

Annual Report
Fiscal Year 2009

**BOARD OF EXAMINERS
IN OPTOMETRY**

July 2009



**DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING**



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Sean Parnell, Governor
Emil Notti, Commissioner
Lynne Smith, Director

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August 1, 2009

Ms. Lynne Smith, Director
Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99801-0806

Dear Ms. Smith:

In compliance with AS 37 and AS 08 and on behalf of the Board of Examiners in Optometry, I am submitting the enclosed Annual Report concerning the board's activities and accomplishments for Fiscal Year 2009.

Sincerely,

Jill Geering Matheson, OD, Chair
Board of Examiners in Optometry

Enclosures

BOARD OF EXAMINERS IN OPTOMETRY

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BOARD OF EXAMINERS IN OPTOMETRY

BOARD MEMBERS

<u>MEMBER</u>	<u>DATE APPOINTED</u>	<u>REAPPOINTED</u>	<u>TERM EXPIRES</u>
Jeffrey A. Gonnason, OD Optometrist Medical Park Eye Care 2211 East Northern Lights Blvd. #202 Anchorage, AK 99508	04/30/2004	03/01/2007	03/01/2011
James C. Graves, O.D., O.D. Optometrist 3455 Rewak Drive, Ste 102 Fairbanks, AK 99709	04/03/2006		03/01/2010
Jill Geering Matheson, OD Optometrist (Chair) Alaska Vision Center 800 Glacier Avenue Juneau, AK 99801	04/30/2004	01/28/2008	03/01/2012
Timothy M. Sullivan, Jr. Public 11051 Retreat Circle Anchorage, AK 99515	04/03/2006		03/01/2010
Dennis A. Swarner, O.D. Optometrist (Secretary) Kenai Vision Center P.O. Box 1669 Kenai, AK 99611	10/18/2005	03/01/2009	03/01/2013

Staff:

Connie Petz, Licensing Examiner
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

Judy Weske, Licensing Supervisor
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

Michele Wall-Rood, Investigator
Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, AK 99501-3567

BOARD OF EXAMINERS IN OPTOMETRY

NARRATIVE STATEMENT

Two board meetings were held during Fiscal Year 2009. A teleconference was held on December 19, 2008 and a face to face meeting was held in Kodiak, Alaska on June 10, 2009.

Major Issues:

The board has been working with applicants and licensees to ensure they meet new requirements for a TPA endorsement.

The board is in support of HB 245 and SB 193 which were introduced in April 2009. These bills will clean up outdated language and move toward one level of licensure for all licensees.

These desired statute changes are consistent with the board's previously stated goals and objectives.

The Board is in support of the national proposal of Joint Board Certification Project Team (JBCPT). The certification process is about continued competency and professionals keeping current on the quality of care they provide to the public. Certification is not something state boards look at for licensure but health care providers' look at for payment to providers. There is concern that if the board does not join in support of this project, optometrists may not be qualified for payments from Medicare/Medicaid if the Federal Government moves ahead and requires board certification for reimbursement.

FISCAL YEAR 2009 STATISTICAL OVERVIEW

Program: Board of Examiners in Optometry AS 08.72

12 AAC 48

Name of Individual Completing Report: Connie Petz Date: July 1, 2009

CATEGORY	NEW – ISSUED DURING FY 20 <u>09</u>	TOTAL AS OF 6/30/ <u>09</u>	EXAMINATION/ CREDENTIAL
A. Current Active Licenses, Endorsements, Permits <i>(student, locum tenens, limited, courtesy licenses)</i> List type and if issued by examination or credential, as applicable <i>(Do not list "temporary permits" or "temporary licenses")</i>			
1. Optometrists with TPA Endorsement	11	128	Exam: 10 Credentials: 1
2. Optometrists with DPA Endorsement	4	30	Exam: 3 Credentials: 1
3. Optometrists (No Endorsement)	0	1	N/A
4.			
5.			
6.			
7.			
8.			
9.			
10.			
TOTAL	15	159	

B. Current Inactive Licenses (not lapsed licenses)
(Only Medical, Chiropractic, CPA, and Real Estate)

CATEGORY	TOTAL AS OF 6/30/ <u> </u>
1. N/A	
2.	
3.	
4.	
5.	
TOTAL	0

BOARD OF EXAMINERS IN OPTOMETRY

REVIEW OF GOALS AND OBJECTIVES FOR 2009

1. Continue regular review of optometry statutes and regulations. This review is necessary to be sure that the laws are adequately protecting the public and properly regulating the modern practice of optometry. Possible examples:

 Consider "standard of care" issues. – **Continuing.**
2. Develop a list of recommended changes to legislative statutes for the audit committee to take note of. Possible examples:
 - a. Licensure by endorsement should be restricted to those coming in at the highest level of license. – **Continuing.**
 - b. All new licenses should be at the highest level. – **Continuing.**
 - c. All current Alaska licenses to be at the highest level of licensure by 2012. – **Continuing**
 - d. Refusal of license: authority for the board to refuse to grant a new license for certain reasons and/or to impose certain stipulations. – **Accomplished SB 255**
3. Make active Alaska licensed optometrists aware of recent amendments to regulation.
– **Continued Association Board Report and Website.**
4. Show support for pharmaceutical agent amplification legislation. – **Continued**
5. Continue to meet twice per year. – **Continued**
6. If possible send a board member to ARBO. – **Continued**
7. Keep informed of and support legislation on the state and federal level concerning patient protection and access to care.
8. Continue to support provider non-discrimination language in state and federal legislation.

