



Board of Examiners in Optometry

February 2021 Newsletter

Message from the President:

On March 17, 2020, the CDC recommended the postponement of all routine healthcare, with eye care specifically mentioned. Within a few hours of that announcement the recommendation was endorsed by the KOA, AOA, AAO, and KSSBEO. All organizations had the same goal: to slow the developing COVID-19 pandemic in the United States and to preserve the nation's staff, personal protective equipment (PPE), and patient care supplies. These groups recognized that for the CDC to specifically mention eye care meant that eye doctors and their patients were at risk. While we may have not fully appreciated the risk at that time, it was a high concern within the CDC. Looking in hindsight to March 2020, we quickly recognize the potential for infection clusters originating in optometric offices, due in part to both patients and offices lacking adequate PPE protection.

Since then, optometry Boards have responded to complaints from the public regarding practices not appearing to follow coronavirus recommendations, and from licensees whose employers did not postpone routine eye care despite the PPE shortage. In our state, Kansas statute K.S.A. 65-1516(3) applies:

***KSA 65-1516. Professional incompetence; unprofessional conduct; defined.
(3) Conduct likely to deceive, defraud or harm the public.***

The statute covers both lack of appropriate hygiene in an office and infectious doctors and/or staff, exposing the public to the risk of an infection. Remember optometry is state-licensed and, thereby, state-regulated. As the pandemic changes, recommendations from different organizations involved may change as well. The Board recommends each licensee review the Kansas state law (all Kansas optometric statutes, rules and regulations are available at www.kssbeo.ks.gov), and to use known disease prevention techniques to protect patients, staff, and yourself.

Gerard Lozada, OD, KSSBEO Board President

Meet the New Board Members:

In 2020, The Board said goodbye to board members Ron Hansen, OD and Gary Slimmer and welcomed both Dawn Bircher, OD and Carisa De Anda, PharmD to the Board.

Dawn Bircher, a Wichita native, received her undergraduate degree from Wichita State University. She graduated from Southern College of Optometry in 2004 and began practicing optometry in the Kansas City area. Dawn has been a clinical instructor in the Department of Ophthalmology at the University of

Missouri Kansas City. She serves as a board member for the Children's Center for the Visually Impaired, dedicating time to fundraising for children in need. In her spare time, she enjoys gardening and travelling.

Carisa De Anda received her Doctor of Pharmacy from University of Kansas in 1996 and currently lives in Lenexa KS.

Electronic Prescribing:

During the 2019 session, the Kansas legislature passed a bill that has been codified as KSA 65-16,128 mandating electronic prescribing of controlled substance opioids beginning July 1, 2021.

The Kansas Board of Pharmacy will be issuing waivers for prescribers that meet certain criteria and providing a verification method for pharmacists. Waivers will not take effect until July 1, 2021 and all will expire December 31, 2021. Prescribers can apply at any time and can then later apply for six-month extensions. To keep it simple, waivers will always expire June 30 and December 31 each year (no more than 6 months). Also, notable that these are waivers of state requirements, NOT federal requirements (see CMS rules on controlled substance prescribing). For additional information:

<https://pharmacy.ks.gov/resources-consumer-info-2/electronic-prescribing-waiver>

Continuing Education:

Covid19 has made obtaining live continue education a challenge. COPE has extended the rule modification for Interactive Online CE through June 30, 2021. To get credit for the 'Live' CE, you must be able to have **immediate interaction with the instructor**. The Board has **not** changed the number of live hours that are required each year. You still need a **minimum of 16** hours of Live CE. The CE year also has not changed – it is still June 1st – May 31st.

As a reminder, if you are required by the American Board of Optometry (ABO) to take Continuous Assessment Program (CAP) continuing education (CE), you can now count three hours per each assessment towards your CE requirements. ABO CAP CE would count as non-live CE; non-live CE is limited to eight hours per year.

The Board continues to pay for the OE Tracker fees for all licensees. All CE must be forwarded to ARBO to enter in the OE Tracker. Be aware it is taking ARBO longer this year to enter the CE into the OE Tracker.

You can always view your CE since your last renewal in the Board's licensing [database](#). Not only can you view your hours, but they will have the correct classification and be broken down by between first and second year.

New Email System:

In January 2021, the Board started using a new email system called govDelivery. Be sure to add kssbeo@list.ks.gov to your safe sender list. If you need to make updates to the email address for Board notifications, please contact the Board office directly at kssbeo@ks.gov or 785-832-9986.

Advertising:

The Board would like to remind everyone to review the Article 11 – Advertising of the Optometry Regulations. Websites are considered advertising. Be sure that your website does not contain any language that may be considered fraudulent.

65-11-2. Fraudulent advertisement. Advertisements which will be deemed to be fraudulent shall include, but are not limited to, those which:

- (a) use language that is likely to be misunderstood;***
- (b) contain qualifying statements in small type which are likely to be overlooked by the casual reader;***
- (c) exaggerate the quality of goods or services;***
- (d) contain any promise of improved condition;***
- (e) contain any information which would misrepresent the scope of the licensee's license or indicate that the licensee is able to render services the licensee is not qualified or licensed to do;***
- (f) do not contain a full breakdown and itemization of professional services versus ophthalmic goods when advertising the cost and availability of optometric goods and services;***
- (g) indicate or imply that the licensee is engaged in or maintains an office for the practice of optometry as part of, or in association with, the business or operation of an unlicensed person or entity, except as authorized by the Kansas professional corporation act or through the lawful functioning of a professional partnership or association with other health care providers;***
- (h) contain a licensee's name that is not accompanied by the designation O.D., Optometrist or Doctor of Optometry; and***
- (i) contain statements or claims of superiority over other licensees or other health care professionals.***

2020 Retired Licenses:

Roger L Burch
Joshua C Cantrell
Gilan L Cockrell
David R Coleman
James D Herndon

William M Holman
Robert A Moore
Daniel G Nielson
Bruce D Oberhelman
Paul E Reimer

Steven J Schwartz
Douglas D Tassi
Mark A Weeks
Jeffery W Weltmer
Alina P Wheeler