

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 7, 2007

Present - Scott M. Walters, O.D., President
Michelle M. Monkman, O.D., Vice President
Wesley N. Vorpahl, O.D.
Donald R. Garris, O.D.
Karen M. W. Knauerhase, Public Member

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

CALL TO ORDER -

Dr. Walters called the meeting to order at 9:05 a.m. in the Mezzanine Level 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 12:40 p.m.

Mr. Wayne Schumacher from the Oregon Optometric Physicians Association was in attendance.

MINUTES - The Board reviewed the May 4, 2007 Public Session minutes. The minutes of the meeting were approved as distributed.

RATIFICATION -

Reactivation and Reinstatements:

Reinstatement of license to Inactive status: Steven Iwasa, O.D.
Reinstatement of license to Inactive status: Barbara Portillo, O.D.
Reactivation of license to Active status: Barbara Portillo, 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 noted that there are a large number of new licensees due to the recent graduations. Dr. Monkman made a motion that the Board approve the actions of the Executive Director. Ms. Knauerhase seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

06-08-02 - The Board will request copies of the current contract mentioned by the doctor in his interview. A Letter of Concern and a Compliance Request will be sent to the doctor in this case. This case will remain open.

07-02-01 - The Board will send another letter to the doctor. The Board is still concerned about lack of detail in the patient records. This case will remain open.

07-03-03 - A letter was sent to the patient indicating that the Board finds no optometric error or violation of Revised Statute or Administrative Rules. No additional information has been received by the Board. This case will be closed.

07-03-04 - Mr. Plunkett had spoken to the complainant in this case on May 14, 2007, and asked the complainant to file a request for investigation with the Board if the issues with the doctor are not able to be resolved. The complainant has not submitted any additional information. This case will be closed.

07-05-01 - This case has been resolved between the doctor and the complainant and no additional information has been submitted to the Board. This case will be closed.

07-05-02 - The Board will contact the University of Montreal to verify in writing whether the individual in this case has ever been a student at the School of Optometry. The Board will issue a subpoena for the records of patients seen by the unlicensed individual at Hub Optix. The Board will notify the patients that their examination was performed by an unlicensed individual. The Board will contact the doctor reported to have hired this individual at an additional practice location to inquire how many days the individual worked for him and in what capacity. If he was acting in the role of a physician, the patient records will be subpoenaed, and a complaint case will be opened against the hiring doctor.

Dr. Garris made a motion that the Board issue a Notice of Proposed Discipline, including a Civil Penalty of \$10,000 for the unlicensed practice of optometry. Dr. Vorpahl seconded the motion. The motion carried unanimously. Because the unlicensed practice of optometry is a Class A misdemeanor, the Board will notify the police in Tigard, OR of the case. A press release will be issued regarding the unlicensed practice and the Board will notify the adult probation officer in Whatcom County, WA. who has contacted the Board about her involvement with the unlicensed individual. This case will remain open.

07-05-03 - Two letters were written to the complainant in this case requesting details of the complaint. There has not been any response to our letters. This case will be closed.

07-05-04 - The Board will subpoena records from the complainant for the patient in this case. This case will remain open.

07-06-01 - The complaint had been resolved in this case between the doctor and the complainant. This case will be closed.

07-06-02 - Two letters were written to the complainant requesting details of the complaint. There has been no response to our letters. This case will be closed.

07-07-01 - Dr. Garris made a motion that the Board issue a Notice of Proposed Disciplinary Action: Reprimand and Civil Penalty of \$250.00 for unlicensed practice of optometry in this case. Dr. Vorpahl seconded the motion. The motion carried unanimously. This case will remain open.

07-07-02 - Dr. Garris made a motion that the Board issue a Notice of Proposed Disciplinary Action: Reprimand and Civil Penalty of \$250.00 for unlicensed practice of optometry in this case. Dr. Vorpahl seconded the motion. The motion carried unanimously. This case will remain open.

