

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

June 24, 2005

Present - John P. Reslock, O.D., President
Candace D. Hamel, O.D., Vice President
Michelle M. Monkman, 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. Reslock called the meeting to order at 8:31 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. Dr. Hamel was not initially present, but arrived at 10:29 a.m. The Public Session was reconvened at 1:03 p.m.

At 1:04 p.m. Dr. Reslock called to order a hearing regarding the proposed changes to OAR 852-05-005; 852-010-080; and 852-50-006.

MINUTES - The Board reviewed the Public Session minutes of April 1, 2005. The minutes were approved as presented.

RATIFICATION -

Reactivation and Reinstatements:

- Reinstatement of Inactive status: Raschel Zeschuk, O.D.
- Reactivation of Inactive status to Active: Paul Jubb, O.D.

Dr. Monkman moved that the Board ratify the actions of the Executive Director. Dr. Hamel seconded the motion. The motion carried unanimously.

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. The names of the candidates were read into the meeting record by Dr. Monkman. Dr. Monkman moved to ratify the actions of the Executive Director. Dr. Hamel seconded the motion. The motion carried unanimously.

Dr. Walters moved that the Board approve the request for AT certification by Blair Lonsberry, O.D., an applicant for licensure, based on his current certification and education. Dr. Monkman seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

04-06-05

04-06-06 - A letter was sent to the complainant regarding the Board's determination in these cases. No response has been received. These cases will be closed.

04-12-01 - A Final Notice by Default has been issued in this case. This case will be closed and referred to the Oregon Department of Revenue for collections.

05-03-01 - The Board finds no optometric error or violation of statute or administrative rules in this case. A letter will be sent to the complainant. This case will remain open.

05-04-01 - The Board feels that the doctor should refund the amount of the contact lens fitting in this case. A letter will be written to the doctor and the complainant. The Board would like to interview the doctor at the next Board meeting about the various complaints recently received regarding the doctor and her staff. This case will remain open.

05-04-02 - The Board will send the doctor a letter thanking him for his explanation of a prescription written by him. The letter will advise him to review the formulary and to be more cautious in the future. This case will be closed.

05-04-03 - The Board will write a letter to the complainant explaining that the doctor is a mandatory reporter in these situations and was required to file a report based on the conditions presented in this case. This case will remain open.

05-04-04 - 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.

05-04-05 - A letter will be sent to the complainant explaining that he did receive services and products, and that the Board finds that he is responsible for the charges. A letter will be sent to the doctor advising him to correct his contact lens policy to extend prescription for one year from the date of evaluation, not from the date of examination. This case will remain open.

05-05-01 - 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.

05-05-02 - The Board will review records from this doctor, to include two patient records each for diabetic patients, medicare patients, patients under 18, contact lens patients, including all case histories, consent forms. This case will remain open.

05-05-03 - The Board finds no optometric error or violation of the statute or administrative rules. A letter will be sent to the complainant. This case will remain open.

05-05-04 - This case is not yet ready for the Board's consideration. The case will remain open.

05-05-05 - This case is not yet ready for the Board's consideration. The case will remain open.

05-05-06 -

05-05-07 - The doctor in these cases will be subpoenaed to attend the next meeting so that the Board can interview him. These cases will remain open.

05-05-08 - The doctor in this case should credit the patient with the amount that she would have received if the doctor had been a participating provider with Providence. In the future, the doctor and staff should clarify their status more accurately. Letters will be written to the doctor and the complainant in this regard. This case will remain open.

00-07-02 -

01-09-05 -

01-10-03 -

02-05-03 - The doctor in these cases agreed to sign a Stipulated Final Order. Dr. Walters moved that the Board accept the signed stipulated order. Dr. Hamel seconded the motion. The motion carried unanimously.

