

OREGON BOARD OF OPTOMETRY

PUBLIC SESSION MINUTES

December 5, 2003

Present - Joan P. Miler, O.D., President
Candace D. Hamel, O.D., Vice President
John P. Reslock, O.D.
Scott M. Walters, O.D.
Michelle M. Monkman, O.D. (Incoming Board Member)

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

Absent - John Doneth, CFP, (Public Member)

CALL TO ORDER -

Dr. Reslock called the meeting to order at 8:41 a.m. in the second floor conference room at 3218 Pringle Rd. SE, Salem, OR., 97302. The roll was called and it was noted that John Doneth was absent and that his absence has been excused. The Board 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 of September 9, 2003. Dr. Hamel offered some corrections and the minutes were approved as corrected. The Board reviewed the Public Session minutes of October 9, 2003. Dr. Miller suggested an amendment. The minutes were approved as amended.

RATIFICATION -

Reactivation and Reinstatements:

Gregory Kautz, O.D. (Inactive to Active)
Myles McCartney, O.D. (Inactive to Active)

Candidates for Examination and Licensure -

The optometrists listed in Exhibit A met all the requirements for licensure and were approved by the Board President since the last Board meeting. Dr. Hamel moved to ratify the actions of the President. Dr. Walters seconded the motion. The motion carried unanimously.

ACTION ON EXECUTIVE SESSION

01-08-04 - This case will be closed with comments to the doctor.

03-01-02 - This case will remain open

03-09-02 - A letter will be written to the doctor instructing him to replace inadequate diagnostic equipment. This case will remain open.

03-02-01 - A letter will be sent reminding the doctor that spectacle prescriptions must be released at the end of the vision exam and contact lens prescriptions at the end of the contact lens exam. A copy of the OAR will be included with the letter. The Board will carefully monitor any additional complaints. This case will be closed.

03-03-02 - A letter will be written explaining the relationship of the Board to the profession and their mission to protect the public. The Board will advise the doctor to make sure that his records reflect all the steps of the examination. He should also review his use of 10% neosynephrine. This case will be closed.

03-05-02 - This case will be closed.

03-05-03 - A letter will be sent to the complainant explaining that the doctor has been assessed by a professional and thanking her for her concern. This case will remain open.

03-05-04 - This case will be closed.

03-07-01 - This case will be closed.

03-07-02 - A letter will be written to the doctor instructing him to revise his contact lens policy form to correctly reflect the OAR/ORS or to eliminate the reference all together. He will also be instructed to release contact lens prescription to patient at the conclusion of examination regardless or whether all the fees are paid. The doctor should reply to the Board within 30 days with his revised form and a copy of this patient's contact lens prescription. A copy of the letter will be sent to the complainant. This case will remain open.

03-09-01 - The Board will proceed to schedule a contested case hearing in this case. This case will remain open.

03-10-02 - The Board does not find any optometric error or violation of Oregon Revised Statutes and Administrative Rules. This case will remain open.

03-10-01 - This case will be closed.

03-10-03 - This case will remain open.

03-10-04 - This case will remain open.

03-12-01 - The Board will request the patient records in this case. This case will remain open.

03-12-03 - Dr. Hamel moved that the Board issue a Notice of Intent to Discipline, Imposition of Civil Penalties, \$2,000 for violation of ORS 683.140(12), ORS 683.180(7) and 683.20, practicing optometry without having at the time of so doing a valid unrevoked license as an optometrist, and for violation of ORS 683.180(8) and 683.140(6)(9) advertising that indicates that he is an optometrist who could provide services. Dr. Walters seconded the motion. The motion carried unanimously. This case will remain open.

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

CORRESPONDENCE -

The Board considered an application for licensure by endorsement from Jeffrey Rabin, O.D. Dr. Walters made a motion to grant Dr. Rabin licensure based on his application and contingent on completion of the remaining requirements. Dr. Hamel seconded the motion. The motion passed unanimously.

The Board reviewed correspondence with Robert Roth, AAG Antitrust unit Financial Fraud/consumer Protection Section regarding HR 3140. The Board considered placing an article in the next newsletter to notify the licensees of the ramifications of the new regulations.

