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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: 10:33 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, February 05, 2026

State Board of Optometry
February 05, 2026

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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 - Absent
- Kathryn Knepp, Consumer Protection Member
- Perry C. Umlauf, O.D. - Absent
- 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
- Shana Walter, Esquire, Senior Board Counsel
- Deena Parmelee, Legal Office Administrator 1, Department of State
- Michael Howard, Fiscal Management Specialist, Department of State
- Tamie Laudenslager, Fiscal Management Specialist, Bureau of Finance and Procurement, Department of State
- Taylor Koch, Fiscal Management Specialist 3, Bureau of Finance and Procurement, Department of State
- Greg Liero, Esquire, Board Prosecution Liaison

ALSO PRESENT:

- Ted Mowatt, CAE, Vice President, Wanner Associates, on behalf of Pennsylvania Optometric Association
- Matt Owens, Associate of Legislative Affairs, Milliron & Goodman
- Jennifer A. Keeler, CAE, Executive Director, Pennsylvania Optometric Association
- Amanda Richards, Acting Fiscal Chief, Bureau of Finance and Operations
- Erin Badstuebner, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Optometry

3 February 05, 2026

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Shawn J. Jayman, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of counsel.
10 The Board returned to open session at 10:33 a.m.]

11 ***

12 The regular meeting of the State Board of
13 Optometry was held on Thursday, February 05, 2026.
14 John A. Godfrey, O.D., Chairperson, called the
15 meeting to order at 10:33 a.m.

16 ***

17 Roll Call of Board Members/Introduction of Attendees
18 [Shakeena Chappelle, Board Administrator, provided a
19 roll call of Board members and an introduction of
20 attendees. A quorum of Board members was present.]

21 ***

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

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Approval of Minutes - December 11, 2025

CHAIR GODFREY:

Have the Board Members had an opportunity to review the Board Minutes from December 11th, 2025; and if so, is there any discussion?

[The Board discussed changes to the Minutes of December 11th, 2025.]

CHAIR GODFREY:

Is there any other discussion?

Hearing none, the Chair would entertain a motion to accept the Board Minutes from December 11th with the inclusion of the additions that were just noted; do I have a motion?

DR. WILCOX:

I'll make a motion.

CHAIR GODFREY:

Thank you. Dr. Wilcox; a second?

DR. BERSON:

Second.

CHAIR GODFREY:

Thank you, Dr. Berson.

1 Dr. Godfrey, aye; Dr. Wilcox, aye;
2 Acting Commissioner Claggett, aye; Ms.
3 Knepp, aye; Dr. Berson, aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Prosecutor - No Report.

7 ***

8 Report of Acting Commissioner

9 MR. JAYMAN:

10 Based on Executive Session
11 deliberations, it is my understanding
12 that the Chair would entertain a motion
13 to amend the February 5th, 2026 Agenda
14 to include the travel to Phoenix,
15 Arizona for two Board members and the
16 Administrator to attend; do I have a
17 motion?

18 ACTING COMMISSIONER CLAGGETT:

19 So moved.

20 CHAIR GODFREY:

21 Do I have a second?

22 DR. WILCOX:

23 I'll second.

24 CHAIR GODFREY:

25 Thank you, Dr. Wilcox.

1

2

Dr. Godfrey, aye; Dr. Wilcox, aye;

3

Acting Commissioner Claggett, aye; Ms.

4

Knepp, aye; Dr. Berson, aye.

5

[The motion carried unanimously.]

6

7

Report of Board Chair

8

[John A. Godfrey, O.D., Chairperson, reported on a

9

scheduled visit to the National Board of Examiners in

10

Optometry headquarters in Charlotte on Wednesday,

11

February 18, 2026. During his visit, he is scheduled

12

to observe a live board examination and plans to

13

provide a detailed report of his observations at the

14

next board meeting.

15

Chair Godfrey continues to gather interest from

16

individuals seeking appointment to the board. Since

17

the last meeting, two doctors have expressed interest

18

in becoming board members. He encouraged them to

19

pursue the opportunity and provided guidance on how

20

to begin the process. He further noted Dr. Wilcox is

21

eligible for reappointment in the spring.

22

Chair Godfrey referenced the upcoming vote

23

regarding attendance at the Association of Regulatory

24

Boards of Optometry meeting, which will take place on

25

June 13th-14th, 2026, in Phoenix, Arizona.]

