



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

WASHINGTON STATE BOARD OF OPTOMETRY
September 10, 2021 Meeting Minutes

A meeting of the Washington State Board of Optometry was called to order at 9:03 a.m. on Friday, September 10, 2021, by Chair Glen Owen, OD. The meeting was held via webinar with 17 on the phone.

Board Members Present:

Glen Owen, OD, Chair
Anna Wells, OD, Vice Chair
William Prothero, OD
Robert Davis, OD
Beth Rollinger, Public Member
Keren Yang, OD

DOH Staff Present: Lorelei Walker, Program Manager
Brad Burnham, Executive Director
Ashley Maxwell, Staff Attorney
Lisa Kelley, AAG
Jeff Wise, Policy Analyst
Miceal Carnahan, Finance Officer

Others Present: Jennifer Crown, OPW
Kim Jones, OPW
Christen Jankowski, OD
Cynthia Rugeiro, OD
David Stanfield

Open Session

Call to Order – Welcome and introductions

Started at 9:02 a.m.

- 1. Approval of agenda -**
 - a. Approved
- 2. Approval of minutes** – June 11, 2021 business meeting
 - a. Approved

Reports (Information)

3. Glen Owen, OD, Chair
 - a. Thanked Beth for serving as public member because she was just reappointed.
 - b. Thanked staff for work during emergency.

4. Brad Burnham and Lorelei Walker, Department of Health (department)
 - a. Lorelei: She is working with the credentialing staff to assist with some applications. During COVID, credentialing office has been inundated with work so Lorelei is helping with some applicants' situations. Credentialing Office has procedures with timelines once we receive all application documents but they are inundated so it is taking a little longer. Bob shared that the process to activate insurance takes a couple of months, too.
 - b. Lorelei: Recently, SB 5411 CR-103 rulemaking form was finalized and submitted to the Code Reviser.
 - c. Lorelei: Recruitment – Beth was recently reappointed. In September 2022, 3 optometrists will go off of the Board. Governor's office can extend a position up to one additional year and they may be able to adjust the start date for a new member. This might be a tool for someone ending their first position. Also, Dr. Wells has new employment and may not be able to continue in her board role. Candidates from past recruitments can be considered for future recruitments, if needed. Dr. Wells – how can Pro Tem members be of assistance? Answer – Pro tems cannot vote in meetings and have restricted authority. Bill and Beth had questions about the statutes for board membership criteria – Answer – the Governor does have some flexibility but the basic elements are in the statutes. Lisa Kelley – Agrees that there may be some flexibility in the statute and that she will look at it a little more closely.
 - d. Lorelei: Budget – new 6-year budget information and graphs. Big thanks to Miceal and Lorelei for working on providing this information in addition to the regular budget report. The report shows dollar and percentage differences for some line items. Discussion of some line items, including general fund balance, HELMS, Assistant Attorney General support, credentialing, investigations, legal services. Glen asked why optometry costs for discipline is low compared to other programs. Answer – number of licensees and unique natures of professions can have an impact on disciplinary related costs. Miceal shared information about conducting a fee study for the program. HSQA will be auditing all of the programs' fund balances this calendar year. Glen asked why the expenses vary greatly between months in some years. Answer – some expenses have cyclical natures and sometimes there are some catch up costs for work that did not get paid in earlier months.
 - e. Brad: Summarized the department's proposed legislation

5. Lisa Kelley, AAG
 - a. Lisa is new to supporting the Board. She introduced herself.
 - b. If board members have questions – please reach out to her.
 - c. One question that was sent to her was about the Mayor of Seattle phone records being erased. And, question was how long do documents/information about Board business need to be retained by board members. Answer – Lisa recommends that Board members have separate email account set up for Board business. Because, if there is a

records request, your personal business can be open for review if the board business and personal business are mixed in one email account. There is not a lot of guidance for how long documents should be retained. There are some requirements for department staff, though. So far, Lisa has found that it should be retained for as long as necessary.

Open forum

The Board will accept comments from the audience on issues of significance to the profession.

1. Kim Jones. Exec. Dir of OPW. They provide CE to optometrists. They want to provide comments on the review of CE requirements. Approve review of online requirements. But concern of requiring COPE certification for CE. Due to the pandemic, ARBO is allowing remote attendance if questions can be asked of instructors. After pandemic, they suggest looking at these carefully. Concerns about some of the elements of COPE requirements, including the fees. Because of ARBO's change of their CE requirements, some CE providers have decided to not maintain COPE approval. Staff and board members asked some clarifying questions and Kim answered them.
2. David Stanfield – president of OPW. OPW supports suggested potential changes to CE shown in the notes of the Board's rule review work and document. Recommend requirements remain flexible. OPW will continue to stay engaged with the Board's continued work on this topic.
3. Jennifer – member of the public. Questions about finding eye care.

Board Business

6. COVID-19 Emergency Topics

The board will identify and discuss optometry COVID-19 issues.

