

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 22, 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 9:15 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 12:20 p.m.

Wesley Vorpahl, O.D. and Donald Garris, O.D., incoming Board members, were present for the meeting.

MINUTES - The Board reviewed the June 2, 2006 Public Session minutes. Dr. Hamel moved to strike the words "with her" regarding an action taken during Executive Session. The motion met with the Board's approval. The minutes of the Public Session meeting were approved as amended.

The Board inquired as to whether Mr. Plunkett had sent a letter to licensees addressing scope of AT and ATI practice with regard to prescribing outside of the formulary. After discussion, the Board determined that the subject should be covered as an article in the upcoming newsletter. The Board proposed another article for the newsletter reminding licensees that they are ultimately responsible for examinations under their supervision, regardless of who performs each component of it, and that electronic records must reflect the exam accurately. A written prescription must always be given to each patient.

RATIFICATION -

Reactivation and Reinstatements:

Reactivation of Inactive - Military license to Inactive status: Aaron Banta, O.D.

Reactivation of license to Active status: Hyun Jang, O.D.

Reactivation of license to Active status: Paula Schott, O.D.

Reactivation of license to Active status: Daphne Nishikawa, O.D.

Reactivation of license to Active status: Toby Palm, O.D.

Reactivation of license to Active status: Daniel Jenisch, 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. Monkman made a motion that the Board approve the actions of the Executive Director. Dr. Hamel seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

05-10-02 -

06-03-03- The Board has completed their investigation in these cases. The doctor will receive a letter indicating that the cases are closed.

06-02-01 - A letter will be written to the complainant. This case will be closed.

06-02-02 - No additional information has been received. This case will be closed.

06-03-02 - The doctor did not request a hearing in this case. A Final Order by Default will be issued in this case. In addition, a letter will be sent to the doctor informing him that all violations which put AOT privileges in jeopardy must be taken seriously. This case will be closed.

06-04-01 - A letter will be sent reminding the doctor of the responsibility of the optometrist under OAR 852-020-0060 with regard to delegation, that the records should be more clearly indicate who performed each test, and should include a copy of the written prescription. A letter will be sent to the patient informing him that the Board has written to the doctor. This case will remain open.

06-04-02 - There has been no response to the Board's letter sent previously. This case will be closed

06-04-03 - This case will be closed.

06-06-01 - There has been no additional information received. This case will be closed.

06-05-01 - The Board did not find any optometric error or violations of statute or administrative rules in this case. The Board will write to the complainant explaining that a change in prescription will not damage the eye. This case will remain open.

06-07-01 - A letter will be sent to the doctor with advice regarding communication with and availability to patients. This case will remain open.

06-07-02 - 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.

06-08-01 - The Board will send a letter to the doctor in this case strongly recommending that the doctor refund the money to the patient or credit the patient's account for the contact lenses. This case will remain open.

06-08-02 -The investigation in this case will continue in order to determine whether there has been a violation of Oregon Revised Statutes or Administrative Rules. This case will remain open.

06-09-01 - The doctor will be notified that the yellow page advertisement, while being accurate as to content, should be listed under Optometric Physicians in the directory. A letter will be sent to the complainant indicating that the advertisement will be placed correctly in the future. This case will remain open.

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

CORRESPONDENCE -

The Board discussed a letter from Stanley Anderson, O.D. concerning the AT minimum licensing standard beginning in 2009. A letter will be sent explaining to Dr. Anderson that since he needs 18 hours of continuing education for renewal, he can take the 23-hour AOT course and satisfy both licensure requirements. The Board knows that Dr. Anderson appreciates that it is upholding a high standard of practice for optometry in Oregon, as well as making the practice of optometry consistent throughout the state. The Board will thank him for his letter.

Linda Casser Locke, O.D. wrote to the Board concerning her endorsement application in 2001. She is requesting that the Board refund her endorsement application fee and law examination fee since she did not attain licensure in Oregon. The Board will write a letter to Dr. Casser reminding her that the Board worked extensively to provide her a means by which she could be licensed under our law and administrative rules. Payment of the application fee does not guarantee licensure. Because she did not actually take the law exam, the Board will refund the \$75 examination fee.

Dr. Hamel made a motion that letters be sent to Drs. Anderson and Casser Locke as discussed. Dr. Walters seconded the motion. The motion carried unanimously.

The Oregon Board of Pharmacy has sent a letter to the Board indicating that they had reappointed Bill Boyce to the Optometric Nontopical Formulary Council.

PRESIDENT'S REPORT -

The President indicated that he did not have a report to present.

It was noted that this was to be the final meeting for Drs. Reslock and Hamel with the Board. The Board thanked Dr. Reslock and Dr. Hamel for their lengthy and dedicated service to the Board, the profession of optometry, and the citizens of Oregon. They were each presented with a plaque commemorating their service with the Board.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the Revenue and Expense Budget Report covering the period from July 1, 2005 through July 31, 2006. He disclosed that the Board's revenue and expense activity is ahead of schedule to date. Revenue from licensing fees stand at \$260,890 for the biennium to date. This amount is \$4,798 over the projected budget. More revenue has been received than anticipated from additional office fees, annual renewal fees, and inactive licensee fees. TPA fees are greater than budgeted because of an increase in applications for AT and ATI certifications. Mr. Plunkett pointed out that actual revenue was \$288,675 compared to the budgeted amount of \$284,495, which is \$4,079 over

budget. On the expense side, payroll and OPE expense is \$212,743 compared to a projected amount of \$225,207, which is \$12,463 under budget to date. Total services and supplies expense is \$60,759 against a budget of \$74,726, which is almost \$14,000 under budget. A large reason for this is that legal fees are \$10,500 under budget.

