

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

June 11, 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 M. Doneth, CFP, Public Member

Lori H. 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 9:00 a.m. in the second floor conference room at 3218 Pringle Rd. SE, Salem, OR., 97302. The Board immediately adjourned to Executive Session for the purpose of discussing complaint cases. The Public Session was reconvened at 12:44 p.m.

MINUTES - The Board reviewed the Public Session minutes of March 4, 2004 and April 9, 2004. The minutes were approved as presented.

RATIFICATION -

Reactivation and Reinstatements:

Mr. Plunkett ask for confirmation from the Board that it was their intent, at the March 4, 2004 Board meeting, to delegate to the Executive Director the authority to approve the reactivation and reinstatement of licenses in addition to issuing new licenses with Board ratification. The Board confirmed that this was their intention.

Reactivation of license from Inactive-Military to Active: Sky Schroeder, O.D.
Reinstatement of license to Inactive status: Windy Chen, O.D.
Reinstatement and reactivation of license to Active status: Jeffrey Shrock, O.D.
Reinstatement of license to Inactive status: Kent Reynolds, 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. Hamel moved to ratify the actions of the Executive Director. Dr. Walters seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

03-01-02 - This case will be closed. The Board will monitor the conditions of the Stipulated Order. Patient records will be obtained for review at the next Board meeting.

03-09-01 - A Stipulated Order has been signed in this case. This case will be closed.

03-10-03

03-10-04 - These cases will be closed.

03-12-02 - This case will be closed.

03-12-03 - Dr. Hamel made a motion that the Board issue a Final Order by Default, waiving the proposed civil penalty. Dr. Walters and Dr. Monkman seconded the motion. The motion carried unanimously. This case will remain open.

04-01-02 - This case will be closed.

04-02-01 - This case will be closed.

04-02-02 - A letter will be written in this case indicating that the Boards finds no optometric error or violation of statute or administrative rule. The patient has received a refund for the product which was not received. The fees for services is not refundable per the signed patient agreement. This case will remain open.

04-03-01

04-03-02

04-03-03 - These cases will be closed.

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

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

04-04-03 - This case will be closed.

04-04-04 - A letter will be sent to the Department of Justice indicating that the Board finds no optometric error and suggesting that this case be referred to the Oregon Board of Medical Examiners. A copy of the letter will be sent to the patient. This case will remain open.

04-05-01 - This case will be closed.

04-05-02 - This case will remain open.

04-06-01 - A letter will be sent to the opticians notifying them that they are in violation of Oregon law if they are changing prescriptions . This case will remain open.

04-06-02 - The Department of Justice will be advised by letter of the advertising and asked whether they would investigate from a consumer protection point of view. This case will remain open.

04-06-03 - The Board will send the doctor a letter advising him that his prescription, as presented, is a violation of the title act and that he cannot hold himself out to be an optometrist without being licensed as such. A copy will be sent to the Board of Medical Examiners. This case will remain open.

04-06-07 - The facts for this case were obtained and a stipulated order reached under case numbers 01-07-01 & 00-10-04. Dr. Monkman made a motion to issue a Notice of Intent to Discipline, Revocation of License if the doctor does not receive passing scores on the TMOD and Part III. The score reports are expected before the end of June, 2004. Dr. Hamel seconded the motion. The motion carried unanimously.

00-07-02

01-09-05

01-10-03

02-05-03 - The Board will send a letter to the doctor indicating that he must provide evidence that he is in compliance with his agreement with the Board or they will issue a notice of intent to formally discipline him. The deadline will be July 1, 2004. The Board will request that the doctor sign a release so that the psychologist may report to the Board and that the Board may communicate with the psychologist.

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

CORRESPONDENCE -

The Board discussed an inquiry from Hugh Brumley, O.D. concerning contact lens prescriptions.

The Board feels that it is important that the doctors communicate effectively with patients regarding charges and processes. A letter will be sent to Dr. Brumley indicating that the Board will make a final determination after the FTC rules regarding contact lens prescription release are final and the September meeting has concluded.

Mike Baker, O.D. wrote to the Board regarding practicing optometry at another location as part of a clinical study. The Board will require Dr. Baker to be licensed in that location in order to perform refractions as part of the study.

The Board considered an application for licensure by endorsement received from Dr. Siena, O.D. The Board doesn't have sufficient information to approve a license by endorsement. Based on the available information, she will have to pass Part III of the NBEO in order to be licensed, and must pass the TMOD and take an approved injection lab in order to be certified to use the non-topical formulary.

