

# OREGON BOARD OF OPTOMETRY

## PUBLIC SESSION MINUTES

*February 9, 2007*

Present - Scott M. Walters, O.D., President  
Michelle M. Monkman, O.D., Vice President  
Wesley N. Vorpahl, OD  
Donald R. Garris, OD

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

### **CALL TO ORDER -**

Dr. Walters called the meeting to order at 9:04 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 11:20 a.m.

Karen Knauerhase, prospective incoming Public Member, was present for the meeting at the Board's invitation.

**MINUTES** - The Board reviewed the September 22, 2006 Public Session minutes. The minutes of the meeting were approved as distributed.

### **RATIFICATION -**

#### **Reactivation and Reinstatements:**

Reinstatement of Inactive license: Alan Boyco, O.D.  
Reinstatement of Inactive license: Jon Pederson, O.D.  
Reactivation of license to Active status: Diane Shaver, O.D.  
Reactivation of license to Active status: William Faulkner, 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 read the names of the reinstatement and reactivation candidates and the new licensees into the record. Dr. Monkman made a motion that the Board approve the actions of the Executive Director. Dr. Vorpahl seconded the motion. The motion carried unanimously.

### **ACTION ON EXECUTIVE SESSION**

**06-04-01** - A response was received by the Board from the doctor. The doctor has been responsive to the Board's directives and will be more attentive in his examinations in the future. This case will be closed.

**06-05-01** - There has been no additional response to the Board by the parties in this case. This case will be closed.

**06-07-01** - A response was received by the Board from the doctor in this case. No further action is necessary. This case will be closed

**06-08-01** - A response was received by the Board from the doctor in this case. This case will be closed.

**06-08-02** -The Board will consult with their attorney and proceed with this case. This case will remain open.

**06-09-01** - The Board is satisfied that the doctor has resolved the advertising issue in this case. This case will be closed.

**06-09-02** - Two attempts have been made to obtain details from the complainant in this case. Since no details have been furnished, this case will be closed.

**06-09-03** - Two attempts have been made to obtain details from the complainant in this case. Since no details have been furnished, this case will be closed.

**06-10-01** - The Board will recommend that the doctor send a letter to the patient apologizing to the patient for the confusion in communication. The Board will send a letter to the patient indicating that the Board finds no optometric error or violation of Revised Statute or Administrative Rule. This case will remain open.

**06-11-01** - Letters will be written to the doctor and to the patient indicating that the Board finds no optometric error or violation of Revised Statute or Administrative Rule. This case will remain open.

**07-01-01** - This case was resolved between the doctor and the patient. This case will be closed.

**07-01-02** - The Board will send a letter to the doctor indicating that the Board does not see any optometric error or violation of Revised Statute or Administrative Rule, but that a refund may be the simplest course of action to resolve the situation. The case will remain open.

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

## **CORRESPONDENCE -**

The Board has received a letter from University of Houston requesting to be added to the Board's list of approved colleges of optometry for meeting Oregon's ATI licensure requirements. The Board reviewed the documentation submitted and determined that the University of Houston injection curriculum meets or exceeds the Oregon requirements for injection endorsement. Dr. Monkman moved that future graduates from University of Houston School of Optometry be ATI certified upon licensure. Dr. Garriss seconded the motion. The motion carried unanimously.

Derek Louie, O.D. has written to the Board concerning ATI certification. Dr. Walters recommends that Dr. Louie be granted ATI status based upon his training during a residency at the Northeastern State University College of Optometry. His training meets or exceeds the Oregon requirements for injection endorsement. Dr. Garris moved that Dr. Louie be granted ATI certification. Dr. Monkman seconded the motion. The motion carried unanimously.

James N. Conard, O.D. has applied for licensure by endorsement. Dr. Walters recommends that Dr. Conard be licensed by endorsement based on his education and examination history. Dr. Monkman moved that Dr. Conard be granted licensure by endorsement of his California clinical examination. Dr. Vorpahl seconded the motion. The motion carried unanimously.

Brian P. McPartland, O.D. has applied for licensure by endorsement. Dr. Walters recommends that Dr. McPartland be licensed by endorsement based on his education and examination history. Dr. Vorpahl moved that Dr. McPartland be granted licensure by endorsement of his California clinical examination. Dr. Monkman seconded the motion. The motion carried unanimously.

### **PRESIDENT'S REPORT -**

After discussion, Dr. Walters stated for the record that the Board is opposed to the legislative concept sponsored by the Oregon Academy of Ophthalmology, LC1976. This bill would require optometric physicians to refer glaucoma patients to an ophthalmologist based upon certain specified responses to treatment.

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

**Accounting/Budgeting:** Mr. Plunkett reviewed the Revenue and Expense Budget Report covering the period from July 1, 2005 through December 31, 2006. He pointed out the current revenue total of \$404,799 indicating that figure is \$4,600 more than had been budgeted for the current biennium. The current payroll and other related expenses are \$11,956 under the projected total for the biennium while services and supplies are \$18,996 under budget. Total expenses for the biennium to date are \$30,903 under budget. Overall, the Board's budget shows a surplus of \$35,502. Mr. Plunkett noted that this is good news since there had been a deficit anticipated and budgeted for the current budget period.

