

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Jun Maiquis  
Department of Commerce, Community & Economic Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
465.4081

**DATE:** October 31, 2017

**RE:** Filed Permanent Regulations: Board of Examiners in Optometry  
  
Board of Examiners in Optometry regulations re: license by examination, examinations, and renewal requirements (12 AAC 48.011(a)(2); 12 AAC 48.015(a)(1); 12 AAC 48.210(d))

---

Attorney General File:	JU2017200426
Regulation Filed:	10/30/2017
Effective Date:	11/29/2017
Print:	224, January 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS  
OF THE BOARD OF EXAMINERS IN OPTOMETRY

The attached two pages of regulations, dealing with license by examination, examinations, and renewal requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Examiners in Optometry adopted at its August 23, 2017 teleconference meeting, under the authority of AS 08.72.050, AS 08.72.110, AS 08.72.140, AS 08.72.150, AS 08.72.160, AS 08.72.170, AS 08.72.181, and AS 08.72.272 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Examiners in Optometry paid special attention to the cost to private persons of the regulatory action being taken.

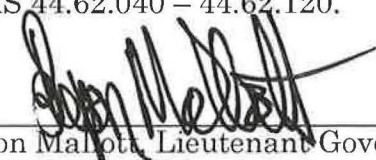
The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 8-23-2017  
Anchorage, Alaska

  
Paul M. Barney, O.D., Chair  
Board of Examiners in Optometry

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on October 30, 2017 at 330p .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Byron Mallott, Lieutenant Governor

Effective: November 29, 2017

Register: 224, January 2018

Chapter 48. Board of Examiners in Optometry.

12 AAC 48.011(a)(2) is amended to read:

(2) documentation showing that the applicant has passed, not earlier than the four years immediately preceding the date of application, all parts of the examinations required in

12 AAC 48.015(a)(1) and (2) [12 AAC 48.015(1) AND (2)] sent directly to the department from

the National Board of Examiners in Optometry (NBEO); if the applicant has graduated in

accordance with (a)(3) of this section [ONE OR MORE PARTS OF THE EXAMINATION

WAS PASSED BY THE APPLICANT] two years or more before the date of the application, the

applicant must provide verification of the completion of 36 hours of approved continuing

education taken not earlier than the two years immediately preceding the date of application, in

ocular pathology or pharmacology that meets the requirements of 12 AAC 48.210(b);

(Eff. 2/26/89, Register 109; am 3/20/93, Register 125; am 4/14/95, Register 134; am 10/11/95,

Register 136; am 4/24/97, Register 142; am 7/20/97, Register 143; am 11/2/2002, Register 164;

am 9/17/2003, Register 167; am 4/11/2008, Register 186; am 10/16/2011, Register 200; am

12/2/2012, Register 204; am 11/29/2017, Register 224)

**Authority:** AS 08.72.050 AS 08.72.150 AS 08.72.170

AS 08.72.110 AS 08.72.160 AS 08.72.272

AS 08.72.140

12 AAC 48.015(a)(1) is amended to read:

(1) not earlier than four years immediately preceding the date of application, parts

I, II, and III of the written and practical examination, and the Injections Skill Examination

Register 224, January 2011 **PROFESSIONAL REGULATIONS**

⑧

**(ISE)**, offered by the National Board of Examiners in Optometry (NBEO) with a minimum passing score as determined by the NBEO;

(Eff. 6/14/80, Register 74; am 4/22/83, Register 86; am 2/26/89, Register 109; am 3/20/93, Register 125; am 4/24/97, Register 142; am 11/2/2002, Register 164; am 9/17/2003, Register 167; am 10/16/2011, Register 200; am 12/2/2012, Register 204; am 11 / 29 / 2017, Register 224)

**Authority:** AS 08.72.050 AS 08.72.160

The introductory language of 12 AAC 48.210(d) is amended to read:

(d) An applicant for renewal of an optometry license must **document successful completion** [SUBMIT OFFICIAL VERIFICATION OF HAVING SUCCESSFULLY COMPLETED], not earlier than the four years immediately before the date of application for renewal

...

