

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: 10:49 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 13, 2025

State Board of Optometry
February 13, 2025

BOARD MEMBERS:

Luanne K. Chubb, O.D., F.A.A.O., Chairperson
John A. Godfrey, O.D. Vice Chairperson
Arion R. Claggett, Acting Commissioner of
Professional and Occupational Affairs
Denise T. Wilcox, O.D., Ph.D., F.A.A.O., Secretary
Ester Blair, Esquire, Consumer Protection Member
Jeffrey B. Becker, O.D.
Perry C. Umlauf, O.D.
Marc Berson, O.D. - Absent
Satya B. Verma, O.D.

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Jacqueline A. Wolfgang, Esquire, Regulatory Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Shakeena Chappelle, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Paul Jarabeck, Esquire, Senior Board Prosecutor
Jacqueline A. Wolfgang, Esquire, Regulatory Counsel
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
Amanda Richards, Fiscal Supervisor, Bureau of Finance
and Procurement, Department of State
Taylor Koch, Fiscal Chief, Bureau of Finance and
Procurement, Department of State
Michael Merten, Esquire, Board Counsel, State Board
of Barber Examiners
Deena Parmelee, Legal Office Administrator 1,
Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates,
on behalf of Pennsylvania Optometric Association
Jennifer Keeler, CAE, American Optometrist
Association
Erin Badstuebner, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Optometry

3 February 13, 2025

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 10:49 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Optometry was held on Thursday, February 13,
14 2025. Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
15 called the meeting to order at 10:49 a.m.

16 ***

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

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

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

Approval of Meeting Minutes

CHAIRPERSON CHUBB:

Is there a discussion of the minutes?

[The Board discussed corrections to the minutes.]

DR. GODFREY:

I'll make a motion to approve the
minutes. That includes the alterations
or the changes as outlined by Dr.
Wilcox.

DR. UMLAUF:

Seconded.

MS. CHAPPELLE:

Dr. Chubb, aye; Dr. Godfrey, aye;
Commissioner Claggett, aye; Dr. Wilcox,
aye; Ester Blair, aye; Dr. Umlauf, aye;
Dr. Becker, abstain; Dr. Verma, aye.

[The motion carried. Dr. Becker abstained from
voting.]

Report of Board Prosecutor

[Paul Jarabeck, Esquire, Senior Board Prosecutor, on behalf of Greg Liero, Esquire, Board Prosecution Liaison, had nothing to report.]

Appointments - Annual Financial Report Follow-Up

[Taylor Koch, Fiscal Chief, Bureau of Finance and Procurement, Department of State, presented to the Board to address questions brought up at the Annual Financial Report presentation at the December 19, 2024 meeting.

Mr. Koch first explained to the Board that when the decision was made back in 2001 to go live with SAP, the restricted financial balance for the Board was more than what was discovered to be available. He referenced the current and correct balance for the Board.

Mr. Koch stated the Bureau of Finance would present the Board in the Spring with a more accurate assessment of the new fee package increase. He reiterated his intent to answer any questions and clarify any confusion about the budget for the Board.

Dr. Chubb suggested that there were members that had questions regarding the significant loss in

1 finances, given the number of years that she and the
2 Board had been told they had a healthy restricted
3 account balance. She confirmed that the Board was
4 prepared for a fee increase, but her question was
5 more to the point of how the Board's restricted
6 account balance could go down \$120,000 in 2022 from
7 \$1 million in 2021. She advised, between the years
8 2017 to 2021, the Board was consistently told that no
9 fee increase was needed. Dr. Chubb then commented
10 that Dr. Wilcox and Dr. Godfrey had questions as
11 well.

12 Dr. Godfrey reiterated the need for an answer as
13 to why the Board budget was now having to implement
14 another fee increase where it did not need to before.
15 Additionally, Dr. Godfrey asked if it was true that
16 this fee increase would not happen until the year
17 2028.

18 Mr. Koch advised that this was correct; a fee
19 increase would be implemented in 2028. The new fee
20 package would be up to the Board to vote on, and if
21 agreed upon, it would take up to two years to
22 commence. He explained, after the COVID pandemic,
23 particularly for the period FY '22-'24, matters began
24 to escalate quickly with a significant increase in
25 counsel staff charges. He continued by noting that

1 they were just calculating the numbers from
2 historical data in the system, and these numbers were
3 only an estimate. He also advised that the current
4 upward costs were due in part to the modernization of
5 the PALS system, as well as the prosecutorial and
6 expert witness costs. He stated, since the fee
7 increase for the modernization of the PALS system was
8 done in proportion to each board's license count, the
9 Optometry Board may not have a fee increase at all.

