

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

June 6, 2001

Present - Joan P. Miller, O.D., President
Douglas G. Smith, O.D., Vice President
Candace D. Hamel, O.D.
John P. Reslock, O.D.

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

CALL TO ORDER -

Dr. Miller called the meeting to order at 8:40 a.m. in the second floor conference room. The Board adjourned to executive session for the purpose of discussing complaint cases.

The Public Session was reconvened at 1:43 p.m. Dr. Miller said that she would begin the meeting out of the order of the agenda and go to the Administrative Rule committee portion of the meeting. The hearing on proposed Administrative Rule changes began at 1:44 p.m.

The Public Session reconvened at 2:15 p.m.

MINUTES - The Public Session minutes of February 2, 2001, and April 13, 2001 were approved as distributed.

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:

"Reactivation of licenses:
Oscar Lillo, O.D. (Inactive to Active)

"Reinstatement of licenses:
Jason Settlemeir, O.D. (lapsed Inactive to Active)
Michael Young, O.D. (lapsed Military to Inactive-Military)

Dr. Reslock moved that the Board ratify the actions of the President. The motion was second by Dr.

Smith. The motion carried unanimously.

Mr. Cowan excused himself from the remainder of the Public Session. The Board expressed their appreciation to him and their regret that he had been reassigned. The Board will write to the Department of Justice on behalf of Mr. Cowan.

ACTION ON EXECUTIVE SESSION

00-02-07 -

00-07-01 - A hearing has been requested in these cases. These cases will remain open.

00-07-02 - Dr. Hamel moved that the Board issue a Notice of Intent to Discipline: Reprimand and Imposition of Civil Penalties, \$1,000 per violation pursuant to ORS 683.140(3). Dr. Smith seconded the motion. The motion carried unanimously. This case will remain open.

00-08-04 - Dr. Reslock moved that, in response to the explanation by the doctor, that the civil penalty in this case be reduced to \$250.00, and that a Final Order by Default be issued. Dr. Hamel seconded the motion. The motion carried unanimously. This case will be closed.

00-09-01 - The Board will write a letter to the doctor requesting additional information. This case will remain open.

00-09-02 - The investigation will continue in this case. This case will remain open.

00-09-05 - Dr. Smith moved that the Board agree to a Stipulated Final Order predicated on their conditions of practice for this doctor. Dr. Reslock seconded the motion. The motion carried unanimously. This case will remain open.

00-10-02 - A letter will be written in this case instructing the doctor to attend a record keeping course. This case will remain open.

00-10-03 - The doctor has surrendered his license in this case. This case will be closed.

00-10-04 - A letter will be written in this case instructing the doctor to attend a record keeping course. This case will remain open.

00-10-05 - The investigation will continue in this case. This case will remain open.

00-12-01 - This case will be closed.

00-12-02 - The Board finds no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. A letter will be sent to the patient. This case will remain open.

00-12-03 - The Board finds no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. A letter will be sent to the patient. This case will remain open.

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

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

01-01-03 - The Board finds no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. A letter will be sent to the patient. This case will remain open.

01-03-01 - The advertising has been corrected in this case. This case will be closed.

01-03-02 - The investigation will continue in this case. This case will remain open.

01-03-03 - The Board finds no optometric error or violation of Revised Statutes or Administrative Rules in this case. A letter will be sent to the patient. This case will remain open.

01-03-04 - The investigation will continue in this case. This case will remain open.

01-03-05 - The investigation will continue in this case. This case will remain open.

01-04-05 - The investigation will continue in this case. This case will remain open.

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

CORRESPONDENCE - A letter was received from Carlyle P. Curtis, O.D. regarding his concerns about the Board's website. The Board would like to have a differentiation on the web page to separate the COE reprimands from other discipline. The staff will work on a way to change the web page.

A letter was received from John B. Rush, O.D. regarding the employment of an optometry graduate. Dr. Reslock noted that he has an interest in this matter, as he is in partnership with the doctors in question. OAR 852-20-060 speaks to the delegation of responsibilities to other persons in the office. A letter will be written citing the OAR, and stating that the physician has the responsibility to monitor the unlicensed person. In 2003 legislative session the board will address the statute that speaks to this issue.

A letter was received from NDC Health, Julie C. Oliver regarding Oregon regulations pertaining to sample drug orders by optometrists. There is no law precluding the ordering of samples by optometric physicians. Since there are no laws proscribing the request for samples, and considering the Board's anti-discrimination position, optometric physicians should be extended the same courtesies as any other physicians employing the products.

PRESIDENT'S REPORT - Dr. Miller reminded the Board that they would need to appoint one of their numbers to be on the council to establish the formulary for the new legislation permitting non-topical pharmaceutical agents. The Optometric Association will submit three names to the Board for another appointment. The Board will implement the coordination of the council. Dr. Smith suggested that the Board work from other models in other states. Dr. Reslock wondered whether the council could meet prior to January 1, 2002. It was the opinion of Mr Plunkett that they could not meet, but he will confer with the assistant attorney general.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting - Mr. Plunkett submitted and the Board reviewed the budget report covering the current biennium, July 1, 1999 through April 31, 2001. The Board is currently almost \$57,000 under budget and Mr. Plunkett expects to see similar figures through the end of June.

Board Activities Report - Mr. Plunkett submitted and the Board reviewed the monthly cumulative report for May 2001.

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.

The Board reviewed a letter written by Dr. Hamel to I Quest, Inc., Gary D. Kappel, O.D., regarding his request for continuing education approval. Approval was denied by the continuing education committee.

Budget Committee - A copy of the proposed 2001-2003 Biennium Budget was presented to the Board for review and approval. Dr. Smith moved that the Budget be approved as proposed. Dr. Hamel seconded the motion. The motion carried unanimously.

Legislative Committee -

SB 408 (LC 1052) (963-2) Licensure by endorsement.

SB 404 (LC 1035) (963-3) Extends disciplinary authority of the Board.

The House passed the referenced bills on the consensus report. The bills now will go to the Governor for his signature. Mr. Plunkett noted that he and Dr. Miller have gained much experience during this and previous sessions which will be helpful in the future. Their work was greatly appreciated by Dr. Hamel and she hoped that the Optometric Association recognizes their perseverance in support of SB 45.

Administrative Rules Committee - The Administrative Rules Committee was taken out of order so that a hearing on proposed rule changes could be accommodated. The Board reviewed the following rules as proposed:

OAR 852-05-005;

OAR 852-10-015, 852-10-020, 852-10-022, 852-10-023, 852-10-025, 852-10-080

OAR 852-50-001, 852-50-005, 852-50-006, 852-50-012, 852-50-014

OAR 852-70-010, 852-70-060

Dr. Reslock moved that the proposed changes to the Administrative Rules be adopted as presented. Dr. Hamel seconded the motion. The vote was taken by roll call. The motion carried unanimously.

Personnel Committee - There was no report from the Personnel Committee at this time.

UNFINISHED BUSINESS - There was no unfinished business before the Board.

OTHER - The Board discussed possible candidates for a public member to fill the current vacancy.

ADJOURNMENT -

There was no further business to come before the Board. Dr. Smith moved to adjourn the meeting. Dr. Hamel seconded the motion and President Miller adjourned the meeting at 3:29 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director