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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: 8:58 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
2601 North Third Street
Harrisburg, Pennsylvania 17110

August 22, 2019

1 ***

2 State Board of Optometry

3 August 22, 2019

4 ***

5 The regularly scheduled meeting of the State Board
6 of Optometry was held on Thursday, August 22, 2019.
7 Carl J. Urbanski, O.D., Chairperson, called the
8 meeting to order at 8:58 a.m.

9 ***

10 Approval of Minutes

11 CHAIRPERSON URBANSKI:

12 Has everyone had an opportunity to review
13 the Minutes from the May 9, 2019 meeting
14 as attached to the agenda? Is there a
15 motion to accept the Minutes?

16 DR. CHUBB:

17 Move to accept.

18 DR. BECKER:

19 Second.

20 CHAIRPERSON URBANSKI:

21 So moved, Dr. Chubb. Second, Dr. Becker.

22 Any discussion?

23 Hearing none, all those in favor
24 signify by saying aye? Opposed? Any
25 abstentions?

1 [The motion carried unanimously.]

2 ***

3 Evacuation Announcement

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

6 ***

7 Roll Call

8 [Chairperson Urbanski requested that roll call be
9 taken. A quorum was noted to be present.]

10 ***

11 Appointment

12 2018-2019 Prosecution Office Report

13 [Carolyn DeLaurentis, Deputy Chief Counsel,
14 Prosecution Division, Pennsylvania Department of
15 State, provided a history of her professional
16 background.

17 She provided an update of Fiscal Year 2018-2019 by
18 noting that generally with regard to the Board of
19 Optometry 28 new cases were opened and there was 1
20 suspension. Ms. DeLaurentis acknowledged the hard
21 work of the Bureau of Enforcement Investigation when
22 presented with petitions to serve.

23 With regard to the Prosecution Division as a
24 whole, there were 11,359 open cases, 69 immediate
25 temporary suspensions, and 13,270 cases closed. She

1 referred to the PALS.pa.gov website where the public
2 can go to file a complaint and the JNET database that
3 collects all the criminal justice information in the
4 state. Ms. DeLaurentis commented that the Optometry
5 Board has not been brought to her attention, but that
6 boards including the Realty, Vehicle, Cosmetology and
7 Barber Boards have seen an increase in JNET alerts.
8 She commended her staff for their outstanding efforts
9 in moving the cases along.

10 Ms. DeLaurentis commented that the Governor's
11 Office of General Counsel has a mediation program
12 available and reviewed the program. She indicated
13 that oftentimes a neutral third party entering a case
14 can provide a fresh view of the case and help to reach
15 a resolution.]

16 ***

17 [Audience members were asked to identify themselves
18 for the record.]

19 ***

20 Report of Board Counsel

21 [Dean F. Picarella, Esquire, Board Counsel, noted a
22 Proposed Adjudication and Order to be discussed during
23 Executive Session.

24 He discussed Act 41, a law recently enacted by the
25 Governor and becoming effective August 30, 2019, that

1 will allow boards to grant provisional and full
2 endorsement licenses. He reviewed certain conditions
3 that must be met before licenses by endorsement can be
4 granted, including the applicant must hold an active
5 license in another state or country, the applicant
6 must demonstrate competency in the profession or
7 occupation that is acceptable to the board, the
8 applicant has not committed any act that constitutes
9 grounds for refusals, revocation or suspension of a
10 license, the applicant is in good standing and has not
11 been disciplined by the jurisdiction that issued the
12 license, and the applicant has to pay the required
13 fees.

14 Mr. Picarella stated Act 41 also allows the board
15 to issue a provisional license by endorsement and
16 discussed what that process would entail.

17 He further stated the Act also requires that final
18 regulations be promulgated by all boards across the
19 state within 18 months of the effective date which
20 would be somewhere around January of '21.

21 Mr. Picarella explained, until the regulations are
22 in place, each board has been recommended to designate
23 a committee to review applications and determine
24 whether a license by endorsement can be granted.

25 Mr. Picarella suggested that a committee be

1 established for licensure by endorsement.]

2 CHAIRPERSON URBANSKI:

3 I would welcome a motion to for the
4 formation of a new committee to look at
5 and evaluate license by endorsement under
6 Act 41.

7 DR. GODFREY:

8 So moved.

9 CHAIRMAN URBANSKI:

10 Do I hear a second?

11 DR. CHUBB:

12 Second.

13 CHAIRPERSON URBANSKI:

14 Dr. Chubb. Thank you. Discussion on
15 giving this committee the ability to
16 grant these licenses without bringing
17 them in front of the full Board.

