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

The roll was called at 1:05pm with present: Drs. Heitmeier, Avallone, Wroten, Gerdes, LaPoint and Mr. Dale Benoit. Absent board counsel Mr. AJ Herbert, III, Public Guests/OAL Members.

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

1. **Adoption of Agenda**

The agenda was amended to add upon motion (Benoit) discussion of applicant information release without objection. Dr. Avallone suggested adding the new item under New Business, Item VII. Passed unanimously.

1. **Approval of Minutes**

The minutes from 06/08/23 were previously distributed by email for review. No edits, amendments or objections were heard. The minutes approval was deferred until the next meeting.

1. **Secretary’s Report**
2. Finance and Budget Report

Dr. Avallone prior to the meeting distributed financial reports including a P&L statement, Balance Sheet, and Budget/Actual expense comparison through June 2023. All budget items are as expected except for the legal fees due to prior year billing occurring in early 2023. Dr. Wroten questioned the time period covered in the P&L due to the discrepancy of license renewal income. Dr. Avallone reported that both actual and budget columns were year-to-date and the discrepancy in numbers was due to the timing of renewal fees received.

Dr. Avallone reported that the accounting software the LSBOE currently is using is now not supported by the manufacturer. A discussion was held, and the consensus was to allow Dr. Avallone to update/upgrade the accounting software to the appropriate level with nominal changes in software cost.

Dr. Gerdes voiced concern regarding the legal expenses already incurred and expected legal fee to come in light of legal proceedings anticipated. He asked at what point the board would consider an increase in fees. Dr. Avallone reported currently $180,000 in the main checking with aprox $84,000 in the legal reserve fund available. No estimates of future legal fees has been provided by either attorney. The board has not received any billing for legal work conducted in 2023. Members of the LSBOE questioned how the billing from Mr. Larry Demmons would be received. Will the LSBOE be billed directly from Mr. Demmons, or will that bill be submitted by Mr. Herbert? No answer was provided at the time of this meeting. No change in the legal contract is anticipated. Dr. Heitmeier stated he would send an email to board counsel and copy all board members regarding this subject.

**OLD BUSINESS**

1. **Legislative Audit Response**

Dr. Heitmeier reported missing the email from Dr. Avallone regarding a letter to the LLA outlining corrective actions. Dr. Heitmeier confirmed that all findings have been addressed.

He expects to review the email and finalize a letter to the LLA soon. Dr. Wroten reminded the board the CPA attendance at board meetings has not occurred yet and requested her attendance in the August meeting. Dr. Avallone reminded the board that the CPA has coordinated our corrective actions regarding income reconciliation with the LLA office and has received approval.

**NEW BUSINESS**

1. **2023 State Board Exam Report – Dr. Lewis**

Dr. Lewis thanked the board for allowing his participation and board assistance

45 applicants participated in testing over July 14 & 15

Pass rate was 100%

17 Schools of Optometry were represented by the applicants

Updates are expected due to recent changes in law and anticipated rule changes and feedback from the test participants.

An expanded description of the clinical exam for the website based on the NBEO testing outline will be designed, assisted by Dr. Jeff Anastasio.

Needed test equipment will be clarified on the agenda and website for test applicants.

The interview section of the test agenda will be performed in a group setting rather than as individuals.

Dr. Heitmeier mentioned that an alternate license pathway is being pursued to assist applicants who have not qualified for the July test date.

1. **Election of officers**

Dr. Gerdes was nominated by Dr. Heitmeier.

Dr. Gerdes was granted a Point of Personal Privilege to thank all board members for their concern and prayers regarding his 5-year-old son. Dr. Gerdes reports a great improvement in the health of his son and that he expects that he will have the time to conduct the duties of LSBOE President and is willing to accept those duties.

No other nominations were heard.

Dr. Gerdes was elected President of the LSBOE unanimously. Effective at the close of the meeting July 15, 2023.

Dr. Avallone will continue as LSBOE Secretary as stipulated under the current contract.

1. **License Applicant Information Release**

Mr. Benoit expressed concern regarding the applicant information released and a desire to follow the advice of board counsel regarding remediation steps.

Dr. Heitmeier reported that he spoke with some license applicants informing them of information release to a third party and that party had assured the LSBOE of no subsequent information release and that the released information has been destroyed.

Dr. Avallone accepted responsibility for the information release and reported the information released was the applicant’s name, email address, and Optometry school attended. No financial and/payment information was involved.

Board Counsel indicated that a formal letter will be sent informing each applicant of the information release scope and remedy.