10 Dr. Chubb asked Mr. Koch for a breakdown of the
11 Optometry Board's budget for PALS. She stated that
12 neither she nor the other Board members could locate
13 what their portion was in the budget for PALS.

14 Mr. Koch informed the Board that their portion of
15 the budget was included under Board Administration
16 costs. He affirmed that PALS was a portion of that
17 category.

18 Dr. Chubb then inquired as to the specific costs
19 contributing to a fee increase, including costs
20 associated with moving to a new location, cost fees
21 for licensees specific to each board and regulatory
22 work costs.

23 Mr. Koch explained that moving to a new building
24 fell under the cost category of Legal Office
25 Administration, and the regulatory work fell under

1 the category of Legal Office Prosecution. He also
2 explained, in response to Dr. Chubb's inquiry as to
3 the increase in expenses for FY '23-'24, that those
4 increases were due to expenses of \$10,000 or more for
5 legal counsel staff charges. The operating costs
6 based on timesheets increased about \$15,000 as well.

7 Ms. Wolfgang stated that the regulatory costs
8 should fall under Board Council, not Legal Office
9 Prosecution.

10 It was noted that there were several instances
11 where the Board tried to either get a breakdown of
12 their budget or asked for clarification of same. The
13 Board had twice been told they would have it at the
14 December 23rd, 2024 meeting, but it did not
15 materialize. The Board requested formally a breakdown
16 of the budget again.

17 Mr. Koch explained that information that would
18 involve divulging employee timesheets could not be
19 shared.

20 Dr. Verma questioned the statistics being
21 presented by the Bureau of Finance to the Board over
22 the next eight years, given what appeared to be
23 stable revenues for the Board but differing expenses
24 for each year.

25 Mr. Koch explained that the early upswing in

1 expenses would be due to the move to Thea Drive and
2 the cost of the PALS modernization system. Following
3 the completion of these projects, the expenses were
4 expected to drop. The costs then would be related
5 only to the maintenance of said projects. Mr. Koch
6 also reiterated that these were estimated financial
7 projections only.

8 Dr. Verma asked why there was another increase
9 again for FY '30-'32.

10 Ms. Richards spoke directly to this question by
11 responding that this increase was a typical 3%
12 increase that occurs on a regular basis to cover
13 whatever unknown expenses might surface.

14 Dr. Verma then asked, with restricted funds of
15 over \$800,000, why was there a need for an increase
16 in licensing fees? He also wanted clarification on
17 what the restricted funds were meant for.

18 Mr. Koch replied that the restricted funds were
19 there for unexpected expenses and, therefore, not to
20 be used unless the need for them was imperative. The
21 increase in licensing fees existed only as a
22 continuing source of revenue into the restricted
23 funds account.

24 Ms. Wolfgang then advised the Board that an
25 increase in fees was a statutory regulation within

1 the Practice Act. She questioned why there was an
2 incorrect amount of money listed in the Board's
3 restricted funds account that was given to them at
4 the last meeting.

5 Mr. Koch explained that an error had occurred on
6 the December 2024 report which had been corrected.
7 The Board's restricted funds account currently held
8 \$878,000.

9 Mr. Koch stated there would be a new fee increase
10 package presentation for the Board, but probably not
11 before June 2025.]

12 ***

13 Regulatory Report - Status of Regulations

14 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
15 presented on the Continuing Education Regulation.

16 Ms. Wolfgang reminded the Board it had voted to
17 adapt the Annex and Preamble of this regulation,
18 prepare it for submission to the OGC Budget and
19 Policy, (Pennsylvania Office of Budget and Office of
20 General Counsel), and to ensure its readiness for the
21 regulatory process. Ms. Wolfgang explained, because
22 of an administrative error which resulted in the
23 report not being sent to all recipients, it had to be
24 resent again and was now in the 30-day comment
25 waiting period. Despite the administrative error,

1 she expected no major setbacks or delays that would
2 postpone this regulation from being processed. She
3 further advised, barring any suggestive comments
4 within the 30-day waiting period, the regulation
5 would continue to move forward.

6 Ms. Wolfgang also communicated to the Board that
7 she would be continuing to work on the ABC Mac Opioid
8 regulation and the Volunteer License regulation.]

9 ***

10 Appointment - Annual Prosecution Report

11 [Carlton Smith, Esquire, Deputy Chief Counsel,
12 Prosecution Division, presented the Annual
13 Prosecution Report.

