



## OREGON BOARD OF OPTOMETRY

November 6, 2020 Board Meeting

### PUBLIC SESSION MINUTES

**Board Members Present:** Derek Louie, OD, President  
Lauren Hunt OD, Vice-President  
Ami Halvorson, OD  
Douglas Walker, 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 via Skype:** Karl Citek, OD                      Mark Ostermeier, OD  
Oliver Kuhn-Wilken, OD

**CALL TO ORDER:** Dr. Louie called the meeting to order at 9:02 a.m. The meeting was held via Skype for Business due to COVID-19. The Public Session was adjourned at 9:02 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 28, 2020 Public Session and the October 16, 2020 Board meeting both held via Skype. Dr. Hunt made a motion that the Board approve the minutes as presented. Dr. Walker 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 –**
  - Ronald Delano, OD

**Candidates for Examination and Licensure** - The 10 optometrists listed in Open Regulate Governance Board Meeting Agenda item 3.2 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

Dr. Louie 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:

C2017-1044 – This case will be closed.

C2019-1111 – This case is ongoing and will remain open.

C2019-1134 – This case will remain open.

C2019-1154 – This case will be closed.

C2019-1158 – This case will remain open.

C2019-1161 – This case will remain open.

C2020-1178 – This case will be closed with a letter of concern to the OD.

C2020-1182 – This case will remain open.

C2020-1183 – This case will remain open.

C2020-1184 – This case will be closed with a letter of concern to the OD.

C2020-1185 – This case will be closed with no optometric error found.

C2020-1186 – This case will be closed with a letter of concern to the OD.

C2020-1188 – This case will be closed with no optometric error found.

C2020-1192 – This case will be closed with no optometric error found.

C2020-1193 – This case will remain open.

C2020-1194 – A vote was taken of all Board members to approve a proposed notice of suspended license until licensee unconditionally passes a CPEP ProBe course regarding ethics and boundaries. Once the course is unconditionally passed, the licensee may have their license reinstated and then will be required to pass a CPEP ProBe Plus course in addition to having a chaperone present at all patient encounters. The ProBe course hours are in addition to the 18 CE hours required for renewal. A verbal vote by all Board Members was taken to approve the proposed notice. The proposed notice of suspension passed unanimously by oral vote.

## **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 Open Regulate Governance 11-6-2020 Board Meeting item 3.1 that detailed the Board’s financial position at the end of September 30, 2020. The Board’s cash position is \$50,000 more than last year. This is due to the time lag between DAS payroll processing and our payroll billing. DAS is finally catching up on billing us. The Board’s total income is \$7,000 more than last year and \$8,000 less than budget. Active license renewal fees are higher than budgeted. There are nearly \$8,000 in miscellaneous revenue that wasn’t budgeted; that is due to discipline court costs that were paid by a licensee. Overall expenses compared to budget are \$14,000 less than budgeted.

- **Board Activities Report**

Licensing as of October 20, 2020 was 1,162. There are 21 more Active licensees than last year. There has been an internal change within the Department of Defense that is requiring Active Military licensees to hold at least one traditional license which is paid for and meets CE requirements. We have seen an increase in those Active Military licensees changing to Active status. Five licensees have been lapsed and one licensee has retired. Dr. Halvorson has reviewed and approved 18 hours of CE courses. There are 10 new licensees and one reactivation from inactive to active status that need to be ratified. Dr. Louie made a motion to ratify the 10 new licensees and the one reactivation as listed. Dr. Halvorson seconded the motion. The motion carried unanimously by oral vote.

- **Office Updates**

- The staff have been working on licensee record scanning. Laurie Goolsby was confirmed by the State Senate and appointed as the new public Board member. Staff has attended a Microsoft Teams training. The February 2021 Board meeting will be our target date to use Teams.

## **BOARD MEMBER REPORTS:**

**Continuing Optometric Education:** Dr. Halvorson stated there was an administrative rule hearing on October 30, 2020. There were two rule changes: one allowing acceptance of public health courses to be in line with COPE and the second was rule language change to allow licensees to claim credit for clinical observation, with the exception that credit is not to be issued by licensee's place of employment.

**Budget:** Ms. Sneed noted that the committee Budget Chair position is open and inquired if Ms. Goolsby would be interested in the position. Ms Goolsby accepted the position as Budget Chair. There was no current budget report.

**Legislative:** There was no current report.

**Administrative Rules:** Dr. Hunt commented on the Public Health courses which Dr. Halvorson had previously reported on.

**Personnel:** There was no current report.

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

- **Strategic Plan Review** – Discussion postponed until the February 2021 meeting.
- **Administrative Rule filings** –
  - **CE changes to accept PB courses** – Ms. Sneed informed the Board that the effective date to report PB courses is on or after the date the Board files the rules. Ms. Sneed requested the Board grant her authority to file permanent rules for the COPE PB and clinical observation rule changes based on the initial rule filings which have already been done. Dr. Hunt made the motion. Dr Louie seconded the motion. The motion passed unanimously by oral vote.
  - **CE changes to accept clinical observation hours** -Dr. Hunt made a motion to amend the previous motion to include all of the rules that have previously been filed. Dr. Halvorson seconded the motion to amend. The motion passed unanimously by oral vote.
  - **Proposed prescription rule changes** – Ms. Sneed has written a draft of prescription rules for the Board's consideration based on new federal contact lens rule changes. There are some new requirements concerning signatures and timelines to respond to requests of copies of contact lens prescriptions. The proposed rule would amend our board rules to comply with federal requirements. Ms. Sneed will file the rule notice and then, at the February 2021 meeting, the Board can decide if they want to file permanent rules. The Board unanimously agreed to have Ms. Sneed proceed with the process.
  - **NBEO Exam Task Force** – Informational only.
  - **ARBO reports (2019 financial audit/2020 meeting minutes)** – Informational only.
  - **Council on Nontopical Formulary update** – Ms. Sneed noted that there was a request at the last board meeting for consideration of a new optometric drug use from a pharmaceutical company. This spurred an inquiry into the Formulary

