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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OPTOMETRY

TIME: 10:32 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Thursday, August 8, 2024

State Board of Optometry
August 8, 2024

BOARD MEMBERS:

Luanne K. Chubb, O.D., F.A.A.O., Chairperson
John A. Godfrey, O.D. Vice Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary
Ester Blair, Esquire, Deputy Attorney General, Health
Care Section, Consumer Protection Member
Jeffrey B. Becker, O.D.
Perry C. Umlauf, O.D.
Marc Berson, O.D.
Satya B. Verma, O.D.

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Jacqueline A. Wolfgang, Esquire, Regulatory Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Gregory S. Liero, Esquire, Board Prosecution Liaison
Shakeena Chappelle, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Carlton Smith, Deputy Chief Counsel, Prosecution
Division

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates,
on behalf of Pennsylvania Optometric Association
Jennifer A. Keeler, CAE, Executive Director,
Pennsylvania Optometric Association
Robert McClenathan, O.D.
Derek Richmond, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Optometry

3 August 8, 2024

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Shawn J. Jayman, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of counsel.
10 The Board returned to open session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Optometry was held on Thursday, August 8,
14 2024. Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
15 called the meeting to order at 10:32 a.m.

16 ***

17 Roll Call of Board Members/Introduction of Attendees
18 [Shakeena L. Chappelle, Board Administrator, provided
19 a roll call of Board members and an introduction of
20 attendees. A quorum of Board member was present.]

21 ***

22 [Shawn J. Jayman, Esquire, Board Counsel, noted that
23 the meeting was being recorded, and those who
24 continued to participate were giving their consent to
25 be recorded.

1 Mr. Jayman also noted the Board entered into
2 Executive Session for the purpose of conducting
3 quasi-judicial deliberations and to receive the
4 advice of Board Counsel on a number of matters
5 currently pending before the Board.]

6 ***

7 Approval of Meeting Minutes

8 CHAIRPERSON CHUBB:

9 I'd like to entertain a motion for
10 approval of the minutes of the May 9,
11 2024 Board meeting.

12 Is there a second to the motion?

13 DR. GODFREY:

14 I move to approve the Board minutes,
15 dated May 9, 2024.

16 DR. BERSON:

17 I second the motion.

18 MS. CHAPPELLE:

19 Dr. Chubb, aye; Dr. Godfrey, aye;
20 Commissioner Claggett, aye; Dr. Wilcox,
21 aye; Ester Blair, aye; Dr. Becker, aye;
22 Dr. Umlauf, aye; Dr. Berson, aye; Dr.
23 Verma, abstain.

24 [The motion carried. Satya Verma abstained from
25 voting on the motion.]

1 ***

2 Report of Board Prosecutors

3 [Gregory S. Liero, Esquire, Board Prosecution
4 Liaison, had nothing to report.]

5 ***

6 Report of Acting Commissioner

7 [Arion R. Claggett, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs, announced that
9 all of the Department of State board websites have
10 been updated and encouraged everyone to visit their
11 new Board website.]

12 Acting Commissioner Claggett informed Board
13 members that the Bureau of Finance and Operations
14 will be providing a budget presentation at the next
15 Board meeting.]

16 ***

17 Waiver Request

18 [Shawn J. Jayman, Esquire, Board Counsel, referred to
19 the Waiver Request of Robert McClenathan, Application
20 No. OEG000699, and asked Dr. McClenathan if he would
21 like to speak regarding his waiver request of in-
22 person continuing education (CE) requirements and
23 search regarding online courses.]

24 Dr. McClenathan informed Board members that he is
25 currently suffering from autoimmune hemolytic anemia

1 and was requesting the waiver because he is concerned
2 that there are not enough in-person type of
3 continuing education webinars between now and the end
4 of November 2024 to meet his requirements.

5 Chairperson Chubb asked whether he completed any
6 online synchronous or asynchronous continuing
7 education (CE), the child abuse training course, and
8 the 6-hour therapeutics courses.

9 Dr. McClenathan completed a few in-person courses
10 through their local optometric society and the child
11 abuse training course but was uncertain whether the
12 glaucoma-focused courses qualify as therapeutic.