1 ***

2 [Dr. Verma entered the meeting at 10:39 a.m.]

3 ***

4 Regulatory Report

5 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
6 directed the Board's attention to the Status of
7 Regulations report included on the agenda for review
8 and informational purposes. She specifically
9 highlighted the Board's continuing education
10 regulation, identified as 16A-5217. She explained
11 the proposed regulation, which updates the Board's
12 continuing education requirements was delivered as
13 proposed on October 7, 2025, following a 30-day
14 public comment period. No public comments were
15 received.

16 Ms. Wolfgang further reported, on December 24,
17 2025, the Independent Regulatory Review Commission
18 submitted comments regarding the proposed regulation.
19 She noted the Commission's feedback consisted of
20 minor, non-substantive suggestions. Ms. Wolfgang was
21 currently drafting the final rulemaking and
22 anticipated presenting it to the Board at the next
23 meeting.

24 Ms. Wolfgang directed the Board's attention to
25 the current stakeholder list, which was included on

1 the agenda for review and informational purposes.
2 She explained the list is maintained to ensure
3 appropriate outreach to interested parties when the
4 Board proposes regulations, as required under
5 Executive Order 1996-1.

6 Prior to publishing a proposed regulation, the
7 Board distributes an exposure draft to stakeholders
8 for a 30-day review and comment period. She invited
9 Board members to suggest any additional associations,
10 organizations, or individuals who should be included.
11 Ms. Wolfgang reported, in coordination with the
12 Commissioner's office, a link has been added to the
13 Board's website to allow individuals and
14 organizations to self-register as stakeholders to
15 receive regulatory information.

16 Dr. Wilcox raised concerns regarding the accuracy
17 of the stakeholder list. She noted Dr. Mittelman is
18 no longer affiliated with Drexel and now serves in a
19 leadership role at a university in the western United
20 States, and Dr. Casser has retired. She also
21 inquired about Post and Schell P.C., and Ms. Wolfgang
22 clarified that it is a law firm.

23 Ms. Wolfgang stated the stakeholder list had
24 recently been reviewed and no invalid email addresses
25 were identified. She offered to conduct a follow-up

1 outreach to verify current titles and affiliations.

2 Dr. Verma confirmed that both Dr. Mittelman and
3 Dr. Casser are no longer affiliated with Drexel or
4 the Pennsylvania College of Optometry. He explained
5 Dr. Casser has retired, but may retain an emerita
6 email address, which could explain the absence of
7 returned emails.

8 Ms. Wolfgang reiterated her plan to conduct
9 additional verification to ensure the list is
10 accurate and up to date.

11 Chair Godfrey sought clarification as to whether
12 the Board intended to include specific institutional
13 roles, such as current presidents or deans of
14 colleges, as stakeholders.

15 Ms. Wolfgang responded that individuals are added
16 to the list after expressing an interest and
17 requesting inclusion, and the Board does not
18 automatically solicit specific officeholders. She
19 emphasized that any interested party, including
20 retirees, licensees, non-licensees, schools,
21 associations, or other organizations, may serve as
22 stakeholders.

23 Dr. Wilcox asked about the process for removal
24 from the stakeholder list and was informed by Ms.
25 Wolfgang that individuals remain on the list unless a

1 removal is requested. She noted ongoing efforts to
2 improve outreach and maintain an updated list.

3 Dr. Wilcox suggested the current dean and
4 president of the Pennsylvania College of Optometry at
5 Salus University should be included. Board members
6 acknowledged some confusion regarding the
7 institution's current leadership and name. The Board
8 suggested verifying the information.

9 Dr. Verma requested clarification regarding the
10 role of stakeholders and the nature of communications
11 being received.

12 Ms. Wolfgang explained the regulatory stakeholder
13 list is separate from the Board administrator's
14 general distribution list for meeting agendas and
15 related materials. She stated stakeholders
16 specifically receive exposure drafts of proposed
17 regulations to provide preliminary input prior to
18 formal publication. While any member of the public
19 may comment once a regulation is formally proposed,
20 the stakeholder process is intended to facilitate
21 early input from interested parties.]