14 Mr. Smith began his presentation by referring the
15 Board to a report of active licensees, which was
16 3,099 at the time the report was run.

17 He reported the Prosecution Division had opened 22
18 cases in 2024 and had closed 26 cases. Currently, the
19 Board had 16 open cases.

20 Mr. Smith continued by noting that it took the
21 Prosecution Division approximately 328 days to close
22 an open case, which was an improvement over the 370
23 days required in 2023. He explained the varying
24 factors that go into the time it takes to close a
25 case. He stated the more complex cases generally

1 took longer to close as they often included an
2 alleged breach of standard of care, which would then
3 require the report of an expert witness.

4 Mr. Smith also noted that many cases, where no
5 discipline from the prosecution was dispensed,
6 usually meant that there was not enough evidence to
7 support the allegation. He stated these types of
8 cases fell under the categories of either prosecuted,
9 not warranted or dispensed with by sending a warning
10 letter to the alleged violator. Any warning letter
11 sent to a licensee was also sent to the complainant.

12 Dr. Wilcox questioned which category the
13 Prosecution Division fell under. Mr. Smith replied
14 that his office fell under the category of
15 Prosecution.]

16 ***

17 Report of Acting Commissioner - No Report

18 ***

19 Report of Board Chair

20 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
21 presented on the National Board of Examiners and
22 Optometry.

23 Ms. Chubb announced, on January 24th, 2025, 1,866
24 candidates took the December, 2024 Part II PAM exam
25 (Patient Assessment and Management) and the TMOD exam

1 (Treatment and Management of Ocular Disease), given
2 by the National Board of Examiners and Optometry.
3 She added it was announced on January 26th, 2025,
4 that about 6% of the candidates who took the exam
5 were given the incorrect exam scores. Ms. Chubb
6 stated the incorrect exam scores were due to an
7 incorrect data transfer between the internal data
8 base and the reporting platform of the board scores.

9 Ms. Chubb stated NBEO had communicated with all
10 of the candidates that did not pass the exam in order
11 to provide them with an opportunity to retake the
12 exam at no cost.]

13 ***

14 Report of Board Administrator - Election of Officers
15 [Shawn Jayman, Esquire, Board Counsel, began the
16 voting process for the election of Board Officers.]

17 MR. JAYMAN:

18 New Board Officers. Is there a
19 nomination for Chair of the State Board
20 of Optometry?

21 CHAIRPERSON CHUBB:

22 I would like to nominate Dr. Godfrey.

23 DR. WILCOX:

24 I'll second.

25 CHAIRPERSON CHUBB:

1 Are there any other nominations?

2 Hearing none. Take a vote.

3 MS. CHAPPELLE:

4 Dr. Chubb, aye; Dr. Godfrey, aye;

5 Commissioner Claggett, aye; Dr. Wilcox,

6 aye; Ester Blair, aye; Dr. Becker, aye;

7 Dr. Umlauf, aye; Dr. Verma, aye.

8 [The nomination carried unanimously.]

9 ***

10 MR. JAYMAN:

11 Is there a nomination for Vice

12 Chairperson of the State Board of

13 Optometry?

14 DR. GODFREY:

15 I would like to nominate Dr. Denise

16 Wilcox.

17 CHAIRPERSON CHUBB:

18 I'll second.

19 MR. JAYMAN:

20 Are there any other nominations for

21 Vice Chair of the State Board of

22 Optometry?

23 Seeing none. Roll call.

24 MS. CHAPPELLE:

25 Dr. Chubb, aye; Dr. Godfrey, aye;

1 Commissioner Claggett, aye; Dr. Wilcox,
2 aye; Ester Blair, aye; Dr. Becker, aye;
3 Dr. Umlauf, aye; Dr. Verma, aye.

4 [The nomination carried unanimously.]

5 ***

6 MR. JAYMAN:

7 Is there a nomination for Secretary of
8 the State Board of Optometry?

9 DR. GODFREY:

10 I would like to nominate Dr. Becker.

11 CHAIRPERSON CHUBB:

12 I'll second.

13 MR. JAYMAN:

14 Are there any other nominations for
15 Secretary of the State Board of
16 Optometry?

17 Seeing none. Roll call.

18 MS. CHAPPELLE:

19 Dr. Chubb, aye; Dr. Godfrey, aye;
20 Commissioner Claggett, aye; Dr. Wilcox,
21 aye; Ester Blair, aye; Dr. Becker, aye;
22 Dr. Umlauf, aye; Dr. Verma, aye.