13 Dr. Wilcox asked whether he is treating any
14 children or anybody in person.

15 Dr. McClenathan stated he is treating children
16 who have achromatopsia and has dozens of patients.
17 He reported that he only sees patients with
18 achromatopsia as a result of a unique circumstance
19 that took him to the Federated States of Micronesia.
20 He also reported having many patients from out of
21 state in the Mennonite community.

22 Dr. Berson mentioned that they are required to
23 have 30 hours during a two-year period and asked for
24 a ballpark number of hours completed.

25 Dr. McClenathan believed the hours to be between

1 10 and 15. He noted that he is not opposed to taking
2 other online courses but expressed a concern with in-
3 person courses or webinars. He mentioned that he did
4 not have a problem meeting the requirement in terms
5 of numbers during COVID when he could take online
6 courses.

7 Chairperson Chubb asked whether he was aware of
8 the Board's decision in 2023 to go with the
9 Association of Regulatory Boards of Optometry's
10 (ARBO) description of synchronous, referring to live
11 as both an in-person face-to-face session or live
12 session online with an active lecture.

13 Dr. McClenathan explained that he was aware of
14 that decision but is concerned because he is not
15 willing to attend in person, and the schedules may
16 not allow him to attend the required number of
17 webinars between now and the end of November 2024.

18 Dr. Godfrey asked Dr. McClenathan whether the
19 credits that he currently has are all live.

20 Dr. McClenathan explained that he has maybe 3 or
21 4 hours of in-person through the local society and
22 the remainder would be online.

23 Dr. Godfrey stated he would only need 11 or 12
24 in-person or synchronous online hours and the rest
25 could be asynchronous if he already has 3 or 4 in-

1 person.

2 Dr. Becker requested confirmation from Dr.
3 McClenathan that he would be able to do synchronous
4 live in his home on Zoom without restrictions, and
5 Dr. McClenathan noted that to be correct.

6 Mr. Jayman thanked Dr. McClenathan for attending
7 this meeting.]

8 MR. JAYMAN:

9 Based on Executive Session
10 deliberations, I believe the Chair
11 would entertain a motion to disapprove
12 the CE Request regarding the Waiver of
13 Dr. Robert McClenathan, Application No.
14 OEG000699.

15 DR. GODFREY:

16 So moved.

17 ACTING COMMISSIONER CLAGGETT:

18 Second.

19 CHAIRPERSON CHUBB:

20 Roll call vote.

21
22 Dr. Chubb, aye; Dr. Godfrey, aye;
23 Commissioner Claggett, aye; Dr. Wilcox,
24 aye; Ester Blair, abstain; Dr. Umlauf,
25 aye; Dr. Berson, aye; Dr. Verma,

1 abstain; Dr. Becker, aye;
2 [The motion carried. Ester Blair and Satya Verma
3 abstained from voting on the motion.]

4 ***
5 Regulatory Report - CE Regulations 16A-5217
6 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
7 regulations, referred to the proposed annex for 16A-
8 5217.

9 Chairperson Chubb informed Ms. Wolfgang of a
10 correction concerning CE retention requirements,
11 noting four and six need to be reversed.

12 Ms. Wolfgang referred to § 23.84 regarding course
13 registration and asked whether the Board is happy
14 with the provider category language.

15 Dr. Wilcox asked why provider number is being
16 removed.

17 Ms. Wolfgang explained that the provider number
18 is being removed because it is a course registration,
19 where the provider is not required to have a number
20 if they register for one course. She further
21 explained that they may have a number if they want to
22 be a Board-approved provider or if they are a
23 preapproved provider but will have a number if they
24 are a Board-approved provider. She noted § 23.84 used
25 to be combined as a provider and program registration

1 but is being streamlined to only deal with course
2 registration.

3 Ms. Wolfgang referred to the provider category,
4 noting it is okay to leave it in there but was
5 unclear how that was answered. She mentioned that it
6 may be something that could be taken out if it is not
7 utilized in the application process.

