

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 28, 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.

David Plunkett, Executive Director
Cathy Boudreau, Administrative Assistant

CALL TO ORDER -

Dr. Miller called the meeting to order at 8:44 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 2:32 p.m.

MINUTES - The Public Session minutes of June 6, 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 names of the candidates were read into the record by Dr. Miller.

The following licensing actions were approved by the Board President since the last Board meeting:

"Reactivation of licenses:

None

"Reinstatement of licenses:

Lina Fakhry, O.D. (lapsed Inactive)

Douglas Horner, O.D. (lapsed Inactive)

Benjamin Kohn, O.D. (lapsed Inactive)

Clare Zengoe, O.D. (lapsed Inactive)

Karen Garrity, O.D. (lapsed Inactive)

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

ACTION ON EXECUTIVE SESSION

00-02-07 -

00-07-01 - A hearing has been scheduled for these cases. These cases will remain open.

00-07-02

01-09-05 - A Notice of Intent to Discipline: Reprimand and Imposition of Civil Penalties, \$1,000 per violation pursuant to ORS 683.140(3) has been issued in 00-07-02. Further investigation will take place in light of the second complaint. These cases will remain open.

00-09-01 - The Board will write a letter to the doctor advising him of the Board's position. This case will remain open.

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

00-09-05 - The Board has received a signed Stipulated Final Order from the doctor in this case. This case will be closed.

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.

00-10-04

01-07-01 - A letter will be written in 00-10-04 instructing the doctor to attend a record keeping course. In light of the second complaint, a second deposition will be scheduled. This case will remain open.

00-10-05

01-03-04 - The doctor in these cases will be contacted with the recommendation of the Board. This case will remain open.

00-12-02 - The Board found no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. This case will be closed.

00-12-03 - The Board found no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. This case will be closed.

01-01-03 - The Board found no optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. This case will be closed.

01-03-02 - Letters will be written to both the doctor and the patient in this case. This case will remain open.

01-03-03 - The Board found no optometric error or violation of Revised Statutes or Administrative Rules in this case. This case will be closed.

01-03-05 - A letter will be written to the doctor in this case advising him of the recommendation of the Board. This case will remain open.

01-03-06 - This case will be closed.

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

01-04-02 - The investigation will continue in this case. This case will remain open.

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

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

01-05-01 - The Board finds no optometric error or violation of Revised Statutes or Administrative Rules in this case. Letters will be written to the patient and to the doctor in this case. This case will remain open.

01-06-01 - This case will be closed.

01-08-01 - The Board finds no optometric error or violation of Revised Statutes or Administrative Rules in this case. Letters will be written to the patient and to the doctor in this case. This case will remain open.

01-08-02 - This case will be closed.

01-08-03 - This case will be closed.

01-08-04 - The investigation in this case will continue. This case will remain open.

01-08-05 - The Board found no optometric error or violation of Revised Statutes or Administrative Rules in this case. Letters will be written to the patient and to the doctor in this case. 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 -

The Board reviewed a note from Charles Radebaugh, O.D. regarding the Board's policy of requiring original COE documentation as a condition of renewal. The Board will notify the doctor that he may request the return of the originals. The doctor will be apprised that the reason for the requirement is that the Board has had to discipline licensees for forgery.

The Board has received a letter from Leland Carr, O.D. concerning a record keeping course which was proposed at the request of the Board. A letter will be written to Dr. Carr to let him know that the course does satisfy the request and that the Board may need additional course work for other circumstances.

The Board reviewed a letter from J. L. Lawson, O.D. concerning referral of diabetic patients. The Board had addressed their concerns to OMAP and Oregon Health Plan. Mr. Plunkett has not received any response from either organization.

The Board discussed a letter from Dr. Citek, OD. A patient was told by BCBS that OD's could not order

certain tests. The Board will send a letter to BCBS to explain the scope of practice of optometrists.

The Board reviewed a letter from Dr. Baer, OD. The doctor isn't happy with the renewal procedure. The board is aware that not every method of renewal will work for everybody. The Board will place an article in the upcoming newsletter regarding renewal procedures and the rationale for them.

The Board discussed Email from Kathleen Fancher, OD asking what she would have to do to become reinstated. She has not practiced since 1984. In order for her to be reinstated, the Board will require a passing score on Part III and the TMOD of the NBEO. She may take a 100 hour TPA course in lieu of the TMOD requirement.

The Board noted the letters sent from Dr. Smith and Mr. Plunkett to the Department of Justice on behalf of Tom Cowan, Assistant Attorney General and former council to the Board.

PRESIDENT'S REPORT -

Dr. Miller acknowledged the long service of Dr. Smith on the Oregon Board of Optometry and presented him with a plaque in appreciation of his hard work, noting his many contributions to the Board.