07-09-01 - A Letter of Concern will be sent to the doctors in this case indicating the following: 1.) Any time a record is changed it must be signed and dated as a standard practice. 2.) The doctors should refer to the Evaluation and Documentation guidelines that are widely available and to perform every element of the billing code in order to be able to bill for the code. The Board will reserve the right to review future records to verify compliance. A letter will be sent to the complainant informing them of the Board's findings. This case will remain open.

Dr. Garris moved that the Board approve these actions. Dr. Vorpahl seconded the motion. The motion carried unanimously.

CORRESPONDENCE -

An application for licensure by endorsement has been received from Paul J. Olsovsky, O.D. The application was reviewed by Dr. Walters and he recommended that the Board approve the application. Dr. Vorpahl made a motion to grant licensure by endorsement to Dr. Olsovsky. Ms. Knauerhase seconded the motion. The motion carried unanimously.

An application for licensure by endorsement has been received from Dennis Colson, O.D. The application was reviewed by Dr. Walters and he recommended that the Board approve the application. Ms. Knauerhase made a motion to grant licensure by endorsement to Dr. Olsovsky. Dr. Monkman seconded the motion. The motion carried unanimously.

Residency classes have been submitted from Pennsylvania College of Optometry by Len Hua, O.D., a new applicant for licensure, to satisfy the COE requirement for his application. Dr. Monkman has reviewed his residency program courses and she feels that the COE requirement has been met. Ms. Knauerhase made a motion to approve the hours. Dr. Garris seconded the motion. The motion carried unanimously.

University of Houston has requested that the Board approve their injection curriculum for 2006 graduates, granting ATI status for those otherwise qualified graduates. The Board had previously approved the curriculum for 2007 graduates and the University attests that the course is equivalent for the 2006 graduates. Dr. Garris made a motion that the Board approve the curriculum as requested. Ms. Knauerhase seconded the motion. The motion carried unanimously.

The Board has received correspondence from Michael Hoyt, O.D. concerning electronic signatures. Mr. Plunkett stated that according to current rules, an electronic signature is not sufficient. He referenced OAR 852-01-002 and OAR 852-20-031 and the Board members agreed. The Board will send a letter to the doctor informing him that an electronic signature is not sufficient at this current time. The Board will review the rules concerning this issue. Ms. Lindley will send to the Board research that she provided to the Dental Board regarding electronic signatures.

Wayne Schumacher noted that Medicare will be requiring that prescriptions either be written on tamper proof prescription paper, or be sent electronically to a pharmacy. The Board discussed the inclusion of an article on this topic in their next newsletter.

PRESIDENT'S REPORT -

Dr. Walters reminded the Board that the publication of a newsletter had been delayed until after the conclusion of the recent legislative session. He asked for the contribution of articles from the other Board members for the upcoming edition, and asked Mr. Plunkett to send out an email to recap the topics of discussion at this meeting.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett discussed the final budget report for the 2005-2007 Biennium. He pointed out that the total revenue at the end of the biennium was higher than had been projected for the term due to the fees associated with applications for AT and ATI certification. Expenses during the same period were under budget by \$37,330. This was in part because attorney fees for the Board's Assistant Attorney General were lower than had been anticipated. This resulted in an excess of \$51,878.

The Board reviewed the Revenue and Expense Budget Report covering the month of July 1, 2007. Mr. Plunkett noted that the total revenue for the month was \$1,614 over budget while the total expenses were \$200 under budget. The net result was an excess of \$1,814. The Board discussed the current balance sheet with Mr. Plunkett.

Mr. Plunkett reviewed the Board Activities Report and pointed out that the number of licensees with "T" designation are down to 182, as the number of AT and ATI certified physicians have increased. The number of complaints received at the Board office is the lowest he can remember for this time of year. There has been no discipline thus far in 2007.

