

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

December 13, 2002

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 8:45 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 1:50 p.m.

MINUTES - The minutes of the September 13, 2002 Public Session were approved as corrected.

RATIFICATION -

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.

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

- Reactivation of licenses:
Dale Bricker, O.D.
Karl Bakken, O.D.
Shelby Wickhorst, O.D.
Laura Barnes, O.D. (Military)
- Reinstatement of licenses:
Richard Wu (Active)
Daniel Jenisch (Inactive)
- Candidates for Examination and Licensure (new licensees):

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

ACTION ON EXECUTIVE SESSION

00-02-07 -

00-07-01 - The Board will investigate further to gather evidence of additional violations. These cases will remain open.

00-07-02

01-09-05

01-10-03

02-05-03 - The Board will allow until 1/31/03 for the doctor to make a payment, take the law exam and give the board a preliminary report from his psychologist. These complaints will remain open.

00-09-02 - The Board will disclose some information in this case to Ciba Vision in order for them to pursue this matter. This case will be closed.

00-10-02 - The Doctor has completed all the requirements of the Board. This case will be closed.

00-10-04

01-07-01 - A Notice of Proposed Disciplinary Action was issued in these cases. These cases will remain open.

01-03-02

01-10-04

02-04-05 - The doctor has completed all the requirements of the Board. These cases will be closed.

01-08-04 - A letter will be sent to the doctor. The Board will further monitor the doctor in this case. This case will remain open.

02-02-03 - This case will be closed.

02-04-04 - The Board finds no optometric error or violation of Oregon Revised Statute or Administrative Rule. This case will be closed.

02-05-01 - The Board finds no optometric error or violation of Oregon Revised Statute or Administrative Rule. This case will be closed.

02-06-03 - Letters will be written to the doctor and complainant in this case. This case will remain open.

02-07-01 - The Board will continue the investigation in this case. This case will remain open.

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

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

02-08-03 - A letter will be sent to the complainant. This case will remain open.

02-09-01 - This case will be closed.

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

02-10-01 - This case has been resolved between the doctor and patient. This case will be closed.

02-10-02 - This case will be closed.

02-10-03 - This case will be closed.

02-10-04 - This case will be closed.

02-11-01 - The Board will continue the investigation in this case.. This case will remain open.

02-11-03 - This case will be closed.

02-11-04 - A letter will be written to the company in this case instructing them to write to the doctors that they originally contacted, rescinding the offer previously made. This case will remain open.

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

CORRESPONDENCE -

The following doctors have applied to the Board for licensure by endorsement: (Each of the doctors must still pass the law an administrative rule examination and clear the federal NPDB and HIPDB database search.)

- Richard London, O.D. has taken the remaining TPA hours required by the Board and has passed the law exam. Dr. Walters moved to grant licensure to the doctor. Dr. Reslock seconded the motion. The motion passed unanimously.
- Paul Geller, O.D. - Dr. Hamel moved to endorse the doctor's previous examination for licensure. Dr. Walters seconded the motion. The motion passed unanimously.
- Paul Grala, O.D. - Dr. Hamel moved to endorse the doctor's previous examination for licensure. Dr. Walters seconded the motion. The motion passed unanimously.
- Jeffrey Silbernagel, O.D. - Dr. Reslock moved to endorse the doctor's previous examination for licensure. Dr. Hamel seconded the motion. The motion passed unanimously.
- James Lentz, O.D. - Dr. Walters moved to endorse the doctor's previous examination for licensure. Dr. Hamel seconded the motion. The motion passed unanimously.
- Marnie Tucker-Spino, O.D. - Dr. Hamel moved to endorse the doctor's previous examination for licensure. Dr. Walters seconded the motion. The motion passed unanimously.

The Board discussed a letter from Kenji Hamada, O.D. concerning the oral and injectable didactic course. He is not able to attend the first day of the course because of a previous commitment. He would like to have the first day of the course video taped at his expense so that he might obtain credit for the full course offered in February. Since another didactic course will be offered in September, Dr. Hamel and Dr. Miller don't believe that the Board should offer this exception to Dr. Hamada unless it is offered to all optometrists in the state. Dr. Reslock moved that the board approve Dr. Hamada's request. Dr. Walters abstained from the vote due to his business partnership with Dr. Hamada. The motion was not seconded. Dr. Reslock withdrew the motion. The Board did not grant the request. Dr. Walters will inform the doctor.

