


Douglas A. Ducey Governor Kelly Moffat, O.D. President Stephanie Mastores, O.D. Vice President		Margaret Whelan Executive Director
	Arizona State Board of Optometry 1740 West Adams St., Suite 3003 Phoenix, AZ 85007	

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**DRAFT MINUTES FOR REGULAR MEETING (VIRTUAL)
DECEMBER 3, 2021 AT 9:00 A.M.**

Board Members

Kelly Moffat, O.D., President
Stephanie Mastores, O.D., Vice-President
Stephen Cohen, O.D.
Matthew Hunter, O.D.
Christopher Carpenter, O.D.
Vacant, Public Member
Vacant, Public Member

Staff:

Margaret Whelan, Executive Director
Veronica Chavez, Licensing Administrator

Legal Counsel:

Mona Baskin, Assistant Attorney General
Justin Larson, Assistant Attorney General

A. CALL TO ORDER: **Dr. Moffat**

Dr. Moffat called the meeting to order at 9:03 a.m.

B. ROLL CALL: **Ms. Chavez**

Members Present: Kelly Moffat, O.D., President
Christopher Carpenter O.D.
Matthew Hunter, O.D.
Stephen Cohen, O.D.

Members Absent: Stephanie Mastores, O.D.

Legal Counsel Present: Justin Larson, Assistant Attorney General

Legal Counsel Absent: Mona Baskin, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Veronica Chavez, Licensing Administrator

Dr. Moffat read the Board meeting Statement of Purpose in to the record.

C. PRESIDENT'S REPORT:

Dr. Moffat

1. Presentation of service plaques; Darcy Jones, O.D. and John Chrisagis, O.D.

Drs. Jones and Chrisagis were present at the meeting. Dr. Moffat presented Civil Service Awards plaques to Drs. Jones and Chrisagis for their service to the Board, thanking them for their time and efforts to promote the mission of the Board in its public protection through regulation.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION ON INVESTIGATIVE REVIEWS/COMPLAINTS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

1. Ricci Rios, O.D. IR#202208

Prior to discussion, Stephen Cohen, O.D, Board Member, disclosed that he knows Dr. Rios and worked for the same company at one time but that knowing the parties in this complaint will not prejudice or bias him and that he is able to remain fair and impartial in this case. Dr. Moffat accepted Dr. Cohen's statement; no objections were heard by Board Counsel, Justin Larson.

Dr. Moffat summarized the case as the patient had a contact lens fitting with Dr. Rios and was scheduled for a follow up with Dr. Rios but when she came back; she saw a different doctor and was not told that Dr. Rios would not be performing the follow up exam. Dr. Rios was present to address the Board. He stated that there are internal issues within the practice and that he was placed on administrative leave and was unable to follow up with the patient as part of management's decision. The patient received the contacts but was upset about the lack of continuation of care. Dr. Hunter felt the complaint was against the practice and the management and not Dr. Rios as he was willing to see the patient.

MOTION: Dr. Moffat moved to dismiss the complaint for lack of violation of the Optometric Practice Act. Dr. Cohen seconded the motion.

VOTE: Motion passed 4-0.

E. EXECUTIVE DIRECTOR APPROVAL OF NEW LICENSE APPLICATIONS PURSUANT TO A.R.S. 32-3123:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

1. Approved November 3, 2021-December 2, 2021
 - a. Bradley Habermehl
 - b. Kim Korkis Dankha
 - c. Michael Schumacher
 - d. Matthew Choy
 - e. Karie Holloway
 - f. Gillian Bentley

- g. Patrizia Colmenares
- h. Jessica Islam
- i. Arra Apikian
- j. Hasti Behshad
- k. Jeffrey Strand

F. REVIEW, DISCUSSION AND POSSIBLE ACTION ON DESIGNATING UNDERSERVED ARIZONA COMMUNITIES FOR OPTOMETRY STUDENTS PARTICIPATING IN THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION (“WICHE”) PROFESSIONAL STUDENT EXCHANGE PROGRAM.

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

- 1. Patricia McCullough, O.D; Tuba City Regional Health Care Corporation, Tuba City, AZ
 - a. Indian Health Service for the Hopi and Navajo Nations

The Board reviewed the submission for approval and determined that the location submitted meets the criteria for WICHE underserved areas.

MOTION: Dr. Cohen moved to accept Tuba City, AZ and Tuba City Regional Health Care Corporation for the WICHE professional student exchange program. Dr. Hunter seconded the motion.

VOTE: Motion passed 4-0.

G. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-210:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

Fiscal Year 2022

	Continuing Education	Date	No. of hours requested
a.	“The Latest in Glaucoma Management and Minimally Invasive Glaucoma Surgery (MIGS)”, Trent Bowen, M.D.	<u>One</u> of the following: 2/1/22, 2/2/22, 2/3/22, 2/8/22, 2/9/22, 2/10/22	1 Regular

The Board reviewed the submitted CE for approval. Dr. Moffat felt the course outline was lacking in detail. Drs. Carpenter and Cohen felt that the course outline had enough information to determine if it meets the criteria in A.A.C. R4-21-210(B).

MOTION: Dr. Carpenter moved to approve item a. for continuing education with follow up from the vendor with the actual date prior to the course being offered. Dr. Cohen seconded the motion.

VOTE: Motion passed 3-1. Dr. Moffat voted no.

H. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF TESTING CENTER FOR PROCTORING OF JURISPRUDENCE EXAM PURSUANT TO A.A.C. R4-21-203(C):

1. San Diego State University; NCTA Certified Testing Center, San Diego, CA;
<http://studentaffairs.sdsu.edu/STAAR/Other-Exam-Services.html>
2. Arizona State University Office of Evaluation and Educational Effectiveness; Tempe, AZ
<https://uoeee.asu.edu/proctoring-services>

MOTION: Dr. Hunter moved to approve items H1 and H2 as testing centers. Dr. Moffat seconded the motion.

VOTE: Motion passed 4-0.

I. EXECUTIVE DIRECTOR'S REPORT:

The Board may review and discuss the listed items. The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

1. Budget/Accounting update
2. Staff activity/updates
3. Future agenda items
4. Future Board meeting dates

Budget/Accounting update

As of October 31, 2021, beginning cash balance is \$474,924 with an ending cash balance of \$474,485. 33.33% of FY elapsed with Board spending at 26.32%.

Staff activity/updates

41 renewal applications have been processed, 11 new licenses issued, 22 phone calls returned from voice mails, 1211 e-mails received/answered.

Future agenda items

None requested

Future Board meeting dates

February 4, 2022

April 1, 2022

J. CALL TO PUBLIC:

Pursuant to A.R.S. §38-431.01(G), Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. Members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

Dr. Moffat made a call to the public at 9:46 a.m. No one addressed the public at this time.

K. MOTION TO ADJOURN:

Dr. Hunter moved to adjourn the meeting at 9:46 a.m. Dr. Cohen seconded the motion. The meeting was adjourned at 9:47 a.m.

END OF MINUTES:

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Margaret Whelan, Executive Director

Date

DRAFT