

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

March 4, 2004

Present - John P. Reslock, O.D., President
Candace D. Hamel, O.D., Vice President
Scott M. Walters, O.D.
Michelle M. Monkman, O.D.
John Doneth, CFP, Public Member

Lori Lindley, Assistant Attorney General
David W. Plunkett, Executive Director
Cathy M. Boudreau, Administrative Assistant

CALL TO ORDER -

Dr. Reslock called the meeting to order at 8:45 a.m. in the first floor conference room at 3218 Pringle Rd. SE, Salem, OR., 97302. The roll was called and all members of the Board were present. The Board adjourned to Executive Session for the purpose of discussing complaint cases. The Public Session was reconvened at 12:30 p.m.

MINUTES - The Board reviewed the Public Session minutes of December 5, 2003. Dr. Walters suggested a correction and the minutes were approved as corrected.

RATIFICATION -

Reactivation and Reinstatements:

Rudy Nicacio, O.D. - Reinstatement
Ross Cusic, O.D. - Reinstatement

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

ACTION ON EXECUTIVE SESSION

03-01-02 - The Board will continue negotiations in this case. This case will remain open

03-05-03 - This case will be closed.

03-07-02 - This case will be closed.

03-09-01 - The Board will proceed to a contested case hearing in this case. This case will remain open.

03-09-02 - This case will be closed.

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

03-10-03 - A letter will be written in this case. This case will remain open.

03-10-04 - A letter will be written in this case. This case will remain open.

03-12-01 - This case will be closed.

03-12-02 - A letter will be sent to the complainant in this case. This case will remain open.

03-12-03 - A personal service of the Board's Notice of Intent to Discipline will be made to the doctor in this case. This case will remain open.

04-01-01 - This case will be closed.

04-03-01 - A letter will be sent to the doctor in this case. This case will remain open.

04-03-02 - A letter will be sent to the doctor in this case. This case will remain open.

04-03-03 - A letter will be sent to the doctor in this case. This case will remain open.

04-03-04 - A letter will be sent to the doctor in this case. This case will remain open.

00-07-02

01-09-05

01-10-03

02-05-03 - A letter will sent to the doctor in these closed cases.

01-07-01

00-10-04 - Dr. Hamel moved to extend deadline for the consent agreement in these cases. John Doneth seconded the motion. The motion carried unanimously.

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

CORRESPONDENCE -

The Board considered an application for licensure by endorsement from Lyndon Graves, O.D. The Board reviewed the examination from 1989 in Nebraska and compared it to the OBO exam that year. The Board considered the exams to be comparable. Dr. Walters moved that the Board approve the application for licensure by endorsement contingent on the remaining letters of verification from his other states of licensure and the NPDB/HPDB report. Dr. Monkman seconded the motion. The motion passed unanimously.

The Board discussed a communication from Ken Eakland, O.D. concerning installation of AED equipment in the clinics at Pacific University. The Board supports his assumption. Mr. Plunkett will write a letter to Dr. Eakland.

The Board considered a petition from Melissa Bell O.D. concerning AT licensure. The Board will not

approve AT certification based on her current documentation. Her work experience does not substitute for the didactic requirement for certification. The injection lab will be offered again with GWCO and she can retake the TMOD. These are the standard requirements for all optometrists licensed in Oregon. Mr. Plunkett will write a letter to Dr. Bell.

PRESIDENT'S REPORT -

After discussion, Dr. Reslock announced changes to the Board committee assignments. Dr. Hamel will move to the Legislative Committee. Dr. Walters will head the Administrative Rules committee. Dr. Reslock will continue to oversee the Budget committee. Mr. Doneth will head the Personnel Committee and Dr. Monkman will begin to review Continuing Optometric Education.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the current financial statements with the Board. The revenue stands at \$141,522.79 while the expenses total \$124,102.08, leaving the overall status of the Board \$17,420.71 to the good. The Board will consider investing some of the liquid assets at a better rate of return than what they are currently receiving.

