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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: 8:59 A.M.

Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Thursday, February 6, 2020

1 State Board of Optometry
2 February 6, 2020
3
4

5 BOARD MEMBERS:
6

7 Carl J. Urbanski, O.D., Chairman
8 Luanne K. Chubb, O.D., F.A.A.O., Vice Chairperson
9 Kimberly F. Boyer, O.D., Secretary
10 K. Kalonji Johnson, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Theodore Stauffer, Executive Assistant, Pennsylvania
13 Department of State
14 Pamela Barnhart, Office of Attorney General, Consumer
15 Protection Member
16 Jeffrey B. Becker, O.D.
17 John A. Godfrey, O.D.
18 Davis C. Haire, O.D.
19 Perry C. Umlauf, O.D.
20
21

22 BUREAU PERSONNEL:
23

24 Ariel O'Malley, Esquire, Board Counsel
25 David N. Smith, Esquire, Board Prosecution Liaison
26 Paul J. Jarabeck, Esquire, Board Prosecutor
27 Dean F. Picarella, Esquire, Senior Counsel
28 Chris Stuckey, Board Administrator
29 Kimberly A. Mattis, Director, Bureau of Finance and
30 Operations, Department of State
31 Julie Snader, Deputy Director, Bureau of Finance and
32 Operations, Department of State
33
34

35 ALSO PRESENT:
36

37 Wesley J. Rish, Esquire, Rish Law Office, LLC
38 Cynthia Rish, Operations Manager, Rish Law Office, LLC
39 Joseph A. Ricci, Esquire, Executive Director,
40 Pennsylvania Optometric Association
41 Ted Mowatt, Wanner Associates, on behalf of
42 Pennsylvania Optometric Association
43 Ashley Harbaugh, O.D., Walmart
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1 ***

2 State Board of Optometry

3 February 6, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Optometry was held on Thursday, February 6,
7 2020. Carl J. Urbanski, O.D., Chairman, called the
8 meeting to order at 8:59 a.m.

9 K. Kalonji Johnson, Acting Commissioner, Bureau
10 of Professional and Occupational Affairs, was not
11 present at the commencement of the meeting.

12 ***

13 Evacuation Announcement

14 [Chris Stuckey, Board Administrator, reviewed the
15 emergency evacuation procedures for One Penn Center.]

16 ***

17 Roll Call/Introduction of Guests

18 [Chairman Urbanski requested roll call be taken and
19 guests in the audience introduce themselves.]

20 ***

21 Approval of Minutes

22 CHAIRMAN URBANSKI:

23 The first order of business is to
24 approve the minutes from the August 22,
25 2019 meeting. Have the Board members

1 had an opportunity to review the
2 minutes? Does anyone have any
3 additions, corrections, or deletions to
4 the August 22 minutes?

5 Would someone like to offer a
6 motion to accept the minutes?

7 DR. GODREY:

8 So moved.

9 CHAIRMAN URBANSKI:

10 Dr. Godfrey, thank you.

11 DR. CHUBB:

12 Second.

13 CHAIRMAN URBANSKI:

14 Second, Dr. Chubb. Any discussion?

15 Hearing none. All those in favor,

16 signify by saying aye. Opposed? Any

17 abstentions?

18 [The motion carried unanimously.]

19 ***

20 Appointment - Bureau of Finance and Operations Annual
21 Budget Presentation

22 [Julie Snader, Deputy Director, Bureau of Finance and
23 Operations, introduced herself and Kimberly A. Mattis,
24 Director, Bureau of Finance and Operations.

25 Ms. Snader provided information regarding the

1 Board's licensee population. Ms. Snader noted the
2 current licensee count at 2,830 with a slight increase
3 from 2,803 two years ago. She also noted the renewals
4 for FY 2016-2017 at 2,673 and FY 2018-2019 at 2,697
5 with a slight increase in licensees.

6 Ms. Snader referred to sources in FY 2017-2018
7 and FY 2018-2019. She noted the majority of revenue
8 is from renewals and applications at 97%.

