

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 9, 2003

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 8:35 a.m. in the second 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 Public Session was reconvened at 2:16 p.m.

MINUTES - The Board reviewed the minutes of the May 30, 2003 public session. Dr. Miller would like to change the wording of the executive action on 02-05-03 from “determination” to “intentions” or “compliance” The minutes were approved as corrected.

RATIFICATION -

Reactivation and Reinstatements:

James Bailey, O.D. (Inactive to Active)
David England, O.D. (Inactive-Military to Active)
O. Eric Smith, O.D. (Lapsed to Inactive)

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

ACTION ON EXECUTIVE SESSION

00-02-07 -

00-07-01 - These cases will be closed.

00-07-02

01-09-05

01-10-03

02-05-03 - These cases will be closed and monitored.

01-08-04 - The Board will review additional patient records in this case. This case will remain open.

03-01-01 - This case was closed at the last Board meeting, but is being reconsidered at the request of the complainant. The Board carefully reviewed the patient record and it appears that the patients' vision has a potential for change due to early changes in the clarity of the lens. The Board is not able to ascertain error on the doctor's part. A letter will be written to the complainant. This case will remain closed.

03-01-02 - Dr. Walters moved that the Board issue a Notice of Proposed Disciplinary Action, \$2,000 Civil Penalty, completion of the Pacific University 8 hour record keeping course and 20 additional hours of TMOD quality continuing education over the requirement for renewal. These actions must be completed within six months. Dr. Hamel seconded the motion. The motion was passed unanimously. This case will remain open.

03-02-01 - Another letter will be written concerning the Board's determination in this case. This case will remain open.

03-03-02 - A letter will be written to the doctor to determine whether the doctor has followed the Board's previous instructions. This case will remain open.

03-05-01 - This case will be closed.

03-05-02 - The Board does not find any optometric error or violation of Oregon Revised Statutes or Administrative Rules. A letter will be written to the complainant. This case will remain open.

03-05-03 - The Board will continue to investigate in this case. This case will remain open.

03-05-04 - The Board does not find any optometric error or violation of Oregon Revised Statute or Administrative Rule. A letter will be written to the complainant. This case will remain open.

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

03-07-02 - The Board does not find any optometric error or violation of Oregon Revised Statutes or Administrative Rules. A letter will be written to the complainant. This case will remain open.

03-07-03 - This case will be closed.

03-09-01 - The Board will continue the investigation in this case. This case will remain open.

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

CORRESPONDENCE -

The Board discussed a letter from David England, O.D. concerning delegation of contact tonometry. He is correct that at this time an ophthalmic technician is not allowed to perform this test. The doctor should perform the test himself. The Board will consider changing the wording of the rule in Division 20 to remove the word "contact" and insert "applanation" with regard to tonometry.

A question was submitted to the Board concerning whether the required glaucoma consultation may be performed by an M.D. not licensed in Oregon. Under ORS 677 the consultation must be with an MD or DO who is licensed in Oregon.

The following schools of optometry have replied to the Board's inquiry regarding course work taken by their students and how it qualifies as a substitute for the injection lab requirement for nontopical certification:

1. U. C. Berkeley - Does not qualify.
2. Southern College of Optometry - Yes, the course qualifies.
3. Northeastern State University - Yes, the course qualifies.
4. Nova Southeastern University - Does not qualify.
5. University of Houston - Uncertain.
6. Southern California College of Optometry - unclear about the number of hours of course work and whether they use live subjects.

A new letter will be drafted and mailed to the schools to determine if they use human subjects, if each procedure is certified and how many hours are specifically spent in lab.

The following applicants were considered for licensure:

Derek McTyier, O.D.: Dr. Hamel moved that his application be approved for licensure with AT certification. Dr. Walters seconded the motion. The motion carried unanimously.

Jon Pederson, O.D.: Dr. Walters moved that his application be approved for licensure with TPA certification. Dr. Hamel seconded the motion. The motion carried unanimously.

