

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

1101 Medical Center Blvd. Marrero, LA 70072

MINUTES

August 26, 2024

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

The roll was called at 8:09am. Present were: Drs. Kasovich, LaPoint, Gerdes, Lamar and Jong, Mrs. Wicker arrived at 8:27am. Also present were Executive Director Anna Cahill, Public Guests/OAL Members and Board counsel Mr. AJ Herbert.

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

II. Adoption of Agenda

Mr. Herbert suggested the Board amend the agenda to add under Old Business: private investigator and telehealth, and to add under New Business: small purchase procedure pursuant to an executive order from the Governor. Motion to adopt amended agenda (Kasovich/Gerdes) - approved/adopted without objection. Passed unanimously.

III. Approval of Minutes

Mr. Herbert suggested an amendment to the minutes be made to the section "Consideration of professional services agreement with Daryl Purpera" Mr. Herbert reported that, as requested, he reached out to Mr. Purpera to ask whether Mr. Purpera would be interested in a professional services agreement with the LSBOE to provide assistance with the preparation of the LSBOE's financial statements and audits. Mr. Herbert advised that Mr. Purpera declined this opportunity, as his insurance coverage is limited to consulting services and not the preparation of audits and financials, which would require a more expansive E&O policy than he currently has. Mr. Purpera is willing to continue to provide consulting services to the LSBOE as needed.

Dr. Kasovich motioned for the amendment of the minutes from the May 17, 2024 meeting with Mr. Herbert's change. Dr. LaPoint seconded and the motion passed unanimously.

IV. Secretary's Report

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

b. License Activity

a. Renewals – Ms. Cahill notified the Board of licensees who have not yet renewed and attempts at contact have failed. Dr. LaPoint motioned for a formal letter be sent to all non-renewals to date before a hearing date is set for all delinquent licensees. Dr. Kasovich seconded the motion and it was unanimously approved.

b. Applicants/new licensees - Ms. Cahill notified the Board that all 31 candidates passed the licensing exam. To date, 28 of them have been

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licensed. The remaining 3 have until October 10, 2024 to obtain their license without having to retake the exam.

- c. **Endorsement request** – Two requests.
- d. **Inactive requests** – No new requests.
- e. **Hardship requests** – No new requests.
- 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 sexual harassment prevention and ethics training resources from BOE.
- d. **Requests for Guidance**
 - a. Mr. Herbert informed the Board of the legal limitations of the LSBOE not providing legal advice to requestors when considering incoming requests.

OLD BUSINESS

V. Update on Status of 2022 & 2023 Audit

Mr. Herbert discussed the draft report that was received from the Auditor. Findings for reimbursement of travel expenses for Board members was the only finding. All previous findings were addressed properly. Mr. Herbert notified the Board that a response was sent regarding the corrective action being taken for these findings.

VI. Follow-up Discussion of LSBOE Newsletter

Dr. Gerdes notified the Board that in previous meetings there was discussion regarding a newsletter going out to clarify the confusion regarding CE Hours. After discussion, Dr. Kasovich said he would take that under advisement and may issue updated guidance to prevent confusion.

VII. Update on LSBOE Rules in Development

- a. **Continuing Education (per Act 194 of 2023)** – Mr. Herbert notified the Board that the rule approved by the Board was submitted to the Occupational Review Commission but it was rejected. Mr. Herbert suggested revising the rule and resubmitting.
- b. **Dispensing Pharmaceuticals** – Mr. Herbert notified the Board that the Board approved a rule and sent it to the Occupational Review Commission where it was rejected as infringing on the role of the Board of Pharmacy.
- c. **Alternate Path to Licensure (NBEO)** – Mr. Herbert explained that this rule was to allow the Law portion of the exam to be taken remotely. It was also rejected by the Occupational Review Commission on the basis that the LSBOE was required

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by law to directly administer the exam, an interpretation which Mr. Herbert said he disagreed with and not in accordance with existing practice.