9 Ms. Snader mentioned expenses can be incurred
10 from direct charges, timesheet charges, and license-
11 based charges. She discussed administrative and legal
12 expenses. She noted expenses for FY 2017-2018, FY
13 2018-2019, the budget for FY 2019-2020, and the
14 expenses as of January 30, 2020. She noted no
15 concerns based on the current numbers.

16 Chairman Urbanski questioned why the
17 administrative costs from FY 2017-2018 to FY 2018-2019
18 were more than doubled and why the FY 2018-2019 budget
19 was not there. Ms. Mattis explained that the Board
20 will pick up the cost to mail all of the licenses and
21 fees for credit card usage during a renewal year. She
22 explained that the administrative line will go back
23 and forth every year.

24 Chairman Urbanski questioned what the budget was
25 for FY 2018-2019 and whether the Board went over

1 budget because of real expenses. Ms. Mattis did not
2 have the requested information. She mentioned that
3 the budget was adjusted every year, and with the
4 solvency of the Board and revenue, it was not a
5 concern.

6 Chairman Urbanski noted it to be helpful to have
7 the additional budget column to compare years. Dr.
8 Chubb questioned whether there was a breakdown of the
9 administrative costs. Ms. Mattis mentioned increased
10 work in the licensing division renewing licenses,
11 credit cards, postage, and maintenance on the system.
12 She will provide a breakdown of the administrative
13 costs.

14 Chairman Urbanski questioned the uptick of the
15 legal costs for counsel and prosecution. Ms. O'Malley
16 stated there had been multiple transfers in counsel
17 and multiple regulatory packages moving at the same
18 time, which accumulated many hours for counsel.

19 Mr. Picarella stated the regulation process was
20 very time-consuming and was a big part of that. Ms.
21 Mattis commented that Boards should have a minimum of
22 two years' worth of revenue on hand, noting that a fee
23 package may take that long. She reviewed the
24 anticipated FY 2019-2020 budget and the projected
25 budget for FY 2020-2021.

1 Ms. Mattis mentioned that most of the application
2 fees for licensees, as well as renewal fees, had not
3 been touched in 30 years, and the Board has more than
4 a two-year surplus.

5 Ms. Snader addressed the Board budget and Board
6 member expense categories. She noted the Board
7 expenses in FY 2017-2018 and FY 2018-2019, as well as
8 the FY 2019-2020 budget. She noted that any money
9 left over at the end of the year goes into a
10 restricted account for the Board to use later. She
11 stated FY 2019-2020 expenses as of January 30, 2020,
12 proposing the budgeted amount for FY 2020-2021.

13 Chairman Urbanski mentioned the Association of
14 Regulatory Boards of Optometry (ARBO) Meeting,
15 questioning whether they could attend an out-of-state
16 meeting since the Board was well under budget.

17 Ms. Mattis noted the out-of-state travel ban was
18 lifted, and the Board had more than enough money to
19 send a limit of two members.]

20

21 Report of Acting Commissioner - No Report

22

23 Report of Prosecutorial Division

24 [David N. Smith, Esquire, Board Prosecutor, presented
25 the Consent Agreements for File No. 16-52-10108 and

1 File No. 16-52-10873.]

2 ***

3 [Theodore Stauffer, Executive Assistant, Bureau of
4 Professional and Occupational Affairs, exited the
5 meeting at 9:25 a.m.]

6 ***

7 Report of Board Counsel

8 [Ariel O'Malley, Esquire, Board Counsel, noted the
9 draft Adjudication and Order for discussion during
10 Executive Session.

11 Ms. O'Malley provided Clean Slate requirements
12 for the Board's information, which provides
13 individuals the opportunity to have their records
14 sealed to proceed with rehabilitation more easily.

15 Ms. O'Malley referred to Senate Bill 853, which
16 defines ophthalmic surgery.]

17 ***

18 [K. Kalonji Johnson, Acting Commissioner, Bureau of
19 Professional and Occupational Affairs, entered the
20 meeting at 9:28 a.m.]