8 Dr. Wilcox commented that they already have the
9 name of the provider; the course title; the faculty
10 names, titles, affiliations, and degrees and would be
11 a duplicate. Board members agreed to remove it.

12 Ms. Wolfgang referred to subsection (e), where
13 the language is upon approval of a qualified
14 provider, a provider number will be assigned, and
15 upon approval of any program, a program number will
16 be assigned except for those providers listed in
17 § 23.81.

18 Ms. Wolfgang explained that they are not dealing
19 with provider numbers in this subsection and are
20 dealing with course approval. She suggested removing
21 it, because it is not applicable with the way they
22 are separating out the preapproved providers, Board-
23 approved providers, and now the course approval.
24 Board members agreed.

25 Ms. Wolfgang referred to subsection (f), where

1 courses will be approved only in demonstrated areas
2 of expertise, and a change in the area of expertise
3 shall be recorded and communicated to the Board
4 within 60 days of that change. She noted prior
5 discussion about whether the Board wanted to keep it
6 or remove it.

7 Dr. Wilcox believed it to be important if a
8 course has changed and a provider has changed to
9 report their expertise in that given area.

10 Chairperson Chubb commented that it says change
11 in the area of expertise and does not say change in
12 the instructor.

13 Dr. Wilcox suggested an addition to the statement
14 to read, either the provider has changed or the area
15 of expertise has changed.

16 Dr. Umlauf commented that the 60 days will be a
17 problem if there is a last-minute change and
18 suggested it to say, within a reasonable amount of
19 time or within 24 hours.

20 Dr. Verma recommended that any changes be
21 implemented to the Board prior to the courses
22 offered, where it could be anytime.

23 Ms. Wolfgang believed that to be a good
24 suggestion.

25 Dr. Verma asked how long it takes for a course

1 request to be approved by the Board.

2 Ms. Chappelle explained that she reviews all of
3 the required documents and then sends it a Board
4 member or the Applications Committee for review. She
5 expressed a concern with courses given on a Saturday
6 or Sunday.

7 Ms. Wolfgang referred to subsection (b), noting
8 the Board requires an application for a program or a
9 course to be submitted within 45 days in advance of
10 the course. She believed the suggestion just prior
11 to the courses given solves the problem, where the
12 Board does not want them to cancel the program and
13 just wants the information before the course is
14 provided.

15 Ms. Chappelle asked what would happen if the
16 person she sends the information to does not approve
17 the change.

18 Dr. Becker mentioned that he has reviewed many
19 applications and requires a curriculum vitae (CV)
20 from the presenter. He noted many local seminars are
21 usually on a Sunday and have last minute
22 substitutions because somebody is sick or cannot get
23 there because of travel.

24 Dr. Becker suggested giving them tentative
25 approval for the course but requiring them to notify

1 the Board of any changes within 24 to 36 hours for
2 reapproval.

3 Dr. Umlauf agreed with Dr. Becker that the Board
4 must be notified in writing within 24 to 48 hours of
5 any last second changes to a set program for
6 reapproval.

7 Acting Commissioner Claggett commented that it
8 may not be enough time to get everything completed.

9 Ms. Wolfgang explained that the section is now
10 course registration and the reason they were deleting
11 the information in subsection (f), the change in the
12 area of expertise of the provider, is because that is
13 applicable to the analysis of whether the Board would
14 approve a preapproved provider. She referred to the
15 course approval process under subsection (c), where
16 they do require the names of the faculty, titles,
17 affiliations, and degrees.

18 Ms. Wolfgang further explained that the staff
19 would review what information would be required of
20 the instructor to provide if the instructor changes
21 and referred to subsection (h), each approved
22 provider shall request registration each biennium,
23 and each application for registration shall be
24 accompanied by a statement outlining any major
25 changes in the information previously submitted. She

1 noted that section is just for the biennium.

2 Dr. Wilcox believed 60 days is unreasonable and
3 asked whether that part could be rewritten, so if
4 they do make a change in the area of expertise or the
5 speaker, it is reported and communicated to the Board
6 without adding that it has to be recorded with any
7 specific period of time.

