COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L   M I N U T E S

MEETING OF:

STATE BOARD OF OPTOMETRY

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Thursday, May 7, 2026

State Board of Optometry
May 7, 2026

BOARD MEMBERS:

John A. Godfrey, O.D., Chairperson
Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Vice Chairperson
Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs
Jeffrey B. Becker, O.D., Secretary
Kathryn Knepp, Consumer Protection Member
Perry C. Umlauf, O.D.
Marc Berson, O.D.
Satya B. Verma, O.D.

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Shakeena Chappelle, Board Administrator
Jacqueline A. Wolfgang, Esquire, Regulatory Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Greg Liero, Esquire, Board Prosecution Liaison
Michael Howard, Fiscal Management Specialist, Bureau of Finance and Procurement
Taylor Koch, Fiscal Management Specialist 3, Bureau of Finance and Procurement
Andrew LaFratte, MPA, Deputy Policy Director, Office of Policy

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates, on behalf of Pennsylvania Optometric Association
Jennifer A. Keeler, CAE, Executive Director, Pennsylvania Optometric Association
Jennifer Sommer, O.D., 20/20 Now
Lovejoy Wallace, Advisory Board, EyeBot
Erin Badstuebner, Sargent's Court Reporting Service, Inc.

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State Board of Optometry

May 7, 2026

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:00 a.m. the Board entered into Executive Session with Shawn J. Jayman, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and to receive the advice of counsel. The Board returned to open session at 10:30 a.m.]

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The regular meeting of the State Board of Optometry was held on Thursday, May 7, 2026. John A. Godfrey, O.D., Chairperson, called the meeting to order at 10:30 a.m.

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Roll Call of Board Members/Introduction of Attendees

[Shakeena Chappelle, Board Administrator, provided a roll call of Board members and an introduction of attendees. A quorum of Board members was present.]

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[Shawn J. Jayman, Esquire, Board Counsel, noted the meeting was being recorded, and those who continued to participate were giving their consent to be recorded.

Mr. Jayman also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel.]

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Approval of Minutes - February 5, 2026

CHAIR GODFREY:

Have the Board Members had an opportunity to review the Minutes from the February 5, 2026 meeting? Is there any discussion regarding the Minutes?

[The Board discussed changes to the Minutes of February 5, 2026.]

CHAIR GODFREY:

Are there any other discussions regarding the Minutes?

Hearing none, I would accept the motion to approve the Minutes.

DR. VERMA:

So moved.

CHAIR GODFREY:

Thank you, Dr. Verma. Do I have a second?

DR. BERSON:

Second.

CHAIR GODFREY:

Thank you, Dr. Berson.

Dr. Godfrey, aye; Dr. Wilcox, aye; Acting Commissioner Claggett, aye; Dr. Umlauf, abstain; Ms. Knepp, aye; Dr. Becker, abstain; Dr. Berson, aye; Dr. Verma, aye.

[The motion carried. Dr. Umlauf and Dr. Becker abstained from voting on the matter.]

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Report of Board Prosecutor

[Greg Liero, Esquire, Board Prosecution Liaison presented the Consent Agreement for Agenda Item No. 2, Case No. 23-52-017930.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:41 a.m., the Board entered into Executive Session with Shawn J. Jayman, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and to receive the advice of Board Counsel. The Board returned to open session at 10:50 a.m.]

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MR. JAYMAN:

With regard to Agenda Item No. 2, based on Executive Session deliberations, I believe the Chair would entertain a motion to reject the Consent Agreement for Case No. 23-52-017930 as being too harsh.

CHAIR GODFREY:

Do I have a motion?

DR. BERSON:

I make a motion to reject.

CHAIR GODFREY:

Thank you doctor. Do I have a second?

DR. VERMA:

I'll second.

CHAIR GODFREY:

Thank you, Dr. Verma.

Dr. Godfrey, aye; Dr. Wilcox, nay; Acting Commissioner Claggett, nay; Dr. Umlauf, abstain; Ms. Knepp, nay; Dr. Becker, aye; Dr. Berson, aye; Dr. Verma, aye.

