issued through OBO. Ms. Sneed will be contacting Thentia on the remaining items for the licensing system implementation such as the Quickbooks data feed, email integration and the Board management and statistics module. After both staff members return from February vacations, they will begin documenting the new system processes.

## BOARD MEMBER REPORTS:

### Continuing Optometric Education:

**Proposed changes to CE submittal timing:** Dr. Louie discussed the proposed rules changes to CE submittal timing. He stated that the process can be very drawn out, many sponsors in the last year have submitted well after the course date. He feels this is not fair to the attendees, as it puts them at risk of not being able to report the CE hours if the course does not meet Board approval for some reason after they have already spent time and money taking the course. He proposed that the deadline be 30 days after the event. Dr. Walker asked what is causing the sponsors to delay in applying for approval sooner. Ms. Sneed said it can be several things. For example, she said there is a major non-optometry medical conference that has had a staff change that caused a

delay this past year. Another example was an out of state OD looking to apply and the other state offered COPE courses but were not COPE sponsored so the courses had to go through the Oregon Board approval process. Dr. Walker inquired about how a licensee would get the necessary information to submit for CE course approval from a sponsor. Dr. Louie said the licensee needs to contact the provider to get CV's for the provider, the course outline or PowerPoint presentation, the educational objectives and proposed content.

Dr. Walker felt a deadline of 30 days after the course is not a long enough time for a licensee to gather all the information from a provider. Ms. Klein agreed that more time would be needed if a licensee had to gather the information for approval. She said she still did not see why a provider was not submitting within the 60 days before a course was offered. Dr. Louie's recommendation is 30 days after the fact for submission for approval. Ms. Sneed, because this would require a rule change filing, asked members to agree on the number of days. Dr. Walker called for a show of hands to file rule changes to reflect CE approval submission 60 days before an event but no later than 60 days after an event. All members, by a show of hands, agreed.

**Proposal to allow CME for OD's:** Dr. Louie and Dr. Halvorson worked together to gather information regarding CME credits after a licensee asked the Board to consider adding CME credits as an acceptable CE category for OBO requirements. Dr. Halvorson said she and Dr. Louie looked at Washington State's acceptance of CME credits and how those credits are split into 2 categories. Category 1 are courses online and in person. Category 2 CE is more self-guided such as reading journal articles and submitting as CE. Dr. Halvorson said she and Dr. Louie felt Oregon should consider only in person category 1 courses. They would need to be consistent with our existing allowable and non-allowable categories. Only a maximum of 5 credit hours could be earned. Dr. Louie said that he felt it important to limit the hours because CME education tends to not track attendance as closely as optometric CE courses do and it can be difficult to verify just how many hours a licensee attended based on the CME issued certificate. Dr. Walker asked if there would be an approval process. Dr. Louie responded that we would accept the hours based on the assumption that because it was an ACCME approved course then it would count for up to the 5 hours. He also said that his opinion would be that the 5 hours would be part of the required 18 CE hours needed for licensure. Ms. Sneed asked if all CME courses would be TMOD type courses for reporting. Dr. Louie confirmed they would be. Ms. Sneed said she would work with Dr. Louie and Dr. Halvorson to draft rule changes and then will present them at next meeting to see what comments the board gets.

Dr. Louie wanted to revisit the value of surgical observation CE hours and inquired what other Board members thought of it. Dr. Halvorson felt it is a valuable hands-on experience. Ms. Sneed commented that staff sees many newer licensees reporting surgical observation. She thinks it is a good way for new licensees to receive more visual and first hand learning early in their career. Dr. Walker said that there would be no changes in the 5 hours of surgical observation for CE at this time.

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

**Legislative:** Dr. Walker reported that Advocacy Day with OOPA is coming up this next month. Ms. Sneed said that with the upcoming legislative session she would like to have on the radar a statute change that would to give OBO the ability to have licensees have mental competency evaluations.

**Administrative Rules:** Dr. Hunt reported on the Vision Therapy draft rules. She mentioned a spelling error in the updates which will be corrected. A comment was emailed to the Board from Dr. Gabby Marshall. Dr. Hunt asked for any comments on Dr. Marshall's response or if those listening in on the conference call had any comments regarding the Vision Therapy draft rules, no one did. She noted that in comparing the language with other states' language on vision therapy, she wanted to suggest the wording be vaguer and not list the specific use of lenses or prisms. Dr. Louie asked if "lenses and prisms" was listed elsewhere in our rules. Ms. Sneed said the rules just list trial frames. Dr. Louie agreed with Dr. Hunt about the language needing to be less specific. He felt it is too limiting. Ms. Sneed suggested adding in subsection 3 "may include but not limited to the use of lenses, prisms and occlusion." She will correct the spelling error, make the noted changes and addition to the wording of the rules and file them. A comment period regarding the proposed rule will be open at the next board meeting. Lastly, Ms. Sneed asked for confirmation from the Board that their intention in this conversation was not to make rules that exclude other professions, but to define the scope of practice for optometry. Dr. Walker said yes that was the intention.