The Board received email from Valentin Ardeleanu, O.D. concerning complications from the injection lab. Dr. Miller suggested that the email be forwarded to the sponsors of the lab. The Board will send Dr. Ardeleanu a communication telling him that the mail has been forwarded.

ARBO has appointed Frank Salimeno, O.D. as liaison to OBO. Mr. Plunkett mentioned that he was not aware there had ever been a liaison before this.

The Board discussed the list of clinical skills examiners for the April 2004 NBEO examination.

PRESIDENT'S REPORT -

Dr. Miller expressed her good-bye's to the Board and welcomed Dr. Monkman as the new Board member. She offered her assistance in the transition. The Board members again thanked Dr. Miller for her many years of service.

EXECUTIVE DIRECTOR'S REPORT -

Accounting/Budgeting: Mr. Plunkett reviewed with the Board the current Balance Sheet. Total current assets are currently \$156,858. The BTB Budget Report for July 1, 2003 through October 31, 2003 shows \$5,228 over projections in revenue and \$6,194 under the projected budget in expenses leaving an excess of \$11,423 over budget. Mr. Plunkett mentioned that the attorney general costs would probably be increasing. He noted that the biggest expense for the Board are employee expenses, lease expense, and attorney fees.

Board Activities Report: Mr. Plunkett reviewed the monthly cumulative report for August, 2003 with the Board. There are currently 186 optometrists who are AT certified, 454 are TPA certified and 17 are only DPA certified. Those who are DPA certified will not be renewed in 2005 unless they become TPA certified. The Board wondered whether a personal letter should go out to those doctors who need TPA certification in order to renew. Mr. Plunkett reminded the Board that correspondence has gone out to all of the doctors regarding these requirements and personal letters were also mailed to each of them as well.

Board Facilities: Mr. Plunkett gave a status report on the new Board office building. He is continuing to develop a plan for a building for the board. Legislation will be required to enable the Board to finance a building and he is working toward that end.

Other: Mr. Plunkett reported that there was recently an agency head meeting at which there was discussion of potential legislation that next session to transfer “other funds” monies to the general fund. Already, PERS savings are being transferred for to the General Fund for other use. OBO money is not currently subject to transfer because the Board is semi-independent and we do not have any money in the State Treasury. However, this issue will be coming around again next session and is an issue of concern to all boards. Another issue is the ability of the semi-independent boards to finance the purchase of property.

The semi-independent boards group have talked about hiring a lobbyist to represent all the boards beginning in January and extending through the next legislative session. The individual cost would be relatively small, possibly \$2,000 to \$4,000 for each board. The Board expressed their approval of participating in a group contract for a lobbyist.

COMMITTEE REPORTS -

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

Budget Committee: There is no report at this time. Mr. Doneth was not available to report about the status of additional bank account signature authorizations.

Administrative Rules Committee: Mr. Plunkett noted that the proposed changes to 852-01-002 and 852-20-030 originated with the advise of the Board’s attorney that the prescription definition be moved to the section which establishes standards of optometric practice. The Board discussed subsection (4). They will change the language to read “Private label prescriptions must include manufacturer’s name and specifications sufficient to allow proper identification of equivalent products.” The proposed changes to OAR 852-20-060(4) will read “Tonometry may be delegated to well-trained and directly supervised ancillary personnel. An Oregon licensed optometric Physician must personally perform tonometry on glaucoma and glaucoma suspect patients.”

Dr. Hamel suggested that the proposed changes to 852-01-001(4)(a) be corrected to read “Oregon Optometric Physicians Association”.

Legislative Committee: Mr. Plunkett discussed a proposed 2005-2007 legislative concept which will increase the amount of civil penalties under 683.140 which can be imposed by the Board. It will give the Board the authority to recover legal costs, and will further clarify the grounds for and nature of discipline. The Board will leave the dollar amounts in the concept as proposed. The Board would like to add under (4) regarding unprofessional conduct something regarding the failure to keep equipment in good working order. Mr. Plunkett will research to see whether other boards have language of that nature, otherwise, he and Dr. Walters will develop language.

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

Unfinished Business: There was no unfinished business.

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 Miller adjourned the meeting at 2:55 p.m.

Prepared by,

Reviewed by:

Catherine M. Boudreau
Administrative Assistant

David W. Plunkett
Executive Director