



## OREGON BOARD OF OPTOMETRY

September 15, 2017 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

**Others in Attendance:** Garry Kappel, OD and Olivia Kappel, Mark McLain, OD, Donald Asay, OD, Jason Barker, Jerry Werbner (via conference call), Rebecca Chown, OD (via conference call)

**CALL TO ORDER:** Dr. Cardenal called the meeting to order at 9:05 a.m., in OTE's downstairs conference room. The Public Session was adjourned at 9:16 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 12:36 p.m.

**MINUTES:** The Board reviewed the minutes of the May 19, 2017 Public Session Board meeting. 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 Active Status – None**
- **Reinstatement to Inactive Status - None**
- **Reactivate Inactive to Active Status –**
  - Nabella Akhtar, OD
  - Ron Bourdage, OD
  - Borum Chung, OD
  - William Hefner, OD

**Candidates for Examination and Licensure** - The 34 optometrists listed in elite Board Events for 9/15/17, 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:**

### **Existing Complaints**

**16-12-01** – This case will remain open and the Board will continue to monitor the case. Ms. Sneed will request glaucoma patient records for Board review.

**2017-8** – This case will be closed.

### **New Complaints**

**2017-3** – This case will be closed with a letter indicating no optometric error.

**2017-12** – This case will be closed with a letter of concern to the doctor.

**2017-13** – This case will be closed.

**2017-15** – This case will remain open and monitored. A letter will be sent to the OD's recommending they contact the FTC.

**2017-16** – This case will remain open with a letter of concern to the doctor. The information will be forwarded to the Medical Board and the Civil Enforcement Office of the DOJ.

**2017-17** – The Board approves authority be given to ED to sign appropriate orders when action is taken by a licensee.

**2017-18** – This case will be closed with a letter indicating no optometric error.

Dr. Louie made a motion to ratify the above actions on Executive Session agenda items. Dr. Tronnes seconded the motion. The motion carried by unanimous 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 (see elite Board Events for 9/15/17 section 3.1) that detailed the Board's financial position at the end of August 31, 2017. The Board had a net loss of almost \$75,000 compared to the budgeted net loss of \$137,000. Liabilities have increased due to booking compensated absence liability which is a staff vacation time liability and is adjusted monthly. There is also an outstanding civil penalty of approximately \$12,000 that is not on the books that had previously been sent to Department of Revenue. The Board has a lien against property for the civil penalty.
  - Dr. Tronnes asked why insurance item was \$14,000 more this year than was projected. Ms Sneed explained that OBO is combined with other smaller boards such as Massage and Chiropractors in an insurance pool with the state. When one board has a loss all share the cost. This expense can go up and down.
- **Board Activities Report**

Licensing as of 9/6/2017 remained stable since this time last year. 36 CE hours have been reviewed since the last Board meeting.
- **Office Update**
  - The office update was included in elite Board Events 9/15/17 section 3.2

## **BOARD MEMBER REPORTS:**

**Continuing Optometric Education:** The continuing education offerings approved since the last meeting were presented to the Board in the Office Update. Dr. Louie stated he continues to work to bring CE in line with current COPE standards by requesting CV's of the presenters along with detailed course outlines. Online CE is often difficult to evaluate, as proof of attendance is sometimes challenging to obtain. Dr. Louie says that a fair number of OD's attend medical CME for MD's and ophthalmologist such as "Thorny Issues" and that the medical board's standards for CE are not as strict in time or attendance as optometric requirements. The CME are usually 20-30 minutes in length given by a MD and one course could have 4-5 different MD presenters. By OBO standards Dr. Louie said he would need CV's from each presenter, in addition, there is no way to prove attendance at many of these functions as they do not require check in and clock out for attendees. Dr. Louie feels that if attendance cannot be proven then he does not think that credit should be granted. Following the discussion Dr. Walker made a motion that the Board ratify approval of the 36 CE courses. Dr. Tronnes seconded the motion. There was no further discussion. The motion carried unanimously by oral vote.

