

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the April 10, 2024, Meeting

- I. 10:06 am, called to order by Dawn Bircher, OD, Board President. Members of the Board present were Drs, Philip Walters and Gary Beaver and public member Seth Katz. Dr Sheena Nagaraja arrived later. Also in attendance were Tim Resner, Board Counsel and Jan Murray, Executive Officer. Members of the public in attendance were Todd Fleischer, KOA Representative, Ashcon Alizadeh, Chelsey Nolasco, and Lauren Ziehm.
- II. The agenda was approved by consensus.
- III. Review and approval of the minutes of the last meetings.
 - A. Motion (Beaver/Walters/4-0): That the minutes from the January 3, 2024, meeting be approved.
 - B. Motion (Walters/Beaver/4-0): That the minutes of the March 25, 2024, meeting be approved.

Motion (Bircher/Walters/4-0) to go into a closed session.

The Board adjourned into closed session at 10:12 am.

The Board reconvened at 10:29 am.

- IV. Motion (Beaver/Walters/4-0): To extend Ascon Alizadeh's exam application for one year, based on regulations that prevent exemptions for not passing NBEO Part I.
- V. Reciprocities:
 - A. Motion (Walters/Nagaraja/4-1): That the reciprocity of Chelsey Nolasco, OD be approved.
 - B. Motion (Bircher/Beaver/Unanimous): That the reciprocity of Lauren Ziehm, OD be approved.
- VI. Trade Names:
 - A. Motion (Beaver/Nagaraja/Unanimous): That the trade name of *Drs. Simmonds and Schaller, Optometrists, LLC*, 216 N Meridian Rd Newton, KS 67114 for Ryan Simmonds, OD and Morgan Schaller be approved.
- VII. Report of the President:
 - A. Dr Bircher welcomed Seth Katz to the Board.
 - B. Motion (Walters/Beaver): To continue with the same Board officers.
 - C. Motion (Beavers/Walters/4-0): To approve the stipulation and final order for Ryan Kueker, OD Case #2024-12. Dr Nagaraja abstained.
 - D. Telemedicine guidance was discussed. Dr Bircher will be drafting updates for the Board to review at the next meeting.
- VIII. Report of the Vice-President:
 - A. No Report

- IX. Report of the Secretary-Treasurer
- A. Dr Beaver discussed a request the Board received for the use of Radiofrequency in optometry offices. Discussion was tabled until July to allow Dr Beaver to do more research on the procedure.
- X. Report of the Member at Large
- A. No Report
- XI. Report of the Public Member
- A. No Report
- XII. Judge Loren Snell from the Office of Administrative Hearings gave the Board an overview for the next steps on Wade Abbey, case #2020-02 that the Kansas Court of Appeals remanded back to Board.
- XIII. Report of the Legal Counsel
- A. Mr. Resner briefed the Board items that legislature items passed this session.
- XIV. Report of the Executive Officer
- A. Ms. Murray showed the Board the new website.
 - B. Ms. Murray had the Board review the ARBO report.
 - C. Ms. Murray inquired which of the Board members would be attending the ARBO Conference June 16-18, 2024, in Nashville, TN. Drs Bircher and Nagaraja both said they would be attending.
 - D. Ms. Murray discussed the upcoming annual exam. She informed the Board that she had secured the testing site. The Board asked her to schedule another Board meeting the week of May 13, 2024, to discuss the exam content.
 - E. Ms. Murray updated the Board on current renewals.
 - F. The Board instructed Ms. Murray to schedule the Wade Abbey hearing on July 12, 2024, at 9:00 am.
 - G. The Board instructed Ms. Murray to schedule the regulation hearings for KAR 65-5-6 Continuing Education and KAR 65-5-15 Reciprocal License Active Practice Requirements for July 12, 2024, at 8:30 am.
- XV. Comments from the Public
- A. Mr. Fleischer updated the Board on the scope expansion bill that did not pass the legislature this year. He also gave an update on the online driver's license renewal and impaired provider program.
- XVI. Regulation Updates
- A. KAR 65-10-1 Practice locations was tabled.
 - B. KAR 65-10-2 Unlawfully maintaining an office was tabled.
 - C. KAR 65-10-3 License ownership of franchised business of optical dispensing was tabled.

- D. Motion (Walters/Beaver/Unanimous): To begin the process to update KAR 65-8-4 Contents of a prescription through the regulation update process.
- E. KAR 65-4-1 Definitions
 - a. Action Item (Bircher/Walters) define *Practice*.
 - b. Action Item (Beavers) define *Oral Drugs*.
- F. KAR 65-4-5 Professional judgement was tabled.
- G. KAR 65-5-1 Qualifications for licensure by examination was tabled.
- H. Motion (Beaver/Nagaraja/Unanimous): To begin the process to update KAR 65-5-2 Application licensure by examination through the regulation update process.

XVII. Next meeting: July 12-13, 2024, Annual Exam

XVIII. Adjournment: (Bircher/Beaver/Unanimous)

The Board adjourned at 4:00pm