

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**

**1101 Medical Center Blvd. Marrero, LA 70072**

**MINUTES**

**March 08, 2024**

**I. Roll Call/Call to Order/Confirmation of posting of notice and agenda**

The roll was called at 9:04am with present: Drs. Gerdes, Avallone, LaPoint, Richardson, and Sehon. Not present: Mr. Lopez. Also present were Executive Director Anna Cahill, Public Guests/OAL Members. Board counsel Mr. AJ Herbert, III attended via conference call. Declaring a quorum was present, Dr. Gerdes called the meeting to order.

**II. Adoption of Agenda**

Dr. Avallone notified the Board that the legislative audit needs no further discussion and should be removed from the agenda. He also requested that new business and old business be moved to before executive session. Motion to adopt agenda (Sehon/LaPoint) - approved/adopted without objection. Passed unanimously.

**III. Approval of Minutes**

Dr. Gerdes motioned for the approval of the minutes from the December and January meetings be postponed until next meeting to give members time to review them. Dr. Sehon seconded and the motion passed unanimously.

**IV. Secretary's Report**

Dr. Avallone motioned to add discussion of retaining him as a paid contractor during current transition of Executive Director, Anna Cahill, under new business prior to discussion for the election of secretary/treasurer.

**A. Finance and Budget Report**

Dr. Avallone presented financial reports including a P&L statement, Balance Sheet, and Profit and Loss statement YTD. He notified the Board that the budget was turned in to the DoA at the end January and all required reporting was completed. A brief discussion was held regarding the approved 2024 proposed budget report.

**B. License Activity**

- i. Renewals – Ms. Cahill discussed list of delinquent licensees with outstanding invoices and insufficient continuing education hours reported in OE tracker. Dr. Avallone notified the board of options for delinquency fees – anyone who has not properly renewed has from March 1 until July 1 to come up with payment/proof of hours. After July 1, they are eligible for license suspension. After January 1, they are eligible for license revocation. No board action needed.

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**  
**1101 Medical Center Blvd. Marrero, LA 70072**  
**MINUTES**  
**March 08, 2024**

- ii. Applicants/New Licensees – Dr. Avallone notified the Board that applications have started to come in.
  - iii. Retirement – one retirement mentioned, no action needed
  - iv. Endorsement request – no new applications
  - v. Inactive requests – one inactive request to report, no action needed
  - vi. Hardship requests – no new requests
  - vii. Request for Reinstatement following Disciplinary Action – TBD in Executive Session
  - viii. Complaints – TBD in Executive Session
- C. Required Training
- i. Ethics Training – All members must complete required training for 2024. Dr. Avallone notified the Board that there is an in person training in Baton Rouge.
  - ii. Sexual Harassment Prevention – Dr. Avallone requested for training link to be sent to the Board.

**OLD BUSINESS**

**V. Executive Director Contract**

Mr. Herbert updated the Board regarding the current contract. The Board previously approved the interim agreement, however the Board of Ethics has examined the contract and is determining whether it should be an employment contract agreement rather than an individual contractor agreement. Dr. Sehon motioned for the current contract to remain in place until the Board of Ethics returns with an answer. Unanimously approved.

**VI. Telehealth - Rule status**

Nothing new to report.

**VII. Dispensing of Pharmaceuticals – Rule status**

Nothing new to report.

**VIII. Alternate Route to Licensure (NBEO) – Rule status**

Nothing new to report.

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**  
**1101 Medical Center Blvd. Marrero, LA 70072**  
**MINUTES**  
**March 08, 2024**

**IX. Act 194: CE Rule Status**

Dr. Gerdes notified the Board that the rule was rejected by the Committee of the Occupational Licensing Board. He notified the Board that there is a new committee and the Board should revise the act to re-present the rule. The definition of 'live' is what the issue appeared to be.

Dr. Sehon motioned for a break to get printed copies of Act 194 for the Board to review. Unanimously approved. Meeting resumed at 10:20am.

Dr. Gerdes suggested changing the verbiage to satisfy the definitions. He also recommended that there is now a new committee that may approve the rule as is. Mr. Hebert mentioned the new committee will look at why it was rejected before and what changes were made. No action was taken.

**X. AG and BOE review of consideration of the Secretary as voting board member**

TBD in Executive Session

**XI. CPA Contract Status**

Mr. Herbert notified the Board that Daryl Purpura submitted proposal for consulting services on an as needed basis and he will re-send it to the Board. He will also send the Board the contract for review at the next meeting.

There was a brief discussion regarding Mr. Purpura submitted a proposal for being the Board CPA full-time. Dr. Avallone notified the Board that if Mr. Purpura is retained the budget will need to be adjusted to reflect that.

**XII. CE and OIG opinion regarding ophthalmology providing CE to OD's**

Nothing new to report.

**XIII. LSBOE Licensing Exam 2024**

Dr. Gerdes informed the Board that the 2024 Licensing Exam will take place July 12-13 in Shreveport. Dr. Gerdes asked if Dr. Avallone could reach out to Dr. Louis regarding the new law questions for the exam.

Dr. Avallone recommended that all Board members attend the licensing exam.

Dr. Gerdes inquired about a virtual option for licensing.

