

**LOUISIANA STATE BOARD OF OPTOMETRY
EXAMINERS
1100 Loyola Ave., Suite 898, New Orleans, LA 70163
MINUTES
January 19, 2024**

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

The roll was called at 8:37 am with present members: Drs. Gerdes, Avallone, LaPointe, Richardson, Sehon, Wroten (8:45am arrival), and Mr. Many Lopez. Also, present were board counsel Mr. AJ Herbert, III, Public Guests/OAL Members.

Declaring a quorum was present and confirming proper posting of meeting notice and agenda, Dr. Gerdes called the meeting to order.

I. Adoption of Agenda

Motion (Sehon/Lopez) to adopt the agenda was approved without objection. Passed unanimously.

II Approval of Minutes

Motion (Gerdes/Sehon) to edit the minutes previously distributed by email for review by deleting all three Addenda attached. Dr. Avallone moved to amend the Gerdes motion to substitute Optometry related subject matter from the OCLB committee hearing pertaining to Optometry in leu of the full hearing transcript and to keep the Addenda pertaining to the Purpera report and the Louisiana Eye Health Educational Institute information as a personal privilege as he and Dr. Wroten were cited in previous meeting as being named in that entity documentation. Avallone Motion failed without a second. Gerdes Motion passes (5-2) Dr. Wroten requested that his arrival time be noted as 8:45am. No further edits, amendments or objections were heard from board members. Edited minutes from the meeting held in December will be approved and signed at the next meeting.

III. Secretary's Report

A. Finance and Budget Report

Financial reports for December not available due to weather events disrupting travel, mail and office hours. Account balances were stated for operation account (aprox \$204,000) and Reserve account (\$85,000+). Dr. Gerdes opened the bank statements to verify amounts.

A proposed Budget draft was distributed in November and one day prior to this meeting for review. Discussion was held with suggestions on how to improve the bottom line.

Motion (Avallone/Sehon) to approve budget as discussed with edits before submitting to DOA. Passed unanimously.

B. License Activity

Motion (Avallone/Richardson) to approve quote submitted by K-Team Printing for 250 certificates with foil gold seal suitable for imprinting at \$786.09, shipping and tax not included. Passed unanimously.

i. Renewals

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- Renewals continue until March 1st without penalty
 - ii. **Applicants / New Licensees**
Ashcon Zadeh submitted a request for sponsorship to re-take NBEO Part 1, Following discussion Motion (Sehon/Avallone) to deny request Passed unanimously.
 - iii. **Retirement**
None reported
 - iv. **Endorsement request**
Dr. Joseph Pruitt – Approved, pending passage of Louisiana Law testing previously. Law test administered by Dr. Lewis in December; license number issued.
 - v. **Inactive requests**
None reported
 - vi. **Hardship requests**
Eye Surgery Seminar attendees previously waived CE requirement for 2023
 - vii. **Request for Reinstatement**
To be discussed in Executive Session
 - viii. **Complaints**
To be discussed in Executive Session
- C. Required Training**
- i. **Sexual Harassment Prevention**
All required training for 2023 completed for all board members
All board members in need of required training for 2024
 - ii. **Ethics training resources from BOE**
All required training for 2023 completed for all board members
All board members in need of required training for 2024

OLD BUSINESS

V. Louisiana Legislative Audit 2020/2021

A. consultant's findings and recommendations

Dr Gerdes will send out state travel regulations which the board can review and discuss later. He mentioned requirements for minutes to be in PDF format and original receipts required for travel reimbursement.

VI. Telehealth - Rule status

No additional information since the December meeting but now with a new administration we can pursue the issue.

VII. Dispensing of Pharmaceuticals – Rule status

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No additional information since the December meeting but now with a new administration we can pursue the issue.

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

No additional information since the December meeting but now with a new administration we can pursue the issue.

IX. ACT 194: CE to comply with statute-Rule Status

No additional information since the December meeting but now with a new administration we can pursue the issue.

X. AG and BOE review of consideration of the Secretary as voting board member

Mr. Herbert reports no issue with the Secretary being a voting board member.
BOE has the topic scheduled for discussion at an upcoming meeting.
The AG has not given any written opinion

NEW BUSINESS

XI. Authority to pursue general professional and consulting services agreement with Daryl Purpura.

Dr Gerdes suggested that the board change CPA services from Wade & Perry to Mr. Daryl Purpura. Discussion followed. No action taken.