**Continuing Optometric Education (con't):**

Ms. Sneed opened a discussion regarding conference call attendance for CE. Dr. Halverson, OD had inquired about CE credit for attendance at VA video/conference call monthly meetings. Dr. Cardenal stated she has attended these in the past and that attendance is verified each time an attendee dials in or connects and disconnects for video conferencing. Dr. Louie said he is agreeable that this would be allowable CE with a certificate of attendance from the provider. Ms. Sneed will let Dr. Halverson know.

**Budget:** Dr. Cardenal stated that the budget for this biennium is still operating under a deficit with a years' worth of operating reserves, with a set goal to keep six months of reserve. Dr. Cardenal stated that the Board will want a balanced budget next biennium and that may require raising fees which will be discussed at next biennium's budget meeting.

**Legislative:** Dr. Walker shared legislation from Alaska. House Bill 103 was adopted in July, 2017 which gives their Board of Licensing and Optometry the approval to write regulations and law based on changes in optometric education. Dr. Walker feels this is what Oregon needs to pursue as it will give OBO autonomy to write regulations within current optometric scopes of education and technology without having to open the law each time a change in these areas occurs. He will work with OOPA and gather more information in pursuing Oregon legislation in the future.

Dr. Walker discussed telemedicine and optometrists' concern in the state of Oregon in protecting consumers. He stated we currently don't have within our laws and administrative rules a definition of telemedicine and how it should be regulated. We will be discussing this in the future and how other states are approaching the subject.

**Administrative Rules:** No discussion as there is no chair at the present.

**Personnel:** Dr. Tronnes did Ms. Sneed's employee review since the last meeting.

**PRESIDENT'S REPORT:**

Dr. Cardenal and Ms. Sneed attended the ARBO meeting in Washington, DC earlier this year. Ms. Sneed said it was nice to see what other boards are doing and make connections. Dr. Cardenal suggests that a Board member attend a meeting every 2 years.

**ITEMS FOR CONSIDERATION/DISCUSSION:**

**2018 Board Meeting Schedule** – February 9, May 11, August 3 and November 2 (tentative)

**Affirmative Action** – Ms. Sneed will be attending Affirmative Action meetings.

**ACOE Accreditation Actions** – Informational only. No comment by the Board.

**CACB Credentialing** – Informational only.

**Jerry Werbner/Jason Barker Presentation on Visilution-** A marketing video on Visilution, a non RX reading glass, was presented by Mr. Jason Barker. Mr. Barker, legal representative for Mr. Jerry Werbner, stated that through Visilution and using a “visi wand” at a kiosk type setting to self-test to determine magnification strength, consumers could get reader glasses with different magnification in each eye. Dr. Walker asked who would be helping or advising the customers. Mr. Werbner suggested Pacific University optometry students might be utilized. Dr. Louie saw a potential problem with that idea. Dr. Cardenal argued that this seems very close to practicing optometry. Dr. Cardenal stated that the Board would need to discuss the matter in executive session at the next Board meeting.

## **NEW BUSINESS:**

**Rules Changes** – A rule change was filed in the Administrative Rules for implementing the \$2 fee for the Oregon Health Authority Survey and for a public records policy update. The rules were opened for discussion August 31, 2017 and there were no comments. Dr. Tronnes motioned to approve the changes to the Administrative Rules. Dr. Walker seconded the motion. The motion carried unanimously by oral vote.

**Banking and Investment** – Ms. Sneed had gathered information regarding banking options to reduce costs and presented them to the Board. Ms. Sneed recommended Willamette Valley Bank because they were quick to respond, will flex CD rates, have better checking fees and are local. Dr. Tronnes made a motion to move the Board’s banking to Willamette Valley Bank; close OBO’s existing checking account, investments accounts and credit card. OBO will open new checking account, CD’s and credit cards with Willamette Valley Bank and close the investment account with Fidelity and transfer to Willamette Valley. Dr. Louie seconded the motion. The motion passed unanimously by oral vote.