**XIV. Rule to implement the disability accommodations required by Act 393**

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**  
**1101 Medical Center Blvd. Marrero, LA 70072**  
**MINUTES**  
**March 08, 2024**

Mr. Herbert notified the Board of the new rule. The Division of Administration will work on the model act for the Board. The draft of the rule will be ready for next meeting for board approval.

**XV. Newsletter**

Dr. Gerdes reminded the Board about having a Board newsletter and asked for Board opinion about topics, etc. Dr. Avallone mentioned that there have been requests for Board meetings be on Zoom.

Dr. LaPoint recommended several possible topics for newsletter and suggests that members present potential topics at the next meeting. Dr. Richardson mentioned that the biggest confusion is what is acceptable for CE. Dr. Gerdes motioned creating draft newsletter content on approved sources of continuing education that will presented at the next meeting for approval. Dr. Richardson seconded the motion and it was unanimously approved.

**NEW BUSINESS**

**XVI. Nomination of LSBOE board member district 2**

Dr. Gerdes notified the Board that Dr. Christopher Wroten tendered his resignation effective immediately (February 23, 2024). Dr. Gerdes explained the nomination process for filling the open seat on the Board.

Dr. Avallone notified the Board that there is a 30 day window to send out the ballots. He suggested using the same printer (K-Team Printing) that was used for the district 1 ballots. Executive Director Anna Cahill will move forward with contacting Lori Johnson at K-Team Printing to get the process started.

**XVII. Elect new Secretary-Treasurer**

Dr. Avallone informed the Board of the duties he has as Secretary and during the transition of Executive Director Anna Cahill. Dr. Avallone confirmed he is willing to work at a reduced compensation of \$2,500/month for him to stay on until the end of his term.

Dr. Gerdes notified the Board of the work Dr. Avallone has done but he believes it is time for the Board to move forward with the Executive Director and a newly elected secretary-treasurer.

Dr. Avallone requested that the March check be signed in full for work throughout the month. There was a brief discussion regarding duties that will be fulfilled in the month of

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**March 08, 2024**

March. Dr. Gerdes agreed to pro-rate the work Dr. Avallone performed through March thus far, terminating on March 11, 2024 for the amount of \$2,212,50.

Dr. Richardson inquired about what the role of the Secretary is. Mr. Hebert gave a brief notice of the roles of the Secretary-Treasurer. He also mentioned that moving forward the Secretary may not need to be a paid position with the addition of an Executive Director. Dr. Gerdes opened the floor for nominations. Dr. Richardson nominated Dr. Sehon for secretary-treasurer. Dr. LaPoint seconded the nomination and Dr. Avallone abstained. Motion passed and Dr. Sehon was elected as the new secretary-treasurer.

**XVIII. Change of address of LSBOE**

Anna Cahill notified the Board that the address currently listed on the website, applications, checks, etc. is a Ruston address. She requested that the address be updated to her new office at West Jefferson Medical Center.

Dr. Gerdes questioned if the Board should change banks. There was a brief discussion regarding what switching banks would entail.

Dr. Gerdes motioned to add discussion of the signature card to the agenda.

**XIX. Signature Card**

Dr. Gerdes motioned to update the bank signature card to include the board President (Dr. Gerdes), Executive Director (Ms. Cahill) and Secretary-Treasurer (Dr. Sehon). Dr. LaPoint seconded the motion and it was unanimously approved.

**XX. Attorney's Report**

1. Mr. Hebert notified the Board that there is an O.D. in Ville Platte, Louisiana who received a phone call who said he was the chief investigator for the LSBOE. The call came from the actual Board cell phone number. Mr. Hebert reached out to the district attorney from that parish to see if this person can be tracked down.
2. Mr. Hebert notified the Board that a public records request was made by a non-profit out of Arlington, Virginia requesting any applicant that was denied an optometry license for bad moral character.
3. Mr. Hebert notified the Board that a question was received a question regarding fees for copies of prescriptions.

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**  
**1101 Medical Center Blvd. Marrero, LA 70072**  
**MINUTES**  
**March 08, 2024**

**EXECUTIVE SESSION**

Motion (Sehon/LaPoint) – No objections. Passed unanimously. (Entered 12:08 pm)

**XXI. Litigation**

- A. By OAL v Heitmeier, et al No C-729018 19th JDC State of Louisiana
- B. By LSBOE v OAL et al No. C-729434 19th JDC State of Louisiana

**XV. Complaints**

- A. Complaints & Investigation of complaints
  - i. Ongoing
  - ii. New
- B. Reactivation requests
- C. Request for Reinstatement from Prior Disciplinary Action

**EXECUTIVE SESSION – (Exited 12:50 pm)**

**XVI. Report on Items Discussed in Executive Session**

Dr. Avallone motioned that Dr. Barun Hazra’s license be renewed as inactive for 2024 following receipt of the remaining balance of \$700.00. Dr. Gerdes seconded and the motion unanimously passed.

**XVII. Public Comment**

No comments received

**XXII. Next Meeting**

Board members agreed that the next meeting/hearing will be scheduled for March 25, 2024.

**Adjourn**

Meeting adjourned at 1:00 pm

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Keith Sehon, O.D.  
Secretary LSBOE

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Gerald “Jerry” Gerdes, O.D.  
President LSBOE