

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

March 3, 2000

Present - Joan P. Miller, O.D., President
 Douglas G. Smith, O.D., Vice President
 Candace D. Hamel, O.D.
 John P. Reslock, O.D.
 Jill A. Tanner, Public Member

 Thomas Cowan, Assistant Attorney General
 David Plunkett, Executive Director
 Cathy Boudreau, Administrative Assistant

CALL TO ORDER -

Dr. Miller called the meeting to order at 8:01 a.m. The Board immediately went into executive session for the purpose of discussing complaint cases.

The Public Session reconvened at 1:53 p.m.

In deference to the members of the public who were attending the meeting, Dr. Miller announced that the Board would vary from the agenda and address the adoption of administrative rules.

Administrative Rules Committee -

Dr. Reslock moved that the Board file proposed changes to OAR 852-10-000, 001, 002, and OAR 852-10-027(14) as discussed. Ms. Tanner seconded the motion. The motion passed unanimously.

Dr. Reslock moved that the Board adopt amendments to OAR 842-10-003(1)(2)(3)(4) and OAR 852-004(1)(2)(3)(4)(5) as proposed. Ms. Tanner seconded the motion. The motion passed unanimously.

Dr. Reslock moved that the Board revise proposed changes to OAR 852-10-027(4)(18)(19), 852-20-050(1)(2), and 852-20-060(1)(2)(3)(4)(5) as discussed. Dr. Smith seconded the motion. The motion passed unanimously.

Dr. Reslock moved that the Board adopt amendments to OAR 852-80-020 and 852-80-030(3) as proposed. Dr. Smith seconded the motion. The motion carried unanimously.

Dr. Miller briefly explained to the members of the public that the Board was interested in hearing comments on the revised proposed administrative rule revisions and that a hearing would be scheduled.

MINUTES -Dr. Hamel moved that the minutes of the December 10, 1999 public session be approved

as written. Dr. Smith seconded the motion. The minutes were approved by unanimous vote.

RATIFICATION -

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A have met all the requirements for licensure and were approved by the Board President since the last Board meeting.

The following licensing actions were approved by the Board President since the last Board meeting:

"Reinstatement of licenses:

William Berman, OD

"Reactivation of licenses:

Thomas Ellison, O.D. (Inactive to Active)

Dr. Smith moved that the Board ratify the actions of the President. The motion was seconded by Dr. Hamel. The motions carried unanimously.

ACTION ON EXECUTIVE SESSION

98-01-02 - The case is on hold. This case will remain open.

98-05-01 - The investigation in this case will continue. This case will remain open.

99-04-04 - Dr. Hamel moved that the Board issue a Notice of Intent to Discipline, assessing two civil penalties of \$1,000 each. Dr. Reslock seconded the motion. The motion passed unanimously.

99-05-01 - Dr. Hamel moved that the Board issue a Notice of Intent to Discipline, assessing two civil penalties of \$1,000 each. Dr. Reslock seconded the motion. The motion passed unanimously.

99-08-01 - This case will be closed.

99-10-01 - The investigation in this case will continue. This case will remain open.

99-11-01 - This case will be closed

99-12-01 - The investigation in this case will continue. This case will remain open.

99-01-01 - This case will be closed.

99-01-02 - This case will be closed

00-01-03 - The Board does not find any optometric error or violation of Oregon law or administrative

rule. A letter will be written to the complainant. This case will remain open.

00-01-04 - This case will be closed.

00-02-08 - The investigation in this case will continue. This case will remain open.

The Board would like to insert a notice to doctors when requesting patient information in an investigation stating that if there is no response within 21 days of the first request that the doctor will be subject to a civil penalty.

Dr. Hamel moved that the Board approve all actions taken in the executive session. Dr. Reslock seconded the motion. The motion carried unanimously

CORRESPONDENCE - Dorsey & Whitney LLP regarding the Internet sales of replacement contact lens. The Board will respond that if the customer has a signed, current prescription, contact lenses may be sold over the Internet. Otherwise, the Board will consider that the company is practicing optometry without a license and is subject to sanctions. Mr. Plunkett will email a draft of the letter to board members.

PRESIDENT'S REPORT - Dr. Miller reported that she has corresponded with PUCO regarding professors working in the PUCO clinics while not licensed in Oregon. Her correspondence clarified the existing law. Prescriptions written by these doctors may include therapeutic pharmaceutical agents.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting - Mr. Plunkett submitted and the Board reviewed budget reports for the months of November and December 1999, and January, 2000 and the BTD report covering the current biennium, July 1, 1999 through January 31, 2000. Mr. Plunkett noted that the revenue was down from the projected budget particularly in the area of late fees and civil penalties. On the other side of the budget, the expense total is under budget \$17,239.00. He noted that the Board's budget is currently in good shape. Dr. Miller and Ms. Tanner commended Mr. Plunkett for his performance.

Board Activities Report - Mr. Plunkett submitted and the Board reviewed the monthly cumulative report for November 1999. Mr. Plunkett pointed out an error to the number of verifications. The number should read 1183.

COMMITTEE REPORTS -

Continuing Education - The committee recommended ratification of continuing education courses approved since the last Board meeting, including designation of those continuing education offerings that are acceptable for TPA. Dr. Hamel moved that the COE which had been reviewed and approved since the last meeting be ratified. Dr. Smith seconded the motion. The motion carried unanimously.

Mr. Plunkett thanked Dr. Hamel for her timeliness in responding to Board staff in her review of continuing education. Dr. Miller noted that Dr. Hamel has done a fine job.

Dr. Miller mentioned that she denied a course from UC Berkeley for TPA approval. The course is not 100 hours, but is 80 hours with a 20 hour home study. The course may still be approved for other

continuing education.

Budget Committee - There was no budget committee report. Dr. Smith advised a heads-up on the proposed legislative changes and their potential impact on the budget.

Legislative Committee - Legislative concepts must be submitted to DAS by April 14, 2000. The Board reviewed legislative concepts on 683.140 which would be changed to concur with HB 3130 since suspended and unlicensed optometrists can now work as technicians under the supervision of an optometrist, and on 683.220 regarding endorsement licensure which will change the current requirements to make it more friendly to doctors who want to come to Oregon. Mr. Plunkett noted that the proposed changes to 683.220 would have a fiscal impact on the Board budget in the future since doctors will not be inclined to maintain their inactive status license if licensure is easily obtained in the state. He stated that an increase in fees will most likely be necessary for the active licensees in order to offset the decrease in revenue.

Dr. Hamel moved to submit the proposed concepts to DAS. Dr. Smith seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS -

Regarding the ARBO position paper on ABOP - a position paper representing the Board's opinion will be circulated by email and taken up at the next meeting.

OTHER -

The Board would like to tentatively schedule the next meeting for June 16, 2000.

ADJOURNMENT -

There was no further business to come before the Board. Dr. Hamel moved to adjourn the meeting. Dr. Reslock seconded the motion and President Miller adjourned the meeting at 2:40 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director