

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

September 19, 2008

Present - Scott M. Walters, O.D., President
Michelle M. Monkman, O.D., Vice President
Wesley N. Vorpahl, O.D.
Donald R. Garris, O.D.

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

CALL TO ORDER -

Dr. Walters called the meeting to order at 9:08 a.m. in the Mezzanine Level Conference room at 1900 Hines Street, SE, Salem, OR., 97302. The Public Session was adjourned immediately to Executive Session for the purpose of discussing complaints. The Public Session reconvened at 12:39 p.m.

Karen M. W. Knauerhase, Public Member was not able to attend. Mr. Wayne Schumacher, from the Oregon Optometric Physicians Association, and Lindsay Clunes, O.D. were in attendance.

MINUTES - The Board reviewed the June 13, 2008 Public Session minutes. The minutes of the meeting were approved as distributed.

RATIFICATION -

Reactivation and Reinstatements:

Reactivation of license to Active status: Richard Gardner, O.D.
Reactivation of license to Active status: Kent Reynolds, O.D.
Reinstatement of inactive license: Erin Han, 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. Walters read the list of candidates into the record. Dr. Garris made a motion that the Board approve the actions of the Executive Director. Dr. Monkman seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

06-08-02 - A Letter of Concern and Compliance Request was sent to the doctor and his attorney regarding the Board's determination in this case. The doctor has responded to the Board. The Board will send a letter in this case as discussed in Executive Session. This case will remain open.

07-10-01 - Ms. Lindley will contact the individual's attorney in this case and relate the Board's position as discussed in Executive Session. This case will remain open.

07-10-03 - A pre-hearing conference has been set by the Office of Administrative Hearings in this case for October 2, 2008. This case will remain open.

07-10-04 - No additional action has been taken at this time. This case will remain open.

07-10-05 - No additional action has been taken at this time. This case will remain open.

07-10-06 - Wayne Gerig, OD has agreed to and signed a Stipulated Final Order in this case. He is reprimanded for a violation of ORS 683.180(7) (employing a person to practice optometry in this state without having at the time of doing so a valid unrevoked license as an optometrist). Dr. Garris moved that the Board accept the Stipulated Final Order in this case. Dr. Monkman seconded the motion. This case will be closed.

07-10-07 - No additional action has been taken at this time. This case will remain open.

08-01-02 - A letter will be sent to the patient as discussed in Executive Session. This case will remain open.

08-02-01 - The investigation in this case will continue. This case will remain open.

08-03-01 - No additional action has been taken at this time. This case will remain open.

08-03-02 - A letter was written to the complainant on June 30, 2008 regarding the Board's determination in this case. The Board did not find any optometric error or violation of Oregon Revised Statute or Administrative Rule. No response has been received in this matter. This case will be closed.

08-04-01 - Letters were written to all parties in this case on June 30, 2008 regarding the Board's determination in this case. No responses have been received from in this matter. This case will be closed.

08-05-01 - There is nothing new in this case. The Board will continue to monitor the outcome of Washington's disciplinary process. This case will remain open.

08-07-01 - This case is not ready for the Board's consideration. The case will remain open.

08-07-02 - Two letters were written to the complainant requesting details of this complaint. There has no response to our letters. This case will be closed.

08-07-03 - A certified letter was sent on August 28, 2008 regarding this matter. No response has been

received from the respondent in this case. Dr. Monkman will verify that the respondent has complied with the terms of the Boards's letter. This case will remain open.

08-08-01 - This case is not ready for Board consideration. This case will remain open.

08-09-01 - A letter has been written to the store owners requesting compliance with the law. No response has been received at the time of the Board meeting. This case will remain open.

Dr. Garris made a motion that the Board approve all of the actions taken in Executive Session. Dr. Monkman seconded the motion. The motion carried unanimously.

CORRESPONDENCE -

Doug Smith, O.D. has asked the Board if the use of the E-max from Syneron is within the scope of practice of optometry. The Board reviewed communication from Dr. Joan Miller who had a demonstration of the machine in her office. Dr. Miller's assessment of the demonstration was discussed. The Board will respond to Dr. Smith that the use of the machine, if only in conjunction with the adnexa of the eye, is within the scope of practice of an optometrist. The approved use of this machine would be restricted to the non-coherent head. Use of the laser head could not be approved. Dr. Monkman made a motion to approve this procedure. Dr. Garris seconded the motion. Dr. Walters does not think that there will be much demand for the use of this machine.

