

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

First Horizon Tower

200 W. Congress Street - 12th Floor Boardroom

Lafayette, LA

MINUTES – December 2, 2022

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

The roll was called at 9:37am with present: Drs. Heitmeier, Avallone, Gerdes, Wroten, LaPoint and Mr. Dale Benoit. Also present were board counsel Mr. AJ Herbert, III, State Senator Fred Mills, Mike Waguespack, LLA, Roger Harris, LLA Chief Council and Public Guests and OAL Members.

Declaring a quorum was present, Dr. Heitmeier called the meeting to order.

II. Adoption of Agenda

The agenda was amended by moving items XVII & XVIII from Executive Session upon suggestion from Mr. Herbert & adopted upon motion by Gerdes/Benoit. Passed unanimously.

III. Approval of Minutes

The previous meeting (October 28, 2022) minutes were approved with edits for item XVI submitted by Dr. Anastasio after review by Dr. Gerdes on motion by Benoit/Wroten. Passed unanimously.

IV. Welcome New Board member Dr. Paul LaPoint

Dr. LaPoint was formally introduced as the newly appointed LSBOE member replacing Dr. Anastasio, being the first appointment having been nominated under the new law.

V. Senator Fred Mills address with the Louisiana Legislative Auditor

Sen. Mills addressed the board discussing his history & experience with regulatory boards and professional associations which brought about the new law that changed the LSBOE nomination process. Sen. Mills reiterated the need for separation of regulatory board and the profession they must regulate.

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Mr. Waguespack & Mr. Harris spoke about their experience in the LLA and explained that they can help the LSBOE to develop “Best Practices” to guide the LSBOE in the future.

VI. Secretary’s Report –

a. Finance and Budget Report

Dr. Avallone presented a financial report including a P&L statement, Balance Sheet, and Budget comparison for year 2022 as of October 31, 2022.

b. License Activity – All to be discussed in Executive Session (if needed)

- i. Renewals Ongoing – aprox 250/637 renewed thus far
- ii. Applicants/New Licensees - none
- iii. Retirement requests - none
- iv. Endorsement request – 2 outstanding, waiting on law tests results
- v. Inactive requests - none
- vi. Hardship requests - none
- vii. Complaints – no new complaints

c. Required Training

- i. Ethics Training – Benoit non-compliant
- ii. Sexual Harassment Prevention - Benoit & Gerdes non-compliant
Dr. Avallone to contact SCS to request a new training link

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OLD BUSINESS

VII. Louisiana Legislative Audit 2020

- a. general update – See “c”
- b. Recovery from OAL – Continue Tolling agreement, LLA may be able to suggest an arbitrator if no agreement can be reached.
- c. Review of the 5 Unresolved Audit findings –
 - i. Lack of Controls over Disbursements
Resolved by approving payments by two parties. Signing Statements/Invoices and/or two signatures on checks
 - ii. Lack of Controls over Bank Reconciliations
Resolved by having the CPA perform the Bank reconciliations and reviewed by the LSBOE Secretary & President
 - iii. Lack of Controls over Collections
Resolved by having the CPA Reconcile Deposits with number of license renewals, verifications and deposits.
 - iv. Lack of Written Policies and Procedures
Resolved by updating current P &P manual with new procedures explained above.
 - v. Insufficient Support for Approved Budget
Previously resolved by recording disbursement and board approval of annual budget in minutes

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VIII. Telehealth Rule status

- a. specific to Dr. in Office

Dr. Heitmeier expressed concern over the requirement for a provider to be in the facility. Minimum discussion took place. No action taken.

- b. Telehealth Application and Registration fee

Dr. Avallone has sent a final application to Mr. Herbert for legal review. A check box has been placed on the website for office designation. Registration fees set last meeting are ...

Original issuance

\$100 for In-state home address licensees

\$750 for Out-of-state home address licensees

Renewal

\$100 for In-state home address licensees

\$500 for Out-of-state home address licensees

IX. Dispensing of Pharmaceuticals – Rule status

The board was presented a rule proposal by the legal team during the previous meeting and was accepted by unanimous consent with no fee assigned to any licensee at this time. Status to be reported by Mr. Herbert.

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X. CE Rule Status

Status to be reported by Mr. Herbert.

XI. Alternate Routes of Licensure Testing – Rule Status (NBEO)

Status to be reported by Mr. Herbert.

XII. 2021 LLA Update –

Audit not released yet. Nothing published as of this date.

Motion (Avallone/Benoit)– To authorized Dr. Avallone to contact the board CPA to start a Collections review process to satisfy LLA requirements.

NEW BUSINESS

XIII. Discussion on Changes to Continuing Education: COPE accreditation, synchronous CE, approved sources, and online CE

Tabled upon request from Dr. Gerdes

XIV. Reciprocity La. R.S. 37:1051

Tabled upon request from Dr. Gerdes

XV. Request for approval from LSBOE private investigator for a contract rate adjustment

Rate approval not granted

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XVI. Compensation - Dr. Lewis

Discussion held. Mr. Herbert recommended that Dr. Lewis present the board with a written invoice before any payment is to be made. The board agreed and Dr. Avallone will contact Dr. Lewis to request written billing.

XVII. Potential Litigation: LLA audit report and mediation status to recover amounts owed the LSBOE, and proposal received from counsel for the Optometry Association of Louisiana with respect to same (La. R.S. 42:17(A)(2) and/or (A)(4)

a. General Update

Mr. Herbert reported that new information has come to light and recommended that the Tolling agreement be continued.

b. Recovery from OAL

The expected arbitrator is not acceptable to the AG
The LLA may be able to recommend an acceptable party to continue
Mr. Jacques Roy (OAL council) made an oral statement on behalf of the OAL

c. Review of unresolved Audit Findings

See Item VII

XVIII. 2021 LLA Update - See Item XII

XIX. Complaints, Endorsements and Reactivation request

Not discussed

XX. Report on Items Discussed in Executive Session

Executive Session did not take place

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XXI. Public Comment

Dr. Tim Barry pointed out that only seven (7) states required COPE approval for license renewal.

XXII. Next Meeting

January 20, 2023 – 9:30am

Location – Taggart Morton

Adjourn – 12:54 pm

Signature on file

Gary Avallone, O.D.
Secretary LSBOE

Signature on file

David Heitmeier, O.D.
President LSBOE

*Note: Signed copy on file at LSBOE office