(Eff. 4/24/71, Register 37; am 2/10/83, Register 85; am 2/26/89, Register 109; am 3/20/93, Register 125; am 11/2/2002, Register 164; am 4/11/2008, Register 186; am 10/16/2011, Register 200; am 12/2/2012, Register 204; am 11 / 29 / 2017, Register 224)

**Authority:** AS 08.72.050 AS 08.72.181 AS 08.72.272



# MEMORANDUM


## State of Alaska Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: October 30, 2017

File No.: JU2017200426

Tel. No.: 465-3600

From: Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Board of Examiners in Optometry  
regulations re: license by examination,  
examinations, and renewal  
requirements (12 AAC 48.011(a)(2);  
12 AAC 48.015(a)(1); 12 AAC  
48.210(d))

We have reviewed the attached regulations from the Board of Examiners in Optometry against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated October 30, 2017, from the Regulations Attorney. The regulations update and correct requirements for licensure by examination, update examination requirements to include the Injections Skill Examination (ISE) of the National Board of Examiners in Optometry (NBEO), and streamline procedures for reporting continuing education as part of license renewal.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The June 28, 2017 public notice and the August 23, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2017200426

October 30, 2017  
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email):

Paul M. Barney, O.D., Chair  
Board of Examiners in Optometry  
(via email through Jun Maiquis)

Micaela Fowler, Regulations Contact  
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Assistant Attorney General  
Commercial, Fair Business, and Collections Section

SCW

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Byron Mallott  
Lieutenant Governor

DATE: October 30, 2017

FILE NO.: JU2017200426

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

SUBJECT: Specific delegation of authority  
regarding regulations review on  
Board of Examiners in Optometry  
regulations re: license by  
examination, examinations, and  
renewal requirements (12 AAC  
48.011(a)(2); 12 AAC  
48.015(a)(1); 12 AAC 48.210(d))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor

Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES RELATING TO LICENSURE, EXAMINATIONS, AND  
RENEWAL REQUIREMENTS IN THE REGULATIONS OF  
THE BOARD OF EXAMINERS IN OPTOMETRY**

**BRIEF DESCRIPTION:** The Board of Examiners in Optometry proposes to update regulations regarding licensure by examination, examinations, and renewal requirements.

The Board of Examiners in Optometry (Board) proposes to adopt regulation changes in Title 12, Chapter 48 of the Alaska Administrative Code including the following:

1. **12 AAC 48.011, License by examination**, is proposed to be changed to alter the requirements for licensure by examination to practice optometry.
2. **12 AAC 48.015, Examinations**, is proposed to be changed to alter the examination requirements to qualify for a license to practice optometry.
3. **12 AAC 48.210, Hours of continuing education required**, is proposed to be changed to alter the requirements for renewal of an optometry license.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186312>, and using the comment link. **The comments must be received not later than 5:00 p.m. on July 31, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofOptometry.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov) not later than July 24, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/OPT-0217.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.


**Statutory Authority:** AS 08.72.050; AS 08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.72.050; AS 08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272



**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 6/27/17

  
Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. **Adopting agency:** Board of Examiners in Optometry – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** License by examination, examinations, and hours of continuing education required.
3. **Citation of regulation:** 12 AAC 48.011, 12 AAC 48.015, and 12 AAC 48.210.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, compliance with state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
**A private person:** None known.  
**Another state agency:** None known.  
**A municipality:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Patricia Lonergan, Licensing Examiner  
Board of Examiners in Optometry  
Division of Corporations, Business and Professional Licensing  
Telephone: (907) 465-1037  
E-mail: patricia.lonergan@alaska.gov
10. **The origin of the proposed action:** Board of Examiners in Optometry.
11. **Date:** 6/27/17

**Prepared by:** 

Jun Maiquis  
Regulations Specialist  
(907) 465-2537

STATE OF ALASKA                                 }  
FIRST JUDICIAL DISTRICT                    } ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 48.011, 12 AAC 48.015, and 12 AAC 48.210, dealing with license by examination, examinations, and renewal requirements, has been given by being:

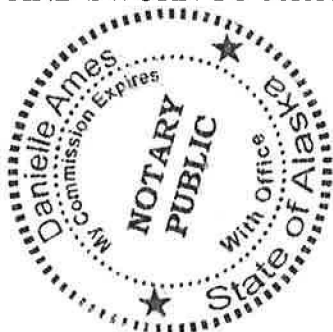
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 9/21/17  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 21 day of September, 2017.



  
Notary Public in and for the  
State of Alaska  
My commission expires: 12/31/2018

**STATE OF ALASKA** )  
 ) ss.  
**FIRST JUDICIAL DISTRICT** )

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Examiners in Optometry has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Examiners in Optometry regulations on dealing with license by examination, examinations, and renewal requirements.

DATE: 9/21/17  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 21 day of September, 2017.



