

# OREGON BOARD OF OPTOMETRY

## PUBLIC SESSION MINUTES

*June 2, 2006*

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

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

### **CALL TO ORDER -**

Dr. Reslock called the meeting to order at 9:05 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 1:10 p.m.

**MINUTES** - The Board reviewed the Public Session minutes and the Administrative Rules Hearing minutes of March 17, 2006. Dr. Hamel pointed out that Dr. Kautz's first name is Greg, not Gary. The minutes of the Public Session meeting were approved as corrected.

### **RATIFICATION -**

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

Reinstatement of license to Active status: Roger L. Tabb, 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 made a motion that the Board approve the actions of the Executive Director. Dr. Walters seconded the motion. The motion carried unanimously.

### **ACTION ON EXECUTIVE SESSION**

#### **05-10-02**

**06-03-03-** A Letter of Concern will be sent to the doctor to summarize the points that the Board discussed during today's interview and as determined in Executive Session. This case will remain open.

**06-02-01** - A Letter of Concern will be sent to the doctor as determined in Executive Session. This case will remain open.

**06-02-02** - A Letter of Concern will be sent to the doctor and another letter will be sent to the complainant as determined in Executive Session. This case will remain open.

**06-02-03** - A letter was sent to the complainant on April 12, 2006 regarding the Board's determination in this case. There has been no response to the Board's letter. This case will be closed.

**06-03-01** - A letter was sent to the complainant on April 12, 2006 regarding the Board's determination in this case. There has been no response to the Board's letter. This case will be closed.

**06-03-02** - Dr. Monkman made a motion that the Board issue a Notice of Proposed Discipline; Reprimand and Civil Penalty for unprofessional conduct. The proposed civil penalty will be \$500 per charge for a total of \$1,000. The charges are pursuant to OAR 852-080-0025 and OAR 852-080-030 for prescribing medication which is not on the optometric formulary, and ORS 683.140(1)(c), ORS 683.010(3) and OAR 852-020-035 for exceeding the scope of practice by prescribing the medication. Dr. Hamel seconded the motion. The motion passed unanimously. This case will remain open.

**06-04-01** - This case was not ready for the Board to review.

**06-04-02** - A letter will be sent to the complainant as determined in Executive Session. This case will remain open.

**06-04-03** - Letters will be sent to the doctor and the complainant as determined in Executive Session. This case will remain open.

**06-06-01** - A letter will be sent to the optical foundation as determined in Executive Session. This case will remain open.

Dr. Walters made a motion that the Board ratify all the actions of the Executive session. Dr. Hamel seconded the motion. The motion carried unanimously.

## **CORRESPONDENCE -**

The Board considered a letter from Eduardo Ibarra, O.D. concerning CPR and certification for AT licensure. Dr. Ibarra requested a variance to the CPR requirement for AT certification because he suffers with rheumatoid arthritis. Dr. Ibarra's medical physician sent a communication confirming his condition. The Board decided that it will require Dr. Ibarra to always have someone in the office who has the required certification. Then Dr. Ibarra can be certified by taking the online course for his initial CPR certification, which is an exception to the requirements in the administrative rules regarding AT certification. Dr. Hamel made a motion that the Board grant Dr. Ibarra's AT certification based on the stated conditions. Dr. Monkman seconded the motion. The motion carried unanimously.

The Board reviewed a letter from the Board of Medical Examiners concerning their representative to the Optometric Nontopical Formulary Council. Mr. Plunkett reported that he hasn't heard as yet from the Oregon Academy of Ophthalmology, the Oregon Board of Pharmacy, or OHSU about their appointments to the Formulary Council.

The Board has received correspondence from the Hawaii Board of Optometry concerning filling prescriptions in the state of Hawaii. In the Hawaii Board of Pharmacy statute, an optometric physician is not listed among those out-of-state practitioners whose prescriptions may be filled in Hawaii.

The Board considered an application for licensure by endorsement from Dan. L. Jefferies, O.D. This

application will be denied based on TPA and continuous practice requirements for licensure by endorsement. The applicant has not been previously TPA certified through coursework and/or examination as required in Oregon. Also, Dr. Jeffries has not been continuously practicing optometry for the past two years.

