



OREGON BOARD OF OPTOMETRY

February 9, 2019 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Douglas Walker, OD, President
Derek Louie, OD, Vice-President
Steven Tronnes, OD
Molly Phan, OD
Renee Klein, Public Member

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

Board Legal Counsel: Lori Lindley, Assistant Attorney General

CALL TO ORDER: Dr. Walker called the meeting to order at 8:56 a.m., in the Cascade C meeting room of the Sheraton Hotel Portland Airport in Portland, Oregon. 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 10:57 a.m.

MINUTES: The Board reviewed the minutes of the November 2, 2018 Public Session prior to the opening of the Executive Session earlier. Dr. Phan made a motion that the Board approve the minutes as presented. Dr. Louie 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
- **Reactivate Inactive to Active Status** –
 - Kim Maksen, OD
 - Stephen Reed, OD

Candidates for Examination and Licensure - The 5 optometrists listed in elite 3.2 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

Dr. Phan 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:

2017-15 - This case will be closed.

2017-16 - This case will remain open.

2018-29 - This case will be closed with letters to the concerned parties.

2018-30 – This case will be closed.

2018-32 – This case will be closed.

2018-33 – This case will be closed.

2018-34 – This case will be closed. Dr. Louie made a motion to ratify the Stipulated Orders. Ms. Klein seconded the motion. The motion carried unanimously by oral vote.

2018-35 – This case will be closed. Dr. Louie made a motion to ratify the Stipulated Orders. Ms. Klein seconded the motion. The motion carried unanimously by oral vote.

2018-36 – No action.

2019-01 – This case will be closed with a letter to the OD and patient.

2019-02 – This case will be closed. Ms. Klein made a motion to ratify the actions of the Executive Director. Dr. Phan seconded the motion. The motion carried unanimously by oral vote.

2019-03 – This case will remain open and send request for additional documents.

2019-04 – This case will be closed with a letter of caution to the OD regarding records release.

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 that detailed the Board's financial position at the end of December 31, 2018. The Board's cash position is around \$80,000. Ms. Sneed stated that our expenses compared to budget are significantly lower and the overall net loss to date was \$6,271.60 The Board's \$200,000 CD matured on November 25, 2018, and was transferred to a new \$150,000 CD, with the remaining balance transferred to the Board's checking account.
 - Dr. Louie inquired about the \$12,000 debt the Board is carrying. Ms. Sneed said that the individual is no longer an OD but is self-employed and sells optometric equipment. The debt has been sent to the Oregon Department of Revenue to attempt collection. Ms. Sneed said that she will look into sending it to private collection for better success.
- **Board Update**

The number of inactive licensees has declined. Ms. Sneed feels that is probably due to the new licensing system and to the fact that inactive licensees are retiring and not returning to Oregon. Staff has not received any comments about the increase in inactive fees. There have not been a lot of new applicants as of yet but will begin to see an increase as the year goes on.
- **Office Updates**
 - The office update was included in elite 3.3 for 2/9/2019. Ms. Sneed, Ms. Auman and Janet Baker of OOPA presented a centenarian award to Dr. Raymond Alexander in Portland. He is 105 years old and graduated from Pacific University in 1935. He has been licensed by OBO for 83 years.
 - OBO has gotten the approval of the new licensing system, Thentia. OBO staff had their first conference call introduction with Thentia. Ms. Sneed stated they are waiting for the contract and then will submit that document to the vendor and the DAS IT office for review and approval. The current vendor has agreed to go month to month after 6/30/2019 if the new system is not ready. Thentia will pay \$2,000 a month if the system is not ready for implementation by 6/30/2019.
 - Ms. Sneed has received 4 applicants for the Board Member position that will be vacant following Dr. Phan's end of her term. They have been presented to the Governor's office for review and background checks following Ms. Sneed's recommendation. A decision will be made by February 26, 2019.
 - Dr. Phan brought up the topic of charging a fee for a name change. She feels that this puts an unfair burden on women who are the majority of those requesting a license reprint due to a name change because of marriage and/or divorce. The current fee for a reprint is \$40. This will be discussed at the next policy meeting.

BOARD MEMBER REPORTS:

Continuing Optometric Education: The continuing education offerings approved since the last meeting were presented to the Board in elite 3.2 for 2/9/2019. Dr. Phan made a motion that the Board ratify approval of these courses. Dr. Tronnes seconded the motion. There was no discussion. The motion carried unanimously by oral vote.

Dr. Louie had no new report. Ms. Sneed said that the second phase of the new system licensing system will allow online CE review which will allow staff and Dr. Louie to get away from using the Dropbox system.

Budget: See approval of 2019-2021 budget (6.1) below.

Legislative: Ms. Sneed informed the Board about OOPA and the ophthalmology association working together on two bills regarding telehealth. There is a hearing on February 25, 2019. Ms. Sneed continues to ask OOPA and their lobbyist to communicate with her in regards to these bills which affect optometrists and possible patient care. Dr. Walker said he was concerned about keeping an arm's length with optometric associations in regards to legislation because often times everyone has their own agendas. He said the Board's focus is on protecting the consumers and patients, not on the optometric profession.

