1100 Loyola Ave. Suite 898, New Orleans, LA 70163
MINUTES

**December 12, 2023** 

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

The roll was called at 8:31 am with present members: Drs. Avallone, La Point, Richardson, Sehon, Wroten (8:45am arrival), and Mr. Many Lopez. Absent – Dr. Gerdes. Also, present were board counsel Mr. AJ Herbert, III, Public Guests/OAL Members.

Due to Dr. Gerdes' absence Motion per Rober's Rules (Avallone/LaPoint) Dr. Sehon was asked to act as President Pro temp to preside over the meeting and accepted the position. Passed unanimously.

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

### I. Adoption of Agenda

Motion (Avallone/LaPoint) to adopt the agenda was approved/adopted with a change of order without objection. Passed unanimously.

# XVII. Issue Concerning October CE, CPR, prior LSBOE guidance, and impact on attendees

Following discussion regarding an ophthalmology seminar used for CE credit accepted by the board during the November meeting further information indicates the board is not able to accept for CE credit due to lack of accreditation by COPE and violation of OIG guidelines. Motion (Avallone/LaPoint) The board vacates the decision/vote taken last meeting to accept CE provided during the Gerner seminar and to grant a hardship waiver to any seminar attendee that fails to receive required amount of CE for 2024 license renewal. Passed unanimously. Note: Dr. Sehon abstained from voting.

### **II Approval of Minutes**

Motion (Avallone/LaPoint) to approve the minutes previously distributed by email for review. No edits, amendments or objections were heard from board members. Minutes from the meeting held in November were approved unanimously.

(Wroten arrival @ 8:45am due to wreck on interstate)

#### III. Secretary's Report

A. Finance and Budget Report

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Financial reports distributed and reviewed. Budget draft will be distributed for review and input so approval can be given in January 2024 and reported to DOA.

### **B.** License Activity

#### i. Renewals

Renewals are currently taking place. Approximately 300 renewals have been completed at this time. March 1, 2024, is the deadline for renewal without penalty.

# ii. Applicants / New Licensees

All applicants from July 2023 board exam have been issued their license.

## iii. Retirement

None reported

# iv. Endorsement request

Discussion regarding two applicants currently applying for licensure by endorsement,

Dr. Joseph Pruitt – Approved, pending passage of Louisiana Law testing Dr. Andrea Capps May – Disapproved, based on equal scope of practice from states applicant is currently licensed and current statute language and lack of precedent granting license by endorsement.

Motion (Avallone/LaPoint) to approve Dr. Pruitt's application for licensure by endorsement following passage of Louisiana Law testing

## v. Inactive requests

None reported

#### vi. Hardship requests

None reported

## vii. Request for Reinstatement

Travis Jones, OD – retired license 2023, Appropriate CE reported Motion to approved Reactivation of Retired License - Approved

#### viii. Complaints

To be discussed in Executive Session

#### C. Required Training

## i. Sexual Harassment Prevention

Will request a new issuance of training link - Mr. Herbert to follow-up.

# ii. Ethics training resources from BOE

Mr. Lopez is currently the only member in need of Ethics training.

#### **OLD BUSINESS**

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# IV. Louisiana Legislative Audit 2020/2021

A. Consultant's findings and recommendations - Mr. Daryl Purpera

Much improvement has been achieved.

Written Policies & Procedures, Segregation of duties, Mitigating Controls, Proper documentation. Some work still to be done to totally clear any future LLA findings. Very difficult for small entities like the LSBOE to have zero findings. Report available upon request.

### **EXECUTIVE SESSION** Motion (LaPoint/Avallone) Passed unanimously.

V. Review of the qualifications and responses submitted in response to the RFQ for an Executive Director for the LSBOE

### VI. Litigation:

- A. By OAL v Heitmeier, et al No C-729018 19th JDC State of Mediation between LSBOE and OAL
- B. By LSBOE v OAL et al No. C-729434 19th JDC State of Louisiana

#### VII. Complaints

- A. Complaints & Investigation of complaints
  - i. New
- **B.** Reactivation requests
  - i. Request for Reinstatement from Prior Disciplinary Action

#### **EXECUTIVE SESSION - Closed**

VI. Report on Items Discussed in Executive Session INFORMATION ONLY - NO ACTION TAKEN

i. Selection of Executive Director for the LSBOE

Two applicants considered – Mr. Purpera and Ms. Cahill
Motion (Lopez/Richardson) Passed unanimously. Dr. Avallone Not voting. The board
will offer the Executive Director position to Ms. Cahill subject to agreement
on contract terms while hoping to keep Mr. Purpera available as a consultant.

## **OLD BUSINESS (Con't)**

#### VII. Telehealth - Rule status

No change in status since last meeting

VII. Dispensing of Pharmaceuticals – Rule status

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No change in status since last meeting

## VIII. Alternate Route of Licensure (NBEO) - Rule Status

No change in status since last meeting

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

Dr. Gerdes attended an Occupational License hearing where the proposed rule was not approved and returned for consideration by the LSBOE regarding definitions,

# XI. Hiring an Executive Director to administer LSBOE operations- RFQ See VI. i

# XII. AG and BOE review of consideration of the Secretary as voting board member Topic on BOE agenda not discussed, Phone call from AG office indicating still under review. No opinions rendered so far.

#### **NEW BUSINESS**

# XIII. Rule to implement the disability accommodations required by Act 393 No change in status since last meeting

#### XIV. Newsletter

Deferred to next meeting

#### XV. Public Comment

Dr. Janot stated that as a Louisiana license holder, ED of OAL representing more that 300 Louisiana licensed ODs (more than 80% of ODs practicing in state) his request to be put on the agenda, even after providing more information to LSBOE President, Dr Gerdes, was denied without a reason given. He also stated that the OAL has information from time to time that is germane to the current LSBOE discussion that could be very helpful of allowed to have input, such as the Louisiana Eye Health Educational Institute. Dr. Janot has sent information and mission statement regarding the Louisiana Eye Health Educational Institute and how it is used currently for memorial donations and how the LSBOE was involved in its very inception promoting Optometry as a primary eyecare profession. Dr. Janot sent information via email to the full board recently. Also, Dr. Janot provided a

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transcript of the CE rule hearing and asked for clarification to required CE for license renewal due to the existing confusion.

## **Next Meeting**

Tentatively scheduled for 8:30 am, January 19, 2024 Alternate date - January 26, 2024

## **ADJOURN**

Keith Sehon, O.D. Secretary LSBOE Gerald "Jerry" Gerdes, O.D. President LSBOE