Rahna Grindahl, O.D.: Dr. Reslock moved that the application for licensure by endorsement with TPA certification be approved. Dr. Walters seconded the motion. The motion carried unanimously.

The Board reviewed a letter from Brian Mitchell, O.D. concerning prescriptions for window tinting. The Board concluded that nothing in the law precludes these prescriptions.

PRESIDENT'S REPORT -

Dr. Miller will continue to act as Board president until the governor's office appoints a replacement for her.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed with the Board the current Balance Sheet, and BTB budget report covering the previous biennium, ending June 30, 2003. The actual biennium revenue was \$417,083 compared to a budgeted amount of \$417,680. The actual expenses were \$396,269, so the biennium ended \$21, 410 under budget for expenses, and the excess for the biennium was \$20,813. The new biennium report for July, 2003 shows \$1,913 over projections in revenue and \$2,873 over the projected budget in expenses leaving a \$959 deficit. The balance sheet shows bank balances of \$160,940. The Board discussed some of the line items with Mr. Plunkett.

Board Activities Report: Mr. Plunkett reviewed the monthly cumulative report for August, 2003 with the Board. The total number of licensees has been fairly consistent this year, which hasn't been the case in previous years. The number of inactive licensees has leveled off. Mr. Plunkett pointed out that 126 doctors are AT certified out of 662 which is 19% of active status licensees. Wayne Schumaker said that 100 individuals are scheduled for the September and October injection labs, and about 200 more are registered for the didactic course.

Board Facilities: Mr. Plunkett gave a status report on the new Board office building. The Board made some suggestions which Mr. Plunkett will pursue.

COMMITTEE REPORTS -

Continuing Optometric Education: The committee recommended ratification of continuing optometric education courses approved since the last Board meeting, including designation of acceptable TMOD offerings. Dr. Hamel moved to ratify the review of the courses. Dr. Reslock seconded the motion. The motion carried unanimously.

Administrative Rules Committee: Dr. Miller adjourned the public session for a hearing regarding the proposed revisions to OAR 852-70-010, 852-70-060; and OAR 852-80-040 at 3:08 p.m. The public session reconvened at 3:22 p.m.

Dr. Hamel moved that the Board amend the proposed rule to require 18 hours of COE with each renewal beginning in January 2004, 9 hours of which may be finished in a non-live environment, 9 of which must pertain to the treatment and management of ocular disease. Beginning with the 2005 renewal period, no less than one hour must be in the area of ethics or Oregon Law and Administrative Rule to be reported every other year. Dr. Walters seconded the motion to amend the proposed rule. The motion carried unanimously.

Dr. Walters moved that the Board adopt the proposed changes to OAR 852-70-010 and 060 as amended. Dr. Reslock seconded the motion. The motion carried unanimously. Dr. Walters moved that the Board adopt the proposed changes to OAR 852-80-040. Dr. Hamel seconded the motion. The motion carried unanimously.

The Board will submit an article for the OOPA newsletter Eye on Oregon to get the word out about the rule changes.

Budget Committee: Mr. Plunkett asked that John Doneth be authorized to be an additional signer on the Board's checking account. Mr. Doneth would like to investigate whether he can do that under his security license. Dr. Hamel moved that a board member be authorized to sign checks on the Board's account, the name to be determined at a later date. Dr. Walters seconded the motion. The motion passed unanimously.

Legislative Committee: Mr. Plunkett reviewed the status of various bills that were of interest to the Board.

HB 2129 - OOPA's bill died in committee.

HB 2435; HB 2526; SB 459 - bills all related to the hearings officer panel - the only one in the group that passed is the bill that took out the sunset clause.

SB 893 - DOJ bill that would rectify the Dearborn case. Mr. Plunkett believes that it died in committee.

HB 3380; SB 929 - OBO's financing bills that died in committee this session.

SB 580 - would impose affirmative action requirements on agencies - - - died in committee.

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

Unfinished Business: There was no unfinished business.

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 3:51 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director