Ms. Sneed presented information on HB 2265 introduced by the OHA regarding pain management CE for all healthcare providers, including optometrists. Once the bill passes, the Board will need to discuss the CE requirements for this course and amend rules.

Administrative Rules: See rule change section below.

Personnel: Dr. Phan said the Board staff is doing a fantastic job. She will do Ms. Sneed's evaluation next week.

Noon time Questions & Answers: From 12:15 p.m. to 1:05 p.m. the Board held an open question & answer session during lunch with OOPA Third Party Practice Management Seminar attendees. The Board presented a power point which included member introductions, board updates, review of rules and licensing regulations and answered questions from the licensees in attendance. Licensees earned 1 hour of CE after attending 50 minutes of the Q&A. There was significant snowfall in Portland that morning, so the attendance was not what had been projected.

Public Session meeting resumed at 1:07 p.m.

ITEMS FOR CONSIDERATION/DISCUSSION:

Approve 2019-21 budget after rule making: The topic of charging a lesser fee for reprinting licenses due to a name change was presented. Ms. Sneed thought that a name change fee would include changes for divorce as well as marriage. Dr. Louie suggested making it a "reprint" fee, not a "name change" fee. After more discussion, Ms. Sneed suggested that if a licensee had a name change that they wait until their next renewal to change their name with no additional fee. If a licensee makes a request outside renewal, then there would be a \$40 fee to reprint the license. She said she would put an article in the board newsletter regarding name changes. Ms. Sneed added that this is more of a policy issue to be discussed later and only if there is a policy

change would the fee change affect the budget. Dr. Tronnes made a motion to accept the budget as presented. Ms. Klein seconded the motion. The motion passed unanimously by oral vote. Ms. Klein inquired as to whether this budget included the fees for the new Thentia licensing system. Ms. Sneed said it did not reflect the Thentia fees and therefore the budget expenses are overestimated based on the current DAS fees.

Approve miscellaneous rule changes after rule making: Dr. Tronnes had emailed Ms. Sneed prior regarding a word change on page 3 from “of” to “or”. Dr. Tronnes made a motion to change page 5, item 9 wording to add the word “has” satisfactorily. Motion passed by unanimous oral vote. Dr. Tronnes made a motion to approve the miscellaneous rule changes. Ms. Klein seconded the motion. The motion passed by unanimous oral vote.

Reschedule August Board Meeting: Ms. Lindley has a conflict with the August 9, 2019 board meeting. The board members decided to reschedule the meeting to August 2, 2019.

ARBO COPE Committee restructure news: Informational only.

NEW BUSINESS:

Replacement Licensing System: The Elite contract ends 6/30/2019. The new Thentia system is to begin by 7/1/2019. The scope of work and business requirements are to be sent to OSCIO next week.

Board Orientation meetings: Ms. Sneed would like to begin holding new licensee orientation meetings for new licensees who are practicing in Oregon twice a year in Salem in the OTIC conference room. She said she feels it is important to make a personal connection with newly licensed OD’s and reinforce the rules and regulations of the Board. The orientation would be within the first 12 months of licensure and provide 1 hour of law and ethics CE.

Dr. Walker asked about the cost to the Board and Ms. Sneed said there would probably be a minimal cost for snacks and Board member per diem reimbursement. Dr. Walker was concerned about the burden on those coming from a long distance since it would only be offered in Salem. Ms. Sneed suggested the licensee could submit a waiver for a hardship. Dr. Walker also asked about a virtual orientation. At this time, Ms. Sneed suggested a pilot project for one year in which in-person attendance be required for new licensees. Dr. Tronnes asked what the penalty would be for not meeting the requirement. Dr. Louie suggested a \$500 fee since they have 12 months to complete and to show its importance. Dr. Phan questioned the high cost of that penalty. Ms. Lindley suggested making it voluntary for the first year with one hour of CE to see the response.

Ms. Sneed concluded the discussion that she will email an inquiry to ARBO to see if other states are doing some type of required newly licensed orientation. She will draft rules for the May 2019 meeting. She says, in reality, with the new licensing system, this would not be implemented until after July 2019.

ARBO annual meeting: The ARBO annual meeting is June 16-18, 2019, just before the AOA meeting in St. Louis. Travel will be June 15-18, 2019. Dr. Tronnes and Ms. Sneed will be attending.

Adding a fee for failure to timely notify Board of patient records transfer: Ms. Sneed stated that typically the issue is OD's retiring and they forget to notify the Board of patient records transfers. She has included notices in the newsletter in the past. Dr. Louie feels it should be a fee the same as a failure to notify of an address change because it deals with patient records. Ms. Sneed would set a flat fee and add it as a separate item to the fee schedule. She will file rules and send it out for feedback.

Board updated policies & procedures: This item will be tabled and moved to the May 2019 board meeting for discussion.

NBEO 2019 changes: Informational only.

FUTURE MEETINGS:

- Friday May 10, 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 2:00 p.m.

Minutes prepared by:

Approved by:

Melissa Auman
Administrative Coordinator

Shelley Sneed
Executive Director