

**LOUISIANA STATE BOARD OF OPTOMETRY
EXAMINERS
1100 Loyola Ave. Suite 898, New Orleans, LA 70163
MINUTES
November 10, 2023**

Roll Call/Call to Order/Confirmation of posting of notice and agenda

The roll was called at 8:46 am with present members: Drs. Avallone, Gerdes, LaPoint, Richardson, Sehon and Wroten, and Mr. Many Lopez. Also present were board counsel Mr. AJ Herbert, III, Public Guests/OAL Members.

Declaring a quorum was present and confirming proper posting of meeting notice and agenda, Dr. Gerdes called the meeting to order.

I. Adoption of Agenda

Motion (Avallone/LaPoint) to adopt the agenda was approved/adopted without amendment or objection. Passed unanimously.

II Approval of Minutes

Motion (Avallone/Richardson) to approve the minutes previously distributed by email for review. Mr. Herbert gave his opinion regarding the accuracy of the July minutes as written. No edits, amendments or objections were heard from board members. Minutes from meetings held in July, August, September and October were approved unanimously.

III. Secretary's Report

A. Finance and Budget Report

i. Teleconference with CPA

Ms. Tonya Wade reviewed the financial statements through September 2023. She explained that the gross income compared to expenses shown could result in a negative income for the year unless income increases during the remaining year. Also, funds from the Reserve account is available for any shortfall in income. Through September 2023, the LSBOE is currently under budget. She also expressed that all finances seemed to be in order and looks good currently. No inconsistencies noted. With reference to LLA Findings, she stated that it was difficult to eliminate all LLA findings due to small board size but the more members involved in processes the better.

B. License Activity

i. Renewals

Renewals are currently taking place. Most are TPA/DPA licenses but some Inactive licensees are renewing as well. To date approx. 150 licensees have paid. The ARBO CE audit is expected to take place within the next week. Once the licensee has paid and has been verified to have received proper CE hours the renewal will be complete. March 1, 2024, is the deadline for renewal without penalty.

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- ii. Applicants / New Licensees**

All applicants from July 2023 have been issued their license.
A new License certificate is needed for future licenses to record all seven board members signatures. Discussion was held to continue to have all board members sign each license and to affix the state seal when the license is issued to help assure validity of each license and resist any counterfeiting.
- iii. Retirement**

None reported
- iv. Endorsement request**

Discussion regarding two applicants currently applying for licensure by endorsement,
Dr. Joseph Pruitt – Currently licensed in Oklahoma
Dr. Andrea Capps May –Currently licensed in Georgia, Virginia, New York - Inactive in South Carolina and Colorado.
All licenses need to have verification of good standing.
Motion (Avallone/Sehon) to approve Dr. Pruitt’s application for licensure by endorsement following good standing verification of current OK license.
Action deferred until next meeting regarding Dr. Capps-May application following reception of all copies of current licenses and examination of scope of practice in each state.
- v. Inactive requests**

None reported
- vi. Hardship requests**

None reported
- vii. Request for Reinstatement**

None reported
- viii. Complaints**

To be discussed in Executive Session

C. Required Training

- i. Sexual Harassment Prevention**

Waiting for issuance of training link following multiple request submissions by Dr. Avallone. Mr. Herbert to follow-up.
- ii. Ethics training resources from BOE**

Mr. Lopez is currently the only member in need of Ethics training.

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OLD BUSINESS

IV. Louisiana Legislative Audit 2020/2021

A. consultant hiring update

Mr. Daryl Purpera's contract has been signed and he has begun his review process. He indicated that he expects to be completed before year end.

V. Telehealth - Rule status

In process. Dr. Gerdes estimated completion by April 2024.

VI. Dispensing of Pharmaceuticals – Rule status

DISCONTINUED - opposition from Sen. Fred Mills due to his belief – Out of Scope
May be reconsidered in the future.

VII. Alternate Route of Licensure (NBEO) – Rule Status

DISCONTINUED - opposition from Senate Health & Welfare counsel Christine Peck opinion stating the LSBOE does not have authority to delegate licensing examination. If desired, legislative action needed. Will be reconsidered in the future by the LSBOE.

VIII. ARBO Contract Status

Contract signed and submitted to ARBO

IX. ACT 194: CE to comply with statute-Rule Status

Progressing. Completed Fiscal Impact, Notice of Intent issued. Waiting for hearing.

X. Hiring an Executive Director to administer LSBOE operations- RFQ

RFQ posted on website. Mr. Herbert has submitted the RFQ for publication in *The Advocate* at multiple locations on 11/15/23 with responses due NLT 11/29/23.

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

Mr. Herbert reported the BOE is in the review process and the topic has been docketed for December 8, 2023. The AG office and Mr. Herbert have not connected via telephone calls to date. No Final answer available yet.

NEW BUSINESS

XII. Rule to implement the disability accommodations required by Act 393

Mr. Herbert recommended to delay rule implementation until a templet rule is created for the LSBOE to benchmark.

XIII. Newsletter

Discussion was held. NO ACTION TAKEN. Resume discussion next meeting.

EXECUTIVE SESSION - Motion to Enter (Gerdes/LaPoint) Passed unanimously - 10:25am

XIV. 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**
- C. LOUISIANA BOARD OF ETHICS Docket Number: 2022-830
IN THE MATTER OF DR. JAMES SANDEFUR AND OPTOMETRY
ASSOCIATION OF LOUISIANA**

XV. Complaints

- A. Complaints & Investigation of complaints**
 - i. Ongoing: EYEBUY DIRECT CEASE AND DESIST LETTER**
 - ii. New**
- B. Reactivation requests**
- C. Request for Reinstatement from Prior Disciplinary Action**

EXECUTIVE SESSION – (Closed 11:18am)

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XVI. Request for Approval of continuing education

Discussion was held regarding the acceptance of CE hours presented October 3, 2023 by an in-state medical practice prior to COPE approval. As reported by Drs. Schon & Gerdes, COPE approval was requested by the provider prior to the event and received following the event presentation. Motion (Gerdes/LaPoint) The LSBOE accept the CE hours presented on Oct 3, 2023, by the Eye Surgery Center, as an approved source as outlined in Act 194, for 3 in person hours received in 2023. Passed unanimously

XVII. Report on Items Discussed in Executive Session

INFORMATION ONLY - NO ACTION TAKEN

XVIII. Public Comment

Dr. Puerto questioned any plans for the LSBOE to address expenses and budgeting process. Is the board planning any action to address possible financial losses in 2023? Mr. Herbert responded that the board may speak among themselves as long as a quorum does not exist. Open Meeting law applies to committees as well. Dr. Avallone responded that the budget process is outline in the Policy & Procedures Manual which was recently sent to Dr. Puerto.

Dr. Barry spoke about the information presented from

Next Meeting

Tentatively scheduled for 8:30 am, December 11, 2023

Alternate date - December 12, 2023.

ADJOURN

Gary Avallone, O.D.
Secretary LSBOE

Gerald "Jerry" Gerdes, O.D.
President LSBOE