On May 13, 2008, Dr. Clunes officially applied for licensure. Dr. Clunes was in attendance at the Board meeting. As part of his application for licensure he submitted a letter and an action plan which the Board reviewed at the June 13, 2008 meeting. Since that time, Dr. Clunes has submitted his continuing optometric education for the past year and a revised action plan. We are still waiting for verification of his optometry license in Washington and Wyoming. Mr. Plunkett reported that he has spoken to Derek Huggett, OD who has expressed willingness to be a professional "mentor" for Dr. Clunes. The Board has discussed their expectations for that supervision and explained their position to Dr. Clunes. Upon an approved application for licensure the Board will require that someone directly observe his patient care, first-hand, during the exam. Dr. Clunes findings are to be confirmed by another physician while the patient is on the premises for a period of six months. The oversight arrangement will be similar to that of an internship. Dr. Clunes must work exclusively in that office for a period of a total of one year. Dr. Huggett will review Dr. Clunes patient records for that year and the Board will perform random review of records for at least three years. All patients should be dilated. Diabetic patient records will automatically be reviewed by the Board. Dr. Clunes must submit one hour per year of continuing education related to optometric ethics or Oregon Law and Administrative Rules. The licensee will have a limited license for a period of three years. A Stipulated Agreement will be drawn up and it will be a public document. Dr. Clunes was willing to agree to this process.

PRESIDENT'S REPORT -

There was no President's report at this time.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed the Revenue and Expense Budget Report covering the period of from July 1, 2007 through July 31, 2008. He pointed out that revenues are up \$13,032.00 over budget. This is attributed to the licensing fees which are \$10,740.00 over budget and investment income which is up \$4,841.00 over budget. On the expense side, the figure for PERS appears to be down because Mr. Plunkett has separated out the Bond debt from the PERS expense on the report since it is paid separately. Postage cost is down in part because the staff has begun emailing documents. Over all, the budget is \$32,715.00 to the good.

Mr. Plunkett discussed the Balance sheet with the Board. He pointed out the investment income which has been generated from Certificates of Deposit. In light of the current market situation, the Board's return is good and is insured. The checking account is interest bearing, however there are service charges. He pointed out that as a semi-independent agency he has immediate access to this financial information as well as licensee information. Under the normal state model, this information is never current and may not be accurate. Prior to semi-independence, he had to create his own spread sheets to track financial information because of the outdated information provided in order to be certain of the financial condition of the Board.

The Board reviewed the cumulative Board Activities Report for the fiscal year through August 2008. The number of "ATI" certified licensees was at 497, "AT" was 112 and "T" certifications are at 108. Mr. Plunkett expressed the hope that there won't be many people who have not applied for the new certification before the renewal deadline in 2009.

Mr. Plunkett is expecting to hear back by Tuesday, September 23, 2008 regarding the Board's 2005-2007 Biennium Report to the Governor and Legislative Assembly. Semi-Independent Boards are required to submit this report each biennium and the Legislative Fiscal Office is required to review the reports and report to the Legislature's Ways and Means Committee. Mr. Plunkett made it a point to explain to Representative Greenlich and the House Health Committee that this report is made after the results of the performance is completed. In addition, he is trying to work cooperatively with the Legislative Fiscal Office in their review of key performance measures (KPM) for boards to give them the information that they are requesting. There have been a number of meetings that he has recently attended of the House Health Committee and subcommittees, and meetings of those agencies which will be affected by the proposed legislation of the House Health Committee.

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. Garris seconded the motion. The motion carried unanimously.

Budget Committee: The Budget Committee had no report.

Legislative Committee:

Dr. Vorpahl reported to the Board regarding bills from the House Health Care Committee which will affect health boards.

LC1150 will increase the number of public members on Boards. Mr. Plunkett does not think that there is any harm to the Board with this bill as long as no professional members are lost. However, he believes that the Governor's office will be hard-pressed to find more public members.

LC1151 subjects Semi-Independent boards to random performance audits and requires that they submit their biennial budget to the Legislature. Mr. Plunkett informed the Board that during the most recent meeting of the House Health Committee, which both he and Mr. Schumacher from OOPA attended, Rep. Greenlick stated that he will be replacing this bill with one which removes semi-independence from all the health-related licensing boards. Dr. Vorpahl noted that if Semi-independence is rescinded, the costs for auditing and other services will increase.

LC 1152 standardizes the health profession regulatory boards.

LC1153 requires health licensing boards to develop an impaired professional program. Mr. Plunkett opined that with the optometry board, there is less need for such a program than for some other health professions, but that the Board will be forced to comply in spite of the real need for one should this bill pass.

Dr. Walters thanked Mr. Plunkett and Mr. Schumacher for testifying before the House Health Committee, even if their comments were not favorably received.

Administrative Rules Committee:

There are no proposed changes to the Administrative Rules at this time.

Personnel Committee:

Dr. Walters will be conducting Mr. Plunkett's performance review today following the meeting.

UNFINISHED BUSINESS:

The Board previously considered changes to the ethics/Oregon law and rule course requirement (OAR 852-70-010(1)(b)). No additional information is available at this time. The topic will be tabled for a future meeting.

OTHER:

Wayne Schumacher with OOPA addressed the Board regarding the ICD 10 procedure codes. He stated that it is literally ten times larger than the ICD 9. Hearings are being conducted regarding the document at this time. It is scheduled for June 2010 implementation with a three-year phasing in period.

Mr. Plunkett will invite the incoming board member to the next meeting to allow some overlap before Dr. Walters leaves the board. The appointment hasn't been officially made yet.

The next Board meeting was scheduled for December 12, 2008.

ADJOURNMENT -

There was no further business to come before the Board and President Walters adjourned the meeting at 2:35 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director