**Personnel:** Dr. Halvorson has Ms. Sneed's self-evaluation form and her last years evaluation form. She will have Ms. Sneed's review done by the May 2020 Board meeting.

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

**1-800 Contacts** – Informational only.

**Licensee survey responses & Retired Volunteer status license** – 296 responses to the Licensee survey were received. Dr. Louie commented on a response about licensing every 2 years. Ms. Sneed said what she saw in the responses was that the licensees valued the Board's quick responses. Dr. Hunt commented on a response about the current ethics courses not changing much over the last several years. Since the Board doesn't accept courses other than the few acceptable ethics courses listed on the OBO website, she felt it was a valid criticism. Ms. Sneed followed up that Pacific University just had another ethics course approved last year. In response to the proposed "Introduction to the Board" meeting pushback received from some licensees, Ms. Sneed said staff will be going to Hood River and to Bend to do outreach as well. Ms. Sneed attended PMOS with Dr. Louie as part of offering other law & ethics CE opportunities.

Ms. Sneed asked if anyone had any feedback about the Retired Volunteer license status. Dr. Louie felt strongly about the requirements being the same for a volunteer retired licensee as an active licensee; the same 18 CE hour annual requirement, current CPR, etc. He felt these requirements are needed to be competent and practice, whether in an active status or a retired volunteer status. He said that California has a retired licensee status but the optometrist cannot practice. Dr. Walker instructed Ms. Sneed to respond to the requester and inform them that the Board will not be moving forward with this matter at this time.

**Rule Change approvals – Multiple Practice location organization** – Ms. Sneed requested a motion be made to proceed with filing permanent rules to change the fee schedule regarding multiple practice location reporting for organizations with a centralized record keeping system. Dr. Louie made a motion to file the permanent rules. Dr. Hunt seconded the motion. The motion carried unanimously by oral vote.

**ARBO-NBEO update** – Informational only.

**Strategic plan check in** – Ms. Sneed created an Excel document highlighting the areas identified in the strategic plan that need a Board member or staff to be responsible, and the anticipated timeline for completion. She requested the Board look at the dates and give feedback about realistic deadlines.

**NEW BUSINESS:**

**Governor’s Report** – The Governor’s Report is due April 1, 2020. Ms. Sneed will send the report to all Board members to review and give feedback. She will work with the Board President and Vice President on the final review before submitting.

**Election of Officers** – Dr. Walker will not be renewing his position as President. Dr. Walker reviewed the President and Vice-President position responsibilities as outlined in the bylaws. He nominated Dr. Louie as president of the Board. Dr. Louie accepted the nomination. The Board members voted unanimously to appoint Dr. Louie as president. Dr. Hunt nominated herself for the Vice-President position. The Board members voted unanimously by oral vote to accept Dr. Hunt’s nomination for Vice-President. Dr. Halvorson will stay on in her current Personnel committee chair role for now and then will transition to the CE reviewer board position at the next Board meeting in May 2020.

**Approve final financial review report and board response** – Ms. Sneed reminded the Board members that at the last meeting they saw a draft response to the financial review report. Since then there were some minor edits after the final bank confirmations for OBO checking and CD accounts were received. Ms. Sneed made no change to the Board response. The audit and response has been submitted to the Secretary of State Audit Division.

**Mandatory Board and Staff Training (Information Security: Foundations and Preventing Discrimination, Harassment and Sexual Harassment in the Workplace)** – The Board voted to complete the training individually on their own. Ms. Sneed said she will send an email with the link to complete the training

**FUTURE MEETINGS:**

- Monday, May 18, 2020
- Friday, August 28, 2020
- Friday, November 6, 2020

**ADJOURNMENT:** There was no further business to come before the Board, and President Walker adjourned the meeting at 2:03 p.m.

Minutes prepared by:

Melissa Auman  
Administrative Coordinator

Approved by:

Shelley Sneed  
Executive Director