Total expenses are \$273,501 to date compared to the budgeted amount of \$299,933, which is \$26,431 less than anticipated. The Board had budgeted a deficit for this biennium which was anticipated to be \$15,337 at this point, so the Board's finances are looking better than anticipated.

Dr. Hamel asked about the data processing service expense. Mr. Plunkett explained that the Board paid a consultant to establish the Board's computer backup system. This was a one-time expense. Dr. Hamel also asked about the increase in postage expense and Mr. Plunkett indicated that there have been several large mailings from the Board to licensees. In addition, there has been an increase in the cost of postage and handling. The Board would like to request email addresses with renewals each year to save money on postage for newsletters and other publications which might be sent electronically.

Dr. Hamel inquired about an expense of \$15 for professional development. This was a fee for a conference that Mr. Plunkett attended. He advised the Board that there will be an additional fee for an investigator training which Cathy Boudreau will be attending. Mr. Plunkett explained that many of these training sessions used to be free to other agencies, but now the agencies are charging for these services.

Mr. Plunkett directed the Board's attention to the balance sheet noting that the balance sheet looks a little different from previous reports. Under Assets, in addition to the checking account, the money market account, and the normal accounts receivable, there are now three certificates of deposit which have been purchased through Fidelity Investments. \$150,000 of the Board's resources have been transferred to these certificates. Mr. Plunkett explained that by going through Fidelity, the funds will be easier to manage than going to individual banks, and that he can manage the account online. In addition, there is no penalty for early withdrawal by going through a brokerage firm. The Board now owns a six month C.D. with Washington Mutual which expires 2/26/07; a twelve month C.D. with Centennial Bank of Colorado which expires 9/21/07; and an eighteen month C.D. with Columbus Bank and Trust of Georgia which expires 3/14/08. The plan is to roll these over with a six month period between maturity dates of the three certificates. The initial deposit to each C.D. was \$50,000.00. All the certificates are currently earning 5.1% which is much greater than the previous return.

Board Activities Report: Mr. Plunkett reviewed the Board Activities Report ending August, 2006. He noted the current number of licensees following the recent graduation of candidates from optometry school and Part III of the NBEO examination. He also pointed out the low number of complaints which have come into the Board.

Audit: 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 discussed the audit exit letter with the Board. Dr. Hamel inquired about whether the notation "best practice recommendations" applies to the Board of Optometry only or to all the semi-independent boards. Mr. Plunkett explained that the recommendations were not specific to OBO. A change in accounting software was recommended to prevent a change in the payee after a payment has been made, which is possible through Quickbooks. The preferred software is Peachtree which is more complex and more expensive than is needed for our Board. Tonya Moffitt, with Merina and Company specifically indicated that she had no concerns about the accounting practices of

this Board. Mr. Plunkett pointed out that in the next to last paragraph of the audit letter to the Board of Directors there is a reference to a management letter dated May 23, 2006. This is an inaccurate statement. There was no management letter issued to the OBO, which has been confirmed by Tonya Moffitt with Merina and Company.

Mr. Plunkett has received communication from ARBO regarding two of their programs: OE Tracker and CELMO. ARBO wants the Board to revise its databases to include additional information that they want transmitted to them for their National Practitioner Database. Mr. Plunkett explained that this additional information, and the work required to maintain it, was of no value to our Board unless we intended to change our COE process. He inquired of the Board members whether they had any plans to change the way that continuing education is verified for Oregon optometrists or the process by which endorsement licensure is approved. The Board members indicated that they did not have any plans or intention to change the verification of COE attendance. The CELMO program does not meet Oregon criteria for licensure by endorsement. After discussion, the Board requested that Mr. Plunkett send a letter to ARBO explaining that the Board does not intend to use either of these programs and that we question the necessity of ARBO implementing them.

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.

Budget Committee: Dr. Reslock asked for a motion to ratify the President's action designating Mr. Plunkett, Executive Director, to make investments for the Board through Fidelity Investments and that the Board approve the investment resolution. Dr. Hamel so moved. Dr. Walters seconded the motion. The resolution was read into the record. Mr. Plunkett noted the limitations which affect the types of investments that are permitted by the Board. The Board voted and the motion carried unanimously.

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. Dr. Hamel noted that the concept is probably in the process of being drafted and suggested that Mr. Plunkett check on its progress. The concept relates to the unlicensed prescription and dispensing of plano contact lenses.

Administrative Rules Committee: Permanent rulemaking was filed effective August 2, 2006 regarding OAR 852-80-040(2)(I); (3)(e); (4)(I); (5)(e). The Board acknowledged the filing of the permanent rulemaking. Dr. Walters explained the effect of the rule change.

Personnel Committee: After discussion, the Board decided to revise the performance evaluation form used to evaluate the performance of the Board's Executive Director. Mr. Plunkett will make some suggested changes to the evaluation form.

Other:

The Board discussed the retention of Executive Session documents and decided that a formal policy should be adopted. Dr. Walters made a motion that the record retention schedule of Executive Session documents be adopted as follows: (1) Tapes and agendas will be destroyed as soon as the minutes for that meeting have been approved by the Board. The written minutes of Board Executive Sessions will be retained for one year and then destroyed. Dr. Hamel seconded the motion. The motion carried unanimously.

The next Board meeting was tentatively scheduled for February 9, 2007.

ADJOURNMENT -

There was no further business to come before the Board. President Reslock adjourned the meeting at 2:15 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director