8 Dr. Wilcox also mentioned that the Continuing
9 Education Committee could decide whether or not the
10 course meets the requirements of what was initially
11 requested. She commented that they would not be able
12 to do it over the weekend and would have to wait
13 until after the course was given before they could
14 say the course did not meet the requirements of CE.

15 Ms. Wolfgang suggested adding a paragraph that
16 says any changes have to be communicated to the Board
17 within 10 days of the course. She explained that the
18 violation of the 10-day rule would not necessarily
19 mean the committee could not approve a course before
20 the 10 days but would protect the Board by making
21 everyone aware that the Board cannot guarantee they
22 would get back with someone if they did not provide a
23 notice of at least 10 days. Board members agreed.

24 Ms. Chappelle asked whether Board members would
25 be open to not putting a date on the course and

1 allowing someone the opportunity to reschedule the
2 course instead of canceling or changing it to someone
3 who does not have the same expertise. She mentioned
4 that the State Board of Chiropractic allows someone
5 to submit and be able to give it as many times as
6 they want within the biennial period as long as the
7 course does not change.

8 Chairperson Chubb commented that they could
9 submit it if it is not one of their preapproved
10 providers. She mentioned that they have an extensive
11 number of providers and can change it because of
12 conference problems and things like that, but an
13 individual course or individual provider should
14 resubmit it because they are a limited number of
15 people who do not falling under the academy or
16 American Optometric Association (AOA).

17 Ms. Wolfgang noted Board-approved providers are
18 good for a biennium under § 23.86(b)(2). She referred
19 to courses, noting the Board asked for dates of the
20 courses. She mentioned the Board receives very few
21 of these and asked whether the Board wanted to make
22 it approved for a biennium.

23 Ms. Chappelle explained that the Board does not
24 get any provider applications and receives a handful
25 of optometry course approvals. She noted the

1 providers have to include the dates but typically
2 include only one date.

3 Ms. Wolfgang informed Board members that the
4 regulations currently meet the needs of the community
5 but could be changed to allow more flexibility and
6 less review for the Board. Board members agreed to
7 not change the regulation.

8 Ms. Wolfgang explained that the 60 days would be
9 deleted in § 23.84 (f), because it is applicable to
10 the providers and would be adding 10 days instead.
11 She noted the Board will accept a designation that
12 the particular provider is qualified to provide
13 continuing education in all subject matter as set
14 forth in § 23.83 will be eliminated because it is
15 dealing with provider approval.

16 Dr. Wilcox referred to page 9 and suggested
17 changing the word "employee" to "ensure" that the
18 instructor is qualified because they may not be
19 getting paid.

20 Dr. Wilcox referred to page 10 under (e) and
21 requested information concerning the word "chapter."

22 Ms. Wolfgang explained that chapter means the
23 entire chapter for the State Board of Optometry
24 regulations.

25 Ms. Wolfgang referred to page 17 under § 23.88,

1 retention of continuing education records subsection
2 (b) providers, where approved course providers,
3 preapproved providers, and Board-approved providers
4 shall retain documented evidence of attendance and
5 satisfactory completion of the courses and
6 certificates of attendance for a minimum of four
7 years. The records shall be made available to the
8 Board upon request.

9 Ms. Wolfgang noted prior Board discussion
10 regarding why providers are required to retain
11 records for four years and licensees for six years.
12 She reported some boards have no requirements for
13 provider retention but also named boards that have
14 the requirements.

15 Chairperson Chubb recommended the requirement of
16 four years for both the providers and licensees.

17 Ms. Wolfgang referred § 23.88, noting the Board
18 could change licensee to four instead of six for
19 consistency.

20 Ms. Wolfgang asked whether four years is
21 consistent in an audit for CE.

22 Ms. Chappelle explained that four years is not
23 consistent, and they audit when someone has renewed
24 or is about to renew their license for the previous
25 period.

1 Dr. Godfrey requested information concerning
2 circumstances where a provider would be audited and
3 asked whether it would only be if there was a
4 discrepancy with a licensee not keeping their
5 certificate.

6 Ms. Chappelle explained that a discrepancy would
7 be the only circumstance, and there currently would
8 not be any because they do not have any providers.