The Board discussed the potential of purchasing office space in order to maximize resources. Mr. Plunkett reminded the Board that the current governor does not view that option favorably. He noted there appears to be a renewed interest at the legislature in the consolidation of boards. There seems to be a tendency to target health-related licensing boards. Staff from Representative Greenlich's office have been interviewing a number of health-related boards, but the Optometry Board has not yet been contacted. There is a meeting scheduled for October 5, 2007 in Portland which is proposed to be a roundtable discussion spearheaded by the Nursing Board. Discussion will probably center on recent legislation to establish a new entity to regulate scope of practice. An expert in scope of practice issues will be invited to address the group. Dr. Walters indicated that he is interested in attending the meeting with Mr. Plunkett. There will also be a meeting of health-related boards at the office of the Board of Dentistry on September 26, 2007 to discuss other pertinent issues which Mr. Plunkett is planning to attend.

Mr. Plunkett reported that he had recently been invited to address the new class of students at Pacific University College of Optometry during their orientation. This has been the fifth year that Mr. Plunkett has had the opportunity to speak to the incoming students. In addition, he and Douglas Smith, O.D. presented a course in Oregon Law and Administrative Rules at the annual Oregon Optometric Physicians Association convention in Bend, OR in May, 2007. He has been asked to put a course together for their joint conference with the Washington Optometric Association which will be held in February, 2008. He has asked Joan Miller, O.D. to teach that course with him.

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. Vorpahl seconded the motion. The motion carried unanimously.

Budget Committee: Mr. Plunkett reported that an audit of the biennium ending June 30, 2007 will be conducted this fall by Merina & Company, LLP. This is the same company which has performed the audit in previous years. Mr. Plunkett has already begun to prepare documents requested by the firm. This will probably be the last audit performed of the Board. In the future there will be periodic reviews performed as established by recent legislation.

Legislative Committee: The Board discussed the outcome of the recently completed legislative session.

SB 82, has passed and been signed into law. The bill requires a valid prescription for all ophthalmic contact lens and will become effective 1/1/2008.

SB 70, which revises audit requirements for semi-independent agencies, has been passed and signed into law. The bill will become effective on 1/1/2008.

SB 717, which would have established a scope of practice review committee, has failed, but Mr. Plunkett feels fairly confident that it will be revisited during the next session.

SB 35, which would have removed the requirement for glaucoma consultation has failed, but some language from the bill was incorporated into SB 656 which did pass and will be effective 1/1/2008.

Administrative Rules Committee: Mr. Plunkett has prepared proposed changes to OAR 852-080-0030 to bring the rule into agreement with the changes enacted by SB 656. He pointed out the need to make a change to OAR 852-050-0006 clarifying the language with regard to the failure to maintain a current CPR card for ATI certified physicians. The changes will establish the administrative fine imposed for the late renewal of CPR certification or the lapse of CPR certification. A hearing will be scheduled for the next Board meeting.

The Board revisited the discussion regarding changes to the current biennial Ethics/Law and Administrative Rule continuing education requirement. Mr. Plunkett noted that some courses have been located online, which have not yet been reviewed by the Board. The Board will continue the discussion at the next meeting as well as the consideration of approval of courses which are half-hour duration.

Personnel Committee: Mr. Plunkett was given his annual performance review by the Board today. Dr. Walters acknowledged that the Board has an excellent Executive Director and he thanked Mr. Plunkett for his contributions.

OTHER:

Mr. Schumacher addressed the Board regarding the Advanced Ocular Therapeutic Didactic workshop and the Injection lab which was recently completed. A total of seventy-three doctors attended the courses. The courses were held at Pacific University School of Optometry. The location was very popular with the attendees. OOPA will sponsor the workshop again in 2008, probably during the last week of August. The Washington Optometric Physicians Association is not planning to sponsor another didactic course.

Mr. Schumacher informed the Board that OOPA will be changing their conference plans. The annual meeting will be held at GWCO this year and will be held annually thereafter in conjunction with the GWCO conference. Smaller networking events will be held regionally instead of large conventions beginning in 2009.

The next Board meeting was scheduled for November 30, 2007.

ADJOURNMENT -

There was no further business to come before the Board. President Walters adjourned the meeting at 1:54 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director