The Board has received a communication from Bill Boyce regarding the Council on Optometric Nontopical Formulary. Mr. Boyce phoned Mr. Plunkett and requested a meeting of the council. Mr. Boyce has the authority to call a meeting. Mr. Plunkett is of the opinion that Mr. Boyce is trying to fulfill the intent of the law and the original council to come together from time to time to review the progress. Mr. Boyce was particularly interested in learning about whether rural areas of the state now have licensees who have become AT certified. Mr. Plunkett and Kathleen Hanson performed a search of the database. In those counties east of the Cascades, 39 out of 73 licensees, or 53%, are currently AT certified. When the rural Southern Oregon and Coastal Oregon regions are included, the percentages will increase.

The Board further discussed the role of the Board and the Formulary Committee. Since Dr. Joan Miller, who previously represented the Board at the Formulary Committee, is no longer on the Board, it will be necessary to appoint a new representative. Dr. Walters made a motion to appoint Candace Hamel, O.D. as the Board's representative to the Council on Optometric Nontopical Formulary. Dr. Monkman seconded the motion. The motion carried unanimously.

PRESIDENT'S REPORT -

Dr. Reslock asked the Board to review the Washington Advanced Ocular Therapeutic Course to determine whether it is comparable to the required course for AT certification in Oregon. Because the Washington injection lab is observation only, rather than practicing actual injections, it will not qualify for Oregon's injection lab requirement. The Board will accept the entire Washington course, including their injection workshop, a total of 28 hours, in place of the 23 hour didactic course required in Oregon. It will still be necessary to complete the minimum 7 hour injection lab as required by the Board in order to be certified to use the nontopical formulary in Oregon.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting:

Mr. Plunkett reviewed the current financial reports with the Board. The total revenue through April 30, 2004 was \$200,197.34 which was almost right on target with regard to the projected budget. He noted that this is because of the AT fees which made up for lagging renewal fees. This item was about \$5,400 less than budgeted. The expenses were \$14,291.17 under budget. The Board is currently \$14,130.17 to the good.

Board Activities Report: The Board discussed that receding numbers of inactive licensees. In May of last year there were 570 inactive licensees. This year in May there were 564. There are fewer active licensees as well. In May of 2003 there were 654 while this year at the end of May there were 643.

Board Facilities: Mr. Plunkett reported that there has not been much change in the status of the Board's project to purchase a building. He spoke to the developer and the building is still available, but it is becoming increasingly difficult to keep the interest of the core of potential tenants. The Architect Examiners Board has just signed a new five year lease and is not interested in leasing space with other boards, although they are still interested in the financing bill and in owning a building. The majority of potential tenants are still those boards which are currently leasing in the Morrow building. Mr. Plunkett will inquire about the progress of the building improvements at the proposed location.

Other:

The Semi-Independent Boards contracted with Fred VanNatta to represent them at the Legislature in the coming session, particularly with regard to the financing bill. The Board reviewed the contract. Optometry and Architects are the boards who are participating to the greatest degree.

Legislative Fiscal Office has begun a study of Semi-Independent boards. Those performing the study are asking for a wide range of information. Ms. Lindley has advised that our confidential files may be excluded from LFO review. Mr. Plunkett is confident that the study will show the value of semi-independence for small agencies.

COMMITTEE REPORTS -

Continuing Optometric Education: Dr. Monkman moved to ratify the review of the continuing optometric education courses. Dr. Hamel seconded the motion. The motion carried unanimously.

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

Legislative Committee: The Board's 2005-2007 Legislative Concept has been approved by DAS and has gone on to be drafted. Mr. Plunkett will distribute the finished draft when it is prepared.

A bill is being drafted that would allow the semi-independent boards the ability to finance and own their own buildings. Fred VanNatta is working on this bill. Legislative Counsel has changed the language in the drafted bill from last session's bill. The Board will go with the language as drafted, but will have to be very specific with regard to the intent of the Board, since some of the detail has been deleted in the new draft.

The Board also reviewed information presented regarding legislation proposed by the Oregon State Bar. Mr. Plunkett is concerned that the Board's carefully watch the developments of this legislation as some of the outcomes will be detrimental to the boards and the professions. Ms. Lindley feels that many of the determinations in the document were made on faulty assumptions.

Administrative Rules Committee: Permanent administrative rules for Division 60 were filed with the Secretary of State's office in May, 2004.

There will be a rule drafted for the next Board meeting regarding the necessity for current CPR certification and consequences for failure to maintain certification.

Personnel Committee: Mr. Doneth reported that he and Dr. Reslock would be meeting later in the day with Mr. Plunkett to go over personnel issues.

Unfinished Business: There was no unfinished business.

Next Meeting: The next meeting was tentatively set for Monday, September 20, 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 Reslock adjourned the meeting at 3:10 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director