



OREGON BOARD OF OPTOMETRY

May 11, 2018 Board Meeting

PUBLIC SESSION MINUTES

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

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

Board Legal Counsel: Lori Lindley, Assistant Attorney General

In Attendance: Janet Baker, OOPA

CALL TO ORDER: Dr. Cardenal called the meeting to order at 9:02 a.m., in OTE's downstairs conference room. The Public Session was adjourned at 9:03 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 12:35 p.m.

MINUTES: The Board reviewed the minutes of the February 2, 2018 Public Session and the April 9, 2018 Board meeting held via conference call. Dr. Tronnes 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**
- **Reinstate to Active Status –**
 - Barbara Portillo, OD
 - Ann S. Woods, OD
 - Scott Klemens, OD

Candidates for Examination and Licensure - The 5 optometrists listed in elite Board Events for 5/11/2018, Section 3.2 met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

ACTIONS ON EXECUTIVE SESSION:

2017-15 -- This case will remain open.

2017-16 – This case will remain open.

2017-22 – This case will be closed.

2017-24 – This case will be closed with letters to both parties.

2017-25 – This case will be closed with letters to both parties.

2017-26 – This case will remain open.

2018-02, 03, 04, 05, 07, 08 12 -- These cases will be closed.

2018-06 – This case will remain open pending additional investigation.

2018-09 – This case will be closed.

2018-10 – This case will be closed with a letter to the doctor.

2018-11 – This case will be closed with a letter to the doctor.

2018-13 – This case will remain open while awaiting records.

2018-14 – This case will be referred to the Oregon Medical Board.

2018-15 – This case will remain open while awaiting records.

2018-16 – This case will remain open while awaiting records.

Dr. Louie made a motion to ratify the above actions on Executive Session agenda items. Dr. Walker seconded the motion. The motion carried by unanimous oral vote.

CORRESPONDENCE: None

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 (see elite Board Events for 5/11/2018 section 3.1) that detailed the Board's financial position at the end of 3/31/2018. The Board's cash position is lowering with nearly \$67,000 less than last year. The Board continues to have about a year's worth of capital reserves. There is a \$12,000 civil penalty that is a receivable. It has been assigned to the Department of Revenue for collection. The Board has a lien against the individual's property. It will remain on the books.
- Expenses are better than budgeted except for credit card fees and database fees. Dr. Louie asked if credit card fees are predictable. Ms. Sneed said yes they are more predictable since it has been a full year using the system. She says she needs to spend time comparing rates on credit card processing fees. The Massage Board is using the elite system to collect late and miscellaneous fees. Ms. Sneed will investigate the possibility of using elite and what the cost would be to the Board. OBO currently collects those fees through Intuit's online payment system.
- Ms. Klein asked why the LEDS fees are much higher than budgeted. Ms. Sneed said she must have under budgeted that amount and will look into what she based the numbers on.
- Dr. Walker inquired about what the DAS fees include. Ms. Sneed said there are two items DAS charges for currently; one is for desktop support. They charge \$215 per desktop computer. The other is for two dedicated servers at DAS for the elite system of which OBO's portion is \$500 month. The OBO office has an extra computer in Cathy Boudreau's old office. Once staff is finished with the scanning of all paper files, Ms. Sneed said she can get that computer off the DAS system to save some cost.

▪ **Board Activities Report**

- Total licensing at the end of April 2018 was 1,183. Five new licenses were issued since the last Board meeting. At the end of April, there were 15 new complaints, four closed complaints and 2 monitored cases.
- Dr. Louie reviewed and approved 85 hours of CE. He stated the new Dropbox method of submitting information for CE review is working well. In regards to multi-presenter courses in which some courses are only 20 minutes long, Dr. Louie feels the requirements for a short presentation should be the same as for a course that is 2 hours long including an outline of the course, CV's and the amount of time being presented.

- **Office Updates**

- The office update was included in elite Board Events section 3.3.

BOARD MEMBER REPORTS:

Continuing Optometric Education: A new licensee requested approval of an injection course from a new school to meet the requirement of ATI licensure. Dr. Louie states it appears the course meets the requirements. Dr. Tronnes made a motion to approve the course. Dr. Walker seconded the motion. The motion carried by unanimous oral vote.

The topic of having CE post approval deadline was brought up. Dr. Louie said he will review courses as long as all information is submitted within one year. After some discussion about if this was too long, Dr. Cardenal proposed that a new rule be made that all information needs to be submitted no later than 60 days following a presentation to be reviewed. Ms. Sneed will work on the rule language to submit.

Budget: Proposed Budget Amendment – Ms. Sneed has gathered information comparing Oregon Board of Optometry fees budget to California, Washington, Arizona and Kansas boards' budgets. She has used this information to create a scenario of increased fees for Oregon Board of Optometry (see section 5.1). While gathering information, Ms. Sneed discovered that California and Washington states both have a retired volunteer limited license. She presented the idea of Oregon OBO creating the same type of license status. Ms. Lindley said that the Dental Board has this type of licensure in their statute. Dr. Walker inquired as to why Oregon's licensing fees were higher than other states. Ms. Sneed responded that many states have a generalist who deals with several occupations' licensing ranging from dentists to tattoo artists. At OBO, the higher licensing fees pay for staff who deal only with the rules and licensing of optometrists, allowing us to respond in a timely manner and with knowledge specific to the licensing and regulation of Oregon optometrists.

