

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

June 24, 2002

Present - Joan P. Miller, O.D., President
Candace D. Hamel, O.D., Vice President
John P. Reslock, O.D.
Scott M. Walters, O.D.
John M. Doneth, CFP, Public Member

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

CALL TO ORDER -

Dr. Miller called the meeting to order at 8:00 a.m. in the first floor conference room at 3218 Pringle RD. SE, Salem, OR., 97302. The Board adjourned to Executive Session for the purpose of discussing complaint cases. The Executive and Public Session were temporarily adjourned at 9:04 a.m. for a hearing on proposed changes to the Administrative Rules. The OAR hearing was adjourned at 9:20 a.m. The Public Session was reconvened at 9:22 a.m. and adjourned immediately to Executive Session. The Public Session was reconvened at 5:01 p.m.

MINUTES - The minutes of the Public Session of April 19, 2002 were approved as distributed.

RATIFICATION -

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A 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:

- Scott Borgholthaus, O.D. (Inactive to Active)
Charles Jaworski, O.D. (Inactive to Active)
Ray Weekly, O.D. (Inactive-Military to Active)

- Reinstatement of licenses:

George Adams, O.D. (lapsed Inactive-Military)
Bradley Nielson, O.D. (lapsed Active)

Dr. Walters moved to ratify the actions of the President. The motion was seconded by John Doneth. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

00-02-07 -

00-07-01 - A contested case hearing has been scheduled in these cases for July 22, 2002. These cases will remain open.

00-07-02 -

01-09-05 -

01-10-03 -

02-05-03 - The licensee in these cases was interviewed by the Board today. Based on the results of their investigation, the Board will offer the doctor the opportunity to remediate the complaints through means which do not involve formal discipline. The requirements will include a \$550.00 administrative fine for four instances of failure to notify of changes in practice location. He must take an 8 hour record keeping course. He must procure his patient records from Costco, and notify the Board when he has accomplished that. He must write letters of apology to the patients in the complaints. The doctor must undergo counseling with a licensed psychologist or psychiatrist who is pre-approved by the Board. The counseling must occur two to four times a month for six months or until he is dismissed by the psychologist or psychiatrist. The counseling is to include an anger management course. A report is to be sent to the Board by the psychologist or psychiatrist. In addition, the doctor must pass the Oregon Law and Administrative Rules exam. These cases will remain open.

00-10-02 - The board will renew the doctor's license on July 1, 2002 for 3 months. If the course is completed, the license will be extended for nine months at no additional charge. This case will remain open.

00-10-04

01-07-01 - A Notice of Intent to Discipline will be issued in these cases. Dr. Miller will determine what the violations and related facts are to be put in the notice. These cases will remain open.

00-10-05

01-03-04 - These cases will be closed.

01-03-02

01-10-04-

02-04-05 - The licensee in these cases was interviewed by the Board today. Based on the results of their investigation, the Board will offer the doctor the opportunity to remediate the complaints through means which do not involve formal discipline. The Board will require that the doctor to correct his advertising by listing himself as an O.D. In addition, he must change his letterhead removing any claim to be an expert. He will be fined for failure to notify the Board of his changes in practice locations. He must stop advertising Chinese medications, and not claim that he is Board certified or that his opticians are licensed. He must pass the Oregon Law and Administrative Rules exam. He will be required to take an eight hour record keeping course. The Board will remind him to maintain a high standard of care regardless of where he practices. If he complies with these requirements, he will not be disciplined. Otherwise, the Board will propose discipline to include a suspension. These cases will remain open.

01-08-04 - The licensee in this case was interviewed by the Board today. Based on the results of their investigation, the Board will offer the doctor the opportunity to remediate the complaints through means which do not involve formal discipline. The Board will monitor 20 random records from the doctor's Salem practice location. The Board will advise the doctor of their concern about non-responsiveness

to the Board, and if it happens again, we will have no choice with regard to discipline. The Board will wait two weeks to acquire records from the Salem office. The Board will select 15 records dated before and 5 after today's date. The Board will make payment arrangements for the current \$1000 civil penalty. This case will remain open.

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

CORRESPONDENCE -

The Board received a letter from Richard London, O.D. concerning licensure by endorsement. The doctor would like to be issued a DPA license, but the Board does not issue non-TPA licenses. Dr. Miller offered to review the 85 hour course that he has already taken and tell him what is missing to complete the 100 hours that is required for TPA certification. The doctor is responsible to get the details of the course that he took for the Board to review. The Board may accept an additional 15 hours taught by an individual depending on the teacher and the curriculum. The Board will suggest that perhaps the sponsor of the 85 hour course would "upgrade" his original course. The Board will wait for the documentation of the 85 hour course to decide whether they will grant consideration for TPA certification with additional hours, and what additional will be required.

COMMITTEE REPORTS -

Administrative Rules Committee: The Board held a hearing on proposed changes to OAR 852-20, 852-50 and 852-80. The hearing convened at 9:10 a.m. Dr. Miller noted and discussed revisions to the proposed rules. There were seven members of the public present. Of those present, three testified before the Board regarding the proposed changes.

Dr. Bradley Smith, representing Oregon Optometric Physicians Association testified in favor of the revisions regarding CPR training and ongoing CPR training. He expressed the opinion that a 30 hour course for certification is excessive and the course offered by OOPA in 2000 should count as part of the training for those licensees who participated in that course.

Rick Burk, OD testified that his opinion mirrored that of Dr. Smith. Dr. Burk noted that he had previously practiced at a non-topical TPA level in another state. He suggested that a refresher course be required.

Mary Mertens James, Attorney for Oregon Academy of Ophthalmologists testified that the OAO was concerned that the original proposed rule went beyond the intent of SB 45. She testified that OAO supported the exclusion of the use of general anesthesia. She testified in support of the changes proposed today.

Dr. Miller announced that the Board of Medical Examiners has requested a delay in the Optometry Board's decision regarding the proposed rule changes until after 7/11/02, at which time the BME will hold a meeting. The Board of Optometry will respect that request and postpone their vote until after that date. The hearing was adjourned at 9:20 a.m.

The Board will meet by conference call to vote on the proposed changes to allow the BME to hold their meeting and make comments to the Board. Dr. Miller and Dr. Carr are planning to attend the BME meeting. Dr. Miller will request that the item be put on the BME agenda for Friday, 7/12/02. Mr. Plunkett suggested that the Board wait ten days after the BME meeting to allow them to respond in

writing. This will allow the 49 days to pass as well that the Board must wait to allow legislators to comment on the proposed changes. The Board will meet on Wednesday, July 24, 2002 at 7:30 a.m. by conference call. The consensus of the Board is that no credit will be allowed for non-topical courses taken prior to adoption of the changes. Recent graduates who have passed the 2002 TMOD, or later, must have a letter or certificate from their college testifying that they have had training in the workshop component of the non-topical TPA requirement. The workshop requirement will be specific to injections. 2002 graduates will have to take the 30 hour course. The Board will write to all the colleges of optometry to inform them of the workshop requirements in order to allow them to prepare their students. In order to comply with the Board's requirements, licensees must pass a health practitioners course certified by either the Red Cross, or American Heart Association.

Dr. Walters noted that in OAR 852-50-(6) the word "delinquent" is missing. It will be added to the final version.

Unfinished Business: There was no unfinished business to come before the Board.

OTHER - The next Board meeting is scheduled for July 24, 2002 by conference call.

ADJOURNMENT - There was no further business to come before the Board. Dr. Walters moved to adjourn the meeting. Dr. Hamel seconded the motion and President Miller adjourned the meeting at 5:19 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director