*Dill Arnes*  
 Notary Public in and for the  
 State of Alaska  
 My commission expires: *w/o office*



268972  
0001406969  
\$423.32

RECEIVED  
Juneau

JUL 10 2017

CBPL

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska, and  
it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

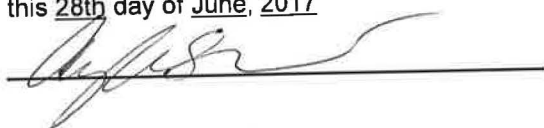
June 28, 2017

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed



Subscribed and sworn to before me  
this 28th day of June, 2017



Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS  
NOTARY PUBLIC  
State of Alaska  
My Commission Expires Apr. 14, 2021

## NOTICE OF PROPOSED CHANGES RELATING TO LICENSURE, EXAMINATIONS, AND RENEWAL REQUIREMENTS IN THE REGULATIONS OF THE BOARD OF EXAMINERS IN OPTOMETRY

The Board of Examiners in Optometry (Board) proposes to adopt regulation changes in Title 12, Chapter 48 of the Alaska Administrative Code including the following:

1. **12 AAC 48.011, License by examination**, is proposed to be changed to alter the requirements for licensure by examination to practice optometry.
2. **12 AAC 48.015, Examinations**, is proposed to be changed to alter the examination requirements to qualify for a license to practice optometry.
3. **12 AAC 48.210, Hours of continuing education required**, is proposed to be changed to alter the requirements for renewal of an optometry license.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186312>, and using the comment link. **The comments must be received not later than 5:00 p.m. on July 31, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardOfOptometry.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov) not later than July 24, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/OPT-0217.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.72.050; AS 08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.72.050; AS 08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 6/27/17

/s/

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

Published: June 28, 2017



**STATE OF ALASKA** )  
**FIRST JUDICIAL DISTRICT** ) ss.

## AFFIDAVIT OF BOARD ACTION

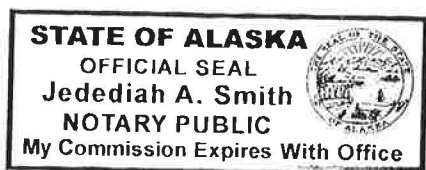
I, Patricia Lonergan, Licensing Examiner for the Board of Examiners in Optometry, being duly sworn, state the following:


The attached motion dealing with license by examination, examinations, and renewal requirements was passed by the Board of Examiners in Optometry during its August 23, 2017 teleconference meeting.

Date: 9.1.2017  
Juneau, Alaska

Patricia Lonergan  
Patricia Lonergan, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 1<sup>st</sup> day of September, 2017.



  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF EXAMINERS IN OPTOMETRY

**TELECONFERENCE**  
**August 23, 2017**  
**Juneau, Alaska**

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,  
Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on  
August 23, 2017 at 333 Willoughby Avenue, 9<sup>th</sup> Floor, Juneau, AK

**These DRAFT teleconference minutes were prepared by the staff of the Division  
of Corporations, Business and Professional Licensing.  
They have not been reviewed or approved by the board.**

**Agenda Item 1 – Call Meeting to Order**

Dr. Barney called the meeting to order on Wednesday, August 23, 2017 for the Board of  
Examiners in Optometry at 12:02 p.m. This meeting was public noticed on July 14, 2017 in the  
Anchorage Dispatch News and the Alaska Online Public Notice system.

To comply with the voice roll call vote of the administrative procedures act, Dr. Barney  
requested a Voice Roll call asking that each board member state their name.

**Voice Roll Call**, constituting a quorum of the board, were:

**Dr. Damien Delzer: present**  
**Dr. Erik Christianson: present**  
**Dr. Pamela Steffes: present**  
**Dr. Paul Barney: present**  
**Public Member: Eric Lingle, not present**

**Staff: Patricia Lonergan, present**

**Review/Approve Meeting Agenda**

The board reviewed the agenda and made no changes.

**On a motion duly made by Dr. Pamela Steffes, seconded by Dr. Damien Delzer and  
approved unanimously, it was:**

**RESOLVED to accept the agenda as drafted.**

**ROLL CALL VOTE:**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

48 **Agenda Item 2 - Review Public Written Comment**

49  
50 The Board of Examiners in Optometry began these regulation projects during the April 8, 2016  
51 board meeting and continued the projects through the August 2, 2016 teleconference, October  
52 28, 2016, and the April 7, 2017 board meetings.

53  
54 Public notice for written comment for proposing to update regulations regarding licensure by  
55 examination, examinations, and renewal requirements were published on June 27, 2017. Written  
56 public comment was to be received no later than 5:00 p.m. on July 31, 2017. The board  
57 received one written comment.