[The motion carried. Dr. Wilcox, Acting Commissioner Claggett, and Ms. Knepp opposed the motion. Dr.

Umlauf abstained from deliberations and voting on the matter.]

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Report of Acting Commissioner - No Report

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Appointment - BFP Financial Presentation

[Taylor Koch, Fiscal Management Specialist 3, Bureau of Finance and Procurement (BFP), presented the recommended fee increase package. He noted the Board had not had a fee increase since 1988. He showed a recap of the February financial presentation, noting there had been a slight increase in license counts which was factored into the fee recommendation.

Mr. Koch reviewed a breakdown of the Board's revenue, stating about 97 percent comes from renewals and applications. He noted the slide also showed how the numbers would shake out if the Board renewed at the current time with the current fees. He also presented a breakdown of the application types and current application fees.

In presenting the breakdown of expenses, Mr. Koch reported the projected expenses had been decreased from the February report. He reminded the Board the big-ticket expense for all of the boards is the licensing modernization project which every board is taking up a piece of the cost based on their licensee counts.

Dr. Wilcox asked if the increase in Board Administration costs from $63,000 in FY2024 to $88,000 in FY2025 was due to the modernization project.

Mr. Koch confirmed the bulk of the increase was due to the modernization project. He noted the increase also included other expenses such as the overall cost of staffing.

Dr. Wilcox asked if the move into the new building was included in the costs.

Mr. Koch stated the one-time costs for the new building were allocated in FY2024. For FY2025 and beyond, the Board will only see costs associated with the rent each department pays which is proportionately allocated between all of the boards.

Mr. Koch next showed an updated version of the financial status of the Board, which included the updated projected expense decrease for FY2025. Mr. Koch explained when making a fee increase recommendation to a Board, BFP looks at application fees first. When considering the increase, BFP reviews the actual costs associated with processing an application. He noted the increases shown represent the face value of processing an application. He added it appeared to be high jumps from the current fees but noted it was to be expected since the last increase was in 1988. After the initial increase, a five percent increase was baked into the following two biennium to offset any cost of living or salary increases. He explained the increase would start in FY2028/2029 with the implementation process taking about two years. After baking in the increases, the new projected financial status was still in the red so BFP turned to renewal fees.

Dr. Becker questioned if in the past the reports had ever shown the Board being in the red. He did not recall a huge discrepancy between revenue and expenses.

Dr. Wilcox commented when the Board was given the projection ten or 15 years ago, she recalled being told the Board would be in the red by 2029.

Acting Commissioner Claggett stated Mr. Koch could not speak to 15 years ago.

Ms. Wolfgang noted she had been with the Board for a number of years and recalled ongoing conversations over the past ten years regarding finances. She pointed out the Board has been teetering on deficit spending for at least two or three years; however, a fee increase could not be considered until the revenues were less than the expenditures.

Mr. Koch presented the recommendations for renewal fee increases. The current renewal fee is $135 for all licensee classes. BFP recommended a 40 percent increase to all classes for FY2028/2029 with ten percent and seven percent increases in the following biennium. The future increases would help offset unforeseen costs as the economy overall becomes more expensive.

Chair Godfrey asked if Mr. Koch reviews the numbers every year and wondered when a decision might be made for 2034.

Mr. Koch confirmed BFP does an annual presentation every year; however, he wanted to do at least one more presentation for every board in the late summer or fall to show where the numbers shook out for FY25. He noted fee increases are typically done over a six fiscal year cycle. He noted BFP constantly monitors the numbers to see if additional future action might be needed. He added if BFP sees something of note, they will reach out to the Board to make a presentation. He explained BFP closely monitors the numbers a great deal to try to stay ahead of increases in expenditures so the Board can be safeguarded and hopefully prevent fee increases where possible.

Dr. Verma expressed concerns over what seemed to be a sudden increase in expenses.

Dr. Godfrey commented the new building had eaten into the Board's funds.

Acting Commissioner Claggett noted in addition to the new building, the licensing modernization project is a large expense. He stated the focus needed to be on where the Board was at the current time which was needing a fee increase.

Dr. Wilcox asked if there was a way for BFP to foresee when legal or Prosecution fees would be high in any given year.