XII. CE and OIG opinion regarding ophthalmology providing CE to OD's

MDs can provide CE to ODs without risk if CE is provided at market value. CE provider must have proper sponsorship or accreditation for CE to be accepted for license renewal.

XIII. LSBOE licensing exam 2024

The board following discussion approved the July 12-13, 2024, dates offered by Dr. Lewis.

XIV. Rule to implement the disability accommodations required by Act 393

No additional information since the December meeting but now with a new administration we can pursue the issue. Mr. Herbert to reach out to DOA for more information.

XV. Executive Director contract

Discussion involved the notice of termination without cause (12 mos. or 6 mos.) within the Exec Director agreement. Motion (Gerdes/Sehon) to approve the interim Executive Director agreement as presented with edits of starting date to January 21, 2024, changing LSBME to LSBOE, adding language of "unless mutually agreed upon by both parties" to paragraph 12a with a 12-mo notice of termination without cause. Substitute Motion (Avallone/Wooten) to add language stating notice of termination "not less than 6 mos but not more than 12 mos".

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Motion Failed (4- nay, Gerdes, LaPoint, Sehon, Richardson—yea, Avallone, Wroten, Lopez) Gerdes Motion Passed unanimously. (Avallone abstained from voting) Further discussion regarding Dr Gerdes email to Dr. Avallone requesting all LSBOE property and documents be brought to the January 19 meeting. When questioned by Dr. Gerdes, Dr. Avallone responded that the request by Dr. Gerdes was unrealistic and demonstrated a lack of understanding of the volume of office equipment and documents needed to be moved. Dr. Avallone suggested that a moving service be contacted and scheduled to complete the move ASAP. Dr. Gerdes questioned Mr. Herbert regarding the need for bids for moving expenses. Mr. Herbert did not think bids were required but recommended obtaining 3 bids for moving expenses. Dr. Avallone inquired regarding the transition process and possible travel to Ruston. Mr. Herbert pointed out that the ED contract states, “travel as required”. Dr. Gerdes indicated the board will leave it to the discretion of the ED on how to best transition. Dr. Avallone suggested to start the process for bank authorization for all who need to be authorized to sign checks and conduct bank business.

XVI. Newsletter

Tabled until the ED is up to speed. Dr. Gerdes reiterated that full board approval would be needed for anything to be included in a newsletter distributed by the board.

EXECUTIVE SESSION

Motion (Sehon/LaPoint) to enter Executive Session- Passed Unanimously

XVII. Litigation:

A. By OAL v Heitmeier, et al No C-729018 19th JDC State of Louisiana
i. Mediation between LSBOE and OAL

B. By LSBOE v OAL et al No. C-729434 19th JDC State of Louisiana

XVIII. Complaints

A. Complaints & Investigation of complaints

i. New

B. Reactivation requests

i. Request for Reinstatement from Prior Disciplinary Action

EXECUTIVE SESSION – Closed

XIX. Report on Items Discussed in Executive Session

Information only. No action taken.

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XX. Public Comment

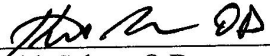
Dr. Camile Chaison commented and inquired about the concern for any deficit spending and the rush to start MS Cahill as ED with the monthly cost associated with the new ED contract. Dr. Avallone noted that the Secretary contract will terminate at the end of February 2024 and the ED should be in position at that time. Dr. Roy asked if the new ED contract would add to any expected deficit. Dr. Avallone answered that due to the expected 6-week overlap of ED contract and existing Secretary contract there will be approximately a \$9000 increase in administrative expenses. Dr. Roy asked if the board knew what the expected cost of Mr. Purpera anticipated contract. Mr. Herbert responded the expected cost would be \$225/hr.

XXI. Secretary AD HOC (Added by unanimous consent)


Motion (Gerdes/Sehon) to add this item to the agenda. Passed unanimously
Motion (Gerdes/Avallone) to authorize the board President to appoint a Secretary between March 1st and March 8 should that position become vacant upon the resignation of Dr. Avallone as board Secretary. Passed unanimously

Next Meeting
March 8th at West Jefferson Medical Center
8:30am

ADJOURN



Keith Sehon, O.D.
Secretary LSBOE



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