

FROM THE PRESIDENT

Until I became a board member, I had no idea what the functions of this board entailed. As you are all aware, one of the responsibilities of the Oregon Board of Optometry is addressing and investigating consumer complaints. I bring this to your attention because this is the duty that consumes most of Board members time. I am happy to report that many complaints are "fee disputes" by nature and that disciplinary action for inadequate patient care is not frequent.

Thank You ...

I would like to personally thank the members of the Oregon Board of Optometry for their time and dedication to this duty. Please join me in appreciating the work that the Board does. We sacrifice time away from the office and home in an attempt to help consumers and all O.D.s in the state. Thank you Board members Eric, Joan, Doug, and Mitzi. You have been so helpful and wonderful to work with. If you see any of the above, you owe them a big THANK YOU! We are also very fortunate to have a hard working and organized OBO office. A special thank you to David Plunkett our Administrator, Kathy Hanson and Joan True our Administrative Assistants, and Tom Cowan our attorney from the Attorney General's office.

Board Mission and Organization...

The Oregon Board of Optometry's mission is to protect the people of the State of Oregon from the dangers of unqualified and improper practice of optometry. This is accomplished through setting standards for the examination of candidates for licensure and certification, licensure, continuing optometric education, and enforcement of the laws and rules governing the practice of optometry.

The Oregon Board of Optometry was established by the Legislature in 1905. The Board consists of four doctors of optometry licensed to practice in Oregon (Ann A Easley, O.D., Joan Ploem Miller, O.D., Eric H. Knutson, O.D., Douglas G. Smith, O.D.) and one public member (Mitzi M. Naucler) representing consumers.

Board Member arrivals and departures...

Departure...Jill Tanner. Jill served as the Board's public member for approximately two years. She served as the Board's hearings officer and brought a well respected voice to Board proceedings. She is a tax attorney from Portland.

Arrival...Mitzi M. Naucler. Mitzi was appointed by Former Governor Barbara Roberts in August 1994 to serve as the Board's public member.

Ann A. Easley, O.D., Board President

TPA

The Board is happy to report that there have not been any calls or complaints received from consumers concerning the use of therapeutics by O.D.s in Oregon. However, some concern about this matter has been raised that all optometrists are not following the law and administrative rules concerning the use of therapeutics in optometry, and more specifically with glaucoma management. The Board would like to remind you of your responsibility as an optometrist in the proper use of therapeutics and patient care management.

ORS 683.270(4) states "prior to instituting treatment with anti-glaucoma medication, optometrists shall consult with an ophthalmologist or other Doctor of Medicine or Doctor of Osteopathy licensed under ORS chapter 677."

In addition the optometry administrative rules concerning the treatment of glaucoma state " *treatment with Anti-glaucoma agents (Category 12) requires: a) a dilated internal eye health examination before treatment is initiated, b) measurement of intraocular pressure by applanation and c) initial and annual consultation with an ophthalmologist, a doctor of medicine, or doctor of osteopathy.* Please review this rule and the others concerning pharmaceutical agents in Division 80 of the optometry administrative rules.

DPA and TPA CERTIFICATION

This doesn't happen automatically, you must apply to the Board! After meeting the necessary requirements for certification, and prior to using diagnostic or therapeutic pharmaceutical agents, you must submit an application and apply for certification to use either diagnostic or therapeutic pharmaceutical agents.

CONTACT LENS PRESCRIPTIONS

A patient unable to get their contact lens prescription from the doctor is the most common complaint call received by the Board. Please be aware of the Board's rule which says "Prescription means the signed written prescription which a doctor of optometry shall immediately release to the patient at the time he/she would provide spectacles or contact lenses without additional examination". There are also new requirements for what information must be included on the prescription. You should review OAR 852-01-002(8) for the details.

CONTINUING EDUCATION

A friendly reminder . . . continuing education is due in the board office by **June 30, 1996**. This does not mean "postmarked by" or a few days late, but **received** in the Board office. Doctors not complying with this requirement are fined. If you want your original COE certificates of attendance returned to you, enclose a self-addressed stamped envelope.

As a side-note, the Board is currently taking disciplinary action on a doctor who submitted forged continuing education hours for credit. His license is in the process of being revoked.

RECORDS

A patient's records shall be kept by the doctor of optometry for a minimum of seven years (longer if minor) from the date of the last office visit or pertinent clinical notation on the record.

Copies of records, or detailed summaries, shall be provided to patients (or persons designated by patients) within 30 days upon the appropriate written and signed request of the patient.

When closing a practice or retiring, a doctor of optometry must retain patient records for the required amount of time or transfer the care of patient records to a doctor of optometry licensed and practicing optometry in Oregon. Transfer of patient records pursuant to this section of this rule shall be reported to the Board in writing immediately upon transfer.