9 Ms. Wolfgang explained that the Board could act
10 on a provider if the Board received information that
11 a provider was providing fraudulent certificates, a
12 course took place and did not, or somebody made a
13 complaint that the staff was not qualified.

14 Chairperson Chubb commented that the state would
15 go back to 2022 to 2024 for someone audited in 2025
16 and asked whether the state would ever go back as far
17 as 2020 to 2022.

18 Acting Commissioner Claggett explained that the
19 state would not go back that far, noting it is
20 difficult to discuss a hypothetical. He mentioned
21 they can work toward creating an audit process to
22 bring before the Board so everybody is aware of what
23 they would do during an audit.

24 Dr. Becker asked whether Optometric Education
25 TRACKER (OE) is legitimate for certificates.

1 Chairperson Chubb stated OE TRACKER covers COPE
2 courses but will also list non-COPE-approved courses
3 if they submit the courses themselves. She noted the
4 state cannot require providers to have OE TRACKER.

5 Chairperson Chubb mentioned that some states
6 provide OE TRACKER for a discounted rate to their
7 licensees and some states are allowed to require it
8 for their licensees to do an audit. She noted it has
9 been discussed for Pennsylvania that it needs to be
10 an open contract offer and cannot be specifically for
11 OE TRACKER.

12 Dr. Becker asked whether the certificates are
13 considered legitimate when audited if a licensee has
14 OE TRACKER and they submitted all of their
15 information to OE TRACKER and/or the provider course
16 to OE TRACKER.

17 Ms. Chappelle explained that it would be
18 legitimate if a transcript was received through OE
19 TRACKER and includes whether or not the course is
20 approved through a preapproved provider or the Board.

21 Chairperson Chubb referred to § 23.83, continuing
22 education subject matter and asked whether (c) could
23 read, courses that meet the requirements for
24 certification to treat glaucoma in accordance with
25 Section 4.2 of the Optometry Practice Act shall

1 include, but not limited to, primary open-angle
2 glaucoma, exfoliative, and pigmentary.

3 Dr. Godfrey commented that their regulations
4 specifically mention those three types of glaucoma.
5 He asked Board members to read Section 4.2 before
6 considering taking that out, because the language is
7 not very broad.

8 Chairperson Chubb referred to the 2020 Optometry
9 Practice Act, noting it was specifically directed
10 toward what they wanted providers to take.

11 Dr. Umlauf noted it to be pretty open-ended and
12 commented that it should not be restricted. He
13 mentioned that he did not want to define glaucoma and
14 then leave something out.

15 Dr. Wilcox suggested the language to read, the
16 course will meet the requirements for certification
17 to treat glaucoma in accordance with Section 4.2 of
18 the act in the treatment and management of glaucoma.
19 Board members agreed.

20 Ms. Wolfgang noted the change would be fine as
21 long as she cannot find any legal reasons why it
22 cannot be done.

23 Chairperson Chubb referred to page 15 under (d),
24 teaching and publication, where credit hours will be
25 given for service as a teacher, preceptor, lecturer,

1 or speaker. She noted prior removal of language
2 about the preparation of an outline. She also would
3 like the Board to strike teaching and take out
4 teacher and preceptor. She mentioned the importance
5 of doctors making sure their continuing education is
6 up to date in all areas and not just a certain area.

7 Chairperson Chubb asked for a Board discussion
8 concerning striking teaching and switching that to
9 publications and striking teacher and preceptor in
10 that first sentence.

11 Dr. Verma mentioned being the director of an
12 externship program in the past and providing 1 or 2
13 CE credits for teaching and suggested clarifying that
14 section.

15 Chairperson Chubb noted they could receive 25% or
16 7 hours of their credits under this section but
17 wanted to strike those two categories, because they
18 need to take the continuing education to stay up to
19 date in current studies. Board members decided to
20 keep those categories.

21 Dr. Wilcox asked why the words or license
22 renewal was removed under § 23.87(a). She noted
23 renewal and reactivation are two different things and
24 suggested it read, for a license for renewal or
25 reactivation.