21 ***

22 [Ms. O'Malley referred to Senate Bill 857 concerning
23 the practice and regulation of telemedicine. She
24 stated the bill would allow for the practice of
25 telemedicine and put a lot of the burden on the Board

1 to decide what restrictions need to be in place to
2 provide the appropriate level of safety for patients.

3 Chairman Urbanski referred back to Senate Bill
4 853, Section 2(a)(3), where there is an exception to
5 the Optometric Practice and Licensure Act, "except
6 that the practice of optometry does not include
7 ophthalmic surgery." He questioned how strong that
8 exception was because some of the things defined above
9 may be included in the current statute.

10 Chairman Urbanski commented that it basically
11 says instruments cannot be used on the human eye in
12 which the human eye or ocular adnexa would be cut. He
13 stated removing a foreign body was within their
14 practice act, but this would exclude optometry from
15 that.

16 Chairman Urbanski noted his concerns of the bill
17 affecting the Optometric Practice and Licensure Act
18 because it was under the Medical Practice Act. He
19 stated practitioners who are under their license
20 removing a corneal foreign body will be brought in
21 front of the Board of Medicine for practicing medicine
22 without a license if this passed.

23 Ms. O'Malley noted the bill had not moved since
24 it was introduced on September 19, 2019. She
25 explained that counsel was asked to draft an analysis,

1 which provided its impact on the Board and a
2 comparison with the restrictions in other states when
3 a bill was being considered in the General Assembly.

4 Acting Commissioner Johnson stated now was the
5 time to put issues on public record, where those
6 issues could be placed with the Office of Legislative
7 Affairs.

8 Dr. Haire noted his concern regarding access to
9 care in rural areas of Pennsylvania, where people
10 would have to wait in an emergency room or
11 ophthalmologist's office for 2-3 hours.

12 Dr. Becker commented that it was more than just a
13 foreign body and also includes punctal plugs, chemical
14 washing of the eye, and a whole slew of things that
15 would set optometry backward years.

16 Dr. Haire stated the bill would probably still
17 allow a general practitioner/family medicine
18 practitioner to remove a foreign body, maybe even a
19 nurse practitioner or physician's assistant who may
20 not have access to a microscope or the same level of
21 training as an optometrist.

22 Joseph A. Ricci, Esquire, Executive Director,
23 Pennsylvania Optometric Association, stated POA
24 opposed this bill because almost half of all counties
25 in Pennsylvania have very limited ophthalmology

1 practice locations, which would cause a real problem
2 with access to care in the Commonwealth.

3 Mr. Ricci also believed this was an illegal bill
4 because it attempted to modify the Medical Practice
5 Act, where there is a provision in Section 20 that
6 expressly and explicitly prohibits that act from being
7 used to control or limit the practices of any other
8 licensed professionals in the Commonwealth.

9 Mr. Ricci referred to the Medical Practice Act
10 Section 49, where it identifies the Optometric
11 Practice Act as an act that cannot be amended. He
12 stated the bill tries to amend that section by
13 indicating that the act should also apply for the
14 definition of ophthalmologic surgery.

15 Mr. Ricci referred to Supreme Court Case Martin
16 v. Baldi, which indicates that optometry is an
17 independently licensed profession and cannot be
18 controlled by other professions. He commented that
19 the reason it becomes transparent that this is an
20 attempt by ophthalmology to limit and control the
21 practice of optometry was the fact that this was the
22 only attempt to define any specific procedure or
23 medical practice within the Medical Practice Act.

24 Mr. Ricci stated POA's concerns had been
25 expressed but has become an interprofessional rivalry

1 issue with no interest on the behalf of ophthalmology
2 to compromise their position and remove this
3 definition, so the bill was introduced session after
4 session after session.

5 Mr. Ricci added that this bill would subject
6 every optometrist in the state to control by the
7 Medical Licensure Board because any optometrist who
8 dilates a pupil, removes a foreign body, or inserts a
9 punctal plug is now practicing medicine without a
10 license and will be brought before the Medical Board.

11 Dr. Chubb commented that the bill essentially
12 removes the ability to do anything, like check someone
13 for glasses, so it eliminates the profession and
14 potentially puts it in the hands of other unqualified
15 people.