Dr. Miller mentioned that letters have been received from PUCO nominating Dr. Leland Carr, O.D., Dr. Linda Casser, O.D., and Dr. Dennis Smith, O.D., and from OOPA nominating Dr. Scott Walters, O.D., Dr. Linda Casser, O.D., and Dr. Scott Nearing, O.D. to the Council on Optometric Nontopical Formulary. Wayne Schumaker from OOPA interjected that the Pharmacy Board is scheduled to meet in the next two weeks and they have an agenda item which addresses their recommendations to the council. Dr. Miller suggested that it is appropriate for the Board to appoint from the candidates currently nominated.

Dr. Reslock moved that the Board appoint Dr. Joan Miller O.D. as the representative for the Board, Linda Casser, O.D. representing OOPA, and Leland Carr, O.D. from PUCO to the Formulary Council. The motion was seconded by Dr. Smith. The motion carried unanimously.

Mr. Plunkett will follow up with BME and the Pharmacy Board as to who their nominees will be. The meetings will be open to the public, will be recorded, and minutes will be kept.

Dr. Miller expressed her sincere thanks to the Board staff and the members of OOPA for their support and condolences during the recent events in her life.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: The Board reviewed the BTD budget report covering the previous biennium, July 1, 1999 through June 30, 2001 and BTD budget report covering the current biennium, July 1, 2001 through August 31, 2001. Mr. Plunkett noted that in the last biennium revenues were more than had been budgeted and expenses were lower than budgeted, for a surplus of \$63,619. Mr. Plunkett reported that in the first two months of the current biennium the revenue nearly balanced out the expenses. The Board reviewed the financial statement with Mr. Plunkett.

Board Activities Report: Mr. Plunkett reviewed the monthly cumulative report for August, 2001 with the Board. He noted that the number of licensees has decreased. As had been expected, the numbers of inactive licensees have gradually gone down and probably will continue to decrease in light of the possibility of licensure by endorsement. Numbers of license verifications continue to stay down since licensee information is available on the Board's web site.

Audit: The Oregon Audits Division has agreed to perform future audits on the Board's biennial activities. Mr. Plunkett had approached the Audits Division about changing the audit schedule for the semi-independent boards, so that the reports would not split the biennium. The past schedule made it difficult for the legislature to accurately know the financial affairs of these boards. The next audit will be in 2003. The Board will continue to send budget and financial information to the Legislature.

Electronic Records: Mr. Plunkett asked whether electronic records comply with Board requirements. The Board discussed the pros and cons of electronic versus paper records. Dr. Miller expressed a concern that electronic records may have defaults which may falsely show completed exam results. Dr. Hamel uses electronic records and likes the advantages of the system and the difficulty in altering records after the fact. Dr. Miller notes that there is a problem of knowing who made notations, and signatures. Mr. Plunkett asked whether the Board would like to set some standards for these records. The Board discussed some possible standards which could be set in place.

COMMITTEE REPORTS -

Continuing Optometric Education: The committee recommends ratification of continuing optometric education courses approved since the last Board meeting, including designation of acceptable TMOD offerings. Dr. Smith moved that the Board ratify the actions of the COE committee. Dr. Hamel seconded the motion. The motion carried unanimously.

Budget Committee: There was no report from the Budget Committee.

Legislative Committee: Senate Bill 786 requires the Board to track race and ethnicity and to develop programs to insure that there are minorities practicing optometry in Oregon. The Board reviewed the questionnaire that is currently being sent out with renewal applications. The legislation puts responsibility on the Board to develop programs to insure that there will be minorities in the profession of optometry. The Board will support the efforts of PUCO to recruit minorities.

Administrative Rules Committee: The Board considered the proposed administrative rule revisions on the following: OAR 852-50-013 is a housekeeping change which brings the rule into compliance with the new renewal system; OAR 852-50-014 will allow reinstatement fee and the verification of license from all other states for those people who have been lapsed for no more than 60 days to be waived; OAR 852-20-070 will clarify the standard of care for optometrists and should be open for hearing. Dr. Hamel moved to approve the proposed administrative rule changes and to open OAR 852-20-070 to a hearing. Dr. Reslock seconded the motion. The motion carried unanimously.

Mr. Plunkett briefly reviewed the requirements for prescriptions according to the Pharmacy Board.

Personnel Committee: The Board discussed the benefit contribution amount for employees for the year 2002. Mr. Plunkett explained the options and what to expect from each option. Dr. Hamel moved that

the Board approve the revisions to the Personnel manual, which allows the Board to adopt Option B, as proposed by Mr. Plunkett. Dr. Reslock seconded the motion. The motion carried unanimously.

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

OTHER - The next Board meeting is scheduled for November 30, 2001.

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 4:23 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director