BOARD OF EXAMINERS IN OPTOMETRY

GOALS AND OBJECTIVES FOR 2010

1. Continue regular review of optometry statutes and regulations. This review is necessary to be sure that the laws are adequately protecting the public and properly regulating the modern practice of optometry. Possible examples:
 - a. Consider “standard of care” issues.
 - b. Review the approval of alternate and electronic forms of continuing education such as webinars and virtual grand rounds.
 - c. 12 AAC 48.210(a)(1) and (a)(2) could be improved by removing “contact” and just stating 36 hours continuing education.
2. Develop a list of recommended changes to legislative statutes for the audit committee to take note of. Possible examples:
 - a. Licensure by endorsement should be restricted to those coming in at the highest level of license. HB245/SB193 was introduced to accomplish this
 - b. All new licenses should be at the highest level. HB245/SB193 was introduced to accomplish this.
 - c. All current Alaska licenses to be at the highest level of licensure by 2012. HB 245/SB193 was introduced to accomplish this.
 - d. Refusal of license: authority for the board to refuse to grant a new license for certain reasons and/or to impose certain stipulations. **Include in the division’s Omnibus statutes for standardizing licensing, if possible.**
3. Make active Alaska licensed optometrists aware of recent amendments to regulation.
4. Continue to meet twice per year.
5. Send a board member to ARBO.
6. Keep informed of and support legislation on the state and federal level concerning patient protection and access to care.
7. Continue to support provider non-discrimination language in state and federal legislation.

BOARD OF EXAMINERS IN OPTOMETRY

LEGISLATIVE RECOMMENDATIONS

Licensure:

The board reiterates the Legislative recommendations as stated in last year's report and is pleased that HB 245 and SB 193 were introduced in April 2009.

Alaska currently has three levels of optometry licensure: License; License with DPA Endorsement; and License with TPA Endorsement. The board wants legislation to issue all new licenses at the highest level. What is now a license with a TPA Endorsement (Pharmaceutical Agent Prescription and Use Endorsement) would be an Optometry License, and licensees with the two lower levels would either have to meet the requirements to upgrade, or could be grandfathered with restricted licenses. There are currently only 30 licensees with DPA endorsements (Pharmaceutical Agent Use Endorsement) and 1 with no Endorsement. No new restricted licenses will be issued and a full license would not be downgraded to a restricted license.

As optometry education and training has advanced, it is important to the public safety that new licensees are at the highest level. Some other states have required all licensees to upgrade their education and renew at the highest level (after a reasonable period of time), as this best insures the safety of the public with all licensees at the same level. Granting restricted licenses to the few remaining at the lower levels is a practical possibility, but not the ideal recommendation.

The CE requirement for **all** licensees is 36 hours per biennium as prescribed by the board in regulation (with least 24 hours in Pharmacology and/or Ocular Pathology and 12 hours in other optometry related courses, spectacles, contact lenses, refractive technology).

The board suggests:

1. Repealing Statute AS 08.72.175 without or with a grandfather clause for current DPA and no Endorsement licensees, allowing them the choice to keep their restricted license or to upgrade if they choose.
2. Amending Statute AS 08.72.272(a): Change "a license endorsement" to "a license" or "a license that is not restricted" per (the new) AS 08.72.175. Repeal (b) and (c).
3. Amend licensing law to remove any reference to a specific hourly requirement for continuing education allowing the board to set the number of hours for continuing education in regulation (AS 08.72.175(d)(1)-(2)).
4. Defining minimum educational standards for licensure and other changes as necessary to implement the recommendations.

Housekeeping:

Amend AS 08.72.140 to read:

Sec. 08.72.140. Qualifications for licensing examination. To be eligible for licensure by the board as an optometrist, an applicant shall ~~The board shall admit to the examination a person who furnishes proof that the person~~

- (1) ~~has had education equivalent to four years attendance at a state high school;~~
- (2) ~~be is a graduate of a recognized school or college of optometry;~~
- (3) ~~has not have~~ committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed;

(4) ~~has not~~ have been disciplined by an optometry licensing entity in another jurisdiction and is not the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified to be admitted to the examination.

(5) meet other qualifications for licensure under this chapter and as established in regulations adopted by the board under AS 08.72.050

Repeal AS 08.72.150 Application for Examination and issuance of license. This statute is no longer necessary. Applicants take the national board directly through the national organization (NBEO); the state law examination is addressed under AS 08.72.160 and 12 AAC 48.015 and 12 AAC 48.020.

Amend AS 08.72.160(c) to address that an applicant who fails the board's state law examination may retake the examination by submitting the required examination fee.

Repeal AS 08.72.160(d) which reads: "An applicant who fails more than one portion of the examination shall retake the entire examination and pay the examination fee." This statute is no longer applicable due to the fact that applicants deal directly with the NBEO for the national examination and there is no longer a state practical examination.

Amend Sec. 08.72.170 (4) to require applicants by credentials have a current state license in another state equivalent to Alaska requirements, and **(5)** successfully passed all parts of the National Board required when originally licensed.

Repeal Sec. 08.72.240 (9) which reads: "failed to refer a patient to a physician after ascertaining the presence of ocular or systemic conditions requiring management by a physician." This statute is obsolete. Optometrists are defined as "physicians" currently under federal law, and are held to the same standard of care as other medical providers.