22

23 Report of Board Administrator - Updated December 2027

24 Board Meeting Date

25 [Shakeena Chappelle, Board Administrator, informed

1 the Board, although 2027 meeting dates had previously
2 been approved, the originally selected December date
3 is no longer available. She presented four
4 alternative Thursday dates for consideration:
5 October 21st, October 28th, November 4th, and
6 December 30th, 2027. She requested consensus from
7 the Board to select a replacement date.

8 Dr. Verma confirmed the preceding meeting would
9 occur in August 2027, and Ms. Chappelle stated it is
10 scheduled for August 5th, 2027. Dr. Verma expressed
11 concern that the October dates would be too close to
12 the August meeting and suggested that November 4
13 would provide a reasonable interval while avoiding a
14 late December meeting at year end.

15 Dr. Berson, Acting Commissioner Claggett, and Dr.
16 Wilcox each expressed agreement with selecting
17 November 4, 2027.

18 Ms. Chappelle acknowledged the consensus around
19 November 4th, 2027, and advised a formal vote to
20 finalize the change.]

21 CHAIR GODFREY:

22 The Board would entertain a motion to
23 change the December 2027 Board Meeting
24 date to November 4th, 2027.

25 ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 DR. BERSON:

3 I'll make that motion. Second it, or
4 whatever you need.

5

6 Dr. Godfrey, aye; Dr. Wilcox, aye;
7 Acting Commissioner Claggett, aye; Ms.
8 Knepp, aye; Dr. Berson, aye; Dr. Verma,
9 aye.

10 [The motion carried unanimously.]

11

12 Report of Board Administrator - Application Review

13 MR. JAYMAN:

14 For No. 7 on the Agenda, based on
15 Executive Session deliberations, I
16 believe the Chair would entertain a
17 motion to provisionally deny the
18 application for an Optometrist,
19 Therapeutics, and Glaucoma License for
20 Athena Chen. Application No.
21 AA0006318148, because she has not
22 achieved an overall pass score of Part
23 III of the PEPS Exam.

24 CHAIR GODFREY:

25 Do I have a motion?

1 ACTING COMMISSIONER CLAGGETT:

2 So moved.

3 CHAIR GODFREY:

4 Thank you.

5 DR. VERMA:

6 I will second.

7 CHAIR GODFREY:

8 Thank you, Dr. Verma.

9

10 Dr. Godfrey, aye; Dr. Wilcox, aye;

11 Acting Commissioner Claggett, aye; Ms.

12 Knepp, aye; Dr. Berson, aye; Dr. Verma.

13 [The motion carried unanimously.]

14

15 CHAIR GODFREY:

16 I would entertain a motion to send two

17 Board members and our Board

18 Administrator to the ARBO meeting on

19 June 13th-14th, 2026, in Phoenix,

20 Arizona; do I have a motion?

21 DR. VERMA:

22 I second.

23 ACTING COMMISSIONER CLAGGETT:

24 We need a first. Claggett, so moved.

25 Now we need a second.

1 CHAIR GODFREY:

2 I need a second.

3 DR. WILCOX:

4 I second.

5 CHAIR GODFREY:

6 Thank you, Dr. Wilcox.

7

8 Dr. Godfrey, aye; Dr. Wilcox, aye;

9 Acting Commissioner Claggett, aye; Ms.

10 Knepp, aye; Dr. Berson, aye; Dr. Verma.

11 [The motion carried unanimously.]

12 ***

13 Old Business - No Old Business.

14 ***

15 New Business - Addition to Approved Drug List -

16 Suzetrigine

17 DR. GODFREY:

18 The Board would entertain a motion to

19 accept this drug for inclusion on the

20 Optometry Drug List; do I have a

21 motion?

22 DR. VERMA:

23 So moved.

24 CHAIR GODFREY:

25 Thank you, Dr. Verma. Do I have a

1 second?

2 DR. BERSON:

3 Second.

4 CHAIR GODFREY:

5 Thank you, Dr. Berson.

6

7 Dr. Godfrey, aye; Dr. Wilcox, aye;

8 Acting Commissioner Claggett, aye; Ms.

9 Knepp, aye; Dr. Berson, aye; Dr. Verma.

10 [The motion carried unanimously.]

11

12 Appointment - Annual Prosecution Presentation

13 [Shana Walter, Esquire, Senior Board Counsel,

14 outlined the Prosecution's role and function within

15 the Bureau of Professional and Occupational Affairs.

16 She explained the Bureau of Professional and

17 Occupational Affairs provides administrative and

18 legal support to 29 professional and occupational

19 licensing boards and commissions; and is charged with

20 protecting public health and safety and maintaining

21 professional integrity.