The Board reviewed a letter from National Vision, Inc. concerning HIPAA. The Board will not provide HIPAA compliance education. No response will be necessary

PRESIDENT'S REPORT -

Dr. Miller noted that the newsletter is coming out soon along with new copies of the Oregon Law and Administrative Rules. She also mentioned that the Law and Rules are available on the Board's web page and that she hoped that licensees would take advantage of this resource to keep up with changes.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: The Board reviewed the current balance sheet and BTD budget report covering the current biennium, July 1, 2001 through October 31, 2002. Mr. Plunkett reviewed the financial report to date with the board. The Board is under budget in general. Income from license fees and interest income is less than was projected. On the expense side, payroll and related fees are also under budget. He noted that even the Department of Justice fees are still under budget. Taking both sides into account, the Board is \$10,517 to the good.

Mr. Plunkett told that Board that he will have a proposed budget ready for the next meeting. The report to the Governor and Legislative Assembly is due no later than January 13th. The report will include the last audit report. The next audit will be in one year.

Dr. Hamel asked whether any of the Board's funds can be invested in vehicles that are longer term than money market accounts. Mr. Plunkett will consult with Mr. Doneth. There are some restrictions on the types of investments that the Board can make, but some long-term investments may be possible.

Board Activities Report: The Board and Mr. Plunkett reviewed the monthly cumulative report for November, 2002

Written Notifications to the Board: In the past, the Board has required a written request to change address, and make other notifications to the Board. The Board staff has accepted faxed requests that have a signature. Mr. Plunkett asked how the Board felt about e-mail notifications. Dr. Hamel said that she is not comfortable unless there is a signature to verify that the person making the change or request is the person he or she purports to be. Dr. Miller noted that anyone can change someone's record by e-mail without that person's knowledge. It was the consensus of the Board not to change the current procedures.

Board Facilities: Mr. Plunkett gave a status report on new Board office. He reported that the building project is proceeding as expected.

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.

Mr. Plunkett asked if a Board member would speak to GWCO about their practice of stamping attendance certificates before the attendees information is filled out. The Board instructed him to write a letter to GWCO.

Budget Committee: There was no report from the Budget Committee. A proposed budget will be prepared for the next Board Meeting.

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

Administrative Rules Committee: Mr. Plunkett noted that the latest rule change will be filed next week. Dr. Miller would like to revisit the rules regarding delegation to see if any changes are needed.

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

Unfinished Business: With regard to the CPR Requirement for Nontopical certification, Dr. Miller asked what the differences are between the healthcare practitioners course and any other course, and whether it is critical to have the defibrillator training included. Dr. Hamel believes that it is important. Dr. Miller will gather background information on different courses and develop some proposed wording for an administrative rule which will establish the Board's expectations.

Mr. Wayne Schumaker from OOPA spoke to the Board regarding a bill which the association has in mind regarding how a mail order, phone, Internet contact lens supplier will verify the prescription. Typically, 1-800-Contacts has been making calls to the doctors after office hours and have left messages which are vague or impossible to answer. He suggested that OBO might be able to write administrative rules which could help regulate these entities in Oregon. He suggested that the OAR could be expanded with regard to the verification of prescriptions. Positive verification would require verbal contact with the doctor. He spoke about a legislative concept which OOPA is considering for the coming session. This concept would also increase the amount of civil penalties from \$1000 to \$5000 per incident. OOPA will keep this concept available in the event that 1-800-Contacts begins to put pressure on our legislature as they have in other states.

Dr. Miller suggested that the Board compose some language which could be reviewed by the Board's attorney. Mr. Schumaker said that if legislation would be needed to support an OAR, language could be included in the OOPA bill.

OTHER - The next Board meeting is scheduled for March 14, 2003.

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 3:12 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director