



## June 28, 2022 - Optometry PUBLIC Meeting Minutes

Board of Optometry

Jun 28, 2022 at 9:00 AM EDT

7 Eagle Square, Concord, NH

### Attendance

#### Members Present:

Guy Lessard, Christine Donahue, Scott Krauchunas, Andrea Murphy

#### Guests Present:

Jessica Whelehan, Jenna Wilson Attorney Lauren Warner, OPLC Board General Counsel.

#### I. Call to Order

Guy Lessard called the meeting to order at 9:06AM.

#### II. Review of Public Minutes

##### **Motion:**

To approve the 5/24/2022 public meeting minutes as written.

Motion moved by Scott Krauchunas and motion seconded by Christine Donahue. Passed

#### III. Public Appearances

#### IV. OPLC and/or Board Administration Updates

##### A. OnBoard implementation and training

Jenna Wilson and Jessica Whelehan discussed the implementation of OnBoard as a replacement of the FTP site and notified the Board that the FTP site will not be used for future meetings. It was noted that there is a "attend remotely" option for members, however enabling legislation did not pass in the legislature so RSA 91-A:2 III is the only exception for a member to attend remotely.

Courtney Felt from OnBoard joined the meeting and provided an overview of the software and offered assistance to members.

##### B. Contract for jurisprudence exam administration

##### **Motion:**

For the Board of Optometry to authorize OPLC to use Prometric for the state jurisprudence exam until a new contract can be procured.

Motion moved by Andrea Murphy and motion seconded by Scott Krauchunas. Passed

- V. Old Business
- VI. New Business

VII. Licensure

- A. Christopher Wong - Initial application

**Motion:**

To issue Christopher Wong a license to practice optometry with TPA-g certification due to year of graduation from school or college of optometry.

Motion moved by Andrea Murphy and motion seconded by Christine Donahue. Passed

- B. Jordan Kennedy - Reciprocity application

**Motion:**

To issue Jordan Kennedy a license to practice optometry with TPA-g certification due to year of graduation from school or college of optometry.

Motion moved by Christine Donahue and motion seconded by Scott Krauchunas. Passed

- C. Hannah Tennant - Reciprocity application

**Motion:**

To issue Hannah Tennant a license, via reciprocity, to practice optometry with TPA-g certification due to year of graduation from school or college of optometry.

Motion moved by Amy Murphy and motion seconded by Christine Donahue. Passed

- D. Rose Redmond - Glaucoma certification request

**Motion:**

To issue Rose Redmond TPA-g certification effective July 19, 2022 after relevant legislation is in effect.

Motion moved by Christine Donahue and motion seconded by Andrea Murphy. Passed

- E. Brandon Nguyen - Initial Application

**Motion:**

To issue Brandon Nguyen a license to practice optometry with TPA-g certification due to year of graduation from school or college of optometry.

Motion moved by Christine Donahue and motion seconded by Andrea Murphy. Passed

## VIII. Administrative Rules & Legislative Topics

### A. SB 284 is effective 7/19/2022

Informational. No action taken

### B. Request for adoption of rules - NHOA

Correspondence from NHOA related to rulemaking which would allow the ARBO OE Tracker transcript in lieu of the Board's CE Reporting Form.

**Motion:**

to deny the petition for rulemaking citing that OPLC is currently exploring other OE Tracker services for use by all professions which would interface with OPLC's licensing system; note that the OE Tracker can supplement the CE reporting form, but not replace it; and authorize Attorney Lauren Warner to write a response letter to the NHOA.

Motion moved by Guy Lessard and motion seconded by Scott Krauchunas. Passed.

Curtis Berry spoke on behalf of the NHOA and request clarification about the requirements related to the format of CE courses (live vs. non-live) The NHOA believes that a "live" course not mandated to occur in-person. The NHOA would like to plan CE events and would like this clarification before proceeding with scheduling live remote CE options. The Board and Attorney Lauren Warner advised that the NHOA may submit a written request for a declaratory ruling pursuant to Opt 215 for the Board to consider at another meeting.

### C. Changing Glaucoma Certification - law and rule review

Attorney Warner spoke with the Board about their current process for issuing non-TPA, TPA, and TPA/g certification in relation to RSA 327 and Opt administrative rules. The Board's application does not require an applicant to select which type of licensure they are seeking; but rather, the Board makes this decision based on the year of graduation from school or college of optometry The Board would like to pursue a change to the initial license application which would require the applicant to check off the type of license they want.

### D. CE Reporting Process

The Board discussed the current CE reporting process and considered whether changes should be made now that it is an online process to streamline with biennial renewals.

**Motion:**

to pursue a rule change which would streamline CE reporting and biennial renewals so that both are due no later than June 30<sup>th</sup> of the renewal year.

Motion moved by Scott Krauchunas. Motion withdrawn.

The Board discussed the need to amend the current rule to clearly state that new graduates do not have to complete CE for the year in which they were initially licensed. This does not apply to new NH licensees who are or have been licensed in other jurisdictions/states. This will likely require a "1st year" check box on the CE reporting form for the licensee to identify why they have not provided and CE for that year.

The Board discussed it would like to amend its rules to require any licensee wishing to change TPA/TPA-g/Non-TPA to submit written notice to the Board.

The Board discussed the current CE requirements for licensees. The 3 opioid CE credits are allowed to count toward the 20 Class I hours (3 of the 20 may be opioid).

The Board has already sought a rule amendment to affirm that RSA 126-A:97 competency requirements are a requirement of license renewal.

IX. Non-Public Session (Requires a roll call vote)

Non-public session is conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton (1978), and the Board's executive and deliberative privileges.

**Motion:**

to move into non-public session at 12:01PM for the reasons outlined above.

Motion moved by Andrea Murphy and motion seconded by Guy Lessard. Passed unanimously by roll call vote.

X. Resume Public Session

The Board resumed public session at 12:04PM

XI. Seal the Minutes of the Non-Public Session

Motion to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

**Motion:**

to seal the meeting minutes of the non-public meeting for the reasons listed above.

Motion moved by Andrea Murphy and motion seconded by Christine Donahue. Passed.

XII. Renewal Applicants who did not meet CE reporting requirements

**Motion:**

to schedule show cause hearings for any renewal applicant who had deficient CE as of June 30, 2022 at 11:59PM who have sought to renew their license but have not met CE requirements. These licensees will remain in "Active- Pending Renewal" status in the license look-up system.

Motion moved by Guy Lessard and motion seconded by Christine Donahue. Passed.

**Motion:**

to request OPLC attorney Nik Frye to act at the Board's hearing officer for hearings to be held on 8/23/2022.

Motion moved by Andrea Murphy and motion seconded by Christine Donahue. Passed.

**Motion:**

to allow each Board members, in rotation, to review and approve or deny renewal applicants' outstanding CE which was completed on or before 12/31/2021 for the purpose of renewing applicant's licensees and cancelling the hearing if appropriate.

Motion moved by Christine Donahue and motion seconded by Scott Krauchunas. Passed.

**Motion:**

to authorize the Board Chairman, Guy Lessard, to make decisions related to these matters on behalf of the Board.

Motion moved by Scott Krauchunas and motion seconded by Christine Donahue. Passed.

XIII. Adjournment

Guy Lessard adjourned the meeting at 12:42PM