22 The Prosecution Division, working in conjunction

23 with the Bureau of Enforcement and Investigation and

24 the Professional Compliance Office, receives

25 complaints, investigates allegations, and enforces

1 compliance with applicable statutes and regulations.
2 The Division consists of 39 attorneys, including five
3 senior prosecuting attorneys.

4 Ms. Walter described the prosecution process,
5 noting it begins with the filing of a complaint. In
6 2024 and 2025, approximately 22,800 complaints were
7 received. When jurisdiction is established, an
8 investigation is conducted, followed by layered
9 review and charging determinations.

10 Respondents may proceed through the hearing
11 process or resolve matters through consent agreements
12 presented to the Board. She explained the Bureau of
13 Enforcement and Investigation conducts interviews,
14 inspections where authorized, and gathers evidence,
15 which is then reviewed by prosecutors to determine
16 whether violations exist and whether additional
17 investigation is required. Investigative authority
18 varies by board, with some limited to document review
19 and others granted inspection authority.

20 If sufficient evidence of a violation is found,
21 prosecutorial options include petitions for
22 appropriate relief, immediate temporary suspension,
23 or automatic suspension pending examination. Upon a
24 finding of discipline by the Board, sanctions may
25 include revocation, suspension, probation, public

1 reprimand, civil penalties, remedial education, and
2 assessment of investigative costs. Ms. Walter
3 emphasized that investigative materials are
4 confidential and not subject to Right-to-Know
5 requests, and only final Board actions are publicly
6 available.

7 She reported, in 2025, the Prosecution Division
8 opened 17,354 cases and closed 19,131 cases,
9 reflecting a significant increase in case closures
10 compared to 2024. For the State Board of Optometry
11 specifically, 39 cases were opened in 2025; 23 were
12 closed within less than one year. There are
13 approximately 3,400 licensees, and 32 cases remain
14 open.

15 Dr. Verma inquired about how the costs of
16 prosecution and investigation are allocated among
17 boards, noting the financial implications and the
18 relatively low number of optometry cases.

19 Ms. Walter explained that all investigative and
20 prosecutorial work performed for a specific board is
21 billed directly to that board. She indicated that
22 additional financial details would be addressed in a
23 subsequent budget presentation.

24 Dr. Wilcox questioned the reported number of
25 licensees, referencing a lower figure presented in

1 the budget materials. Commissioner Claggett
2 suggested that licensee numbers can fluctuate and may
3 differ depending on reporting timing.

4 Ms. Chappelle stated, according to the most
5 recent monthly report, there are 3,382 active
6 licensees. Commissioner Claggett acknowledged that
7 prior budget figures may have reflected outdated
8 data.]

9

10 Report of Board Counsel - Sunshine Act and Recusal
11 [Shawn J. Jayman, Esquire, Board Counsel, presented
12 the Board's annual overview of the Pennsylvania
13 Sunshine Act, emphasizing its purpose to ensure
14 transparency in public agency deliberations and
15 official actions. He reviewed the Act's requirements
16 that meetings involving deliberation or official
17 action be open to the public following proper notice.
18 He clarified definitions of the words agency,
19 deliberation, and official action, and explained
20 public notice requirements, including advanced
21 publication timelines for regular and special
22 meetings, agenda posting obligations, and procedures
23 for emergency meetings. Mr. Jayman addressed voting
24 requirements, the prohibition on secret ballots,
25 virtual attendance standards, and the obligation to

1 maintain written minutes of open meetings.

2 Mr. Jayman outlined exceptions to open meeting
3 requirements, including conferences and executive
4 sessions. He described permissible purposes for
5 executive sessions, such as personnel matters,
6 consultation with legal counsel, and quasi-judicial
7 deliberations. He explained procedural requirements
8 for announcing executive sessions and noted any
9 official action must occur in an open meeting. He
10 also reviewed potential legal challenges for Sunshine
11 Act violations, associated timelines, and possible
12 penalties, including invalidation of actions,
13 criminal sanctions, and attorney fee awards.