Mr. Koch replied BFP works closely with colleagues in the various legal departments to learn what the workload may be in an effort to make accurate projections. He added whenever there are unforeseen things that pop out of nowhere, BFP is generally in tune with them. He added if there something detrimental to the budget, BFP looks at where the rough numbers may shake out to determine if a pivot is needed into a different fee package.

Dr. Wilcox asked if BFP had compared the licensure fees to neighboring states or if the comparison was not relevant.

Mr. Koch replied BFP does look at neighboring states. He noted what works in one state might not work in another, and some states renew at different intervals like New York where renewals are every three years. He explained the license counts largely drive fees as the more licensees there are, the less they each need to pay to meet expenses. He noted Pennsylvania is pretty high in terms of license counts compare to neighboring states. He summarized that the fees of neighboring states can be factored in but there are a lot of other varying factors. He added there is an effort to remain competitive to other states.

Mr. Koch next presented a slide bringing all of the numbers together with the fee increases. He explained the Board would see the balance going into the green in FY28 when the increases go into effect. In future years, the Board would see the revenue continue to exceed expenditures.

Mr. Koch showed a summary of the revenue impact. With adding in the additional renewal fees and application fees, there would be about $698,000 in additional revenue generated across the next three biennium after implementation.

Dr. Wilcox stated the increase renewal fees seems like a bargain.

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MR. JAYMAN:

I believe the Chair would accept a motion to approve the fee package that was just outline to us.

CHAIR GODFREY:

Do I have a motion?

DR. VERMA:

I can move, sure.

CHAIR GODFREY:

Thank you, Dr. Verma. Do I have a second?

DR. BERSON:

I'll second.

CHAIR GODFREY:

Thank you, Dr. Berson.

Dr. Godfrey, aye; Dr. Wilcox, aye; Acting Commissioner Claggett, aye; Dr. Umlauf, abstain; Ms. Knepp, aye; Dr. Becker, aye; Dr. Berson, aye; Dr. Verma, aye.

[The motion carried. Dr. Umlauf abstained from deliberating and voting on the matter.]

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Report of Board Chair

[John A. Godfrey, O.D., Chairperson reported on his experience visiting the National Board of Examiners in Optometry (NBEO) headquarters in Charlotte, North Carolina. He noted the new building is impressive with a layout optometrists should be proud of. He explained all NBEO Part III candidates have tested in Charlotte since 2011. NBEO moved into their new state of the art facility in August 2025.

Chair Godfrey described the testing day for a candidate. He stated candidates participate in an orientation for about 45 minutes where they can ask questions and look at the equipment they will use during the test. Candidates are not permitted to bring in any of their own equipment including condensing lenses. 24 candidates are tested at a time with 12 stations on one side of the room and 12 on the other side with all 24 candidates simultaneously testing. Regarding candidates with disabilities, he shared there are two examination rooms specifically for candidates with disabilities. NBEO requires medical documentation to test on those areas.

Of the testing stations, ten are patient encounter stations and two are skills. Chair Godfrey reported there are no proctors in the room during the tests. The exams are observed and recorded by cameras. There is a main control room with 18 monitors and 16 images per monitor with real time observers. The graders are not in the building and can be located anywhere in the United States. Each station is graded by two independent doctors. If the grades of the two doctors are not within a certain range, then a third doctor gets involved. Chair Godfrey stated he found the grading very fair with each candidate on each station being evaluated by multiple doctors. In addition. the graders can see all of the images that the candidate is seeing.

Chair Godfrey noted one of the ten exam stations was part of a pilot program. The candidates are not aware of which station is the pilot; therefore, they are graded on nine of the ten patient encounter stations. In the patient encounters, candidates are tested on anterior segment, posterior segment, glaucoma, systemic disease, refraction, contact lens, neuro-ophthalmic, binocular vision, and pediatrics. The simulated patients are trained and have a separate break area from candidates. The candidates have to ask a history, are given clinical findings, and have to do an interpretations, management, and patient education. The patient skills stations comprise 78 percent of the examination.

