

**LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS**  
**1100 Loyola Ave. Suite 898, New Orleans, LA 70163**  
**MINUTES**  
**September 22, 2023**

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

The roll was called at 8:32 am with present: Drs. Gerdes, Avallone, Wroten, LaPoint, Richardson, Sehon. Mr. Many Lopez not present at meeting start, did arrived at 8:43am. Also present were board counsel Mr. AJ Herbert, III, Public Guests/OAL Members.

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

**PUBLIC HEARING**

Proper notice was sent via certified mail to all individuals to be considered for action upon their license.

**Licenses Delinquent and subject to suspension:**

Sheldon M. Anderson, O.D.	Miles D. Ashley, O.D.	William S. Ashley, O.D.
Ivan Bank, O.D.	Otis Bourg, O.D.	Jon L. Branton, O.D.
Heather A. Cohen, O.D.	Alan S. DeShazo, O.D.	Maurice W. Geldert, O.D.
Chesley L. Gregory, O.D.	Rusk Harris, O.D.	Barun Hazra, O.D.
James Hoover, O.D.	Aron Hughes, O.D.	Frederick C. Larriviere, O.D.
Stephanie LeSage, O.D.	Melba Malet'a, O.D.	Summra Masood, O.D.
Charles McMasters	Greyssy L. Melgar, O.D.	George Monsour, O.D.
Charles Nolan, O.D.	Kenneth R. Parker, O.D.	Gregory Patek, O.D.
Philip M. Rice, O.D.	Noha Shehata, O.D.	Brian Sturgill, O.D.

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Tung Tran, O.D.	R. Joe Weaver, O.D.	Joshua Hunter Wilson, O.D.
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All persons listed above were sent proper notice to last known mailing address on file with LSBOE via certified mail and have failed to contact the LSBOE office or attend the hearing.

Motion (Avallone/Gerdes) to immediately suspend the license of all individuals list above with consideration for revocation in January 2024. Passed unanimously.

Motion (Avallone/Wroten) to adjourn the Public Hearing. Passed unanimously.

**I. Adoption of Agenda**

Motion to adopt agenda (Avallone/Gerdes) - approved/adopted without amendment or objection. Passed unanimously.

**II. Approval of Minutes**

The minutes from previous meetings have been distributed by email for review. Approval will be discussed at the November meeting. Dr. Gerdes to email audio file of the July meeting for board counsel review.

**III. Secretary's Report**

**A. Finance and Budget Report**

Dr. Avallone informed the board that the new accounting software is now in use as directed by the board previously and presented financial reports including a P&L statement & Balance Sheet. Three users are authorized – Board President, Board Secretary and Board CPA. Of note, the new software does not offer the budget capability or comparison report as the previous version did but the board CPA has offered to present the budget comparison information in spreadsheet form with board approval.

License Activity –

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i. Renewals – none

ii. Applicants/New Licensees –License number issued/DEA/CDS authorization letter to be updated to reflect the optometrist authorization of Class II & IIN,

1 new applicant (Dr. William Brice) has not responded with required payment and documents. LSBOE Secretary instructed to send a certified mail notice of requirements needed before expiration of the state board application and board exam.

Dr. Malaret – questions regarding the opioid training submitted as to whether it satisfies the state requirement. The board has requested the Secretary to request a course description for the training taken. Lacking such, 1 more hour opioid training will be required before license issue.

iii. Retirement – 11 requests

iv. Endorsement request – 1 application expected soon

v. Inactive requests - 1 new requests

vi. Hardship requests no new requests

vii. Request for Reinstatement following Disciplinary Action – TBD in Executive Session

viii. Complaints – TBD in Executive Session

**B. Required Training**

i. Ethics Training –all new members must complete required training for 2023.

ii. Sexual Harassment Prevention – Dr. Avallone reported no members completed required training for 2023. Request for training link submitted.

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**OLD BUSINESS**

**IV. Louisiana Legislative Audit 2020/2021**

Mr. Herbert received no response from Dr. Heitmeier as to whether a letter has been sent to the LLA and suggested the board should assume that the letter has not been sent. He will forward to all board members the letter with corrective actions that Dr. Avallone sent to Dr. Heitmeier on June 16, 2023, as a draft for the letter to the LLA.

Mr. Herbert reported contact with Ms. Elizabeth Thorton from the LLA office who has suggested that the 2022 & 2023 audits be combined due to lack of staffing in the LLA office. Counsel recommended to approve the combination of audit years but emphasized that all findings must be corrected. A discussion was held regarding the combination of audits years.

Discussion regarding the board CPA participation in LSBOE meeting was held. It was agreed that the CPA will be included from time to time during future meetings.

**V. Telehealth - Rule status**

Dr. Gerdes suggested several edits regarding “termination” and emergency care, requiring a state license as well as others. All edits will be sent to board counsel for review. Dr. Avallone reports an application for Telehealth permit has been created. No Telehealth permit fee has been decided to date. Dr. Wroten inquired regarding exception provisions for occasional urgent/emergent telehealth use.