14 Mr. Jayman then summarized key compliance
15 takeaways, stressing that Board deliberations and
16 official actions must occur at public meetings and
17 Board members should not discuss agency business
18 outside of official meetings, including via email.
19 He explained circumstances requiring mandatory and
20 discretionary recusal, distinguished recusal from
21 abstention, and discussed quorum implications. He
22 further advised professional Board members regarding
23 potential conflicts of interest related to statewide
24 associations and provided general guidance applicable
25 to public Board members.

1 Chair Godfrey sought clarification regarding
2 whether the Act prohibits discussions between Board
3 members outside of meetings.

4 Mr. Jayman confirmed that Board members should
5 not discuss agenda items outside official meetings,
6 including through email communications.

7 Dr. Wilcox inquired whether Board members may
8 communicate through their official pa.gov email
9 accounts and what types of communications would be
10 permissible.

11 Mr. Jayman advised that communications unrelated
12 to agenda items may be appropriate through official
13 accounts, but discussions concerning agenda matters
14 should be reserved for public meetings. He
15 recommended consulting counsel when uncertain.

16 Ms. Wolfgang added that even discussions
17 concerning potential regulations or future policy
18 matters should occur in public session and not
19 through private communications between Board members.

20 Dr. Berson asked whether it would be appropriate
21 to share publicly available research information
22 regarding a drug previously reviewed by the Board,
23 particularly when such research had been requested by
24 the Chair.

25 Ms. Chappelle advised that such materials should

1 be sent to her so they may be distributed to all
2 Board members as part of the official meeting
3 materials.

4 Dr. Berson clarified that the information in
5 question was publicly accessible and informational in
6 nature.

7 Mr. Jayman reiterated, when uncertainty arises
8 regarding permissible communications, Board members
9 should consult him for guidance. Ms. Wolfgang
10 further recommended that research requests be routed
11 through the Board administrator and counsel rather
12 than communicated directly between Board members to
13 ensure compliance and proper inclusion in the meeting
14 agenda.

15 Chair Godfrey confirmed the appropriate procedure
16 for requesting research from another Board member,
17 acknowledging that such requests should be
18 transmitted through the Board administrator and
19 copied to Board counsel, with resulting materials
20 formally distributed as agenda items.

21 Dr. Wilcox expressed concern regarding whether
22 sharing publicly available drug information would
23 constitute a Sunshine Act violation to which, Ms.
24 Wolfgang responded that the concern centers on
25 private collaboration between Board members, noting

1 that substantive collaboration should occur during
2 public meetings to maintain transparency and
3 compliance.]

4 ***

5 Appointment - BFP Financial Presentation
6 [Michael Howard, Fiscal Management Specialist,
7 Department of State, presented the Board's annual
8 financial report on behalf of the Pennsylvania
9 Department of State. He began with a review of the
10 six-year licensee population history and a breakdown
11 by licensure class. He reported a slight overall
12 decrease of approximately 0.7 percent, or 20
13 licensees between the last two biennial periods. The
14 majority of licensees remain in the
15 therapeutic/glaucoma optometrist category, which
16 experienced a minimal decline, while the diagnostic
17 optometrist category showed a more notable percentage
18 decrease.

19 Dr. Verma questioned an apparent discrepancy
20 between the reported total of approximately 2,700
21 licensees and a previously referenced figure of 3,300
22 to which, Ms. Chappelle explained that her monthly
23 report reflected 3,300 licenses based on data
24 received earlier in the month.

25 Commissioner Claggett and Mr. Howard clarified

1 that the difference was attributable to the inclusion
2 of additional practice location licenses, which
3 accounted for more than 500 licenses. The Board
4 acknowledged that this clarification reconciled the
5 discrepancy.

6 Mr. Howard reviewed current licensure renewal
7 fees, noting that all classes renew at \$135 and the
8 Board's last fee increase occurred in 1988. In
9 response to an inquiry from Chair Godfrey regarding a
10 potential fee increase, Mr. Howard indicated a
11 recommendation would be forthcoming later in the
12 presentation.

13 Turning to revenue, Mr. Howard explained that
14 renewals occur in November of even-numbered years,
15 resulting in fluctuations between fiscal years.
16 Total biennial revenue was approximately \$396,000,
17 with renewals and applications accounting for 96.5
18 percent of revenue. He noted a slight projected
19 decrease in renewal revenue corresponding to the
20 decline in licensee counts.

21 Dr. Wilcox inquired about reported civil
22 penalties and the absence of Act 48 or investigative
23 revenue.

24 Mr. Howard confirmed minimal civil penalty
25 revenue and no investigative or Act 48 revenue in the

1 referenced fiscal years.

