

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

May 4, 2007

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

David W. Plunkett, Executive Director
Cathy M. Boudreau, Administrative Assistant

CALL TO ORDER -

Dr. Walters called the meeting to order at 9:35 a.m. in the Mezzanine Level Conference room at 1900 Hines Street, SE, Salem, OR., 97302. The Board immediately adjourned to Executive Session for the purpose of discussing complaint cases. The Public Session was reconvened at 12:07 p.m.

MINUTES - The Board reviewed the February 7, 2007 Public Session minutes. The minutes of the meeting were approved as distributed.

RATIFICATION -

Reactivation and Reinstatements:

Reinstatement of Inactive license: Elizabeth Sass, O.D.

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A met all the requirements for licensure and were approved by the Executive Director since the last Board meeting. Dr. Walters read the names of the reactivation candidate and the new licensees into the record. Dr. Monkman made a motion that the Board approve the actions of the Executive Director. Ms. Knauerhase seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

06-08-02 - Ms. Lindley will arrange an interview with the doctor in this case prior to the next Board meeting at a time convenient for Dr. Garris and Dr. Vorpahl to attend. This case will remain open.

06-10-01 - A letter was sent to the patient indicating that the Board found no optometric error or violation of Revised Statute or Administrative Rule. No additional communication has been received. This case will be closed.

06-11-01 - Letters were written to the doctor and to the patient indicating that the Board found no optometric error or violation of Revised Statute or Administrative Rule. No additional communication has been received. This case will be closed.

07-01-02 - Letters were sent to the doctor and to the patient indicating that the Board did not find any optometric error or violation of Revised Statute or Administrative Rule, but that a refund may be the simplest course of action to resolve the situation. No additional communication has been received. This case will be closed.

07-02-01 - The Board will send a letter of concern to the doctor. The Board is concerned about lack of detail in the patient records. There is no clear indication that a contact lens examination was completed. Based on his records, the exam did not meet the standard of care and a contact lens prescription should not have been issued. The Board feels that he should refund the contact lens fitting fee to the patient. The Board will also suggest that he communicate his contact lens package policy more clearly in the future. The patient should always have the option to decline the package. The doctor's prescription pad should be corrected to indicate his current practice location. The Board will request that the doctor submit five current records for contact lens patients for review by the Board. An additional five will be reviewed in sixty days. The doctor should have a written contract prepared to explain his contact lens package policy for patients which they can sign to either acknowledge or opt out of his program. A letter will be sent to the patient indicating that the Board has recommended a refund of the fitting fee in a letter of concern to the doctor. This case will remain open.

07-03-01 - Two attempts have been made to obtain details from the complainant in this case. Since no details have been furnished, this case will be closed.

07-03-02 - Two attempts have been made to obtain details from the complainant in this case. Since no details have been furnished, this case will be closed.

07-03-03 - A letter will be sent to the patient indicating that the Board finds no optometric error or violation of Revised Statute or Administrative Rules. Because the doctor has indicated a willingness to resolve the dispute, the Board will recommend that the patient contact the doctor. This case will remain open.

07-03-04 - Details of this complaint have not yet been received and this case is not ready for Board consideration. This case will remain open.

Dr. Garris moved that the Board approve these actions. Dr. Monkman seconded the motion. The motion carried unanimously.

CORRESPONDENCE -

James A. Laffin, O.D. has applied for licensure by endorsement. Dr. Walters recommends that Dr. Laffin be licensed by endorsement based on his education and examination history. Dr. Vorpahl moved that Dr. Laffin be granted licensure by endorsement of his California clinical examination. Ms. Knauerhase seconded the motion. The motion carried unanimously.

The Board discussed a letter from Robert Forbes, O.D. concerning his business relationship with LensCrafters. The doctor is concerned about a corporate request that his staff walk patients over to the optical store following the optometric examination and asks whether this would be a violation of Oregon Statutes or Administrative Rules. Mr. Plunkett and Dr. Walters agree that the lay corporation may not impose this condition on the doctor. Dr. Garris moved that the Board send a letter to the physician supporting his position with a copy to LensCrafters. Dr. Vorpahl seconded the motion. The motion carried unanimously.

PRESIDENT'S REPORT -

Dr. Walters has requested that the members of the Board attend the House Committee on Health Care hearing on SB 656 following the Board meeting today. He explained that should this bill be passed in its present form, practice protocols would be legislated which is an unprecedented action. It is the Board's position that practice protocols do not belong in statute. Protocols are already established in other documents which are reviewed and amended in a more appropriate venue than the legislature. Current statute already provides authority for Board oversight. This precedent should be of concern for all healthcare professions.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the Revenue and Expense Budget Report covering the period from July 1, 2005 through March 31, 2007. He pointed out that, overall, fee income is over budget projections. The current revenue total of \$470,959 is \$1,396 more than had been anticipated for the current biennium. On the expense side, payroll expenses are \$9,260 under the projected total for the biennium. Services and supplies are \$26,471 under the budgeted amount, of which Attorney General legal fees are \$18,808 under the budgeted amount for the biennium. The net result is that the Board's budget currently shows an excess of \$37,127 for the biennium to date versus a projected budget deficit of \$14,946 YTD.