1 Ms. Chappelle explained that it is because of the
2 information following on that next page where it is
3 asking for the dates attended, continuing education
4 hours claimed, etc. She also explained that they do
5 not ask for that during renewals, only to attest to
6 having completed it.

7 Dr. Wilcox asked whether they eliminated the
8 whole paragraph on page 12 under (e). She also had
9 questions concerning the restructuring of the
10 document.

11 Ms. Wolfgang explained that (e) is now
12 incorporated in § 23.86(a). She also provided answers
13 concerning restructuring.

14 Ms. Wolfgang reviewed the changes with Board
15 members. She noted the change from open-angle
16 glaucoma, exfoliation glaucoma, and pigmentary to
17 just plain glaucoma. She referred to page 8 and
18 verification to remove information about the
19 providers regarding the 60 days but adding the 10-day
20 requirement and placing that in subsection (f).

21 Ms. Wolfgang referred to § 23.88, noting the
22 change from six to four years for licensees.

23 Chairperson Chubb referred to § 23.85(c) and
24 reminded Ms. Wolfgang to change the word "employee"
25 to "ensure" on page 9.

1 Chairperson Chubb thanked Ms. Wolfgang.]

2 MR. JAYMAN:

3 At this time, I believe the Chair would
4 entertain a motion to release an
5 exposure draft of the proposed annex
6 16A-5217 contingent upon Board Counsel
7 making the necessary changes as
8 discussed. The exposure draft would go
9 to the interested parties and
10 stakeholders for comment.

11 Do I have a motion?

12 DR. GODFREY:

13 So moved.

14 ACTING COMMISSIONER CLAGGETT:

15 Second.

16 MR. JAYMAN:

17 Roll call.

18
19 Dr. Chubb, aye; Dr. Godfrey, aye;
20 Commissioner Claggett, aye; Dr. Wilcox,
21 aye; Ester Blair, aye; Dr. Becker, aye;
22 Dr. Umlauf, aye; Dr. Berson, aye; Satya
23 Verma, aye.

24 [The motion carried unanimously.]

25 ***

1 Regulatory Report - Regulatory Status Report
2 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
3 provided a Regulatory Status Report for the Board's
4 review. She hoped to move the opioid education
5 regulation and general revision package in the near
6 future once they get the exposure draft sent out.]

7 ***

8 [Marc Berson, O.D., exited the meeting at 12 p.m.]

9 ***

10 Report of Board Chairperson

11 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
12 addressed her attendance, along with Dr. Wilcox and
13 Ms. Chappelle, at the 2024 Association of Regulatory
14 Boards of Optometry (ARBO) Meeting in Nashville. She
15 reported 71 attendees from the United States, New
16 Zealand, Guam, and four provinces of Canada.

17 Chairperson Chubb stated the keynote speaker,
18 Corey Ciocchetti, is a professor of Business Ethics
19 and Legal Studies in the Daniels College of Business
20 at the University of Denver and opened the meeting on
21 topics of integrity and ethics.

22 Dr. Wilcox announced Dr. Chubb is now on the
23 Board of Directors of ARBO. She noted that
24 Accreditation Council on Optometric Education (ACOE)
25 Report confirmed there are 25 accredited optometry

1 programs and 274 residency programs.

2 Chairperson Chubb reported Rocky Mountain
3 University of Health Professions is in stage 2 of the
4 accreditation process. She noted the enrollment of
5 their second class this year and they are going
6 through the process to be an ACOE-accredited school.

7 Chairperson Chubb mentioned that she completed
8 two 3-year terms on ACOE and decided to pursue the
9 position on the board of directors of ARBO.

10 Dr. Wilcox stated the National Board of Examiners
11 in Optometry (NBEO) reported on the new Part III of
12 the exam that will be launched in August. She noted
13 there will be 12 stations and 24 examiners for the
14 new Part III, and the subject matter was created by
15 licensed optometrists. She also noted there will be
16 an open house on September 14.