Motion (Gerdes/Avallone) Board counsel submit Telehealth rules subject to edits/amendments suggested in the meeting and reviewed and approved by board counsel and the board. Passed unanimously.

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**VI. Dispensing of Pharmaceuticals – Rule status**

Mr. Herbert reports the rule continues the legislative promulgation process. Dr. Gerdes inquired regarding any mention of Class 2N use. Mr. Herbert responded that the 2N discussion didn't occur until after the rule had been submitted. Dr. Wroten noted that the authorized use by optometrist of 2N medicine is by statute therefore this rule should have no effect on 2 N use by optometrists.

**VII. CE Rule Status**

The Governor signed SB 210 (Act 194). A discussion ensued regarding the law/rule and license renewal. Dr. Gerdes distributed redline copies edited by Dr. Wroten and suggested that board members review and send possible edits to him, and discussion will continue on this matter at the next board meeting.

Motion (Avallone/Sehon) that the board direct board counsel to create guidance to clarify acceptable CE received in 2023 for license renewal in 2024. Passed unanimously.

**VIII. Alternate Route of Licensure (NBEO) – Rule Status**

Fiscal Impact statement prepared and submitted to the state DOA who will process and forward for promulgation once approved. Forecast effective date is January 2024. Mr. Herbert suggested that we ask to state to process the rule as an Emergency after hearing from Dr. Maris Barnes a 2022 optometry school graduate who has been unable to schedule the yearly administered state optometry board exam.

**IX. ARBO Contract Status**

Under ARBO review. Mr. Herbert to communicate with Lisa Fennel regarding completion of contract

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**X. CPA Contract Status**

Revised contract including language that both parties must agree upon any increase in fees charged from year to year signed by CPA. Dr. Gerdes expected to sign contract at meeting close.

**XI. Executive Director Status**

Mr. Herbert completed RFQ and distributed for board review. Mr. Herbert reports no need to obtain permission from the state to hire an ED. Allow 30 days from first RFQ publication. Responses will be directed to board counsel who will then forward them to all board members. Interviews can be conducted not necessarily during a board meeting within the last six weeks of 2023. Salary to be negotiated based on experience.

Motion (Gerdes/LaPoint) Board counsel publish RFQ as mandated by statute, he will forward application to all board members. Response deadline will be 15 days from last publication. Interview will be set up accordingly, either in person or zoom.

**XII. License Applicant Information Release**

An inquiry into how the release relative to the State Board Exams being conducted in Shreveport July 14-15, 2023, occurred was conducted by Dr. Sehon. Dr. Sehon reported unable to contact the Alcon representative. He reported discussion with Dr. Avallone regarding how long the dinner for applicants had taken place. Dr. Sehon reported that Dr. Avallone informed him that Alcon was contacted and told not to request any applicant information in the future. Dr. Avallone has also made it clear to his staff that no LSBOE information will be disbursed without his expressed clear direction.

Dr. Sehon also reported over the years many names of board members were also associated with the OAL. He reported finding another organization (The Louisiana Eye Health Educational Institute, LLC. – Articles of incorporation attached) which also shared the same address as the

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LSBOE and OAL. He reported Dr. Avallone's name was listed on the articles of incorporation (10-25-2000) and that the entity was still listed as actively registered with the Secretary of State as of 10-25-2022 and Dr. Wroten was listed as President. Dr. Wroten stated no knowledge of the information presented. When asked Dr. Avallone reported no memory of any activity of the organization. Dr. Avallone reported sending the entity bank statements to the OAL sometime in early 2022. Dr. Gerdes asked several questions to both Drs. Avallone and Wroten which were denied by both.

**XIII. Senate Bill 210**

Stricken due to redundancy with Item VII

**NEW BUSINESS**

**XIV. Hiring an Executive Director to administer LSBOE operations**

Stricken due to redundancy with Item XI

**XV. Rule to implement the disability accommodations required by Act 393**

Dr. Gerdes and board counsel to discuss accommodations and suggest to the board at a later date. A short discussion followed. ADA guidelines may be included in the RFQ for the new ED. No action taken.

**EXECUTIVE SESSION**

Motion (Gerdes/LaPoint) – No objections. Passed unanimously. (Entered 11:15 am)

**XVI. 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

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**XV. Complaints**

**A. Complaints & Investigation of complaints**

i. Ongoing

ii. New

**B. Reactivation requests**

**C. Request for Reinstatement from Prior Disciplinary Action**

**EXECUTIVE SESSION – (Exited 11:56 am)**

**XVI. Report on Items Discussed in Executive Session**

Dr. Gerdes reports no actions & no votes taken during the Executive Session.

Mr. Herbert reported that the standard procedures will be followed to process and close complaints.

**XVII. Public Comment**

No comments received

**XVII. Next Meeting**

Board members agreed that the next meeting will be scheduled for 8:30am November 10, 2023 (November 17, 2023, if the room unavailable on 11/10/2023).

**Adjourn**

Meeting adjourned at 12:00 pm

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Gary Avallone, O.D.  
Secretary LSBOE

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