Mr. Plunkett discussed the balance sheet which reflects the Board's current cash and investments. He noted that a Certificate of Deposit will mature this month. Those funds will be turned over and reinvested in another C.D.

In reviewing the cumulative Board Activities Report for December 2006, Mr. Plunkett pointed out the changes in the number of licensees during 2006. He discussed the number of AT and ATI certified licensees, and the numbers of applicants and new licensees. He explained to the new Board members the differences in license applications and reviewed the statistics for complaints. Mr. Plunkett also noted that the feedback on the most recent newsletter has been positive.

Mr. Plunkett reviewed with the Board members the document "Guidelines for Semi-Independent Government". He and other Semi-Independent directors put together the document for the benefit of board members, legislators, new semi-independent board employees, and other government employees. He gave a history of its publication and explained that copies were distributed to the JLAC committee members. He has recently spoken to a group of health-related licensing boards in the Portland area who are interested

in pursuing semi-independence. He is very grateful that this Board has the authority to manage their assets and will try to protect that status.

## **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:** The Board considered the proposed 2007-2009 Biennium Budget. Mr. Plunkett reviewed the budget process and time line for the Board. If the proposed budget is approved by the Board, a notice for an OAR hearing will be published for the next board meeting, tentatively scheduled for 5/4/07. Mr. Plunkett reviewed the proposed 2007-2009 biennium budget for the Board, beginning with changes to revenue. A fee increase is proposed for both active and inactive licensees. The last increase for inactive licensees was in 1998. The proposed increase will be \$8.00 per year. There are also increases proposed to application fees and additional location licensing fees. On the expense side, there is an increase in payroll costs but otherwise the expenses are holding the line with the current expenditures. There is no money allocated for major equipment, but sometime down the line, there may be costs for a licensing database and licensing program. Most other licensing boards have contracted for the development of specialized licensing databases, but the OBO staff has chosen to operate with over-the-counter software to manage licensing and accounting.

Mr. Plunkett went over the cash analysis and the history of Board of Optometry budgets which have been approved since he has been the director. The currently proposed budget for 2007-2009 includes a deficit of \$9,959.00. Dr. Garris moved that the Board accept the proposed budget for the 2007-2009 biennium. Dr. Vorpahl seconded the motion. The motion carried unanimously.

**Legislative Committee:** The Board discussed SB 82, relating to Ophthalmic Contact Lens, SB 35 which removes the glaucoma consultation requirement, LC 1976, the OAO bill regarding referral of glaucoma patients, and SB 70 which revises audit requirements for semi-independent agencies.

Dr. Vorpahl relayed the history of SB 82 for the Board to date. There has been a hearing in the Senate Health Care Committee and the bill has been passed out of committee. The bill is due for a third reading on the Senate floor on Monday February 12, 2007. Oregon Optometric Physician's Association's legislation, SB 35, has been delayed. The Oregon Academy of Ophthalmology has countered with LC 1976 and senators have instructed the two groups to strike a compromise. The Board is concerned about the precedent that LC 1976 sets in that it puts medical protocols into statute. They reiterated their opposition to the proposed legislation.

Mr. Plunkett stated that SB 70 has passed out of committee and will be sent to the Senate Floor. He believes that it will be beneficial to the Board, impacting how often and under what circumstances audits are performed. He will continue to follow the progress of SB 493 and HB 2528, both of which will have some impact on the Board.

**Administrative Rules Committee:** The Board will schedule a hearing of proposed changes to OAR 852-05-005 which will amend the rule to set new 2007-2009 Biennium Budget limitation. The hearing will be during the next meeting of the Board on May 4, 2007.

Mr. Plunkett proposed changing the verification of CPR certification procedure. The current process involves a notification letter that the CPR card will soon expire, then, potentially, a letter of termination of AT or ATI certification if the renewed CPR card is not submitted to the Board prior to the card expiration date, followed by additional letters if the certification was renewed on time but without proper notification to the Board, or if AT or ATI are reinstated following a lapse in CPR certification. The suggestion is that CPR simply be reported at renewal time. If the CPR certification had been allowed to lapse during the year, there would be a \$50 penalty, and if there is a need to reinstate AT or ATI because of lapse there would be a fee to reinstate. The Board will propose changes to the OAR which will be considered at the hearing which will be scheduled for May 4, 2007.

Mr. Plunkett would like the Board to consider changes to the ethics/law continuing education requirement. He proposed making the hour of ethics or Oregon Law and Administrative Rules an annual requirement rather than every other year. The Board discussed the options for courses that are currently available. Mr. Wayne Schumaker, of OOPA, has indicated that he will encourage GWCO to offer a course during their next conference. Dr. Walters would like more information about potential course sponsors before a change is made. He suggested that any such change would be effective 1/1/08. The discussion will continue at the next board meeting.

**OTHER:**

The next Board meeting was scheduled for May 4, 2007.

**ADJOURNMENT -**

There was no further business to come before the Board. President Walters adjourned the meeting at 1:30 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau  
Administrative Assistant

David W. Plunkett  
Executive Director