Loralei – just providing opportunity for discussion on the topic, if needed. The technical assistance letters are a tool for the board to use when a complaint is received. Ashley Maxwell identified that the complaints are reviewed on a case by case basis.

Cynthia Ruggerio – question about the new vaccine mandates from health professionals. Brad answered that the department is putting information and resources on its website about the requirements and is working internally to develop tools for boards and commissions to use when reviewing complaints about the requirements.

7. Continuing Education (CE) Rulemaking Proposal

The board will discuss the scope of a rulemaking proposal to consider an increased number of online courses, health equity CE, and other changes to WACs 246-851-090 through -235.

Loralei: Related to CE COVID policy. She reviewed the materials in the packet including a draft CR 101 form, recent legislation, notes from the Board's review of rules.

Review of the draft CR 101 – Loralei and Jeff reviewed the draft text and Loralei made some edits to the form. Glen had a process question related to new legislation and the Board's rules. Loralei shared information about why the board needs to change rules after some legislation is passed.

Motion – approve the draft CR 101 with any needed technical changes by staff.

Bill Prothero motioned and Beth Rollinger seconded; Motion passed.

8. Report from the Association of Regulatory Boards of Optometry (ARBO) Annual Meeting

Attendees of the June 2021 virtual ARBO meeting will report highlights to the board.

Glen: Provided a summary of the ARBO meeting. He enjoyed participating. Many other states and Canada provinces are dealing with similar issues as our Board/state. All of them are working to protect the public and provide more opportunity for patients to receive care.

9. Jurisprudence Exam Revisions

The board will review a summary of jurisprudence exam questions by subject and begin the process of updating the exam.

Loralei: Provided a summary of recent work and new elements. The exam was moved from paper to online recently. There were updates to a few questions, as well. She reviewed some topics the Board previously identified to be added to the exam, including the suicide prevention training requirement. In addition, the Board could create a question bank of potential questions to be added, as needed. So, question is how to move forward with updating the exam. Glen – we can add questions about the new future health equity CE requirement. Also he suggested that we can add a few more questions about the newer requirements to ensure new licensees know about the newer requirements.

Glen – should we have a subcommittee begin the work? Beth – yes, start with an overview of the questions and then dive into a few questions.

Subcommittee – 2 board members and not a public meeting because it is about the exam.

Keren volunteered and Anna also volunteered. First task is how many questions should be from each category.

Motion – Make a subcommittee to review and provide recommendations at the December meeting about the exam. Beth Rollinger made the motion. Keren Yang seconded; Motion passed.

10. Delegation of Signature Authority and Decision-Making Forms

The board will review and consider approving the Department of Health’s Delegation of Signature Authority form and Delegation of Decision-Making form.

Motion to approve the delegation forms. Keren Yang made the motion. Bob Davis seconded; Motion passed.

11. Meeting Dates for 2022

The board will establish quarterly meeting dates for 2022.

March 4, 2022; June 24, 2022; September 9, 2022; December 2, 2022

Motion to approve the dates. Bob Davis made the motion; Bill Prothero seconded it; Motion passed.

12. Agenda-building

The Board will review its tracking table for board business and discuss priority items for the December 10, 2021 agenda.

Review of summary document in meeting materials. Loralei will update the document.

Items to include in December

- Current rulemaking
- ARBO delegates – usually chair, vice chair, staff
- Jurisprudence exam

- Emergent issues
- Any standard items we usually cover during the December meeting
- AGG presentations on periodic topics.
- Legislative update
- Sunrise Review

Sunrise Review (added to agenda)

Brad reviewed the process of the Sunrise Review. Glen had questions about whether and how the Board can continue to provide comment. Lisa suggests that the Board can act as a technical advisor to the department and legislator. So, the Board could provide technical advice on the impact of the intent of the proposal on optometry. Bill – the Med Commission does not go to the legislature for approval of certain procedures. But why do the optometrists need to have their procedures approved by the legislature. Lisa would like to look into the topic. Beth – should she send in information individually or have the Board send comments to the department. She had a comment about a specific wording of a procedure?. Another, the Board members cannot be affiliated with educational institutions in section 510. In 64 there is a specific information that needs to be collected – what if we cannot collect all of that information.

Glen – the Board does not need to provide any additional comments at this point.

Bob mentioned that the draft report is good. He likes the recommendations. It reflects a lot of time and effort.

Jeff – Board can submit letter that shows you support the concept.

Beth – this would be a good time to submit comments now. Global reference recommending rehab therapy may be one the Board would want to comment on.

Loralei -board members can send information to Loralei about questions/concerns. Then she can meet with Glen and Anna and Lisa K. to review and make decision about next steps.

Motion – Board members send information to Loralei and that Loralei, board leadership and Lisa Kelley will review and make decision about next steps which could include sending a letter to the department. Bill Prothero made the motion, Bob Davis seconded it; Motion passed.

Adjournment of Open Session

Bill Prothero made the motion to close the meeting, Bob Davis seconded it; Motion passed.