

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

June 16, 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

 David Plunkett, Executive Director
 Cathy Boudreau, Administrative Assistant

CALL TO ORDER -

Dr. Miller called the meeting to order at 8:12 a.m. The Board adjourned immediately to executive session for the purpose of discussing complaint cases.

The Public Session reconvened at 9:09 a.m. for an administrative rule hearing. Dr. Joan Miller called the hearing to order at 9:10 am. Dr. Miller opened the floor for testimony pertaining to OAR 852-20-50. There was no testimony and Dr. Miller closed the hearing at 9:12 am.

The meeting was adjourned to executive session for the discussion of complaint cases at 9:23 a.m. The Public session was reconvened at 2:10 p.m.

MINUTES - Ms. Tanner moved that the minutes of the March 3, 2000 be approved as written and May 16, 2000 Public Session be approved as amended, correcting the spelling in Tera Palmblad, O.D., and completing the sentence with regard to the Board's position on ABOP. Dr. Smith seconded the motion. The corrected 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: Loren Azevedo, O.D.

"Reactivation of licenses: Margaret Platz-Benck, O.D. (Inactive to Active)
Philip McKinney, O.D. (Inactive to Active)
Windy Chen, O.D. (Inactive to Active)
Theresa Cervinski, O.D. (Inactive to Active)

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

ACTION ON EXECUTIVE SESSION

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

98-05-01 - This case will remain open and the investigation will continue.

99-04-04 - A Notice of Intent to Impose Civil Penalties has been issued in this case. This case will remain open.

99-05-01 - A Notice of Intent to Impose Civil Penalties will be issued in this case. This case will remain open.

99-10-01 - The Board did not find any optometric error or violations of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

99-12-01 - This case will be closed.

00-01-03 - The Board did not find any optometric error or violations of statute or administrative rule. This case will be closed.

00-01-04 - The Board did not find any optometric error or violations of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

00-02-01 - This case will be closed.

00-02-02 - This case will be closed.

00-02-03 - This case will be closed.

00-02-04 - This case will be closed.

00-02-05 - This case will be closed.

00-02-06 - The investigation in this case will continue and a letter will be sent to the complainant with the results of the investigation. This case will remain open.

00-02-07 - This case will remain open and the investigation will continue.

00-02-08 - A Notice Of Intent To Revoke A License, Refuse To Issue A License, And To Impose Civil

Penalties was issued on June 7, 2000 in this case. This case will remain open.

00-02-09 - This case will be closed.

00-03-01 - This case will be closed.

00-03-02 - This case will be closed.

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

00-04-02 - A Notice Of Intent To Revoke A License, Refuse To Issue A License, And To Impose Civil Penalties was issued in this case. This case will remain open.

00-04-03 - This case will remain open and the investigation will continue.

00-05-01 - The Board did not find any optometric error or violations of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

00-05-02 - The Board did not find any optometric error or violations of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

Dr. Hamel moved that the Board approve all the above referenced actions recommended from Executive Session. Dr. Reslock seconded the motion. The motion carried unanimously

CORRESPONDENCE - There was no new correspondence to be discussed.

PRESIDENT'S REPORT - Dr. Miller did not submit a report at this time.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting - Mr. Plunkett submitted and the Board reviewed budget reports for the months of February, March, and April 2000 and the BTD report covering the current biennium, July 1, 1999 through April 30, 2000. Mr. Plunkett pointed out the Board's revenue was less than budgeted about \$10,297 and the areas that are short are those of late fees and civil penalties. Expenditures are under budget by \$26,737. Overall the Board is \$16,440 to the good against budget. The Board will incur audit expenses in the fall.

Board Activities Report - Mr. Plunkett submitted and the Board reviewed the monthly cumulative report for May, 2000. The number of inactive licensees is down since the beginning of the year. Mr. Plunkett stated that the Board staff had been deluged with requests for license verification from third party providers and other credentialing organizations. Staff put the licensing information on the Board's web site in an effort to reduce the amount of Board resources consumed by this verification function. The number of verifications provided by staff has been reduced drastically as a result.