2 Dr. Verma questioned how civil penalties could be
3 reflected absent investigations.

4 Taylor Koch, Fiscal Management Specialist 3,
5 Bureau of Finance and Procurement, Department of
6 State, clarified that revenue from civil penalties
7 may result from cases investigated in prior years;
8 but resolved in the current fiscal year.

9 Paul J. Jarabeck, Esquire, Senior Board
10 Prosecutor, further explained the distinction between
11 investigative costs and recouped costs, noting that
12 expenses may be incurred even if they are not
13 recovered, particularly when cases cannot be
14 successfully prosecuted.

15 Dr. Wilcox questioned the reported prosecution,
16 counsel, and hearing expenses, to which Mr. Jarabeck
17 explained that these expenses include attorney
18 review, preparation, research, drafting of legal
19 documents, and case presentation in addition to
20 formal hearings. Ms. Wolfgang added that counsel
21 costs include time spent preparing for and attending
22 Board meetings, conducting legal research, and
23 providing regulatory guidance.

24 Dr. Verma requested clarification regarding the
25 distinction between prosecution and counsel expenses.

1 Mr. Jarabeck explained that prosecution involves
2 reviewing investigations, preparing and filing
3 disciplinary actions, and litigating cases, while
4 counsel expenses relate to legal guidance provided to
5 the Board, including meeting preparation and advisory
6 services.

7 Mr. Howard reviewed expense trends, explaining
8 that costs are allocated through timesheet-based
9 charges, direct charges, and proportional assessments
10 based on licensee population. He reported that
11 projected biennial expenses are expected to increase
12 significantly, from approximately \$415,000 to
13 \$559,000, largely due to one-time licensing system
14 modernization costs. He summarized the Board's
15 overall financial position, noting that expenses had
16 begun to exceed revenues, resulting in a deficit and
17 a gradual reduction of the Board's restricted
18 balance. While modernization costs are temporary,
19 maintenance expenses will continue in future
20 projections.

21 Dr. Verma sought clarification regarding
22 projected future deficits, and Mr. Howard explained
23 that the figures reflected the difference between
24 revenue and projected biennial expenses rather than
25 additional discrete cost increases.

1 Dr. Wilcox asked whether a fee increase would be
2 necessary to address the deficit.

3 Mr. Howard confirmed that a fee increase is being
4 recommended. Mr. Koch outlined the anticipated
5 timeline. He explained, due to regulatory
6 requirements, the earliest implementation date for a
7 new fee would be the November 2028 renewal cycle. He
8 indicated that a proposed fee package would be
9 presented to the Board in May, with a vote
10 anticipated at that time to initiate the regulatory
11 process.

12 Mr. Koch explained the delay in presenting a
13 proposal was intended to allow more complete fiscal
14 year data before finalizing projections. He stated
15 multiple financial factors, including license count
16 changes and potential expense shifts related to
17 system modernization, must be evaluated before
18 recommending specific fee amounts. He emphasized the
19 goal of proposing a measured, incremental increase
20 sufficient to offset projected deficits without
21 overburdening licensees.

22 Dr. Wilcox expressed concern regarding financial
23 vulnerability should a costly disciplinary case arise
24 prior to fee implementation.

25 Chair Godfrey confirmed procedural expectations

1 for the May presentation and vote.

2 Mr. Koch clarified the vote could occur at the
3 conclusion of the May presentation, allowing
4 regulatory drafting to begin immediately if approved.

5 Dr. Berson noted other states assess
6 substantially higher renewal fees and suggested
7 consideration of structured percentage-based
8 increases to avoid long intervals between
9 adjustments.

10 Mr. Koch responded that fee packages are
11 structured across three biennial cycles, typically
12 covering a six-year period with incremental increases
13 built into projections. He invited Board members to
14 submit suggested scenarios through the Board
15 administrator for consideration but cautioned that
16 final recommendations would be based on comprehensive
17 financial analysis.

18 Commissioner Claggett reiterated that fee
19 comparisons to other professional boards are not
20 appropriate due to differing license populations and
21 operational factors.

22 Ms. Wolfgang inquired whether continuing
23 education provider renewals should be reflected in
24 licensure counts.

25 Mr. Koch agreed to review the data. Ms. Chappelle

1 clarified that CE provider licenses have only
2 recently been issued in small numbers but may warrant
3 inclusion in future projections.

