

# OREGON BOARD OF OPTOMETRY

## PUBLIC SESSION MINUTES

*April 24, 2008*

Present - Scott M. Walters, O.D., President  
Michelle M. Monkman, O.D., Vice President  
Wesley N. Vorpahl, O.D.  
Donald R. Garris, O.D.  
Karen M. W. Knauerhase, Public Member

Lori Lindley, Assistant Attorney General  
David W. Plunkett, Executive Director  
Cathy M. Boudreau, Administrative Assistant

### **CALL TO ORDER -**

Dr. Walters called the meeting to order at 7:20 a.m. by conference call in the Mezzanine Level Conference room at 1900 Hines Street, SE, Salem, OR., 97302. The Public Session was adjourned at 7:21 a.m. to Executive Session for the purpose of discussing complaints. The Public Session reconvened at 7:50 a.m.

### **ACTION ON EXECUTIVE SESSION**

**07-09-02** - On March 24, 2008 the Board issued a Notice of Proposed Discipline: Reprimand pursuant to ORS 683.180(7) regarding employing an unlicensed person. A contested case hearing has been requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of ORS 683.140(e), employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; ORS 683.140(c), unprofessional conduct; OAR 852-060-0027(3) aiding an unlicensed person in the practice of optometry; ORS 683.140(h) and OAR 852-060-0027(5), permitting another person to use the optometrist's license. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-01** - On March 21, 2008 the Board issued a Notice of Civil Penalty: \$5,000.00, pursuant to ORS 683.180(7)(8) for holding himself out to be an optometrist, and performing duties covered by ORS 683.010-335 without license. A contested case hearing has been requested by the respondent.

Dr. Vorpahl made a motion that the Board amend the original notice to include a proposal to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-03** - On March 24, 2008 the Board issued a Notice of Proposed Discipline: Reprimand pursuant to ORS 683.180(7) regarding employing an unlicensed person. A contested case hearing has been

requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of ORS 683.140(e), employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; ORS 683.140(c), unprofessional conduct; OAR 852-060-0027(3) aiding an unlicensed person in the practice of optometry; ORS 683.140(h) and OAR 852-060-0027(5), permitting another person to use the optometrist's license. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-04** - On March 24, 2008 the Board issued a Notice of Proposed Discipline: Reprimand pursuant to ORS 683.180(7) regarding employing an unlicensed person. A contested case hearing has been requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of ORS 683.140(e), employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; ORS 683.140(c), unprofessional conduct; OAR 852-060-0027(3) aiding an unlicensed person in the practice of optometry; ORS 683.140(h) and OAR 852-060-0027(5), permitting another person to use the optometrist's license. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-05** - On March 24, 2008 the Board issued a Notice of Proposed Discipline: Reprimand pursuant to ORS 683.180(7) regarding employing an unlicensed person. A contested case hearing has been requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of ORS 683.140(e), employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; ORS 683.140(c), unprofessional conduct; OAR 852-060-0027(3) aiding an unlicensed person in the practice of optometry; ORS 683.140(h) and OAR 852-060-0027(5), permitting another person to use the optometrist's license. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-06** - On March 24, 2008 the Board issued a Notice of Proposed Discipline: Reprimand pursuant to ORS 683.180(7) regarding employing an unlicensed person. A contested case hearing has been requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of ORS 683.140(e), employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; ORS 683.140(c), unprofessional conduct; OAR 852-060-0027(3) aiding an unlicensed person in the practice of optometry; ORS 683.140(h) and OAR 852-060-0027(5), permitting another person to use the optometrist's license. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**07-10-07** - On March 25, 2008 the Board issued a Notice of Proposed Civil Penalty \$10,000, pursuant

to ORS 683.140(e), employing an unlicensed optometrist. A contested case hearing has been requested by respondent.

Dr. Vorpahl made a motion that the Board amend the original notice to include violations of OAR 852-060-0027(3), aiding an unlicensed person in the practice of optometry. The amended Notice will also propose to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**08-03-01** - On March 21, 2008 the Board issued a Notice of Proposed Discipline: Reprimand and Civil Penalty - \$5,000 pursuant to ORS 683.140(1)(e), employing any unlicensed optometrist to perform any work covered by ORS 683.010 to 683.335; 683.140(1)(c), unprofessional conduct, or for gross ignorance or inefficiency in the profession; 683.140(1)(h), permitting another person to “use” the optometrist’s license; 683.140(1)(I), using advertisements that do not indicate that a licensed optometrist is practicing at the advertised location or locations or advertising optometric services without having a licensed optometrist at the location; and OAR 852-060-0027(3), unprofessional conduct in aiding an unlicensed person in the practice of optometry. A contested case hearing has been requested by the licensee.

Dr. Vorpahl made a motion that the Board amend the original notice to include a proposal to assess the costs of the disciplinary proceeding pursuant to ORS 683.140(2)(e). Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

**OTHER:**

**ADJOURNMENT -**

There was no further business to come before the Board. President Walters adjourned the meeting at 7:52 a.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau  
Administrative Assistant

David W. Plunkett  
Executive Director