Regarding the two skills stations, Chair Godfrey noted they were of more concern for the Board. One station assesses the anterior segment skills where candidates have to do slit lamp; biomicroscopy, tonometry, gonioscopy, and upper eyelid eversion on a normal eye with no abnormalities. He noted the station was the only one with an optometrist in the exam room for patient safety reasons. The second skill station is on examining a dilated patient; slit lamp fundus exam; and binocular indirect on a normal eye. The skills stations comprise 22 percent of the examination. He noted overall the exam is geared toward data interpretation versus doing skills.

Chair Godfrey shared pass rates from August 2024 through June 2025. The overall pass rate was 67 percent with the overall pass on patient encounters 70 percent and overall pass on skills 53 percent. Breaking the scores down further, there was a 57 percent pass on the anterior segment part and a 53 percent pass on the posterior segment part. NBEO informed him the scores were similar to the old test with the old test simply not being broken down the way it is now.

Chair Godfrey was sure the Board agreed the optics were not good; however, walking away from the facility, there was an accurate representation of what a solid pass was. He noted the Board was seeing similar scores before and just did not know it with the old single pass/pass/failure.

The Board discussed the math involved with determining the percentages.

Dr. Verma commented if the results are after seeing normal patients, he questioned results for patients with ocular diseases.

Chair Godfrey noted with the skills, the candidate is being evaluated on if they saw the correct images. He added the argument could be made that candidates are evaluating more of what they are seeing during the patient encounters. He stated the testing tells the Board about the entering level of competencies.

Dr. Wilcox commented it shows the exam is good but the students taking the exam are not. She appreciated Chair Godfrey taking the time to visit.

Dr. Berson also extended appreciation to Chair

Godfrey. He commented that it sounded like the problem was not the exam but was an issue of the schools either not training students or taking students who should have never been taken.

Chair Godfrey reported NBEO was having an open house in August for state boards. He encouraged Board Members to attend if possible. He noted the facility also provides other exams like laser and injectables.]

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[Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Vice Chairperson exited the meeting at 11:33 a.m. and reentered at 11:36 a.m.]

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Regulatory Report

[Jacqueline A. Wolfgang, Esquire, Regulatory Counsel provided an update for Regulation 16A-5217, Continuing Education. She explained the regulation was published as proposed and did not get any comments during the 30-day public comment period. Independent Regulatory Review Commission (IRRC) submitted three minor comments regarding clarity issues. On page one of the Annex she noted under the distance education definition, the word "licensee" was changed to "learner." IRRC recommended the Board include a definition of in-person continuing education to include synchronous. Neither change was substantive.

Dr. Wilcox asked why licensee was changed to learner.

Ms. Wolfgang replied the change was for clarity as the regulation was talking about education.

Dr. Verma commented in the context of the regulation, the licensee was the learner.

Ms. Wolfgang noted learner is used in the definition of in-person continuing education and the definition is used by other boards. She also pointed out Act 100, passed a few years ago, talks about synchronous education and uses learner. She sated she was trying to be consistent but the word could be changed back to licensee.

Acting Commissioner Claggett agreed with the change, noting it was good to be consistent.

Ms. Wolfgang moved to page 17 of the Annex where she noted IRRC had recommended the Board remove the synchronous distance education reference in subsection (a). IRRC also recommended credit hour language be added to be consistent with other provisions.

Ms. Wolfgang referred to the Preamble, noting

IRRC asked if the four-year time frame in which a licensee has to maintain certificates would cover any look back period for the audit period. After speaking with Ms. Chappelle, it appeared the four years would cover the current biennium and the previous biennium so there would not be any audit issues. She wanted to be sure the Board was still okay with the change they had made from six years to four years.

The Board generally agreed the four years was okay.]

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MS. WOLFGANG:

I believe the Board would entertain a motion to approve this final Regulation 16A-5217 relating to Continuing Education and direct Regulatory Counsel to move the final form regulation through the regulatory process.

CHAIR GODFREY:

Do I have a motion?

ACTING COMMISSIONER CLAGGETT:

Claggett, so moved.

DR. VERMA:

I second then. I didn't want to make

every motion.

CHAIR GODFREY:

Thank you, Dr. Verma.