17 Dr. Wilcox explained that Part I is Applied Basic
18 Science, Part II is Patient Assessment and
19 Management, and Part III is Patient Encounters and
20 Performance Skills (PEPS). She mentioned there is
21 also Treatment and Management of Ocular Disease
22 (TMOD) and Laser and the Surgical Procedures
23 Examination (LSPE).

24 Chairperson Chubb informed Board members that she
25 will be attending the PEPS review on September 14,

1 2024, as a member of the Board of Directors of ARBO.
2 She reminded everyone that NBEO does not make the
3 questions for Part I and Part II. She stated the
4 questions are developed by schools represented
5 through ASCO through individual providers, licensees,
6 and subject matter experts who meet with NBEO to
7 approve each question to define a minimally competent
8 candidate for a licensee.

9 Dr. Wilcox commented that individuals who take
10 the exam in August 2024 will not be able to receive
11 their results until December 2024 for Part III.

12 Ms. Chappelle noted they did clarify that people
13 taking the new portion of the exam have not graduated
14 yet, so by the time they graduate, they can request
15 the results.

16 Dr. Wilcox mentioned that they will not be able
17 to practice if they have taken Part III a second
18 time, but most of the fourth-year students will be
19 using the August, October, and December 2024 tests to
20 assure the validity of the tests.

21 Dr. Wilcox noted the Council on Optometric
22 Practitioner Education (COPE) gave a presentation and
23 reported the OE TRACKER has 800,000 credits in their
24 databank and have been recognized as an equivalent to
25 the Accreditation Council for Continuing Medical

1 Education (ACCME) since 2017.

2 Dr. Wilcox noted COPE also gave a lecture on the
3 Health Insurance Portability Accountability Act
4 (HIPAA) regulations and common breaches. She also
5 noted a lecture on navigating the artificial
6 intelligence (AI) frontier and what that meant to
7 optometry.

8 Dr. Wilcox mentioned that many other states
9 reported doctors from adjacent states are now doing
10 eye exams remotely to a location in their state. She
11 explained that a doctor can be licensed in
12 Pennsylvania, live in another state, and do a remote
13 eye exam in Pennsylvania as long as they are licensed
14 in Pennsylvania.

15 Chairperson Chubb stated ARBO-approved the Model
16 Practice Act divided into sections and is available
17 on ARBO's website for review. She noted it covers
18 what regulations need to be reviewed in individual
19 states to ensure each state has a comprehensive
20 package. She mentioned that Pennsylvania is
21 supported by a regulatory committee and prosecution
22 division but other states need to develop their own
23 regulations and hire their own attorneys.

24 Dr. Wilcox stated the Model Practice Act is now
25 complete and includes public interest, establishing a

1 board of optometry, defined unlawful practices,
2 endorsement, confidentiality, and being a reporter.

3 Ms. Chappelle commented that Pennsylvania has a
4 good system and was glad she was able to attend the
5 meeting.

6 Chairperson Chubb noted Pennsylvania does not
7 require a law exam but reported about 24 states do
8 require a test on their practice act and regulations.

9 Dr. Wilcox believed doctors do not know the
10 regulations or the Optometry Practice Act and should
11 be required to take continuing education on these
12 topics.

13 Chairperson Chubb was also in support of
14 continuing education for future boards to make people
15 more aware of their laws in their state. She
16 commented that making the Optometry Practice Act and
17 regulations easily accessible online instead of
18 having the paper copies is a huge boost.

19 Acting Commissioner Claggett commented that it
20 does not mean someone would know the law if they pass
21 the test.

22 Dr. Verma suggested testing on regulations and
23 the Optometry Practice Act education take place
24 during the initial licensure process.]

25

1 Report of Board Administrator

2 [Shakeena L. Chappelle, Board Administrator,
3 announced that the renewal period will probably open
4 at the end of next month and asked everyone to update
5 their emails if anything has changes so they receive
6 the renewal notice. She reminded everyone that
7 renewal is online with no grace period.

8 Ms. Chappelle also reminded everyone to make sure
9 their child abuse CE is from the last biennial to the
10 present because many people think that it is the two
11 years that they did the last one and is not always
12 correct. She stated an email was distributed to all
13 licensees introducing e-licensure. She noted it is
14 not their renewal application and just an email
15 notifying everyone that e-licensing is now available.