OPTOMETRIC PHYSICIAN

Any licensed optometrist in the State of Oregon is permitted to use the title "optometric physician". This change came about through a revision to Oregon Revised Statute 676.110(5), effective September 9, 1995. This is not an optometric statute, but one covering health professions generally.

SAMPLES

It has recently come to the Board's attention that at least one optometrist has been charging patients for samples. The Board does not believe that it is appropriate for an optometrist to charge a consumer for sample products. This activity is unprofessional conduct under OAR 852-10-027, and is subject to sanctions and penalties.

SCOPE OF PRACTICE

The Oregon Board of Optometry continues to review ophthalmology scenarios to determine whether they fall within the scope of practice. The following have recently been reviewed and determined within the scope of practice and should be accepted for reimbursement to optometrists:

| <u>CPT 94 Code</u> | <u>Description</u> |
|--------------------|---|
| 65205 | Removal of FB, external eye superficial conjunctival |
| 65220 | Removal of corneal FB, w/o slit lamp |
| 65222 | Removal of corneal FB, with slit lamp |
| 65430 | Scraping of cornea, diagnostic for smear and/or culture |
| 65435 | Removal of corneal epithelium |
| 67820 | Epilation of lid lashes |
| 68761 | Closure of lacrimal punctum by plug |
| 68800 | Dilation of lacrimal punctum, with or w/o irrigation, unilateral or bilateral |

In addition, the following codes listed in appendix D of the AMA's CPT 95 and Medicare Part B Evaluation and Management Documentation Guidelines are within the scope of optometric practice: 92002, 92004, 92012, 92014, 92015, 92020, 92060, 92065, 92081, 92082, 92083, 92100, 92225, 92250, 92285, 99203, 99204, 99205, 99213, 99214, 99215, 99241, 99242, 99243, 99244, 99245, 99251, 99252, 99253, 99254, 99255, 99261, 99262, 99263, 99271, 99272, 99273, 99274, 99275, 99276, and 99277.

INVESTIGATION ACTIVITIES

During the calendar year the Board resolved and closed 45 complaint cases. Of these, 10 cases or 22% involved disciplinary action. Licensees were sanctioned for the following violations:

- " Reprimand and Imposition of \$250.00 Civil Penalties - for failure to submit continuing optometric education in a timely manner.(7 cases)
- " Reprimand and Imposition of a \$250.00 Civil Penalty - for failure to complete Board-ordered continuing optometric education in a timely manner.
- " Letter of Advice - Unprofessional conduct for sharing proof of continuing optometric education course work with other optometrists.
- " Letter of Advice - Unprofessional conduct for forging a patient's name to a release form.

REPORT OF BOARD ACTIVITIES

JANUARY 1995 through DECEMBER 1995

| LICENSING ACTIVITIES: | |
|--|-------------|
| ACTIVE LICENSEES | 583 |
| ACTIVE TPA | 449 |
| ACTIVE DPA (ONLY) | 115 |
| ACTIVE NO TPA/DPA | 19 |
| INACTIVE/MILITARY LICENSEES | 799 |
| INACTIVE/MILITARY TPA | 228 |
| INACTIVE/MILITARY DPA (ONLY) | 464 |
| INACTIVE/MILITARY NO TPA/DPA | 107 |
| TOTAL LICENSEES | 1382 |
| OTHER ACTIVITIES: | |
| APPLICATIONS FOR LICENSE RECEIVED | *78 |
| NEW LICENSES ISSUED | 57 |
| REACTIVATIONS/REINSTATEMENTS OF LICENSE | 18 |
| TPA CERTIFICATIONS | 89 |
| ACTIVE LICENSEES | 49 |
| INACTIVE LICENSEES/MILITARY | 40 |
| LICENSE VERIFICATIONS COMPLETED | 953 |
| CE COURSES APPROVED/ENTERED | *278 |
| LICENSEE BIENNIAL CE APPROVED | 84 |
| BOARD MEETING DAYS | 5 |
| COMPLAINTS: | |
| INFORMAL COMPLAINTS HANDLED BY STAFF | 258 |
| NEW FORMAL COMPLAINTS RECEIVED BY STAFF | 34 |
| FORMAL COMPLAINTS REVIEWED BY BOARD | 135 |
| COMPLAINTS CARRIED FORWARD FROM PREVIOUS MONTH | |
| NEW COMPLAINTS REVIEWED BY BOARD | 33 |
| COMPLAINTS RESOLVED AND CLOSED BY BOARD | 45 |
| DISCIPLINARY ACTION | 10 |
| NO DISCIPLINARY ACTION | 35 |

* AMOUNT SINCE JULY 1, 1994