23 The nomination carried unanimously.]

24 ***

25 Report of Board Administrator - Committee Assignments

1 [Ms. Chappelle suggested Dr. Godfrey have an
2 opportunity to speak to each Board member about what
3 committees they would like to serve on. The Board
4 decided to schedule the matter for further
5 consideration at its next meeting.]

6 ***

7 Old Business / New Business - ARBO Meeting-June,
8 2025, Minneapolis, MN

9 [Chairperson Chubb announced that the Board was
10 seeking one available member to attend the ARBO
11 meeting (Association of Regulatory Boards of
12 Optometry), which is being held in Minneapolis, MN,
13 on the dates of June 22nd to June 24th, 2025.

14 Dr. Verma advised that he may be able to attend
15 the meeting depending on what would be required of
16 him. He also questioned who would be paying for the
17 cost of attending the same. He was told by
18 Chairperson Chubb that either ARBO or the Board would
19 be paying for the trip. She then made a motion to
20 vote on sending one Board member to the meeting.]

21 CHAIRPERSON CHUBB:

22 I would make a motion to vote to send
23 one person.

24 DR. GODFREY:

25 I would second that motion.

1 MS. CHAPPELLE:

2 Dr. Chubb, aye; Dr. Godfrey, aye;
3 Commissioner Claggett, aye; Dr. Wilcox,
4 aye; Ester Blair, aye; Dr. Becker, aye;
5 Dr. Umlauf, aye; Dr. Verma, aye.

6 [The motion carried unanimously.]

7 ***

8 Miscellaneous - DOH Accreditation Review

9 [Dr. Godfrey announced that the Board was asked to
10 review the DOH curriculum (Pennsylvania Department of
11 Health Office) Act 124, Opioid Prescribing, on drug
12 surveillance, misuse prevention, and comprehensive
13 approaches to pain management to determine if it
14 would be an approved curriculum for satisfying CME
15 re: Patient safety.]

16 MR. JAYMAN:

17 Pursuant to Executive Session
18 deliberations, I believe the Chair
19 would entertain a motion to table this
20 matter in order to obtain more
21 information from the Department of
22 Health for our next meeting of May 8th,
23 2025.

24 DR. UMLAUF:

25 I move.

1 DR. GODFREY:

2 I would second that motion.

3 MS. CHAPPELLE:

4 Dr. Chubb, aye; Dr. Godfrey, aye;

5 Commissioner Claggett, aye; Dr. Wilcox,

6 aye; Ester Blair, aye; Dr. Becker, aye;

7 Dr. Umlauf, aye; Dr. Verma, aye.

8 [The motion carried unanimously.]

9 ***

10

11 Miscellaneous - CE Waiver Request - Dr. Charles

12 Sestini, License No. OE G000200

13 MR. JAYMAN:

14 Based on Executive Session

15 deliberations, I believe the Chair

16 would entertain a motion to deny the

17 application for CE Waiver Request given

18 the statement of policy of optometry

19 that allows continuing education to not

20 have to be attained in a physical

21 building- 49 PA Code, Sec. 23.301 which

22 confirms that.

23 DR. GODFREY:

24 So moved.

25 DR. UMLAUF:

1 Second.

2 MS. CHAPPELLE:

3 Dr. Chubb, aye; Dr. Godfrey, aye;
4 Commissioner Claggett, aye; Dr. Wilcox,
5 aye; Ester Blair, aye; Dr. Becker, aye;
6 Dr. Umlauf, aye; Dr. Verma, aye.

7 [The motion carried unanimously.]

8 **

9 CHAIRPERSON CHUBB:

10 Is there any comments from our guests?
11 Hearing none, I'd like to adjourn
12 the meeting of the State Board of
13 Optometry.

14 Is there a motion?

15 DR. GODFREY:

16 So moved.

17 DR. UMLAUF:

18 Second.

19 ***

20 [There being no further business, the State Board of
21 Optometry Meeting adjourned at 11:45 p.m.]

22 ***

23

24

25

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 13, 2025

TIME

AGENDA

10:00	Executive Session
10:30	Return to Open Session
10:49	Official Call to Order
10:51	Roll Call/Introduction of Attendees
10:51	Approval of Minutes
10:55	Report of Board Prosecutor
10:56	Appointment - Annual Financial Report Follow-Up
11:09	Appointment - Annual Prosecution Report
11:19	Regulatory Report
11:29	Report of Board Chair
11:29	Report of Commissioner
11:32	Report of Board Administrator
11:39	Miscellaneous
11:45	Adjournment