16 Chairman Urbanski stated the Board would like to
17 be proactive and voice their opposition more formally
18 than just Acting Commissioner Johnson passing it along
19 internally.

20 Acting Commissioner Johnson stated from this
21 point on, the Policy Office is essentially on notice
22 of the Board's strong opposition to language in the
23 bill.]

24 ***

25 Agenda Amendment

1 CHAIRMAN URBANSKI:

2 I would like to make a motion to add
3 after my report, which is Item No. 8,
4 the vice chair report.

5 Is there a second?

6 DR. GODFREY:

7 Second.

8 CHAIRMAN URBANSKI:

9 Dr. Godfrey. Any discussion? Hearing
10 none. All those in favor? Opposed?
11 Any abstentions?

12 [The motion carried unanimously.]

13 ***

14 Report of Board Chairman

15 [Carl J. Urbanski, O.D., Chairman, addressed the
16 importance of getting the press release out by early
17 October concerning health risks of decorative contact
18 lenses and specifically addressing lenses that are not
19 purchased or fit and evaluated in an eye care
20 practice.

21 Acting Commissioner Johnson noted the policy
22 office has been in communication with the Department
23 of Health, and it is ready for the costume season this
24 year.

25 Chairman Urbanski requested the Board look over

1 the press release for any additions, corrections, or
2 suggestions to the language.]

3 ***

4 Report of Vice Chairperson

5 [Luanne K. Chubb, O.D., F.A.A.O., Vice Chairperson,
6 referred to an email received from ARBO. She stated
7 ARBO has been on a two-year negotiation with the
8 National Board of Examiners in Optometry (NBEO), which
9 is the testing site used to license new applicants to
10 the profession of optometry.

11 Dr. Chubb stated NBEO spun off into a separate
12 organization but maintained close ties with ARBO who
13 supported NBEO as the official testing site, where
14 states accepted parts I, II, and III. She noted the
15 contract is no longer in place, and NBEO has
16 essentially established themselves as an independent
17 organization. She stated ARBO is looking into the
18 possibility of developing their own testing center.

19 Dr. Chubb mentioned serving on ARBO's Review
20 Board to review testing to ensure it was not favoring
21 one school over another and was meeting qualifications
22 states expected of candidates, which will no longer
23 continue after this year.

24 Chairman Urbanski stated there is only one NBEO
25 testing center in the United States located in

1 Charlotte, NC, that their statute recognizes, noting
2 the need to likely change their practice act if that
3 test is replaced.

4 Dr. Chubb read the email from ARBO to the Board.]

5 ***

6 Report of Regulatory Counsel

7 [Ariel O'Malley, Esquire, Board Counsel, addressed
8 general revisions, noting IRRC's questions from May
9 2019.

10 Ms. O'Malley referred to § 23.86 regarding
11 continuing education. She suggested the Board use a
12 number instead of a percentage in the regulation. She
13 noted 25% in § 23.86(f), 50% in (g) which breaks down
14 to 15 hours and is an easy fix, and (h) also has
15 percentages. She noted most Boards also focus more on
16 the quantity of hours from distance learning. After
17 some discussion, she noted 25% will be replaced by 8
18 hours.

19 Ms. O'Malley referred to IRRC's questions
20 regarding what was going to happen with renewals and
21 how renewals are treated for those who have not
22 completed their continuing education (CE). She
23 referred to § 23.82(a) regarding continuing education
24 requirements and added language, where "The Board will
25 not renew the license of a licensee who fails to

1 verify compliance with the continuing education
2 requirements.”

3 Ms. O'Malley will make the math edits in the
4 continuing education section and put the preamble into
5 the appropriate format for review at the next Board
6 meeting.

7 Chairman Urbanski questioned how to differentiate
8 between online lectures versus live lectures. He
9 noted it to still be distance learning in the new
10 regulation. He also questioned whether there was an
11 opportunity to change that definition slightly. He
12 referred to § 23.82(g), “credit hours will be given
13 for correspondence programs, taped study programs,
14 online or webinar programs, journal courses.”