Dr. Godfrey, aye; Dr. Wilcox, nay; Acting Commissioner Claggett, aye; Dr. Umlauf, abstain; Ms. Knepp, aye; Dr. Becker, aye; Dr. Berson, aye; Dr. Verma, aye.

[The motion carried. Dr. Umlauf abstained from deliberating and voting on the matter.]

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[Ms. Wolfgang reviewed the next steps for the regulation. After she finalized the package, it would be sent to the Office of General Counsel, Policy Office and Budget Office for approvals before going to IRRC and the committees. After IRRC approves the regulation, it will become law. She stated she would keep the Board up to date on the progress.

Ms. Wolfgang stated with respect to the fee package, she would have an annex prepared for the next meeting for a vote so an exposure draft could be released.]

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Report of Board Admin

[Shakeena Chappelle, Board Administrator noted she had shared the Association of Regulatory Boards of Optometry (ARBO) report with the Board. She wanted to ensure the Board was aware of what she saw was happening and answering the questions as ARBO sat in front of her. She added the report was based off of last year which is why Dr. Chubb's name still appeared in the report. She asked if any changes needed to be made, for her to be notified as soon as possible as the deadline was the next day or the following Monday.

Chair Godfrey stated he had examined the report carefully and thought it was good.

Dr. Wilcox asked if the vote the Board just took was included in the report.

Ms. Chappelle replied the vote would be included in next year's report.

Ms. Chappelle mentioned renewals were coming up this year and notices would be sent out soon. A renewal guide would also be posted on the Board's website.]

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Old Business - None

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New Business - None

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Miscellaneous

MR. JAYMAN:

Based on Executive Session deliberations, I believe the Chair would entertain a motion to table this discussion on EyeBot kiosks for a later time.

CHAIR GODFREY:

Do I have a motion?

ACTING COMMISSIONER CLAGGETT:

Claggett, so moved.

CHAIR GODFREY:

Thank you, Mr. Claggett. Do I have a second?

DR. WILCOX:

Second.

CHAIR GODFREY:

Thank you, Dr. Wilcox.

Dr. Godfrey, aye; Dr. Wilcox, aye; Acting Commissioner Claggett, aye; Dr. Umlauf, abstain; Ms. Knepp, aye; Dr. Becker, aye; Dr. Berson, aye; Dr.

Verma, aye.

[The motion carried. Dr. Umlauf abstained from deliberating and voting on the matter.]

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Report of Board Counsel - 16A-5221 (General Revisions)

[Shawn J. Jayman, Esquire, Board Counsel reconvened discussion on the General Revision Package, continuing the Board’s page-by-page regulatory review. He noted discussion was held at previous meetings on May 8. 2025; October 2, 2025; December 11, 2025; and February 5, 2026. He stated the Board was sent the latest version of the package with the highlighted language being proposed and the bracketed language being removed.

The Board reviewed the language for the definition of the national board examination. Dr. Wilcox questioned why the language stated NBEO or its successor. Ms. Wolfgang explained successor was put in to ensure if NBEO had a name change, the Board would not have to draft new regulation to update that.]

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[John A. Godfrey, O.D., Chairperson exited the meeting at 11:50 a.m. and reentered at 11:52 a.m.]

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[Mr. Jayman next reviewed the definition of visual screening. The Board discussed how broad the definition should be with the majority supporting broad language. Ms. Wolfgang suggested finishing the sentence by saying "potential vision deficits that may require referrals for a comprehensive eye exam."

Dr. Verma expressed concerns that vision screening may be interpreted as being an eye exam. He supported more specific language.]

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[Marc Berson, O.D. exited the meeting at 11:56 a.m.]

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[Acting Commissioner Claggett recognized Dr. Verma's opinion but noted the majority of the Board did not want to use specific language. Mr. Jayman added once the exposure draft goes out, there may be comments to review regarding the definition.

Mr. Jayman turned the Board's attention to questions he had asked about visual rehabilitation. He questioned if the language being used was limiting. Dr. Wilcox supported the verbiage used.

Ms. Wolfgang expressed concerns the language might be limiting. She asked what if the visual impairment was not secondary to traumatic brain injury or neurological injuries. She stated if the impairment was secondary to something else, then it would be excluded.]

