



## OREGON BOARD OF OPTOMETRY

May 6, 2022 Board Meeting

### PUBLIC SESSION MINUTES

**Board Members Present:** Ami Halvorson, OD, President  
Patrick Ayres, OD, Vice-President  
Derek Louie, 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:** Michael Schwartz, OD, Eric Hinds, OD, Lynn Ueshiro, OD,  
Cynthia Rimkeit, OD, Hiren Patel, OD, Cathy Merritt, OD,  
Rebecca Chown, OD

**CALL TO ORDER:** Dr. Halvorson called the meeting to order at 8:58 a.m. The meeting was held via MS Teams. The Public Session was adjourned at 8:58 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 Feb. 4, 2022 Public Session. Dr. Louie 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**
- **Reinstatement to Active Status - None**
- **Reactivate Inactive to Active Status – None**

**Candidates for Examination and Licensure** - The 5 optometrists listed in Open Regulate Governance Board Meeting 5/6/2022 Agenda item 3.20 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

## **ACTIONS ON EXECUTIVE SESSION:**

### **Existing Complaints:**

**C2019-1134** -- This case will remain open.

**C2021-1232** – This case will be closed with a letter of concern.

### **New Complaints:**

**C2022-1247** – This case will be closed with a letter of concern.

**C2022-1248** – This case was administratively closed.

**C2022-1249** – This case will be closed.

**C2022-1250** – Dr. Louie made a motion to ratify the stipulated order and close the case. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.

**C2022-1251** – This case will remain open.

**C2022-1252** – This case will be closed.

**C2022-1253** – This case will remain open.

## 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 5/6/2022 Board Meeting that detailed the Board's financial position at the end of March 31, 2022. The balance sheet shows our cash position is nearly \$90,000 less than last year. Per the P & L statements, the overall net loss for the year to date is nearly \$33,000 less than budgeted, but expenses are \$41,000 less than budgeted. A budget amendment may be proposed in August but may wait on that amendment until November. A fee increase may need to be talked about.
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- **Board Activities Report**
  - Active licenses increased by 15 but inactive licenses decreased by 25. Licensing as of April 2022 was 1,130 which is a total of 11 less than this time last year. Dr. Halvorson reviewed and approved 23.5 hour of continuing education.
- **Office Updates**
  - We are continuing with the records scanning project. Our temporary scanner found a full-time job. Ms. Sneed is looking for another temporary scanner. The financial review is done and there were no real findings. The CPA firm which we used focused on testing rather than on our systems and processes which gives us better feedback. Ms. Sneed will look at another option next biennium.

## BOARD MEMBER REPORTS:

**Continuing Optometric Education:** Dr. Halvorson reviewed and approved 23.5 hours of continuing education.

**Budget:** Ms. Sneed commented that the Board's certificate of deposit came due and the funds were rolled into the board's checking account.

**Legislative:** Dr. Ayres stated he has been in touch with OOPA's legislative group and they are watching the next election cycle closely.

**Administrative Rules:** Dr. Woods will discuss in the Administrative Rule agenda item.

**Personnel:** No report.

## ITEMS FOR CONSIDERATION/DISCUSSION:

- **Administrative Rule filings** – Rule filings pertained to housekeeping and cleanup filings due to legislation. Other rule changes: 1) updated license verifications and made electronic verifications acceptable, 2) clarified criminal background checks and associated fees for reactivations/reinstatements if inactive or lapsed for more than 2 years and 3) rule changes regarding volunteer services which allows out of state OD's in good

standing to provide up to 30 hours of volunteer service in Oregon without being required to apply but must report to us. Ms. Sneed will work with our vendor on how to set that up in our system. Ms. Sneed said we will probably need to assess some kind of fee because OBO will have to pay our vendor for setup. Dr. Ayres made a motion to file the rules permanently. Dr. Halvorson seconded the motion. The motion passed unanimously by oral vote.

- **ARBO medical marijuana query results** – The ARBO query regarding medical marijuana in the practice of optometry in all states resulted in showing no states allow prescribing of medical marijuana within optometry. Ms. Lindley stated that Oregon law does allow optometrists to prescribe marijuana if it is within the scope of optometry. Dr. Louie said that research shows that there is no good reason to prescribe marijuana either for pain or treatment of eye issues. Ms. Sneed asked Dr. Halvorson to write a short article for the August newsletter around this issue to remind OD's that prescription must be within the scope of practice and that research is showing it is not a very viable treatment option. Ms. Lindley suggested including standard of care in the article as well.
- **AOA Contact Lens Inquiry** – OOPA had an inquiry regarding contact lens with antihistamine (topical medication). Dr. Ayres asked if optometrists would need a valid pharmacy license to dispense through their offices. Would they need a special certification to sell certain medications? Ms. Lindley said that would be a DEA question. Dr. Louie asked where would a patient get this lens, at a pharmacy where they would not get fitted? He asked if it would be considered a contact lens prescription or a medicine prescription. Ms. Goolsby said as a pharmacist, she would not feel comfortable dispensing contact lenses. Ms. Sneed asked Ms. Lindley to reach out to the AAG for the Pharmacy Board to see how they see this being handled.

## **NEW BUSINESS:**

**2022 Governor's Report – included the biennial financial review.** Ms. Sneed submitted the report April 1, 2022. The report will be reviewed by the Legislative Fiscal Office and they will compile a document for legislative committee review.

**Meeting in person for the August 26, 2022 Board meeting** – Ms. Sneed says the OTIC downstairs conference room has plenty of space to social distance for the meeting. Ms. Sneed said we will plan on meeting in person but we can also offer a virtual meeting option for those who feel more comfortable.

**Staffing issues** – The State of Oregon opened up agency offices on May 1st. The Governor's Office/DAS Legislative Office said there are some legislators that are demanding state agencies be open. Ms. Sneed proposed staff be physically in the office 2 - half days each week and by appointment. Dr. Halvorson agreed this is a good solution.

Ms. Sneed and the Board thanked Dr. Louie for his six years of service to the Board. This was the last meeting of his Board term.

## **FUTURE MEETINGS:**

Friday, August 26, 2022

Friday, November 18, 2022

**ADJOURNMENT:** There was no further business to come before the Board, and President Halvorson adjourned the meeting at 1:20 p.m.

Minutes prepared by:

Approved by:

Melissa Auman  
Administrative Coordinator

Shelley Sneed  
Executive Director