15 Ms. Stuckey commented that for other licensing
16 boards, a live webinar is considered a live course, so
17 this would be completely different from other boards.

18 Dr. Umlauf suggested testing individuals at the
19 end of the session to ensure their participation and
20 qualify for the credit.

21 Acting Commissioner Johnson sees the benefit of
22 having some type of attention tracker to ensure folks
23 are at least engaged in the program. He noted the
24 importance of providing a comfortable environment
25 where folks feel encouraged to discuss and

1 participate.

2 Dr. Umlauf noted problems with a live webinar,
3 where an individual could put a live webinar on and go
4 see patients and 2 hours later have 2 hours of credit.

5 Acting Commissioner Johnson mentioned webinars
6 requiring active listening and participation that have
7 messages or auditory cues that will restart the entire
8 webinar if you miss them, ensuring individuals are
9 actually absorbing the information and education.

10 Dr. Chubb stated group settings have more
11 contribution of people who have exceptions to the
12 material being presented. She feels going to an
13 online educational system would take away learning and
14 public protection because communication is not the
15 same.

16 Ms. O'Malley noted general consensus is in-person
17 education and not going 100% into the bucket of live
18 webinars.

19 Dr. Chubb referred to § 23.86(h). She questioned
20 whether teacher, preceptor, lecturer is still valid
21 and whether someone could present the same lecture
22 over and over again.

23 Chairman Urbanski mentioned spending hundreds of
24 hours developing the diabetic guideline and glaucoma
25 guideline for one of the national associations. He

1 noted that removing (h) would take away the ability to
2 apply for credit for that. He commented that speakers
3 who prepare for a lecture should be able to ask for
4 preparation credit but not receive credit every time
5 they give the same lecture. He noted that (h) may not
6 be stated clearly.

7 Chairman Urbanski noted changing 25% to 8 hours,
8 leaving 50% in place and staying away from trying to
9 further define a webinar as live versus recorded and
10 leave it the way it is.

11 Ms. O'Malley addressed Act 41, which provides a
12 wider open door to individuals coming from another
13 jurisdiction with licensing requirements that are
14 substantially equivalent to Pennsylvania requirements.

15 She referred to the draft annex regarding competency
16 that puts forth practicing 2 out of the 5 years and
17 completion of 30 hours of continuing education or
18 achieving a passing score on a Board-approved skills
19 examination.

20 Ms. O'Malley noted that Ms. Wolfgang suggested
21 the Board consider evaluating the utilization of Act
22 41 to provide for the certificates that the Board has
23 because there are issues with the 100-hour course that
24 is offered only once a year in Florida.

25 Ms. O'Malley referred to competency requirement

1 under § 23.27a(a)(2). She noted the language puts
2 forth the time of practice as 2 of the last 5 years or
3 the CE, stating that Boards are generally using "or"
4 in their language.

5 Ms. O'Malley commented that part of the analysis
6 is determining whether or not the licensure
7 requirements in the other state are substantially
8 equivalent also entails looking at the scope of
9 practice. She noted that not all states operate
10 exactly the same and do not have the certificates like
11 the Board, some put all of the credentials together
12 under one license and that is the part of the analysis
13 the Board would have to do when reviewing
14 applications.

15 Dr. Umlauf questioned what happens when an
16 individual from another state wants to apply for a PA
17 license but has never prescribed an oral.

18 Chairman Urbanski noted the 100-hour course is
19 now part of your optometric education in every
20 institution and the test is part of Part II, which is
21 why individuals should pass all three parts of the
22 Board exam and not just the skills exam.

23 Ms. O'Malley stated individuals who have never
24 done pharmaceuticals in their state cannot come to
25 Pennsylvania and get an optometry license and the

1 pharmaceutical certificate. She explained that a
2 provisional license is for people who come close but
3 need to do something to be on point with Pennsylvania
4 licensees.

5 Ms. O'Malley noted that an individual could apply
6 to be licensed as an optometrist but would need to
7 take the 100-hour course in Florida to obtain the
8 certificate for pharmaceuticals. She stated the
9 individual could practice optometry in the interim,
10 take the course while working, and then receive a full
11 optometric license with pharmaceutical certificate.

