

# OREGON BOARD OF OPTOMETRY

## PUBLIC SESSION MINUTES

*October 27, 2000*

Present - Joan P. Miller, O.D., President  
Douglas G. Smith, O.D., Vice President  
Candace D. Hamel, O.D.  
John P. Reslock, O.D.  
Jill A. Tanner, Public Member

David Plunkett, Executive Director  
Cathy Boudreau, Administrative Assistant

### **CALL TO ORDER -**

Dr. Miller called the meeting to order at 8:49 a.m. The Board adjourned immediately to executive session for the purpose of discussing complaint cases.

The Public session was reconvened at 2:25 p.m.

**MINUTES** - Dr. Hamel moved that the minutes of the June 16, 2000 Public Session be approved with the following correction: Page 3, complaint case 00-05-02, the word "or" be used in place of "of". The minutes were approved as corrected. July 14, 2000 and August 16, 2000 Public Session minutes were approved as presented.

### **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. Dr. Miller read the names of these licensees into the record.

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

"Reinstatement of licenses: Steven Clark, O.D. (Inactive-Military to Active)  
Eva Fickes, O.D. (Inactive to Active)  
Tina Joe, O.D. (Inactive to Active)  
Jeffrey Nivala, O.D. (Inactive to Active)  
Tracie Vu, O.D. (Inactive to Active)

"Reinstatement of licenses: Tam Sing, O.D.  
Eric Richman, O.D.

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

## **ACTION ON EXECUTIVE SESSION**

**98-01-02** - The Board does not find any optometric error or violations of statute or administrative rule. This case will be closed.

**98-05-01** - The Board does not find any optometric error or violations of statute or administrative rule. This case will be closed.

**99-04-04** - Dr. Smith moved that the Board accept a Stipulated Final Order in this case. Ms. Tanner seconded the motion. The motion passed unanimously. This case will be closed.

**99-05-01** - Ms. Tanner moved that the Board issue a Notice of Intent to Discipline, Imposition of Civil Penalties, \$1,000 per violation in this case. Dr. Reslock seconded the motion. The motion carried unanimously. This case will remain open.

**99-10-01** - The Board did not find any optometric error or violations of statute or administrative rule. This case will be closed.

**00-10-02** - The investigation will continue in this case. This case will remain open.

**00-01-04** - The Board did not find any optometric error or violations of statute or administrative rule. This case will be closed.

**00-02-06** - The Board did not find any optometric error or violations of statute or administrative rule. This case will be closed.

**00-02-07** -

**00-10-03** -

**00-07-01** - Ms. Tanner moved that the Board issue to the optician in these cases a Notice of Intent to Discipline, Imposition of Civil Penalties, \$1000 per violation pursuant to OAR 683.180(7) . Dr. Smith seconded the motion. The motion carried unanimously. Ms. Tanner moved that the Board issue to the optometrist in these cases a Notice of Intent to Discipline, Revocation of License, and Imposition of Civil Penalties, pursuant to OAR 852-10-027(3)- aiding and abetting the practice of optometry without a license, OAR 852-10-028, and ORS 683.140(3)(12) - inadequate record keeping and incomplete examinations, OAR 852-50-005(3) - failure to notify the Board of practice locations. It was further moved that the Board issue a subpoena for all optometric patient records at this doctor's practice locations. Dr. Smith seconded the motion. The motion carried unanimously. These cases will remain open.

**00-04-03** - A letter will be written to the complainant. This case will be closed.

**00-10-04** -Dr. Smith moved that the Board issue a Notice of Intent to Discipline, Imposition of Civil Penalties, \$1,000 per violation, pursuant to OAR 852-10-028 and ORS 683.140(3)(12) - poor record keeping and inadequate examinations. This case will remain open.

**00-05-01** - The Board did not find any optometric error or violations of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

**00-05-02** - The Board did not find any optometric error or violations of statute or administrative rule. This case will be closed.

**00-06-01** - A letter will be written to the complainant. This case will remain open

**00-06-02** - The Board did not find any optometric error or violations of statute of administrative rule. This case will be closed.

**00-07-02** - The investigation will continue in this case. This case will remain open.

**00-08-01** - The Board did not find any optometric error or violation of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

**00-08-02** - The Board did not find any optometric error or violation of statute or administrative rule. A letter will be written to the complainant. This case will remain open.

**00-08-03** - The Board did not find any optometric error or violation of statute or administrative rule. This case will be closed.