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[Marc Berson, O.D. reentered the meeting at 11:58 a.m.]

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[The Board debated what language should be used for subsections (i), (ii), and (iii) under visual rehabilitation. After discussion, Dr. Wilcox clarified (i) would be diagnosis and treatment of a visual impairment. Next, (ii) would say prescription of optical, non-optical or electronic devices, including any means that will improve magnification and minification. She suggested (iii) could be eliminated altogether.

The Board affirmed the testing language on page 11 regarding part one, part two and part three was okay. Mr. Jayman moved to testing language on page 12, where language specific to part three could be found. The Board determined the section could read the Board considers an overall passing score of part three without added language regarding patient encounters and performance skills. Mr. Jayman stated he pulled the language from another state and had concerns candidates may question the simplified language. Ms. Wolfgang stated the intent could be outlined in the Preamble.

Mr. Jayman stated he did research regarding unaccredited schools on page 13. He noted unaccredited schools are mentioned in the statute so the Board could not completely eliminate the section in the regulations. Ms. Wolfgang provided additional clarification. She noted if the Board eliminated the section entirely, the Board would not have any regulations whatsoever on a person coming in with an unaccredited degree.

The Board discussed information on the NBEO website regarding Board sponsorship of candidates from unaccredited schools. It was pointed out no one from the Board had ever sponsored someone to take exams as it involved tutoring the person until they passed. Ms. Wolfgang stated additional language on page 14 provided a mechanism in which the person would be sponsored by an optometry school. Ms. Chappelle asked for clarification if foreign education was also being included.

Dr. Verma provided comments on accreditation and foreign candidates. He noted for medicine there is an exam from the Educational Commission for Foreign

Medical Graduates which candidates take to be allowed to take boards in the United States. Optometry does not have a similar program. Dr. Verma explained his personal experience.

The Board debated if licensure by endorsement applied to foreign graduates. Ms. Wolfgang clarified licensure by endorsement is for other states, territories and countries but the education has to be substantially equivalent. She suggested Mr. Jayman reach out to Pennsylvania College of Optometry at Drexel, as the only optometry school in Pennsylvania, to see if they sponsor students. Mr. Jayman scrolled to a section on page 15 and Ms. Wolfgang noted the section would need to be rewritten to include the new process just discussed for 23.14.

Mr. Jayman noted 23.22 would be staying in as there was similar language in the Act. Regarding financial statements, the Board reaffirmed the language was eliminated. Mr. Jayman reviewed other changes he made regarding the new testing process to stay consistent throughout the regulations.

Mr. Jayman reviewed changes relating to business practices. The Board questioned language under advertising. Ms. Wolfgang noted there would be discussions with Prosecution to ensure the language reflected their needs. The Board discussed advertising that included mention of free eye exams.

The Board reviewed stylistic changes under business practices. Dr. Verma commented display of license should be consistent with other boards. It was noted some doctors were unaware copies of their license needed to be displayed at all locations they practice at. Dr. Wilcox mentioned there used to be wallet cards that could be carried to multiple locations. Acting Commissioner Claggett commented wallet cards were being brought back. Dr. Wilcox asked if someone could just print out their license multiple times for different locations. It was noted the fee schedule required a $20 fee for each branch location.

Mr. Jayman continued through the Annex, noting where he modernized language. The Board affirmed they were okay with mobile practice language. Discussion ensued regarding wallet language. Ms. Wolfgang noted there were not many boards who used language about wallets so she would still be okay with deleting the section while leaving in information noting the Board issues wallet cards. The Board affirmed they would like to remove the section regarding wallet cards.

The Board reviewed new language regarding professional corporations and fictitious names. Ms. Wolfgang explained optometry was already ahead of the curve when they simplified the language a long time ago; the changes suggested were to modernize the language. Dr. Wilcox asked for clarification on fictitious names. Ms. Chappelle explained the process involving the Corporations Bureau, noting she does it for the Chiropractic Board but not the Optometry Board. Ms. Wolfgang clarified the language being used in the Optometry regulations. She noted the provision limits optometrists from incorporating with non-healthcare professionals. Dr. Verma suggested simplifying the language further to just read "other healthcare professionals instead of spelling out the professions.