**CE-CPR Audit Process** - Ms.Sneed reviewed the audit process. The current audit letter did not specify to send all certificates for review. Clearer communication with the licensees is needed and the letter will be adjusted. Ms. Sneed also reviewed the new approved rules change that no longer requires original CE certificates to be submitted as documentation as of October 2, 2017. OE tracker documentation and certificate copies will be acceptable after this date. Licensees have a 21 day period in which to reply to the audit with documentation after which discipline and a \$250 civil penalty can be imposed.

**Dr. Hanoosh Sponsorship** – Dr. Hanoosh, an international ophthalmologist who graduated from the University of Iraq, requested sponsorship to take NBEO exams to practice optometry in the United States Ms. Sneed will send a letter stating his education does not meet the Oregon requirements for licensure that states a licensee must graduate from an approved accredited optometric school.

**ARBO Data Feed** – Through an ARBO data feed, ARBO CE information would feed directly into our licensing system with no fee. ARBO has changed its IT providers and we need to wait until the new company is up and running before we proceed.

**Online License Verifications** – Some states are currently verifying licensure through an online system only. Ms. Sneed says a rules change in language from the current wording “written verification sent directly” would need to be filed to “verification received directly” to allow for

online verifications. Ms. Sneed will prepare a rule change for the Board for the next meeting.

**ACOE Accreditation Actions** – Ms. Sneed proposed that any ACOE accreditation for new schools and programs be accepted instead of “board approved course” as stated in our statutes. Dr., Cardenal suggested the “board approved” language within the rule be changed to “ACOE accredited.” Ms. Sneed will research if rule change is needed and will present for review by the Board at next meeting.

**LEDS Audit** – The Board has gone through the process and there were no significant findings.

**Applicant/Renewal Civil Suit Related to Optometry** – Initial license applicants are required to disclose if they have any civil suits related to the practice of optometry filed against them. Currently this question is not asked on renewal applications. Ms. Sneed said that the majority of new applicants are new graduates and this question does not apply to them but the question is much more relevant to renewal licensees. Dr. Cardenal suggests adding a box on the renewal form to mark yes or no to the question. Dr. Walker asked what the Board would do with this information. Ms. Sneed stated that by answering “yes” the system flags the renewal and she would then contact the OD for more information. At the next meeting the Board will discuss the authority of the ED to determine what disclosed information would need to be brought before the Board. The Board agreed to adding the yes or no boxes to the renewal form.

**License by Endorsement** – A new applicant took NBEO exams before 2002 in another state and is applying for licensure in Oregon. The OD is missing Part III of the NBEO scores. According to OBO rules for reactivation, with NBEO scores older than 2002, an applicant must have taken either a 23 hour didactic course or a 100 hour TPA course. Ms. Sneed feels this situation falls in this category. She has asked the OD if he has taken either of these courses and is waiting for a response. Dr. Cardenal suggests that Ms. Sneed contact NBEO and inquire what the applicant actually took and what was included in the exams so that a comparison to the Oregon exam can be accessed. The Board will wait for responses before considering licensure.

**Other Business:** None

**FUTURE MEETINGS:**

- Friday November 3, 2017

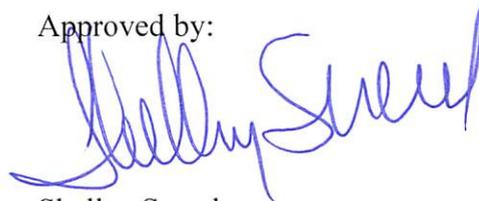
**ADJOURNMENT:** There was no further business to come before the Board, and President Cardenal adjourned the meeting at 2:57 p.m.

Minutes prepared by:



Melissa Auman  
Administrative Coordinator

Approved by:



Shelley Sneed  
Executive Director