**00-08-04** - The doctor has brought his advertising into compliance. This case will be closed.

**00-09-01** - The investigation will continue in this case. This case will remain open.

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

**00-09-03** - The doctor has brought his advertising into compliance. This case will be closed.

**00-09-04** - The investigation will continue in this case. This case will remain open.

**00-09-05** - The investigation will continue in this case. This case will remain open.

**00-09-06** - A letter will be written to the doctor in this case. This case will remain open.

**00-10-05** - The investigation will continue in this case. This case will remain open.

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

**CORRESPONDENCE** - A reinstatement request was received from Robert M. Homuth, OD. The doctor graduated from Pacific, was licensed in Oregon, then failed to renew because of non-payment of fees. Dr. Hamel moved to reinstate his license on condition of payment of fees for the years lapsed plus one late fee (\$650.00) as well as letters of good standing and continuing education. Dr. Smith second the motion. The motion carried unanimously.

**PRESIDENT'S REPORT** - Dr. Miller did not submit a report at this time.

### **EXECUTIVE DIRECTOR'S REPORT -**

**Accounting/Budgeting** - Mr. Plunkett submitted and the Board reviewed budget reports for the month of August 31, 2000 and the BTD report covering the current biennium, July 1, 1999 through August 31, 2000. Mr. Plunkett pointed out that the report is now in a modified accrual format that should make it more accurate.

**Board Activities Report** - Mr. Plunkett submitted and the Board reviewed the monthly cumulative report for September, 2000. The Board discussed the reports presented by the executive director.

### **COMMITTEE REPORTS -**

**Continuing Education** - The committee recommended ratification of continuing education courses approved since the last Board meeting, including designation of those continuing education offerings that are acceptable for TPA. Dr. Hamel moved that the COE which had been reviewed and approved since the last meeting be ratified. Dr. Reslock seconded the motion. The motion carried unanimously.

Dr. Hamel had approved a conference for Family Practice/Specialties Update and asked whether the Board concurred with her decision to approve this COE. The Board supported her approval of the conference.

**Budget Committee** - Mr. Plunkett presented the budget schedule for the 2001-2003 biennium budget process. He noted that an audit has been conducted on Board activities from July 1, 1998 through June 30, 2000 and that an audit report would be issued by the audits Division in December.

**Legislative Committee** - The Board's three Legislative concepts have been drafted by Legislative Counsel for review: LC 1147 (963-1) Modifies disciplinary authority of the Board.

LC 1052 (963-2) Licensure by endorsement.

LC 1035 (963-3) Extends disciplinary authority of the Board.

Dr. Miller discussed the proposed legislation. Mr. Plunkett mentioned that minor revisions had been made which only improved the wording and did not alter the intent of the bills. They will be submitted to DAS along with new statements of fiscal impact. Mr. Plunkett mentioned that DAS will do the filing, which is new this year. The Board will indicate where they would like to have the concepts filed. After the filing, the will be the work of seeing the bills through the legislative process.

**Administrative Rules Committee** - There was no report from the Administrative Rules Committee at this time.

Dr. Smith inquired whether a modification could be made to the administrative rules that would allow

doctors to fill in for other doctors in the event of serious illness, or catastrophic circumstances, without having to register and pay for the additional site. The Board agreed that in the case of such circumstances, that a doctor should be able to work temporarily without paying for an additional site, on condition that the circumstances requiring such action could be verified and deemed qualified for an exemption.

**Personnel Issues** - The Board considered revisions to the Personnel Policies Manual on the following: Page 8, 4. Insurance b. & c.; Page 10, b. Compensation plan administration (1)(a); Page 13, (2)(a) COLA. Ms. Tanner recommended that the Board approve the listed revisions. Dr. Smith seconded the motion. The Board passed the motion unanimously.

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

**OTHER** -

Wayne Schumaker, Executive Director OOPA, suggested that the Board post a quarterly or semi-annual newsletter to help keep licensees informed as to rule and procedure changes.

The Board tentatively scheduled the next meeting for February 2, 2001.

**ADJOURNMENT** -

The Board adjourned to Executive Session at 3:47 p.m. for advisement from their attorney on complaint cases. The public session reconvened at 4:11 p.m.

There was no further business to come before the Board. Dr. Hamel moved to adjourn the meeting. Dr. Reslock seconded the motion and President Miller adjourned the meeting at 4:13 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau  
Administrative Assistant

David W. Plunkett  
Executive Director