The Board considered an application for licensure by endorsement from James A. Pickard, O.D. This application will be approved for licensure.

Dr. Walters made a motion that the Board deny Dr. Jeffries application and approve Dr. Pickard's application for licensure by endorsement based on the information presented in the applications. Dr. Monkman seconded the motion. The motion carried unanimously.

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

There was no report from the President at this time.

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

**Accounting/Budgeting:** Mr. Plunkett reviewed with the Board the Revenue and Expense Budget Report covering the period from July 1, 2005 through April 30, 2006. He noted that total revenue of \$211,567 is \$6,329 under budget to date, and expense of \$209,450 is \$21,268 under budget. Mr. Plunkett reported that, for the biennium to date, the finances were \$14,939 better than budgeted. Low attorney general fees and increased TPA revenue have contributed to these results. The Board discussed investing some of the cash assets in a higher yielding account, such as certificates of deposit, rather than the market investor account which currently yields about 4%.

**Board Activities Report:** Mr. Plunkett reviewed the Board Activities Reports ending May, 2006. He indicated that there have not been many license applications from 2006 graduates thus far this year. Dr. Hamel speculated that fewer graduates are staying in Oregon than in previous years.

**Audit:** Mr. Plunkett announced that an audit of the Board was conducted for the Oregon Audits Division by Merina and Company, LLP of West Linn, Oregon on May 22 and 23, 2006. This audit covered the last biennium, from July 1, 2003 through June 30, 2005. Mr. Plunkett informed the Board that the Audits Division will add their management oversight fee over and above the fees assessed by the auditing firm, which are expected to be approximately \$4,500.

### **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. Hamel seconded the motion. The motion carried unanimously.

Dr. Walters called the Board's attention to a letter from ARBO about their CE Tracker program. Apparently the program did not work well at GWCO. OOPA had stated that ARBO doesn't attempt to work with associations who were already using tracking systems.

**Budget Committee:** The Board reviewed communications from the Joint Legislative Audit Committee which included the Audit Report on the Oregon State Landscape Architect Board. Mr. Plunkett reported

that the JLAC committee had communicated directly with the members of the various semi-independent boards as a result of the SIBA administrators' encouragement to do so. The SIBA administrators have repeatedly requested that the Audits Division and JLAC notify board members as well as the boards' staff regarding important audit issues in order to prevent what occurred at the Oregon State Landscape Architect Board.

**Legislative Committee:** The Board's Legislative Concept # 963-1 was submitted to DAS on March 29, 2006. The concept was approved for drafting and sent to Legislative Counsel on May 10, 2006.

**Administrative Rules Committee:** The Board considered proposed administrative rules revisions to OAR 852-80-040(2)(E)(i), 040(4)(E)(i). The rule changes will remove the requirement that courses taken for CPR re-certification be American Heart Association courses. A CPR card with an expiration date will be required for re-certification. Dr. Walters moved that the proposed changes in these rules be filed for administrative rulemaking as suggested. Dr. Monkman seconded the motion. The motion carried unanimously.

**Personnel Committee:** Dr. Reslock requested that the performance evaluation forms for Mr. Plunkett be distributed to the Board members.

**Other:**

The Board recognized Wayne Schumaker, Executive Director of OOPA, who told the Board that the Oregon Optometric Physicians' Association will be sponsoring legislation to remove the requirement that optometrists consult with an MD prior to treating glaucoma (ORS 683.270(3)). Dr. Walters suggested that the Board may want to remove language requiring the Board to have meetings at least once a year to hold examinations for licensure which is in the same statute (ORS683.270(1)(d)) but no longer appropriate. It's possible that the Board could submit a friendly amendment after the bill is sponsored. OOPA has approached Senator Bill Morrisette for support since he will likely be on the committee which will hear the bill.

Dr. Reslock inquired about the status of the public member for the Board. Mr. Plunkett indicated that he has not heard from the Governor's office with regard to new Board members. He will be contacting the Governor's office to remind them that we need two optometrists and a public member before the September meeting.

The next Board meeting was tentatively scheduled for September 22, 2006.

**ADJOURNMENT -**

There was no further business to come before the Board. President Reslock adjourned the meeting at 2:20 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau  
Administrative Assistant

David W. Plunkett  
Executive Director