18 [Board members had further discussion on the motion.]

19 CHAIRPERSON URBANSKI:

20 We will call the question to vote to form
21 a committee to grant licensure by
22 endorsement. The committee will include
23 two people.

24 [After further discussion, Dr. Godfrey was asked if he
25 would agree to amend his motion to stipulate that the

1 committee will be made up of two members.]

2 DR. GODFREY:

3 Yes.

4 CHAIRPERSON URBANSKI:

5 Dr. Chubb, you seconded the motion, do
6 you accept that amendment?

7 DR. CHUBB:

8 Yes.

9 CHAIRPERSON URBANSKI:

10 Any discussion on the amendment? We'll
11 vote on the motion as amended. All those
12 in favor, signify by saying aye?
13 Opposed? Any abstentions?

14 [The motion carried unanimously.]

15 ***

16 [Chairman Urbanski noted the next order of business
17 would be assigning the regulatory process to the
18 standing regulatory committee for review of
19 requirements for Act 41 licensure. Mr. Picarella
20 stated the Board would need to consider how long of a
21 time period an applicant would be given, if granted a
22 provisional license, in order to meet conditions to
23 get the full endorsement. There was further
24 discussion regarding that matter.]

25 ***

1 Dr. Urbanski thanked Dr. Boyer, Dr. Godfrey, and
2 Ms. Stuckey for devoting their time and effort to
3 revising and updating the drug list, which was
4 approved by the Board. He stated the list is also
5 posted on the website.

6 Dr. Urbanski commented that Counsel is working
7 with the Commissioner and Department of Health with
8 regard to getting a decorative contact lens press
9 release out prior to Halloween.]

10 ***

11 Report of Regulatory Counsel

12 [Dean Picarella, Esquire, Board Counsel, noted the
13 Board received comments from IRRC with regard to the
14 16A-5213 General Revisions and will be discussing
15 those comments during its regulatory committee
16 meeting. He asked Board members to provide input
17 regarding the comments and to consider offering
18 comments on the CE requirements.]

19 ***

20 Report of Board Administrator

21 [Chris Stuckey, Board Administrator, noted a copy of
22 the letter sent to ACOE as requested by the Board was
23 enclosed with the agenda packet. She noted newsletter
24 updates were emailed to licensees on June 28, 2019.

25 Ms. Stuckey provided an updated copy of contact

1 information to each member.]

2 ***

3 Old Business - None

4 ***

5 Miscellaneous

6 ARBO Meeting Report

7 [Luanne Chubb, O.D., F.A.A.O, Vice Chair, stated there
8 was discussion of regulatory requirement concerns,
9 telemedicine and the telemedicine process, the NBEO
10 standard skills assessment, and a \$100 fee increase to
11 all the state boards.

12 There was discussion regarding individuals in
13 Maryland, as an example, who had met the six-time
14 limit on the NBEO exam, did not pass, and were
15 requesting exceptions from the state to be licensed
16 even though they failed the national boards. Dr.
17 Chubb noted the different scope of practice bills that
18 different states are facing was also discussed.
19 She indicated the next ARBO meeting will be held in
20 Alexandria and that Boards are asked to send as many
21 representatives as possible to that meeting. Dr.
22 Chubb indicated that surveys would be sent out in
23 between regarding suggestions for Part III of the
24 exam.

25 Dr. Chubb commented that exam scores were briefly

1 addressed, that there are fewer applications, so the
2 idea of optometry is being cultivated in high school
3 and early college years.

4 Board Counsel was asked to provide clarification
5 with regard to Board member requirements. Language
6 barriers with regard to exams was brought up as being
7 a potential issue.

8 Dr. Chubb noted ACOE was approved by the higher
9 education agency (CHEA) as far as following proper
10 guidelines. She provided further information
11 regarding the matter.

12 Chairperson Urbanski asked Board members to
13 consider attending the ARBO meeting in Alexandria.]

14 ***

15 Public Comment

16 [Joseph Ricci, Esquire, Executive Director,
17 Pennsylvania Optometric Association, updated the Board
18 regarding POA legislation. He discussed two bills.
19 The first one, which has yet to be introduced, would
20 require comprehensive eye health examinations in
21 children on entry to school, fourth grade and eighth
22 grade and anytime a child is being considered for
23 admission into a rehabilitation program. Mr. Ricci
24 stated POA's Children's Vision Care Alliance has
25 recently been awarded a \$5,000 grant from the AOA