58  
59 **License by Examination (12 AAC 48.011(a)(2))**

60  
61 This regulation will clarify requirements for license by examination in relations to the date of  
62 graduation. This regulation will allow well-qualified recent graduates to be licensed without  
63 redundant educational requirements and protects public safety by continuing to regulate  
64 continued education for applicants having graduated two or more years prior to applying for a  
65 license by examination. The board acknowledged there are no costs to a private person. This  
66 regulation reduces the expenses of a well-qualified applicant to obtain a license by eliminating  
67 the additional cost of taking continuing education classes.

68  
69 **Examinations (12 AAC 48.15(a)(1))**

70  
71 This regulation will clarify requirements by examination in relation to the passage of the Injections  
72 Skills Examination (ISE) administered by the National Board of Examiners in Optometry (NBEO). It is  
73 necessary that ISE passage be documented prior to initial issuance of an unrestricted license to  
74 fulfill the mandate of AS 08.72.050, AS 08.72.010, for public protection. This regulation will allow  
75 the board to issue an unrestricted license to applicants that have successfully passed sections of  
76 the NBEO that safeguard the public and assure safety with new licensees performing injections.  
77 All optometry candidates completing their college curriculum pay to take the NBEO  
78 examination, the ISE is a subsection of that examination, however, if a candidate fails, they will  
79 have the additional expense to repeat the examination. The Board acknowledged there is no  
80 cost to a private person associated with this regulation change.

81  
82 **Continuing Education Requirements (12 AAC 48.210(d))**

83  
84 This regulation will streamline the renewal process and reduce administrative costs to the  
85 department through improved efficiencies while continuing to ensure public safety. The Board  
86 acknowledged there is no cost to a private person associated with this regulation change.

87  
88 Dr. Barney briefly reviewed the regulations project and opened discussion on the public  
89 comment. The board reviewed the written public comment. Discussion addressed the need to  
90 have a specific deadline date to receive comments to ensure the board has sufficient time to  
91 thoughtfully review public comments. Dr. Barney prompted the board to provide further  
92 discussion, seeing there was none, and upon review and consideration of the public comment  
93 with acknowledgement of no additional cost to a private person, Chairman Barney called for a  
94 motion.



On a motion duly made by Dr. Damien Delzer, seconded by Dr. Erik Christianson, and approved unanimously, it was:

**RESOLVED** having addressed written public comment and having considered cost to a private person, I move to accept the proposed regulations 12 AAC 48.011(2), 12 AAC 48.15(a)(1), and 12 AAC 48.210(d) as they have been drafted by the regulations specialist.

**ROLL CALL VOTE:**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

**Agenda Item 2 – Other board business if time allows**

Dr. Barney noted that with HB103 and HB159 being signed into law in July the board has a very large regulation project that needs to be completed. He briefly commented on forming subcommittees to start the preliminary work, however, with busy professional schedules, he expressed that it does not seem practical at this preliminary stage. Dr. Barney asked if there would be any objections to being assigned specific sections to review of the new law. The board had no objections and members were assigned to sections of HB103 to begin the preliminary review of regulations needed.

Dr. Barney also addressed the fact that the board will only be able to have one in-person meeting during FY2018. During the April 7, 2017 board meeting it had been determined that the October 27, 2017 meeting would tentatively be in Anchorage. Due to the costs associated with the travel, Dr. Barney asked if there was any objection to the location of the October 27, 2017 and April 6, 2018 board meetings being held in Juneau. To which the board did not object. The board briefly discussed that having meetings in the most cost effective location was sound judgement and that crafting regulation language in person is more productive than communicating via teleconference. Dr. Barney reiterated that at this present time, the board would only be allowed one in-person meeting. Travel from Ketchikan and Sitka to Juneau and Fairbank to Anchorage for a video teleconference would not be approved. The board will submit another travel request for the April 2018 board meeting, knowing that it will possibly be denied and the meeting could be teleconference only.

**TASK:** Staff will forward draft guide listing out the sections of HB103 and each board member assigned to start the preliminary work to bring to the October board meeting.

**TASK:** Board to bring preliminary review of regulations needed to October 27, 2017 meeting for board consideration.

**Agenda Item 3 - Adjourn Meeting**

Dr. Barney called for a motion to adjourn the meeting.

On a motion duly made by Dr. Erick Christianson, seconded by Dr. Damien Delzer and approved unanimously, it was:

**RESOLVED** to adjourn the meeting



**ROLL CALL VOTE:**

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Paul Barney	X		

**The meeting adjourned at 12:42 p.m.**

Respectfully Submitted:

\_\_\_\_\_  
Patricia Lonergan, Licensing Examiner

Approved:

\_\_\_\_\_  
Dr. Paul Barney, Chairperson  
Alaska Board of Optometry

\_\_\_\_\_  
Date