12 Acting Commissioner Johnson commented that once a
13 jurisdiction is established as substantially
14 equivalent, then there does not necessarily need to be
15 a case-by-case evaluation.

16 Ms. O'Malley noted that keeping all three
17 requirements is not going to work and being hardline
18 about the exam is not favorable.

19 Dr. Haire referred to § 23.27a(a)(1) regarding
20 being properly trained and suggested accepting 2(i)
21 experience in a profession for at least 2 of the last
22 5 years preceding the date of application and 2(ii) 30
23 hours of continuing education.

24 Ms. O'Malley questioned whether the Board wanted
25 to address the therapeutic certificate.

1 Mr. Picarella suggested making that a provisional
2 license, where the Board provisionally gives an
3 individual a license, but in order to receive full
4 licensure, they must get that certification.

5 Ms. O'Malley noted that regulatory counsel is
6 looking for a vote from the Board regarding competency
7 requirements for optometry.]

8 ***

9 CHAIRMAN URBANSKI:

10 We need a motion to accept the wording
11 that is in the draft. We decided not to
12 change anything. We are going to strike
13 "other" since we did not add any other.

14 MR. JOHNSON:

15 I would move that we accept the language
16 as amended.

17 CHAIRMAN URBANSKI:

18 Is there a second?

19 DR. UMLAUF:

20 Second.

21 CHAIRMAN URBANSKI:

22 Any other discussion? Hearing none.

23 All those in favor, signify by saying

24 aye. Opposed? Any abstentions?

25 [The motion carried unanimously.]

1 ***

2 Report of Board Administrator

3 [Chris Stuckey, Board Administrator, addressed
4 mandatory training. She told Board members not to
5 worry about the training emails received from the
6 Commonwealth on their pa.gov account because of issues
7 and to focus on paper ones that are to be reviewed,
8 signed, and returned.

9 Ms. Stuckey reminded Board members that annual
10 financial disclosure filing is due May 1, and she will
11 provide an email with online instructions.]

12 ***

13 Old Business - OE Tracker

14 [Chris Stuckey, Board Administrator, stated she
15 contacted ARBO and received a list of questions
16 regarding the Optometric Education (OE) Tracker and
17 the cost involved when doing an audit for each
18 licensee of the Board.

19 Acting Commissioner Johnson explained that the
20 problem with ARBO moving forward in that process
21 directly violates Commonwealth Procurement Rules. He
22 stated prospective vendors are essentially handed off
23 to the procurement office, noting vendors must be
24 certified as a vendor with the Department of General
25 Services. He mentioned being in the process of

1 negotiating a list of vendors that can provide a
2 bureau-wide solution that would cover all the Boards.

3 Chairman Urbanski stated the item was put on the
4 agenda again to have a discussion to utilize ARBO and
5 their OE Tracker to increase the number of licensee
6 audits verifying individuals have met educational
7 requirements.

8 Chairman Urbanski mentioned the importance of
9 bringing this up is because of the budget and possibly
10 the additional \$20-\$25 expense per licensee to audit
11 their CE. He commented that the Board has not had a
12 fee increased in 20 or 30 years and has a nice surplus
13 but covering that expense for 3000 licensees would be
14 significant. He noted there would be a fee increase
15 to cover additional costs to increase audit
16 percentages if the Board decided to get a vendor.]

17 ***

18 New Business - Election of Officers

19 CHAIRMAN URBANSKI:

20 I will open the floor to nominations for
21 the position of Chair.

22 DR. GODFREY:

23 I'd like to nominate Dr. Chubb.

24 CHAIRMAN URBANSKI:

25 I will second that motion. Dr. Chubb,

1 do you accept the nomination.

2 DR. CHUBB:

3 I do.

4 CHAIRMAN URBANSKI:

5 Any further discussion on our motion?

6 All those in favor, signify by saying

7 aye. Opposed? Any abstentions?