Mr. Benoit expressed a lack of understanding of why the LSBOE is facilitating the activities of the OAL.

Dr. Avallone responded that the LSBOE was not facilitating the OAL activities. Alcon’s only desire was to invite each applicant to dinner to familiarize them with Alcon products.

Dr. Heitmeier said that one could jump to conclusions that given correspondence from Alcon representative a meeting could have taken place with Dr. Avallone and the OAL. Dr. Avallone denied any meeting had taken place with the OAL and himself.

Dr. Heitmeier stated that the LSBOE’s only mission is to protect the health, welfare, and safety of the public and in his opinion the LSBOE should not be giving private data to any third party.

Dr. Heitmeier expressed concern about the loyalty of Dr. Avallone. He stated that Dr. Avallone works for and is paid by the LSBOE. He suggested that emails should go through not only the Secretary but also the LSBOE President or board counsel, so the Secretary isn’t the only individual who sees the email communication due to the recent information released.

Dr. Gerdes reported that a notice was sent to the [lsboe@yahoo.com](mailto:lsboe@yahoo.com) from Roz Moore which was not distributed regarding a rule hearing and as a result no person from the LSBOE was in attendance. Dr. Avallone denied withholding information or not distributing any official notice sent to the LSBOE and asked for specific information regarding the email referenced. No specific information was given other than reports by Dr. Heitmeier and Dr. Gerdes of claims by Roz Moore of sending the notice to the LSBOE.

Mr. Benoit motioned that pending results of the opinions sought from the AG and Ethic Board, all official communication go to the attorney and copy the LSBOE President, the Secretary continue to handle administrative duties of accounting and collecting fees.

Dr. Heitmeier restated the motion “that all official communication go to the attorney and copy the President.”

Dr. Avallone requested clarification, Dr. Heitmeier confirmed that “it would go to the attorney and copy the President and they would distribute it.”

Mr. Benoit expressed that the intent of his motion was that “administerial duties, licensing, collecting fees continue to go through the Secretary/Treasurer’s office, but anything else that involves a question about endorsements, complaints, state reporting goes to the attorney and copy the President.

Dr. Wroten expressed concern regarding legal fees if board council gets every email and asked if all incoming and outgoing emails are included.

Dr. Heitmeier responded of his desire to “have the board know about everything that is taking place. When you have official communication going to one person and it’s not being disseminated, I don’t think that appropriate for a Board”

Dr. Avallone again asked for any specific information regarding any official notice sent to the LSBOE email address that was not distributed properly and continued to deny failure to distribute such information.

Dr. Heitmeier continued to convey a conversation with Roz stating that an email was sent to the LSBOE email address that was not distributed to other members. Dr. Avallone denies receiving any such email and asked again for specific information regarding the email in question (subject, time, date). Other than the subject no specific information was offered.

Dr. Avallone that without specific information the motions being made could be based on inaccurate information.

Dr. Heitmeier restated the motion again that “official communication go to the attorney and the President”

Dr. Wroten asked if those communication would go to the Secretary as well, Dr. Heitmeier responded “sure”

No objections were heard and Dr. Heitmeier declared “Motion carried, So, all official email of the board will be three emails, the Secretary, President and attorney”

Dr. Avallone asked “How do we get the senders to send to all three?”

Dr. Heitmeier said’ “That’s a work in progress. As you get the emails and so forth and so on.”

1. **President's Farewell**

Dr. Heitmeier stated “Optometry is the greatest profession in the world”

Incredible for him and his family, much change and evolution since his graduation from Optometry school. The board has had challenges, he filled an unexpired term. We made lots of strides and it’s been uncomfortable at times. During his term in the legislature, he has seen similar situations. The regulatory body has one mission and that’s to protect the health welfare and safety of the public. The more space put between the regulatory body and the private party the better it is for the profession.

1. **Public Comment**

Mr. Benoit expressed his thoughts after five years on the LSBOE. Not pleasant in the last couple of years because of conflict and lawsuit. Hopefully everyone is learning how a state agency should operate and hopefully we will see the regulatory body and the association prosper on their own terms. It’s been great getting to know you guys. I’m sure I will see some of you at other events. This is the second time I have been here and was impressed the first time and again this time. It’s a great facility and you do a great job.

1. **Next Meeting**

August meeting will be August 11, 2023, In New Orleans

**Adjourn**

Meeting adjourned at 1:57pm

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Gary Avallone, O.D. Gerald “Jerry” Gerdes, O.D.

Secretary LSBOE President LSBOE