On the balance sheet, Mr. Plunkett pointed out that one certificate of deposit was rolled over at maturity. In reviewing the Board Activity Report, Mr. Plunkett noted that only 182 Active status licensees still have TPA designation. The remainder have obtained AT or ATI designation. The number of inactive licensees has remained fairly stable this year. Mr. Plunkett commented on the low number of complaints and speculated that it may be due to improved efforts to educate doctors beginning at the university level.

Ms. Lori Lindley was scheduled to attend another board meeting in Portland and left at 12:27 pm.

COMMITTEE REPORTS -

Continuing Optometric Education: Dr. Monkman moved that the Board ratify the continuing optometric education courses approved since the last Board meeting, including designation of acceptable TMOD offerings. Dr. Garris seconded the motion. The motion carried unanimously.

Budget Committee: The Board considered the proposed 2007-2009 Biennium Budget. A public hearing was held earlier today. The only comment received by the Board regarding the proposed budget has been by way of an email inquiring about the difference in fees between Washington and Oregon. Mr. Plunkett answered this inquiry explaining the differences in funding of boards from state to state. The Oregon board does not receive any General Funds money and is entirely funded by the fees paid by licensees.

Legislative Committee: The Board discussed several pieces of legislation which will affect the Board and optometry in Oregon. SB 82, which is the Board's ophthalmic contact lens bill, has passed and been signed by the Governor. SB 35, which was Oregon Optometric Physicians Association's bill to remove the current glaucoma consultation requirement, has been incorporated into SB 656, the Oregon Academy of Ophthalmology bill regarding referral of glaucoma patients. A hearing is scheduled today by the House Committee on Health Care. Board President, Scott Walters, O.D., will testify on behalf of the Board in opposition to this bill in its present form.

SB 70, which revises audit requirements for semi-independent agencies, has passed the Senate and moved out of House committee. Mr. Plunkett thinks the bill has a good chance to pass out of the House. This bill will give the Audits Division discretion to do a review of these agencies instead of an audit. The advantage to the Board is that the cost would be lowered by a review process. The Audits Division wanted to remove the requirement to do an audit every time there is a change of director in these agencies. They were not successful in achieving that goal in this bill, but the current version of the bill does give more discretion to the Division than they previously had.

SB 752 requires professional regulatory boards to annually report complaint information. At the public hearing in the Senate, Mr. Plunkett asked that the semi-independent boards be excluded from this bill because we already report biannually to the Legislature and to the Governor. Since the hearing, Mr. Plunkett hasn't heard any more about this bill. It may have died in committee.

SB 717 establishes a scope of practice review committee. This bill was sponsored by Senator Monnes-Anderson. Mr. Wayne Schumaker of Oregon Optometric Physicians Association spoke to the Board regarding this bill. It has passed out of the Senate with amendments. It will go before Representative Greenlich's House Healthcare committee. In its current form, it names the Board of Medical Examiners as the entity to make a report to legislature. It also creates a new entity which is unfunded at this point. His hope is that the House will reconsider the value of this bill.

HB 3100 exempts certain health care practitioners from the requirements of a professional corporation. This bill pertains to rural health care facilities and will not affect the practice of optometry. It passed out of the House and is on the way to the Senate.

Administrative Rules Committee: The public session of the Board meeting was suspended at 12:51 in order to accommodate the Public Hearing which is scheduled for today. The Public meeting was reconvened at 1:12.

Dr. Garris made a motion that the Board adopt the changes proposed to OAR 852-05-005; 852-10-080; 852-50-005-006-012 thereby adopting the proposed budget for the 2007 - 2009 biennium and the associated fee changes. Karen Knauerhase seconded the motion. The motion passed unanimously.

Dr. Monkman made a motion that the Board adopt the changes proposed to OAR 852-80-040(2)(e)(i)(4)(e)(i) removing the word "not" between the words "is" and "required"; and 85-80-040(iii) regarding documentation of CPR certification for renewal of a license. Karen Knauerhase seconded the motion. The motion passed unanimously.

The Board considered changes to the ethics and Oregon Law and Administrative Rule continuing education requirement in OAR 852-70-010(1)(b). They discussed the possibility of expanding the topics which may be permitted to fulfill this requirement as well as the potential of approving courses which are less than one hour in length. The discussion will be continued.

OTHER:

The next Board meeting was scheduled for September 7, 2007.

ADJOURNMENT -

There was no further business to come before the Board. President Walters adjourned the meeting at 1:15 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director