4 Chair Godfrey directed that further questions be
5 submitted through the Board administrator.]

6 ***

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

9 [Mr. Jayman reconvened discussion on the General
10 Revision Package, continuing the Board's page-by-page
11 regulatory review. The Board confirmed prior
12 agreement on licensure by examination language and
13 proceeded with technical corrections, including
14 reinstating omitted language and deleting outdated or
15 redundant provisions tied to the former standalone
16 clinical skills examination.

17 The Board determined that references requiring
18 applicants to apply to the state before sitting for
19 the national examination were obsolete and agreed to
20 delete the entire subsection, recognizing that
21 candidates apply directly to the national testing
22 body.

23 The Board reaffirmed its prior position that it
24 cannot require passage of subcomponents of the
25 national examination beyond the overall passing

1 standard, citing reciprocity and endorsement
2 implications.

3 Regarding provisions addressing graduates of
4 unaccredited schools, the Board concluded that it
5 lacks authority over national examination eligibility
6 and agreed to remove outdated language that exceeded
7 its regulatory role. Redundant retesting language
8 was also deleted.

9 In reviewing reciprocity provisions, the Board
10 agreed to retain statutory pathways outlined in the
11 Practice Act; but amended regulatory language for
12 clarity and modernization. The Board agreed to
13 retain original licensure language to preserve
14 examination verification integrity, remove outdated
15 references to recommendation letters and financial
16 statements, eliminate unnecessary certification
17 requirements not grounded in statute, and revise
18 education language to reference graduation from an
19 accredited institution without implying Board
20 approval authority.

21 The Board clarified that verification of
22 licensure from all states of prior or current
23 licensure is already required through application
24 procedures and does not need duplicative regulatory
25 language.

1 In examination-related sections, the Board
2 replaced references to clinical examination with
3 updated references to the national board examination
4 structure and eliminated redundant provisions.

5 The Board agreed to remove language authorizing
6 certification of examination grades, determining that
7 certification of licensure status, rather than
8 examination scores, is appropriate.

9 In the advertising section, the Board elected to
10 retain prohibitions on conditional free service
11 advertising, acknowledging that enforcement is
12 complaint-driven but affirming the provision remains
13 valid. The Board modernized language by removing
14 references to telephone directories and wallet cards
15 and updated posting requirements to reflect
16 electronic licensure verification practices.
17 Language was streamlined to require license display
18 without redundant terminology.

19 Discussion regarding fictitious name practice and
20 certain remaining corporate practice provisions was
21 deferred pending further legal review and research.

22 The Board concluded the session after making
23 substantial progress through the revision package,
24 directing staff and counsel to incorporate agreed-
25 upon changes and prepare remaining sections for

1 continued review at the next meeting.]

2 ***

3 Public Comment - No Public Comment

4 ***

5 Adjournment

6 CHAIR GODFREY:

7 Is there any comments from the public?

8 Hearing none, the Chair will

9 entertain a motion to adjourn.

10 ACTING COMMISSIONER CLAGGETT:

11 So moved.

12 CHAIR GODFREY:

13 Thank you. Do I have a second?

14 DR. VERMA:

15 Second. Yes, second.

16 CHAIR GODFREY:

17 Dr. Verma. The meeting is adjourned.

18 ***

19 [There being no further business, the State Board of

20 Optometry Meeting adjourned at 12:47 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
February 05, 2026

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	10:33	Official Call to Order
9		
10	10:34	Roll Call/Introduction of Attendees
11		
12	10:35	Approval of Minutes
13		
14	10:37	Report of Board Prosecutor
15		
16	10:38	Report of Acting Commissioner
17		
18	10:39	Report of Board Chair
19		
20	10:41	Regulatory Report
21		
22	10:51	Report of Board Administrator
23		
24	10:56	New Business - Addition to Approved Drug List - Suzetrigine
25		
26		
27	10:58	Appointment - Annual Prosecution Presentation
28		
29		
30	11:08	Report of Board Counsel - Sunshine Act and Recusal Presentation
31		
32		
33	11:18	Appointment - BFP Financial Presentation
34		
35	11:47	Report of Board Counsel (Cont.)
36		
37	12:46	Public Comment
38		
39	12:47	Adjournment
40		
41		
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