1 Foundation to support the educational outreach that
2 would come to be a part of that children's vision
3 initiative.

4 Mr. Ricci stated the second bill would be updating
5 the Scope of Practice Act introduced as Senate Bill
6 391 and sponsored by Senator John Gordner. He noted
7 that Senator Jake Corman, Senate Majority Leader, has
8 expressed a concern that bills coming out of the
9 Senate were dying in the House Professional Relations
10 Committee and did not want to waste any more
11 senatorial legislative time on bills that have no
12 chance in the House. Mr. Ricci stated POA was working
13 with a representative in the House to introduce
14 companion legislation, push the bill out of the House
15 to be addressed by the Senate. There was further
16 discussion regarding the matter.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 10:08 a.m. the Board entered into Executive Session
20 with Dean F. Picarella, Esquire, Board Counsel, for
21 the purpose of conducting quasi-judicial deliberations
22 and to receive legal advice from Board Counsel. The
23 Board returned to open session at 10:52 p.m.]

24 ***

25 Appointment - Legal Presentation on Regulatory Process

1 [Cynthia Montgomery, Esquire, Regulatory Counsel,
2 Pennsylvania Department of State, presented before the
3 Board for discussion regarding the regulatory process.

4 Ms. Montgomery referred members to a detailed
5 PowerPoint presentation of the eight basic steps of
6 the regulatory process, which include drafting the
7 regulation, pre-publication review, publication of the
8 proposed rulemaking/public comment, review by the
9 legislative committee and IRRC, revision of the final
10 rulemaking by the Board, post-publication review,
11 legislative committee and IRRC review, part two, and
12 publication of the final regulation.

13 Ms. Montgomery discussed two ways final
14 adjournment of a two-year legislative session or sine
15 die would have on legislation, including regulations
16 would have to be delivered to IRRC during that period
17 of time and delivered again to the standing committee
18 in the new legislation session.]

19 ***

20 MOTIONS

21 CHAIRPERSON URBANSKI:

22 Do we have a motion on File No. 19-
23 52-000284?

24 DR. BOYER:

25 I move to adopt Findings of Fact and

1 Conclusions of Law in discussion of
2 the Proposed Order and direct our
3 Board Counsel to draft and substitute
4 a Final Order consistent with
5 discussions held in Executive
6 Session.

7 CHAIRPERSON URBANSKI:

8 Dr. Boyer. Is there a second?

9 DR. CHUBB:

10 Second.

11 CHAIRPERSON URBANSKI:

12 Dr. Chubb. Any discussion on the
13 motion? Hearing none, all those in
14 favor signify by saying aye?

15 Opposed? Any abstentions?

16 [The motion carried unanimously. The Respondent's
17 name is David P. Alan, O.D.]

18 ***

19 [Chairperson Urbanski stated a regulatory meeting
20 would be held immediately following this meeting.]

21 ***

22 Adjournment

23 CHAIRPERSON URBANSKI:

24 Do we have a motion for adjournment?

25 DR. UMLAUF:

1 Motion.

2 CHAIRPERSON URBANSKI:

3 Dr. Umlauf. Second?

4 DR. HAIRE:

5 Second.

6 CHAIRPERSON URBANSKI:

7 Dr. Haire. Thank you. All those in
8 favor? Any opposed? Any abstentions?

9 [The motion carried unanimously.]

10 ***

11 [There being no further business, the State Board of
12 Optometry Meeting adjourned at 11:27 a.m.]

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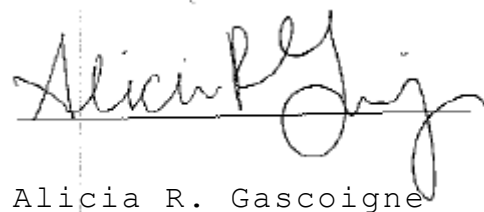
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CERTIFICATE

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
August 22, 2019

	TIME	AGENDA
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2		
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6		
7	8:58	Official Call to Order
8		
9	8:59	Approval of Minutes
10		
11	9:00	Appointment - 2018-2019 Prosecution O
12		Office Report
13		
14	9:10	Report of Board Counsel
15		
16	9:38	Report of Board Chairperson
17		
18	9:39	Report of Regulatory Counsel
19		
20	9:40	Report of Board Administrator
21		
22	9:41	Miscellaneous - ARBO Meeting Report
23		
24	10:04	Public Comment
25		
26	10:08	Executive Session
27	10:52	Return to Open Session
28		
29	10:53	Appointment - Legal Presentation on
30		Regulatory Process
31		
32	11:26	Motions
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34	11:27	Adjournment
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