Dr. Walters moved that the Board ratify the actions of the Board during executive session. Dr. Monkman seconded the motion. The motion carried unanimously

CORRESPONDENCE -

The Board discussed a letter from Bernard D. Brown, O.D. concerning his license. The Board will send a letter instructing the doctor that he should be entirely truthful with patients and not represent himself as an optometric physician to the public. The Board will cite the administrative rule which governs his circumstances, OAR 852-020-0060. The letter will inform him of the date after which he will no longer have a license. After that date he may not do more than any employee would be allowed to do, including visual field evaluations. He will have to change his stationery as well as any other advertising, and inform insurance panels of his license status.

PRESIDENT'S REPORT -

Dr. Reslock did not present a report at this time.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the current financial reports covering the period from July 1, 2003 through April 30, 2005 with the Board. Mr. Plunkett reported that total revenue is over budget \$1,461.97 and expenses are \$28, 311.60 under budget. He asked that the Board members send in their expense reimbursement and per diem requests before the end of the biennium. He reviewed the balance sheet with the Board.

Board Activities Report: Mr. Plunkett reviewed the Board Activities Report ending May, 2005 .

Board Facilities: Mr. Plunkett reported that the Board's office will be moving on June 30, 2005 to 1900 Hines St., SE, in Salem. He asked the board to review and approve the lease agreement for the new location. The Board reviewed and discussed the lease agreement. Dr. Reslock noted that the new lease represents a savings of approximately \$200 per month over the current cost. Dr. Walters suggested a

clarification to the lease agreement. Dr. Hamel moved that the Board approve the lease agreement as amended. Mr. Doneth seconded the motion. The motion carried unanimously.

Nontopical Formulary Council: Mr. Plunkett reported that he has been requested to schedule a meeting. The meeting will probably be held later this summer. The intent is not to revisit the formulary, but to review how it is being implemented. Bill Boyce would like to have the meeting in Corvallis.

COMMITTEE REPORTS -

Continuing Optometric Education: Dr. Monkman moved to ratify the continuing optometric education courses approved since the last Board meeting, including designation of acceptable TMOD offerings. Dr. Hamel seconded the motion. The motion carried unanimously.

Lee Ann Remington, O.D. requested that the Board approve her contribution to the textbook on Clinical Anatomy of the Visual System for COE credit. The Board will tell the doctor that if she wants to develop an online course using the material, including a test, which is approved by the board for COE, she will receive credit for her work.

Budget Committee: Dr. Walters moved that the Board adopt the proposed 2005-2007 Biennium Budget, including the proposed increase in license fees. John Doneth seconded the motion. The motion carried unanimously.

Legislative Committee: The Board discussed various bills that are moving through the Legislature which in some way affect the Board.

SB 405 - Semi-independent boards financing bill. This bill was vetoed by the Governor.

HB 2099 - The Board's disciplinary bill is still on the governor's desk. Mr. Plunkett considers the Board very fortunate that this bill passed the Legislature.

HB 2029 - JLAC Legislative Concept which changes the biennial reporting requirements for semi-independent agencies. The various board's supported the changes. Mr. Plunkett explained the changes which would be implemented by the legislation.

HB 2283 - State Bar bill which affects agencies issuing licences by examination.

HB 2284 - State Bar bill which removes authority of various agencies to recover costs from licensees - this bill has died in committee.

HB 2285 - State Bar bill which requires that agencies disclose all investigative information in cases where a notice of intent to discipline has been issued. This bill passed the house on 6/17/05.

Administrative Rules Committee: Dr. Reslock presided over a hearing of the proposed changes to OAR 852-05-005; 852-010-080; and 852-50-006. Dr. Reslock called for discussion. It was noted that there was no testimony or written comments received on these proposed rules. Dr. Walters moved that the Board adopt the administrative rules. John Doneth seconded the motion. The motion carried unanimously

Personnel Committee: The Executive Director's performance review is due. Evaluation forms were distributed to the Board members.

Other:

The next Board meeting was scheduled for September 9, 2005.

ADJOURNMENT -

There was no further business to come before the Board. President Reslock adjourned the meeting at 2:16 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director