8 Congratulations, Dr. Chubb.

9 [The motion carried unanimously.]

10 ***

11 CHAIRMAN URBANSKI:

12 Now we will accept nominations and a

13 motion for the position of Vice Chair.

14 DR. CHUBB:

15 I nominate Dr. Godfrey for Vice Chair.

16 CHAIRMAN URBANSKI:

17 I will second that motion. Any further

18 discussion? Hearing none. All those in

19 favor? Opposed? Any abstentions?

20 Congratulations, Dr. Godfrey.

21 [The motion carried unanimously.]

22 ***

23 CHAIRMAN URBANSKI:

24 Are there any nominations for the

25 position of secretary? I would like to

1 nominate Dr. Boyer.

2 Is there a second?

3 DR. CHUBB:

4 Second.

5 CHAIRMAN URBANSKI:

6 Dr. Chubb, thank you. Any further
7 discussion? Any other nominations?

8 Hearing none. All those in favor?

9 Opposed? Any abstentions?

10 Congratulations, Dr. Boyer.

11 [The motion carried unanimously.]

12 ***

13 New Business - Report of Secretary

14 [Kimberly F. Boyer, O.D., Secretary, discussed the
15 Board newsletter to be distributed around November
16 during the renewal cycle. She mentioned including
17 information regarding driver's requirements concerning
18 visual standards for motorists. She stated the POA
19 website has covered that well but not all optometrists
20 in Pennsylvania are POA members and suggested crafting
21 a newsletter with links to the proper documents.

22 Chairman Urbanski requested the introduction of
23 new Board members with a biography also be on the
24 newsletter.

25 Acting Commissioner Johnson suggested including

1 the optometry navigator guide for current licensees
2 and prospective applicants to help individuals
3 understand PALS and the licensing and application
4 process.

5 Dr. Becker recommended placing something in the
6 newsletter regarding the importance of optometrists
7 understanding it is mandatory to report when a person
8 does not meet driver requirements and PennDOT's job to
9 take their license away.]

10 ***

11 Board Meeting Dates

12 [Carl J. Urbanski, O.D., Chairman, noted May 14,
13 August 20, and November 5 as the remaining Board
14 meeting dates for 2020.

15 Ms. Stuckey mentioned that the tentative 2021
16 Board meeting dates will be on the next agenda.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 11:14 a.m. the Board entered into Executive Session
20 with Ariel O'Malley, Esquire, Board Counsel, for the
21 purpose of conducting quasi-judicial deliberations and
22 to receive the advice of Board Counsel. The Board
23 returned to open session at 11:32 a.m.]

24 ***

25 MOTIONS

1 MS. O'MALLEY:

2 The Board was just in executive session
3 conducting quasi-judicial deliberations
4 on matters that are currently pending
5 before the Board as well as receiving
6 the advice of counsel.

7 CHAIRMAN URBANSKI:

8 Would someone like to make a motion to
9 send the Act 41 draft out as an exposure
10 draft?

11 DR. HAIRE:

12 I'll make that motion.

13 CHAIRMAN URBANSKI:

14 Is there a second?

15 DR. BECKER:

16 Second.

17 CHAIRMAN URBANSKI:

18 Any further discussion? All those in
19 favor, signify by saying aye. Opposed?
20 Any abstentions?

21 [The motion carried unanimously.]

22 ***

23 CHAIRMAN URBANSKI:

24 The first Consent Agreement and Order is
25 File No. 16-52-10108.

1 Is there a motion to accept the
2 consent agreement?

3 DR. UMLAUF:

4 So moved.

5 CHAIRMAN URBANSKI:

6 Thank you. Is there a second?

7 DR. BOYER:

8 Second.

9 CHAIRMAN URBANSKI:

10 Thank you, Dr. Boyer. Any further
11 discussion? Hearing none. All those in
12 favor, signify by saying aye. Opposed?
13 Any abstentions?

14 [The motion carried unanimously. The Respondent's
15 name is Vincent Gamuzza, O.D.]