Ms. Sneed said that the budget numbers are changing due to several factors. The primary expenses are staff and insurance costs. Since OBO follows the DAS personnel policies, board staff had a COLA increase as of 6/15/2018. As of 2/1/2019, employees will get a 6.95% pay increase to cover PERS costs. The state originally had been picking up the 6% PERS costs and now employees will get paid more and then pay PERS themselves. Ms. Sneed, upon reviewing the budget, proposes an increase in licensing fees of \$50 for active licensees and \$25 for inactive licensees. The original budget outlook was for a \$116,000 net loss. The revised budget lowers that number to a \$103,000 net loss. With a fee increase beginning 7/1/2018 as Ms. Sneed proposes, the net loss would be lowered to \$25,000. Ms. Sneed stated that it has been several bienniums since the last fee increase. Ms. Sneed asked the Board when they felt was the right time to increase fees and would this increase be enough. Dr. Cardenal did not think the Board had increased fees in nearly 10 years. She felt the increase was warranted to cover the cost of technology over the past 10 years.

Ms. Sneed will create a public announcement regarding the proposed fee increase. Ms. Klein suggested that the increase go into effect 1/1/2019. Ms. Sneed will start the rule making process and present it, both with a fee increase and one without an increase, at the August 2018 board meeting.

Legislative: Dr. Walker said there was no feedback from the Governor's office regarding telehealth as of yet.

Administrative Rules: No discussion

Personnel: No discussion

PRESIDENT'S REPORT: None

ITEMS FOR CONSIDERATION/DISCUSSION:

Election of Board Officers – Dr. Tronnes nominated Dr. Walker for Board President. Ms. Klein seconded the motion. Dr. Walker accepted the nomination. Passed by oral vote.

Dr. Walker nominated Dr. Louie for Board Vice President. Dr. Tronnes seconded the motion. Dr. Louie accepted the nomination. Passed by oral vote.

The new positions will take affect at the end of the meeting.

CPR Certification requirement – At the last meeting the Board had a discussion regarding the required hands-on portion to CPR certification for new applicants. Ms. Sneed looked into what other boards require and found that many boards do not mention needing the hands-on portion. The Board will continue with this requirement only for new license applicants.

By-Laws – Ms. Sneed stated that OBO did not have by-laws in the past. She modified LCB by-laws for OBO. The new by-laws spell out what each board committee does. Dr. Walker suggested this topic be tabled until next Board meeting to allow for more time to review the proposed by-laws.

Dr. Marusich – Dr. Marusich sold her practice and is not currently seeing patients but answers questions about patients and posed a question about whether she needs to be actively licensed. Dr. Tronnes says this sounds like she is acting more like a consultant. Dr. Louie is concerned that if Dr. Marusich is talking to another OD on a consult and then the other OD puts her comments into the patient's record about the consult, he feels she should be licensed. Dr. Tronnes stated that often an OD will consult with an out of state OD who is not licensed in Oregon, so how is this any different? Dr. Louie stated he feels an OD should not reference an unlicensed OD in patient records. Dr. Walker stated he felt that as long as Dr. Marusich was not providing direct patient care she did not need to be actively licensed. He said it is her decision but needs to know that she should make sure she is not being referenced in patient records.

NEW BUSINESS:

2018 Governor's Report – See elite Board Events section 7.1. The Board reviewed and approved.

Opternative & U.S. Food & Drug Administration – See elite Board Events section 7.2. Janet Baker says OOPA is getting complaints from patients regarding Opternative practices. Ms. Baker sends complaints for commercial retailers to the FTC and AOA.

ACOE Standard feedback – See elite Board Events section 7.3. Dr. Louie thought the main change was in the wording to “contemporary” practice, meaning the OD needs to keep up on knowledge within their practice. ACOE wants feedback by June 6, 2018. The Board had no recommendations for ACOE.

ARBO Board member nominations – See elite Board Events section 7.4. Ms. Sneed said that Oregon is getting more involved with ARBO. Dr. Cardenal and Ms. Sneed attended the ARBO annual meeting last year in Washington D.C. Dr. Cardenal suggests OBO send someone again in a few years. She felt the meeting was valuable.

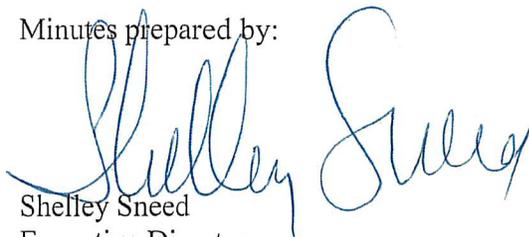
NBEO Exam Eligibility – See elite Board Events section 7.5. Exam eligibility is allowing 6 attempts to pass each part of the NBEO exam.

FUTURE MEETINGS:

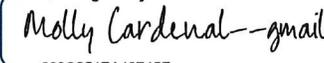
- August 3, 2018 at the OTE Conference Room in Salem.
- November 2, 2018 at the OTE Conference Room in Salem

ADJOURNMENT: Dr. Cardenal thanked Dr. Walker for accepting the nomination for Board President. He will preside at the next meeting. Dr. Walker thanked Dr. Cardenal for her service to the Board. There was no further business to come before the Board, and President Cardenal adjourned the meeting at 2:08 p.m.

Minutes prepared by:


Shelley Sneed
Executive Director

Approved by:

DocuSigned by:

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Molly Cardenal, OD
President