Board, when they last met and where we are at now. The Pharmacy board updated us in 2016. Formulary has the authority to add new medications for optometry use. Ms. Sneed asked the board members if they felt there are changes in prescription drug use for optometry that we need to revisit the Formulary? Dr. Walker suggested having a conversation with OOPA regarding the matter for their input. Ms. Sneed will reach out to OOPA. Dr. Louie felt further conversations are needed before requesting the Formulary reconvene.

- **Oregon Pain Management commission proposed legislative changes** – Informational only. Ms. Sneed said that there was nothing in the proposal that affected optometrists because as OD's they are not required to take the 6 hour course.
- **COPE course guideline extension info** – Information only.
- **Washington legislative changes regarding telehealth** – Dr. Walker had submitted this as informational purposes only.
- **ARBO lens and contact lens expiration query results** – Informational only.
- **Proposed revised COPE category report for comment** – Informational only.

#### **NEW BUSINESS:**

- **Dr. Neron board request** – Dr. Neron requested that the board align the license renewal date and the license expiration date or print both on the license stock. Ms. Sneed explained that the reason there is a different number of days between the license due date at the first of the licensee's birth month and the license expiration date at the end of the month is to give the licensee time to complete allowable CE or complete the renewal if a required item was missing. If the due date and the expiration date was the same and the renewal was not complete, then the license would be expired without a window of time to correct and the OD would possibly be practicing without a license. Dr. Walker recommended no changes be made. Dr. Louie preferred to leave the process as is. Ms. Sneed said she can add reminders of renewal dates versus expiration dates on the website as well as make a change to the email renewal notices. She will thank Dr. Neron for his request and remind him that the dates are noted in the renewal email notice that is sent out to licensees as well as why we request the due date at the beginning of the birth month and the license does not expire until the end of the month.
- **2021-2023 Affirmative Action plan approval** – Ms. Sneed informed the board that this plan is a requirement under an executive order of the Governor. It is required every biennium. When the Governor's staff persons change in this position, the reporting requirements can also change. Last biennium, the person in charge wanted to see more outreach. Ms. Sneed and two OD's went and did outreach to several high schools to cultivate interest in optometry. Being a small board, Ms. Sneed said it is a challenging task with limited staff and resources. She would like to see if OOPA could get some OD's interested in outreach in the Portland area. AAG Lindley suggested OOPA might reach out to Pacific University College of Optometry to partner with OBO to provide outreach to lessen the load on OBO staff. Ms. Sneed said she needed Board approval to submit the plan with the edits to the Governor's office. Dr. Louie made a motion to approve the Affirmative Action Plan 2021-2023. Dr. Walker seconded the motion. The motion passed unanimously by oral vote.

- 2021-2023 Draft Budget** – Ms. Sneed has recently received information that DAS IT costs are doubling and Risk Management costs may be as high as \$50,000. She suggested tabling the discussion around the budget for now. As a semi-independent board she said we have the ability to purchase those services on the open market. Our projected budget gives us about three months of operating reserves before taking into account the aforementioned increases. Ms. Sneed said we may have to consider a fee increase but would like to control those costs since we just had a fee increase the middle of last biennium. Ms. Sneed will work with Ms. Goolsby, the new Budget Committee chairperson, and plan to hold a special meeting by the end of the year so that there will be time to get through the rule making process so as to be able to submit the budget in February to the Board for approval. Dr. Louie asked Ms. Sneed to confirm that there will be some kind of increase. Ms. Sneed said yes, she has been told in the last nine months by DAS that IT costs will increase by 30% at least. Dr. Louie asked if the agency can absorb a 30% increase. Ms. Sneed said she believes the agency can but it will leave the agency with only about 2 months of operating reserves. We can always do an amendment to the budget if a fee increase is deemed necessary to meet the increase in costs during the biennium Ms. Sneed said.
- Measure 110 Decriminalization of Drug Possession** – AAG Lindley spoke about the passing of Measure 110 which decriminalizes drug possession of certain amounts of heroin, cocaine or methamphetamine from a crime to an e-violation and a \$100 fine. The measure can affect application and background checks for licensure for some boards. OBO rules and statutes state about conviction of a crime, misdemeanor or felony and are based on crimes and not possession, so no rule changes are necessary for OBO. AAG Lindley will look at our application questions with Ms. Sneed to see whether the application questions ask questions about possession and amounts. Ms. Sneed said she is pretty sure they are general questions but will check.

**FUTURE MEETINGS:**

- Friday February 12, 2021
- Friday May 7, 2021
- Friday August 27, 2021
- Friday October 29, 2021

**ADJOURNMENT:** There was no further business to come before the Board, and President Louie adjourned the meeting at 1:50 p.m.

Minutes prepared by:

Approved by:

Melissa Auman  
Administrative Coordinator

Shelley Sneed  
Executive Director