16 ***

17 CHAIRMAN URBANSKI:

18 The next Consent Agreement and Order is
19 File No. 16-52-10873.

20 DR. UMLAUF:

21 I move that this consent agreement be
22 rejected as drafted.

23 CHAIRMAN URBANSKI:

24 Second?

25 DR. JOHNSON:

1 Second.

2 CHAIRMAN URBANSKI:

3 Any discussion? Hearing none. All
4 those in favor, signify by saying aye.
5 Opposed? Any abstentions?

6 [The motion carried unanimously.]

7 ***

8 CHAIRMAN URBANSKI:

9 The last item is the draft Adjudication
10 and Order at File No. 19-52-000284, a
11 case involving David P. Alan, O.D.

12 DR. UMLAUF:

13 I move that we accept the final
14 Adjudication and Order for this
15 particular individual.

16 CHAIRMAN URBANSKI:

17 Thank you, Dr. Umlauf. Is there a
18 second?

19 DR. CHUBB:

20 Second.

21 CHAIRMAN URBANSKI:

22 Dr. Chubb, thank you. Any further
23 discussion on the adjudication and
24 order? Hearing none. All those in
25 favor, signify by saying aye. Opposed?

1 Any abstentions?

2 [The motion carried unanimously.]

3 ***

4 Miscellaneous

5 [Carl J. Urbanski, O.D., Chairman, noted that the
6 Association of Regulatory Boards of Optometry's Annual
7 Meeting will be in Washington, DC, and requested
8 sending the chair and vice chair as the Board's
9 representatives.]

10 ***

11 CHAIRMAN URBANSKI:

12 We should make a motion as a Board to
13 request travel for two members from this
14 Board.

15 MR. JOHNSON:

16 I move that we request the arrangements
17 be made.

18 CHAIRMAN URBANSKI:

19 Thank you. Is there a second?

20 DR. UMLAUF:

21 Second.

22 CHAIRMAN URBANSKI:

23 Dr. Umlauf, thank you. Any further
24 discussion? All those in favor, signify
25 by saying aye. Opposed? Any

1 abstentions?

2 [The motion carried unanimously.]

3 ***

4 Adjournment

5 CHAIRMAN URBANSKI:

6 Is there a motion to adjourn?

7 DR. UMLAUF:

8 So moved.

9 CHAIRMAN URBANSKI:

10 Dr. Umlauf. Second?

11 MR. JOHNSON:

12 Second.

13 CHAIRMAN URBANSKI:

14 Mr. Johnson, thank you. All those in
15 favor? Any opposed or abstentions? We
16 are adjourned.

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Board of
20 Optometry meeting adjourned at 11:36 a.m.]

21 ***

22

23

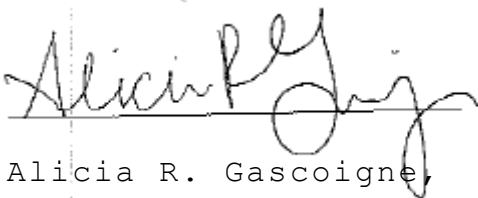
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CERTIFICATE

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



Alicia R. Gascoigne
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OPTOMETRY
REFERENCE INDEX

February 6, 2020

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	8:59	Official Call to Order
9		
10	8:59	Roll Call/Introduction of Guests
11		
12	9:00	Approval of Minutes
13		
14	9:01	Appointment - Kimberly A. Mattis,
15		Director, Bureau of Finance and
16		Operations; Julie Snader, Deputy
17		Director, Bureau of Finance and
18		Operations Annual Budget Presentation
19		
20	9:24	Report of Prosecutorial Division
21		
22	9:26	Report of Board Counsel
23		
24	9:48	Report of Board Chair
25		
26	9:50	Report of Board Vice Chair
27		
28	9:56	Report of Regulatory Counsel
29		
30	10:58	Report of Board Administrator
31		
32	11:00	Old Business
33		
34	11:04	New Business
35		
36	11:14	Executive Session
37	11:32	Return to Open Session
38		
39	11:32	Motions
40		
41	11:36	Miscellaneous
42		
43	11:36	Adjournment
44		
45		
46		
47		
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