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. Reslock seconded the motion. The motion carried unanimously.

A letter will go out to sponsors of COE explaining that courses will receive approval on condition that the sponsors monitor more closely the attendance of the physicians.

Budget Committee - The process for the 2001-2003 biennium budget will begin this fall with a target for adoption in late spring of 2001. A schedule will be developed for the budget process. Dr. Smith asked whether Mr Plunkett has met with other Semi-Independent Board directors to discuss the budget. Mr. Plunkett explained that he has been meeting with them monthly to discuss budget and other issues of mutual concern. A report to the Governor and Legislative Assembly, which includes a two-year audit, must be prepared for the next legislature that convenes in January 2001.

Legislative Committee - Legislative concepts 963/1 and 963/2, were submitted to DAS on April 3, 2000; legislative concept 963/3 on April 6, 2000. All three of the legislative concepts have been approved by DAS and the Governor's office for bill drafting by Legislative Counsel. Dr. Miller reported on the legislative concepts explaining that these are basically housekeeping bills.

Administrative Rules Committee - The Board considered proposed rulemaking on the following: OAR 852-10-027(4)(18)(19); OAR 852-20-050(1)(2); OAR 852-20-060(1)(2)(3)(4). Dr. Reslock moved to adopt 852-10-027(4)(18)(19) as proposed. Ms. Tanner seconded the motion. The motion carried unanimously. Dr. Reslock moved to adopt 852-20-050(1)(2), with revised language: "Nothing in these rules shall be construed to prohibit an optometric physician from co-managing invasive surgery, laser surgery, and procedures involving oral or injected pharmaceutical agents with health care practitioners whose scope of practice allows them to do these procedures under their own license. Co-management is defined as the sharing of peri-operative responsibilities between the medical and optometric physician.", and 852-20-060(1)(2)(3)(4) as proposed. Dr. Hamel seconded the motion. The motion carried unanimously.

Personnel Issues - Dr. Miller announced that she would like to form a Personnel Committee of the Board and that she would like to appoint Ms. Tanner as the chair.

Mr. Plunkett noted that some changes needed to be made to the Personnel Policy Manual. Payroll is currently issued on the last day of the month rather than the first day of the month as the policy manual now indicates. He also requested that the Board review and approve revisions to the pay increases attached to employee performance. He feels that more freedom is needed in evaluating performance and giving compensation. Dr. Smith recommended a revision to the proposed change to lower the floor of the scale to "0" for all levels of employee performance in order to take into consideration possible future budget restraints. Dr. Smith moved to accept the amendment to the proposals presented by Mr. Plunkett. Dr. Hamel seconded the motion. Ms. Tanner stated that staff should be confident that there will be adequate compensation, and for that reason she is opposed to the suggested amendment to the proposal. The Board vote on the amendment was Dr. Smith, Dr. Hamel, and Dr. Reslock aye, Ms. Tanner nay. There was further discussion of proposed top of scale bonus compensation. A proposal will be developed for the Personnel Committee to review for the top of scale compensation. Mr. Plunkett explained to the Board that the staff does not currently receive COLA's unless they are specifically

presented to and approved by the Board. At this time none have been approved for staff. Dr. Smith moved to further amend the proposal to include COLA's as an automatic part of the compensation package and changing the Personnel Policy Manual to remove the necessity for Board approval prior to the award of COLA's. Dr. Hamel seconded the motion. The motion carried unanimously. Dr. Smith moved to adopt the proposal as amended. The motion carried unanimously.

UNFINISHED BUSINESS -

Mr. Plunkett asked whether the changes recently made to the administrative rules were sufficient to cover laboratory procedures that had been talked about in the past. The Board feels that the current rules are adequate.

The Board discussed their previous position regarding ABOP. Dr. Reslock moved that the Board not take a position on ABOP. Dr. Hamel seconded the motion. The motion carried unanimously.

OTHER -

The Board tentatively scheduled the next meeting for September 15, 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 3:35 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director