16 Ms. Chappelle reminded everyone to double check
17 their Pennsylvania Licensing System (PALS) account
18 and expiration date and to contact the Board with any
19 questions. She mentioned that everyone will also
20 receive an email stating their renewal application
21 has been approved and will have a 2026 expiration
22 date when downloaded.

23 Dr. Wilcox asked Ms. Chappelle for the best way
24 to contact the Board if an applicant's child abuse
25 training course did not get uploaded into the system.

1 Ms. Chappelle explained that the system
2 recognizes the individual's course by their first
3 name, last name, date of birth, and last four digits
4 of their Social Security Number. She noted the
5 licensee enters that information, which is then
6 transmitted to their office.

7 Ms. Chappelle was unaware of the process for each
8 provider as far as information getting to their
9 portal. She further explained that anyone who has an
10 active license or an application in but does not see
11 that reported to the Board within about 15 days to
12 contact the provider directly to make sure their
13 information is correct.

14 Ms. Chappelle stated the Board does not touch
15 checklist items, noting the information is entered by
16 providers. She believed everyone should be able to
17 see the course verified on their profile in the
18 education section of their dashboard on PALS.

19 Chairperson Chubb suggested passing that
20 information along to POA and local societies to have
21 them go in advance because that was a notable glitch
22 for a lot of people last year.

23 Acting Commissioner Claggett offered to draft
24 some language and send an email blast.

25 Ms. Chappelle also informed everyone that when

1 they submit their application, especially with the
2 child abuse course, that it is not automatic because
3 PALS is constantly cycling through to find their
4 record and may take at least 24 hours. She
5 recommended everyone check it again the next day and
6 then call the Board if it is still not there. She
7 again encouraged everyone to check the information
8 they entered and the provider entered is correct.]

9

10 Miscellaneous

11 [Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary,
12 informed everyone that she did not receive any
13 comments concerning her newsletter and would present
14 the final copy at the next Board meeting for
15 approval.]

16

17 Board Appointments

18 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
19 welcomed Dr. Verma.

20 Ms. Chappelle mentioned that the Board has two
21 vacant professional member positions and three public
22 member positions.

23 Chairperson Chubb requested an update concerning
24 the program assigning people to public positions.

25 Acting Commissioner Claggett explained that it is

1 still ongoing but no one has been appointed to the
2 Board at this time as far as college students are
3 concerned.]

4 ***

5 Public Comment

6 [Ted Mowatt, CAE, Vice President, Wanner Associates,
7 on behalf of the Pennsylvania Optometric Association,
8 noted that some of the other boards do presentations
9 regarding the regulatory process and board activities
10 at some of their association meetings. He mentioned
11 that it could probably be arranged with POA as well.]

12 ***

13 Adjournment

14 CHAIRPERSON CHUBB:

15 At this time, I would entertain a
16 motion to adjourn the meeting.

17 DR. GODFREY:

18 So moved.

19 ACTING COMMISSIONER CLAGGETT:

20 Second.

21 CHAIRPERSON CHUBB:

22 The meeting is over. Our next meeting
23 is on December 19.

24 ***

25 [There being no further business, the State Board of

1 Optometry Meeting adjourned at 12:19 p.m.]

2

3

4

CERTIFICATE

5

6 I hereby certify that the foregoing summary
7 minutes of the State Board of Optometry meeting, was
8 reduced to writing by me or under my supervision, and
9 that the minutes accurately summarize the substance
10 of the State Board of Optometry meeting.

11

12

13



14

Derek Richmond,

15

Minute Clerk

16

Sargent's Court Reporting

17

Service, Inc.

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STATE BOARD OF OPTOMETRY
REFERENCE INDEX

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:32	Roll Call/Introduction of Attendees
10:33	Approval of Minutes
10:38	Report of Acting Commissioner
10:39	Waiver Request
10:50	Regulatory Report
12:00	Report of Board Chair
12:11	Report of Board Administrator
12:17	Miscellaneous
12:18	Board Appointments
12:18	Public Session
12:19	Adjournment