

**KANSAS BOARD OF EXAMINERS IN OPTOMETRY**  
**Minutes of the October 26, 2022 Meeting**

- I 1:34 pm called to order by Gerard Lozada, OD Board President. Members of the Board present were Drs Lora Durst and Sheena Nagaraja. Drs Dawn Bircher and Carisa De Anda, Public Member attended virtually. Also in attendance were Tim Resner, Board Counsel and Jan Murray, Executive Officer. Members of the public in attendance were Todd Fleischer, KOA representative. Members of the public attending virtually were Drs Rebecca Sparks, Matthew Broberg and Tom Anderson, and Mr Alex Huang.
- II The agenda was approved by consensus.
- III Dr Durst motioned, and Dr Nagaraja seconded a motion to approve the July 22-23, 2022 minutes. Motion carried 5-0. Dr Bircher motioned, and Dr De Anda seconded a motion to approve the August 17, 2022 minutes. Motion carried 5-0. Dr Bircher motioned, and Dr Durst seconded a motion to approve the September 7, 2022 minutes. Motion carried 5-0.
- IV Report of the President:
- A Dr Lozada welcomed Dr Nagaraja to the Board.
  - B Dr Lozada and Dr Bircher discussed the ARBO conference that they both attended in June. Dr Lozada announced that he had been appointed to the National Board Examination Review Committee (NBERC)
  - C Dr Lozada discussed old business which included nondisclosure agreement Board member roles and KBI background checks. The nondisclosure agreement was tabled until January 2023.
  - D Dr Lozada discussed new business which included work groups and consultants of former board members to help retain knowledge. Further discussion was tabled until January 2023.
  - E The Board discussed the Source Control Guidance since the CDC updated their guidance for healthcare on September 23, 2022. The discussion was tabled until the November Teams meeting to update the current guidelines.
- V Report of the Vice-President:
- A No report
- VI Report of the Member-at-Large:
- A No report
- VII Report of the Legal Counsel
- Dr Lozada moved to go into executive session at 2:55, to return to open session at 3:26 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. Nagaraja. Motion carried 5-0.
- The Board adjourned into executive session at 2: 55 pm.
- The Board reconvened at 3:26 pm.
- VIII Report of the Secretary-Treasurer
- A Dr Durst discussed Light Adjustable Lens (LAL). The Board discussed possible statute changes or regulation update.

- B Dr Dust moved to approve the Board's delegation of authority to the Secretary / Treasurer to approve additional locations of a mobile practitioner where the mobile practitioner has obtained trade name approval from the Board, subject to the trade name holder's current compliance with Kansas trade name statutes and regulations. The Secretary / Treasurer shall report each additional location approved to the Board at its next meeting. In the event the Secretary / Treasurer does not approve, then the matter will be presented to the Board at its next meeting. Dr Lozada seconded the motion. Motion carried 5-0.
- C Dr Durst moved and Dr Bircher seconded a motion to approve the mobile practice locations for Matthew Broberg, OD. Motion carried 5-0.

IX Report of the Executive Officer

- A Trade Names:
  - 1 Dr Durst motioned and Dr Lozada seconded a motion to approve the trade name of *Skahan Eyecare LLC*, 115 N Maple, Garnett KS for Matthew Skahan, OD. Motioned carried 5-0.
  - 1 Dr Bircher motioned and Dr De Anda seconded a motion to approve the trade name of *District Eyecare*, 16957 City Center, Lenexa, KS for Joseph Kessler, OD. Motion carried 5-0.
  - 1 Dr Durst motioned and Dr Nagaraja seconded a motion to approve the trade name of *Eye Connect Vision Therapy*, 12330 E 21<sup>st</sup> St, N, Suite B, Wichita, KS for Megan Baldwin, OD. Motion carried 5-0.
- B Dr Durst motioned and Dr Nagaraja seconded a motion to approve the trade name of *Anderson Eye Care & Optical*, 605 Commercial St, Atchison, KS for Thomas Anderson, OD. Motion carried 5-0.
- C Ms Murray discussed the possibility of a statute update to KSA 65-1509(b) to update the expiration date of the optometry licenses from May 31<sup>st</sup> to a monthly expiration date. Ms Murray also discussed the possibility of changing renewal years based on if the license was even or odd as to which year the license would expire. She expressed that this would eliminate the inquiries from licensees during renewals of when their license expires.
- D Ms Murray discussed HB 2087 which passed the legislature this year. This bill requires agencies to review their regulations every 5 years. The Board would need to review their regulations in 2025.
- E Ms Murray informed the Board that she would be submitting KAR 65-4-3 to Department of Administration to begin the revision process.
- F Ms Murray suggested updating KAR 65-5-6 to conform with COPE's new terminology for both live and online CE.
- G Ms Murray discussed CELMO and if the Board would accept transcripts that were received from ARBO as official.

X Comments from the Public

- A Mr Fleischer made comments to the Board concerning LAL.

XI Regulation Update

- A The Board discussed KAR 65-5-4 Approved schools or colleges of Optometry.
- B The Board tabled KAR 65-10-1 Practice Locations

XII Next Meeting:

- A November 9, 2022, 7:00 pm via Microsoft Teams
- B January 4, 2023, 1:00 pm, Kansas Capitol
- C April 17, 2023, 1:00 pm, TBD

XIII Adjournment:

Dr Lozada motioned and Dr De Anda seconded a motion to adjourn. Motion carried 5-0.

The Board adjourned at 5:03 pm.