

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

6201 Florida Blvd. Baton Rouge, LA 70806

MINUTES

March 21, 2025

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

The roll was called at 9:02 am with the following LSBOE board members present: Drs. Kasovich, Lamar, Anastasio, and Jong. Ms. Wicker arrived at 9:50am. Dr. LaPoint and Gerdes were absent. Also present were Public Guests, OAL Members and Board counsel Mr. AJ Herbert. Executive Director, Anna Cahill, was also present.

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

II. Adoption of Agenda

Motion to adopt the agenda (Lamar/Jong) - approved/adopted without objection.

III. Approval of Minutes

Motion to adopt the minutes (Kasovich/Anastasio) – approved/adopted without object.

IV. Executive Director's Report

a. **Finance and Budget Report** – Ms. Cahill provided an update to the Board regarding the Balance Sheet and Profit & Loss documents.

b. **License Activity**

a. **Renewals** – Ms. Cahill notified the Board of the delinquent list. Dr. Kasovich made a motion to send a letter to notify them of their late renewal and implement a \$250 fine for each OD on the list.

b. **Applicants/new licensees** - No update.

c. **Endorsement request** – Ms. Cahill presented the two new endorsement requests to the Board. The application for J.M. was denied. Dr. Kasovich motioned to approve the application for N.S. pending the receipt of his Colorado license verification and passing the Louisiana law portion of the exam. Dr. Jong seconded and it was unanimously approved.

d. **Inactive requests** – No new requests.

e. **Hardship requests** – One request – to be discussed in executive session

f. **Request for reinstatement** - No new requests.

g. **Complaints** – to be discussed during executive session

c. **Required Training**

a. Ms. Cahill reminded the Board to take their ethics training. She notified them that a new sexual harassment training link will be sent as well for those who missed the first one.

d. **Requests for Guidance**

a. Mr. Herbert notified the Board that there were four new requests for guidance received since the previous meeting. The first was whether the Board issues licenses for professional optometry corporations as opposed

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

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to individual optometrists. The answer is no. The second is in regard to the Professional Optometry Corporations Act. There is not a Professional Optometry Limited Liability Company Act. This causes uncertainty on if you can have a professional optometry LLC instead of a PC. They asked for our opinion and Mr. Herbert suggested we not give an opinion and ask them to refer to their own legal counsel. The third request was whether or not the Board issues an optician license in Louisiana. The answer is no. The fourth is in regard to programs that offer a free eye exam with the purchase of glasses. FTC rule is that you cannot tie them together. FTC requires you must give the patient a prescription first and then offer to sell them glasses. Mr. Herbert suggested submitting the advertisement to the FTC as a Board and if they decide it violates their rule, and if so then they can decide if they want to take action.

OLD BUSINESS

V. **Welcome Home Reporting**

Mr. Herbert notified the Board of the Governor's executive order regarding the Welcome Home Reporting. He will complete the report and Ms. Cahill will update the website with the necessary information.

VI. **Occupational Licensing Review Program**

Mr. Herbert updated the Board with more information regarding the program and listed the benefits of joining the program. He also informed the Board that the fee is per licensee and the cost of the fees may change each year. Dr. Kasovich made a motion to enroll LSBOE in the program. Dr. Anastasio seconded the motion and it was unanimously approved.

VII. **CE Rule Promulgation Update**

Mr. Herbert informed the Board that the rule has been passed through several hands since January 1. He notified the Board that the new program should help move it forward.

NEW BUSINESS

A. LLA Outsourcing Audit- Mr. Herbert informed the Board of why LLA will sometimes outsource someone to complete the audit. Dr. Kasovich made a motion to approve the LLA's proposed company of Pinell and Martinez to complete the 2024 audit. Dr. Anastasio seconded the motion and it was unanimously approved.

B. ARBO Invoices for Auditing CE- Ms. Cahill notified the Board of the cost for ARBO conducting the CE audit each year. Dr. Kasovich made a motion to add the auditing cost as well as the cost for the occupational licensing review program to the 2025 budget. Dr. Lamar seconded the motion and it was unanimously approved.

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS
6201 Florida Blvd. Baton Rouge, LA 70806
MINUTES
March 21, 2025

Dr. Kasovich made a motion to terminate the contract with ARBO for conducting the CE Audit. Dr. Lamar seconded the motion and it was unanimously approved.

- C. Request for Advanced Procedures License-** Ms. Cahill notified the Board of a current licensee who has completed the advanced procedures course and would like their license to reflect that. Dr. Kasovich made a motion to approve the request. Dr. Jong seconded and it was unanimously approved.
- D. Fees associated with License Verification**
Ms. Cahill informed the Board of the current costs associated with license verification through the LSBOE. Dr. Kasovich informed the Board that these fees are standard. No action was taken.
- E. Update on 1442 deposition by board designee Dr. Gary Avallone**
Mr. Herbert notified the Board that the deposition proceeded on March 7. He notified the Board that a copy of the transcript has been requested.
- F. Update on Attorney General's position**
Mr. Herbert informed the Board that there were no updates.

EXECUTIVE SESSION

Motion (Kasovich/Lamar) – A roll call vote was held to go into executive session; the motion passed unanimously. (Entered 10:14am)

VIII. 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**
- C. Update on Ethics Board Proceedings related to LSBOE/OAL pending litigation**

IX. Update on Complaints

- a. Pending Complaints**
- b. New Complaints since last Meeting**

X. Requests for Reinstatement from Prior Disciplinary Action

XI. Board Attorney Discussion

EXECUTIVE SESSION – (Exited 10:53am)

XIV. Report on Items Discussed in Executive Session

Dr. Kasovich made a motion to accept the hardship request and not implement a delinquent fee but the missed hours should be made up. Dr. Lamar seconded the motion and it was approved. Dr. Anastasio abstained from the vote.

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

6201 Florida Blvd. Baton Rouge, LA 70806

MINUTES

March 21, 2025

Dr. Kasovich made a motion to award a contract to Carrie Jones for legal representation of the Board. Dr. Lamar seconded the motion and it was unanimously approved. He thanked AJ Herbert for his work with LSBOE.

XVI. Public Comment –

There was no public comment.

XVII. Next Meeting - Board members agreed that the next meeting/hearing will be scheduled for April 25, 2025 in Baton Rouge for 9:00am.

Adjourn - Meeting adjourned at 10:56am.

Paul Lapoint, O.D.
Secretary LSBOE

Kevin Kasovich, O.D.
President LSBOE