- d. **Disability Accommodations (per ACT 393 OF 2023)** – Mr. Herbert explained the new law regarding ADA compliance. The Board needs to establish a phone or Zoom link for people wanting to attend the meetings but are unable to travel.
- e. **Telehealth** – Mr. Herbert notified the Board that this rule has not gone to the review commission yet for lack of an agreement on the issue of a permit fee. Dr. Kasovich made a motion to form a two person committee to take a closer look at Telehealth and to look into other State’s rules regarding Telehealth rules, fees, etc. The committee would consist of Dr. Kasovich and Dr. Lamar. Dr. LaPoint seconded the motion and it pass unanimously.
- f. **Private Investigator** – Mr. Herbert provided an update to the Board regarding the issue with the scam regarding the use of the LSBOE cell phone number.

VIII. Discussion on Remote Administration of the Law Exam in Connection with License by Endorsement Applications

Mr. Herbert notified the Board that Dr. Lewis, who has conducted the exam for many years for the Board, advises that he has never administered the law portion separate from the full exam.

NEW BUSINESS

A. Bank Signature Card for LSBOE Accounts – Ms. Cahill requested a motion to add Dr. Kasovich and Dr. LaPoint to the bank signature card, and to remove Dr. Gerdes and Dr. Sehon. Dr. Gerdes made the motion, Dr. Lamar seconded the motion and it was unanimously approved. Mr. Herbert requested a motion for the Board to ratify Dr. Katovich’s approval for Dr. Gerdes to continue to sign the checks until he was approved to do so at today’s meeting. Dr. Lapoint made the motion, Dr. Jong seconded and it was unanimously approved.

B. Discussion of Legislation from the 2024 Legislative Session Pertinent to the LSBOE

- a. **Act 568/253 re Universal Recognition of Occupational Licensing** – Mr. Herbert notified the Board of the new state law and a brief discussion was held.
- b. **Act 644 re qualifications for licensure and discipline** – Mr. Herbert notified the Board of the new law.
- c. **Act 617 re giving notices of public meetings** – Mr. Herbert notified the Board of the new law regarding notice of public meetings. Any member of the public or news media is allowed to request that they be giving notice of a Board meeting.

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- d. Act 491 re gubernatorial appointment of presiding officers of state boards** – Mr. Herbert explained that this rule allows the Governor to designate the presiding officers for State boards.
 - e. HR 207 re consolidation of health care licensing boards** – Mr. Herbert notified the Board that HR 207 is not a law but a resolution and further explained the resolution.
 - f. Small business purchases** – Mr. Herbert notified the Board of the small business purchase order (under \$25,000) and the process of obtaining quotes/bids.
- C. Request from OAL to Address the LSBOE re: pending Litigation** – Jacques M. Roy thanked the Board for allowing him to present, and addressed his client’s position in the litigation.

EXECUTIVE SESSION

Motion (LaPoint/Lamar) – A roll call vote was held - passed unanimously. (Entered 10:25am) Dr. Gerdes excused himself from the room for executive session.

IX. 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 Complaints**
 - a. Pending Complaints**
 - b. New Complaints since last Meeting**
- D. Requests for Reinstatement from Prior Disciplinary Action**

EXECUTIVE SESSION – (Exited 11:16am)

XIV. Report on Items Discussed in Executive Session

Mr. Hebert requested a motion for the signed Subpoena be sent to Walmart regarding the Judy Diggins complaint. Dr. Kasovich motioned, Mrs. Wicker seconded and it was unanimously approved.

Mr. Herbert requested a motion to approve the Committee consisting of Dr. Kasovich and Mrs. Wicker to meet with OAL to discuss pending litigation. Dr. Lamar made the motion, Dr. LaPoint seconded and it passed unanimously. Dr. Gerdes abstained from the vote.

XVI. Public Comment

Jacques M. Roy provided an additional update regarding their findings in discovery. Dr. Gerdes mentioned that he hopes everything can be settled peacefully and fairly.

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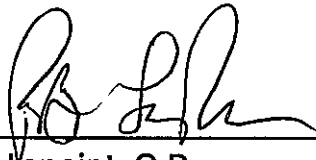
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XVII. Next Meeting

Board members agreed that the next meeting/hearing will be scheduled for October 4, 2024 in Baton Rouge for 9:00am.

Adjourn

Meeting adjourned at 11:20am.



Paul Lapoint, O.D.
Secretary LSBOE



Kevin Kasovich, O.D.
President LSBOE