

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the January 5, 2022 Meeting

- I. 9:04 am called to order by Gerard Lozada, OD, President. Members of the Board present were Drs Dawn Bircher, Rebecca Sparks, and Lora Durst, and public member Carisa De Anda. Also, in attendance were Tim Resner, Board Counsel, Jan Murray, Executive Officer, and Todd Fleischer, KOA representative. Members of the public attending remotely were Drs Scott Allison, Tyrone Diggs and Douglas Blackman, Andrew Pagel, Guadalupe Clinic, and Darwin Folkerts.
- II. The agenda was approved by consensus.
- III. Dr Durst motioned and Dr Bircher seconded a motion to approve the minutes of the October 4, 2021 Board meeting. Motion carried 5-0.
- IV. *Report of the Executive Officer*

Dr Durst moved to go into executive session at 9:26 am to return to open session at 9:36 am. The justification was to engage in discussions protected by the attorney-client privilege and the topic being reciprocity licensure. The motion was seconded by Dr. Sparks. Motion carried 5-0. No consensus was reached during executive session.

The Board adjourned into executive session at 9:26 am

The Board reconvened at 9:36 am

- A. Reciprocity: Dr Durst motioned and Dr Sparks seconded a motion to deny the licensure of Scott Allison, OD.
- B. Ms Murray discussed a conflict with the July 15-16, 2022 exam date with the Country Stampede. She stated that hotel rooms were going to be hard to find and the nightly rates increased. The Board decided to move the exam to July 22-23, 2022.
- C. Ms Murray discussed new questions to put on the reciprocity application that would encompass HB 2066 requirements. The Board instructed her to draft a new application that they could review at the April meeting.
- D. Ms Murray discussed an email that she had received from a licensee concerning the use of EpiPens in optometry offices. Dr Lozada requested that Ms De Anda write a policy statement that could be posted online
- E. Ms Murray asked the Board if they would extend the deadline for NBEO scores for the 2021 licensing exam. She stated that she had an applicant that had just taken the exam in December, but the scores would not be available until February. Dr Sparks motioned and Dr Durst seconded a motion to extend the exam deadline to February 15, 2022. Motion carried 5-0.
- F. Ms Murray discussed the IT Security Policies that she had been working on with the Kansas Information Security Office.
- G. Ms Murray discussed the FY 2022 and FY 2023 budget. She stated that the Governor's budget would be released the following week.

- H. Ms Murray discussed the request that she received from Dr Douglas Blackman, retired licensee who wanted to volunteer at a free clinic.

Dr Sparks moved to go into executive session at 10:06 am and returning to open session at 10:16 am . . . The justification was to engage in discussions protected by the attorney-client privilege and the topic being licensure. The motion was seconded by Ms De Anda. Motion Carried 5-0. No consensus was reached during executive session.

The Board adjourned into executive session at 10:06 am

The Board reconvened at 10:16 am.

Dr Birch moved to accept late renewal to Dr Blackman and not to waive the CE requirement. Dr Sparks seconded the motion. Motion carried 5-0.

- I. Ms Murray asked for topics for the Board's annual newsletter.

- J. Trade Names:

1. The Board tabled the trade name of *Toso Family Eyecare* for Caitlin Toso, OD until she converted her general LLC to a professional LLC.
2. Dr Sparks motioned and Ms De Anda seconded a motion to approve the trade name of *Cole Family Eyecare*, 302 N Pomery, Hill City, KS for Benjamin Cole, OD. Motion carried 5-0
3. Dr Bircher motioned and Dr Sparks seconded a motion to approve the trade name of *Newman Vision Care*, 1905 E 17th Ave, Ste 700, Hutchinson, KS for Ryan Newman. Motion carried 5-0.
4. Dr Durst motioned and Dr Bircher seconded a motion to approve the trade name of *Family Eyecare Center of Lansing.*, 301 Center Drive, Lansing, KS. Motion carried 5-0.

V. *Report of the President*

- A. Dr Lozada updated the Board on the status of complaints with Kansas Board of Healing Arts.
- B. Dr Lozada discussed unfinished items from previous board meetings such as: Board Member Roles, honesty statements added to license applications, cheating on the NBEO exams, letters of complaints, posting of disciplinary actions to the Board's website, organization of consumer complaint files in the Board office
- C. Dr Lozada discussed posting of judgements from Kansas Board of Healing Arts. Further discussion was tabled until the April 2022 meeting. He also suggested posting court cases that the Board was involved. Dr Lozada discussed Board member of training, nondisclosure agreement for Board members. Dr Lozada also discussed the comments from the Kansas Optometric Association concerning requiring all COPE continuing education. Dr Lozada inquired about donating the slides from the old exams to the National Board of Examiners in Optometry.

VI. *Report of the Vice President*

- A. Dr Bircher discussed purchasing tablets for Board members. The Board instructed Ms Murray to make inquiries for purchasing.

VII. *Report of the Secretary / Treasurer*

- A. Dr Sparks motioned and Ms De Anda seconded a motion to continue accepting COPE's Interactive Distance Learning CE as live CE until 06/30/2022. Motion carried 5-0.

The Board recessed for lunch at 12:00 pm

The Board reconvened at 1:00 pm

- B. Dr Sparks discussed COPE CE formats and how those should be interpreted to Live / Non-Live when the information is transferred into the Board's licensing database from the OE Tracker.
- C. Dr Sparks discussed Cultural Competency Training. No action was taken.

VIII. *Member at Large*

- A. Dr Durst discussed the trade name audit that Ms Murray was concurrently conducting. The Board discussed giving amnesty to those that do not have their LLC set up correctly until 06/30/2022. Dr Durst also suggested an article in the Board's newsletter concerning the differences between a general LLC and a professional LLC.

IX. *Report of the Public Member*

- A. No comment

X. *Comments from the Public*

- A. The Board heard comments from Darwin Folkerts concerning the mask mandate at optometry offices.

XI. *Report of the Legal Counsel*

Dr Sparks moved to go into executive session at 2:12 pm, to return to open session at 2:40 pm. The justification was to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Durst. Motion carried 5-0.

The Board adjourned into executive session at 2:12 pm

The Board reconvened at 2:40 pm

XII. *Regulation Update*

- A. The Board continued reviewing the optometry rules and regulations

XIII. *Next Meeting*

The next meeting of the Board will be April 11, 2022 at 1:00 pm, place: TBD

XIV. *Adjournment*

Ms De Anda motioned and Dr Durst seconded a motion to adjourn. The motion carried 5-0.

The Board adjourned at 4:33 pm