The Board reviewed section 23.36. Questions were raised on if the section regulating how an optometrist can work was even needed. Ms. Wolfgang provided historical context. She noted no other Board gets into detail and the Board only needed to do so if they wanted to. It was decided to delete the section.

Regarding equipment, it was suggested to leave the equipment open-ended to allow for new technology.]

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[Jeffrey B. Becker, O.D., Secretary exited the meeting at 12:46 p.m.]

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[The Board discussed the use of the word mercantile, noting removal would overall modernize the language. The Board debated the use of commercial versus corporate. Ms. Wolfgang noted there is legal meaning to using corporate. It was suggested commercial be replaced with retail. The Board also discussed mobile operations. Mr. Jayman noted there was a provision under equipment which allowed for an optometrist to practice outside of his or her office as noted in 23.33.

Mr. Jayman returned discussion to retail operations. Ms. Wolfgang suggested retail might be too limiting and suggested using "retail or other business settings." The Board agreed with her suggestion. Dr. Umlauf was strongly opposed to the continued use of the word commercial.

Mr. Jayman noted 23.51 was updated with the correct name for the accreditation council, ACOE.]

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[Perry C. Umlauf, O.D. exited the meeting at 12:55

p.m.]

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[Mr. Jayman noted there seemed to be some inconsistency in different sections relating to fee sharing. Section 23.63 prohibits the sharing of professional fees; however, Section 23.43(c) permits the payment of franchise fees based on a percentage of gross fees. Ms. Wolfgang noted the language in 23.43(c) is pulled directly from the Practice Act and could not be changed. The Board expressed confusion regarding 23.63. Ms. Wolfgang provided additional clarification on Section 23.63. She suggested the Board allow her and Mr. Jayman the opportunity to look at other states and come back to the Board with recommendations.

Mr. Jayman stated the Board had reviewed everything required with the exception of the fee sharing. Ms. Wolfgang suggested the Board vote on releasing an exposure draft to allow for comments prior to the August meeting. She also stated, in the meantime, she would work with Mr. Jayman on preparing a Preamble.]

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MR. JAYMAN:

At this time, I believe the Chair would

entertain a motion to release an exposure draft of the proposed Annex, based on the amendments that were discussed today to that, for Regulation 16A-5221 to interested parties and stakeholders for comments.

CHAIR GODFREY:

Do I have a motion?

DR. VERMA:

Yes.

CHAIR GODFREY:

Thank you, Dr. Verma. Do I have a second?

DR. WILCOX:

I second.

CHAIR GODFREY:

Thank you, Dr. Wilcox.

Dr. Godfrey, aye; Dr. Wilcox, aye; Acting Commissioner Claggett, aye; Ms. Knepp, aye; Dr. Berson, aye; Dr. Verma, aye.

[The motion carried unanimously.]

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[Dr. Wilcox commented she would be attending the ARBO meeting in Phoenix with Dr. Verma and possibly Ms. Chappelle. She planned to make a report at the August meeting.]

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[Ms. Wolfgang asked if there should be a vote regarding sending people to NBEO in August. The Board discussed the meeting and decided after Chair Godfrey's thorough report it was not necessary for anyone to attend.]

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Public Comment - None

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Adjournment

ACTING COMMISSIONER CLAGGETT:

There appears to not be any public comment so the next item on the Agenda is adjournment.

CHAIR GODFREY:

The meeting is adjourned.

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[There being no further business, the State Board of Optometry Meeting adjourned at 1:07 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Optometry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Optometry meeting.

Erin Badstuebner,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OPTOMETRY
REFERENCE INDEX
May 7, 2026

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call/Introduction of Attendees
10:31	Approval of Minutes
10:36	Report of Board Prosecutor
10:41	Executive Session
10:50	Return to Open Session
10:54	Appointment - BFP Fee Package Presentation
11:22	Report of Board Chair
11:35	Regulatory Report
11:44	Report of Board Administrator
11:46	Miscellaneous
11:47	Report of Board Counsel
1:07	Adjournment