Board Activities Report: Mr. Plunkett reviewed the monthly cumulative reports for December 2003 and February 2004 with the Board. An error in the licensee total for 2003 was noted which will be corrected. The Board discussed the fluctuation in numbers of licensees on the year end report with Mr. Plunkett.

Board Facilities: Mr. Plunkett gave a status report on the new Board office building. He will be meeting with the developers on 3/5/04 and will report to the Board at the next meeting. Dr. Reslock indicated that he would like to attend the meeting and take the opportunity to see the proposed building site.

Other: Mr. Plunkett gave the Board members an update on the proposed Semi-Independent Agency representation. The Board reviewed Fred Vanetta's proposal to the Boards. At this time, Board of Architects is committed to sharing the cost. Dr Walters moved that the Board contribute up to \$5,000 to the cost of the representation. Dr. Hamel seconded the motion. Mr. Doneth abstained from voting. All the other Board members voted aye. The motion carried. The Board will approve the contract even if there is only one other board sharing the cost.

Mr. Plunkett discussed the Advisory Committee on Government Performance and Accountability report and testimony that he has listened to at JLAC. The concepts are being pushed very heavily. He has learned of a study to be done of the Semi-Independent boards. A meeting will be held on 3/15 with the SIBA group.

The Board reviewed the process of approving new licenses. Mr. Plunkett reviewed the existing process asked the Board to adopt a new one which would eliminate the need for email approval for each licensee. The applications will be reviewed for completeness as they currently are by the Board staff. The licensees would be ratified as currently at the Board meetings. Dr. Monkman made a motion that the Board adopt new process. Dr. Walters seconded the motion. The motion carried unanimously.

Dr. Reslock asked that the Board review the late fee policy. The majority of the Board does not wish to alter the late fee policy. The fee will continue to be assessed as previously.

Mr. Plunkett noted that this is the Board's centennial year and asked for suggestions as to how the Board could make the public aware of their commitment and service. The Board will consider ideas. The newsletter will contain some information.

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. Monkman seconded the motion. The motion carried unanimously.

The Board discussed ethics course suggestions submitted by Mark Marengo at Pacific University. Dr. Hamel offered information about the proposed courses by OOPA and PUCO.

Budget Committee: Mr. Doneth announced that he is not able to be a co-signer on the board's account due to conflict with his liability insurance. Mr. Plunkett will draft a policy to establish additional authorized signatures on the Board's account. John Doneth moved that the sitting president act as a co-signer on the Board's checking account. Dr. Hamel seconded the motion. The motion carried unanimously.

Mr. Plunkett reviewed Board Financial Audit report for 7/21/2000 - 6/30/2003 with the Board. The report indicated that everything was in order. Mr. Plunkett will look at the office processes in the event that a State audit occurs, since the state audit division has different criteria than a private auditor.

Legislative Committee: Dr. Walters reviewed a proposed legislative concept which would enlarge the Boards ability to penalize for violations, thereby recouping legal and administrative expenses. He suggested a revision to the concept that would change the order of the information without changing the content. The Board approved the changes unanimously.

Administrative Rules Committee: Dr. Hamel moved to adopt proposed revisions to OAR 852-01-001, 852-01-002; and OAR 852-20-030, 852-20-031, 852-20-060 as amended. Dr. Walters seconded the motion. The motion carried unanimously.

The Board considered proposed changes to administrative rules for Division 60. All the complaint issues would be moved from Division 1 to Division 60. An additional rule concerning discovery in contested case hearings would be included. Mr. Plunkett suggests that the Board file for rulemaking. If there are no comments or requests for hearing, the Board will make a permanent filing. Dr. Hamel made a motion to file the proposed rule. Dr. Monkman seconded. The motion carried unanimously.

Dr. Hamel asked Ms. Lindley about the Administrative Law Office and the information regarding the report published by the committee. Ms. Lindley expressed the concern that she and other Assistant Attorney General's have about the tone and actions of this committee. It is expected that there will be a great effort on their part in the legislature and Ms. Lindley hopes that the board's will be ready for a quick response to the legislature.

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

Unfinished Business: There was no unfinished business.

Next Meeting: The next meeting was tentatively set for June 11, 2004.

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 2:48 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director