

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 9, 2005

Present - John P. Reslock, O.D., President
Candace D. Hamel, O.D., Vice President
Michelle M. Monkman, 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. Reslock called the meeting to order at 8:44 a.m. in the Conference room at 1900 Hines Street, SE, Salem, OR., 97302. The Board immediately adjourned to Executive Session for the purpose of discussing complaint cases. The Public Session was reconvened at 1:08 p.m.

MINUTES - The Board reviewed the Public Session minutes of June 24, 2005. The minutes were approved as presented.

RATIFICATION -

Reactivation and Reinstatements:

- Reinstatement of license to Inactive status: Suzanne Lee, O.D.
- Reinstatement of license to Inactive status: John Pitmann, O.D.
- Reinstatement of license to Inactive status: Spencer Young, O.D.

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

Dr. Walters moved that the Board ratify the actions of the Executive Director with respect to the licensees. Mr. Doneth seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

05-03-01 - The Board finds no optometric error or violation of Oregon Revised Statute or Administrative Rules in this case. No additional information has been received in this case. This case will be closed.

05-04-01 - The Board interviewed the doctor in this case. A letter will be written to the doctor advising her to make herself more accessible to her patients and to make a constant effort at communication with them. She should exercise more oversight with regard to her staff and policy implementation. A letter will be sent to the complainant notifying him that the Board has been advised that the doctor has refunded

his fitting fee as suggested and that the Board will consider this case resolved. This case will remain open.

05-04-03 - No additional information has been received in this case. This case will be closed.

05-04-05 - The Board would like an acknowledgment from the doctor that he has corrected the prescription as they directed in their previous letter to him. A new letter will be sent to him requesting the acknowledgment and establishing a deadline by which the reply must be received. This case will remain open.

05-05-02 - A letter will be written to the doctor in this case advising him to make a clear notation in his records that he has dilated his patients and with what agent. This case will remain open.

05-05-03 - No additional information has been received in this case. This case will be closed.

05-05-04 - Although the complainant has not responded in this case, the Board will request a copy of the records from the doctor. The case will remain open.

05-05-05 - The Board will investigate further to determine whether the business establishment in this case is still selling contact lenses. The case will remain open.

05-05-06

05-05-07 - The Board interviewed the doctor in this case. A Letter of Concern will be sent to the doctor regarding his failure to respond to the Board in a timely manner in their request for information in these cases. Letters will be sent to the complainants indicating that the Board has not found any optometric error or violation of Oregon Revised Statute or Administrative Rules with regard to their complaints. These cases will remain open.

05-05-08 - The Board attempted to contact the complainant in this case to determine whether the doctor has refunded the fees as the Board had previously suggested. Because there was no response prior to the close of the meeting, this case will remain open.

05-07-01 - A letter will be sent to the doctor in this case suggesting that the patient's original glasses be rechecked for progressive lenses. A letter will be sent to the complainant advising her that her current insurance will not pay for progressive lenses and that the doctor's offer to make lined bifocals for \$20.00 is a good value to her. The Board does not find any optometric error or violation of Oregon Statute or Administrative Rules. This case will remain open.

05-07-02 - The Board finds no optometric error or violation of Oregon Statute or Administrative Rules. A letter will be sent advising the patient that the Oregon Health Plan benefit should still be available to her and that she could use that benefit to get reading glasses in the form of single vision or bifocal lenses. A letter will be sent to the doctor suggesting that in the future, he refund the money in order to avoid these kinds of situations. This case will remain open.

00-07-02; 01-09-05 ;

01-10-03 ; 02-05-03 - The licensee has completed the terms of the Stipulated Order in these cases. These cases will be closed.

Dr. Hamel moved that the Board ratify the actions of the Board during executive session. Dr. Monkman

seconded the motion. The motion carried unanimously

The Board considered an application for licensure from Gretchen Ariz, O.D. She has been previously disciplined by the Alaska Board of Optometry. Dr. Walters has reviewed her application and moved that the Board grant her petition for licensure. Dr. Hamel seconded the motion. The motion carried unanimously.

CORRESPONDENCE -

The Board acknowledged a letter from the Oregon State Landscape Architect Board. That board repaid the loan previously made by the Optometry Board and is very grateful to OBO for the assistance rendered.

The Board also reviewed correspondence from Pryog Singh concerning the glasses prescription administrative rule.

PRESIDENT'S REPORT -

Dr. Reslock reported that he would like to meet with the Governor regarding the veto of SB 405 which would have clarified the provision for semi-independent boards to finance the purchase of real property.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the current financial reports covering the period from July 1, 2003 through June 30, 2005 with the Board. Mr. Plunkett reported that actual numbers for the biennium were \$21,548.00 better than budgeted. Dr. Reslock requested that a similar report be drawn up for the Board showing the results of the Board's money market account.

Board Activities Report: Mr. Plunkett reviewed the Board Activities Report ending August, 2005. To date there are 661 active status licensees. Of these, four are DPA certified. These DPA licenses will be phased out by the end of 2005.

Board Facilities: Mr. Plunkett reported that the Board's staff is fairly well settled in the new office location. The Board will save approximately \$200 per month on rent in the new location.

Nontopical Formulary Council: Mr. Plunkett reported that the next meeting of the Formulary Council has been scheduled for October 26, 2005 at the Board's office in Salem at 2:00 PM.

COMMITTEE REPORTS -

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

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

Legislative Committee: The Board discussed various bills that were addressed in the recent legislative session.

HB 2099 - The Board of Optometry disciplinary bill: this bill passed and will become effective 1/1/06.

SB 405 - Semi-independent boards financing bill: this bill was vetoed by the Governor after virtually no opposition in the Legislature.

State Bar bills: HB 2283, HB 2284, and HB 2285: only HB 2285 passed and will affect discovery in contested case hearings.

JLAC Legislative Concepts: HB 2027 and HB 2029: HB 2029 was signed by the Governor and was effective on June 6, 2005.

Administrative Rules Committee: The Board reviewed proposed administrative rules revisions to OAR 852-10-025; 852-10-027; 852-10-028. The Board will hold an administrative rule hearing at the next meeting regarding the proposed revisions.

Ms. Lindley addressed changes which will need to be made to OAR 852 in light of the new legislation passed under HB 2285 regarding discovery in complaint cases.

Personnel Committee: Dr. Reslock will prepare Mr. Plunkett's performance review within the next week.

Other:

The Board discussed an inquiry from Oregon Optometric Physicians Association regarding the licensure of optometrists from states affected by Hurricane Katrina who have been forced to relocate. The Board discussed waiving the application fee, examination fee, and license fee for the first six months of licensure based on temporary residence in Oregon. The fees will become payable retroactively if the doctor remains in Oregon and will be billed on the six month anniversary. This consideration will only be given to physicians who previously resided in the areas now considered disaster areas from the hurricanes. John Doneth moved that the Board adopt the policy as discussed. Dr. Monkman seconded the motion. The motion carried unanimously.

The next Board meeting was scheduled for December 2, 2005.

ADJOURNMENT -

There was no further business to come before the Board. President Reslock adjourned the meeting at 2:30 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director