

Douglas A. Ducey
Governor

John Chrisagis, O.D.
President

Mark Peller, O.D.
Vice President



Arizona State Board of Optometry
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Margaret Whelan
Executive Director

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**FINAL MINUTES FOR TELECONFERENCE MEETING
FEBRUARY 22, 2019 SCHEDULED TO COMMENCE AT 9:00 A.M.**

Board Members

John Chrisagis, O.D., President
Mark Peller, O.D., Vice-President
Kelly Moffat, O.D.
Michael Lamb, O.D.
Darcy Jones, O.D.
George A. Evanoff, Public Member
Vacant, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Mona Baskin, Assistant Attorney General

A. CALL TO ORDER: Dr. Chrisagis

Dr. Chrisagis called the meeting to order at 9:00 a.m.

B. ROLL CALL: Ms. Hollins

Members Present: John Chrisagis O.D., President
Mark Peller, O.D., Vice President
Kelly Moffat, O.D.
Michael Lamb, O.D.
Darcy Jones, O.D.
George A. Evanoff, Public Member

Legal Counsel Present: Mona Baskin, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator
Kristina Gomez, Deputy Director, Arizona Dental Board

C. PRESIDENT’S REPORT:

Dr. Chrisagis

None.

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

1. Terri Gieske, O.D. IR#201904

Dr. Peller summarized the case as the patient tried to order a one-year supply of contact lenses with only a few weeks left on the current prescription. The patient had previously ordered a one-year supply under the same prescription. As the patient was due for an eye exam and the prescription expired in two weeks, Dr. Gieske did not authorize another full year of lenses to be purchased.

MOTION: Dr. Peller moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Lamb seconded the motion.

<u>Vote</u>		John Chrisagis Optometrist President	Mark Peller Optometrist Vice President	Kelly Moffat Optometrist	Darcy Jones Optometrist	Michael Lamb Optometrist	George Evanoff Public Member	Vacant Public Member
YES	6	X	X	X	X	X	X	N/A
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: Motion passed 6-0.

2. Lisa Field-Sherlock, O.D. IR#201905

Dr. Moffat summarized the case as the patient had cataract surgery in both eyes and had concurrent keratoconus. She ordered eye glasses and had a problem seeing with them; the view was distorted. The patient went back to Dr. Field-Sherlock for a different prescription, had the glasses remade and still couldn’t see. The patient then went to a different doctor, had another exam and prescription, glasses were made and patient can see well out of the new pair.

The patient subsequently asked for a refund from Dr. Field-Sherlock’s office but has not yet received it. The patient was told the refund was authorized even though Dr. Field-Sherlock has a no refund policy and the patient had not yet returned the glasses to the doctor’s office.

The patient was present via phone to address the Board, stating that she returned the glasses on January 31, 2019 and has her receipt for the return. The patient stated she was told by the office that a check will be sent within 4-6 weeks from the date of return. The

patient received a call on February 11, 2019 asking for her credit card number in order to refund the money; there still was no refund as of February 22, 2019.

Dr. Chrisagis asked the Board members about actions to be taken regarding the lack of refund; did they want to continue the complaint to wait to see if the patient gets the refund.

MOTION: Dr. Peller moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Jones seconded the motion.

Dr. Lamb indicated that the Board’s main purpose was to protect the public which included the doctor making good on her promise to refund the money for the eyeglasses; Dr. Lamb wanted to continue the complaint. Dr. Moffat asked the patient about the 4-6 week time frame for the refund and suggested that there may some internal process delaying the refund although it had not been six weeks from the time the refund was processed. Dr. Lamb still felt that the complaint should be continued until the patient receives the refund.

Dr. Chrisagis felt this was a consumer complaint and asked the patient to let the Board know if/when she received the refund so the Board could consider further action at that time if necessary.

<u>Vote</u>		John Chrisagis Optometrist President	Mark Peller Optometrist Vice President	Kelly Moffat Optometrist	Darcy Jones Optometrist	Michael Lamb Optometrist	George Evanoff Public Member	Vacant Public Member
YES	4	X	X	X	X			N/A
NO	2					X	X	
ABSTAIN	0							
ABSENT	0							

VOTE: Motion passed 4-2. Dr. Lamb and Mr. Evanoff voted no.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING REGULAR LICENSE APPLICATIONS:

3. Merrell, Jason

MOTION: Dr. Peller moved to approve item 3 for licensure. Dr. Lamb seconded the motion.

<u>Vote</u>		John Chrisagis Optometrist President	Mark Peller Optometrist Vice President	Kelly Moffat Optometrist	Darcy Jones Optometrist	Michael Lamb Optometrist	George Evanoff Public Member	Vacant Public Member
YES	6	X	X	X	X	X	X	N/A
NO	0							

ABSTAIN	0							
ABSENT	0							

VOTE: Motion passed 6-0.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING ENDORSEMENT APPLICATIONS:

- 4. Hao, Annie
- 5. Wanon, Jacob

MOTION: Dr. Peller moved to approve items 4 and 5 for licensure. Dr. Lamb seconded the motion.

<u>Vote</u>		John Chrisagis Optometrist President	Mark Peller Optometrist Vice President	Kelly Moffat Optometrist	Darcy Jones Optometrist	Michael Lamb Optometrist	George Evanoff Public Member	Vacant Public Member
YES	6	X	X	X	X	X	X	N/A
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: Motion passed 6-0.

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:

Fiscal Year 2019

	Continuing Education	Date	No. of hours requested
a.	Concussion 2019; more than football-The CACTIS Foundation & UACOM.PHX	3/9/19	8 Regular
b.	Glaucoma Management in the Phakic Patient – BDPEC	4/30/19	1 Regular
c.	Treating Diabetic Macular Edema, Assoc. Retina Consultants	2/15/19 2/26/19	1 Regular 1 Regular

Dr. Moffat questioned the request for Item c. stating that it was a small retrospective study done by the group themselves which doesn't seem like it qualifies as Continuing Education and does not influence treatment of macular edema. She stated she is not sure it qualifies as CE if it's just a study. Dr. Chrisagis agreed to an extent but felt that the discussion on the principles of macular edema and treatment with steroids qualified it as a good course.

MOTION: Dr. Lamb moved to approve items a-c. for continuing education. Dr. Moffat seconded the motion.

<u>Vote</u>		John Chrisagis Optometrist President	Mark Peller Optometrist Vice President	Kelly Moffat Optometrist	Darcy Jones Optometrist	Michael Lamb Optometrist	George Evanoff Public Member	Vacant Public Member
YES	6	X	X	X	X	X	X	N/A
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: Motion passed 6-0.

H. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES:

6. None

I. EXECUTIVE DIRECTOR’S REPORT:

- 7. Budget update
- 8. Rules package update
- 9. Future agenda items
- 10. Future Board meeting dates

Budget update:

As of January 31, 2019, 58.33% of FY elapsed with Board’s spending at 49.97%; beginning cash balance of \$326,616 and an ending cash balance of \$313,364.

Rules Package Update:

Rules were approved by GRRC on December 4, 2018. The Notice of Final Rulemaking was submitted to SOS and will be published next week; the rules will be effective within 60 days from the date of publication.

Future agenda items:

Dr. Lamb wanted Ms. Whelan to follow SB1475 to see about the requirement for fingerprinting. Dr. Chrisagis would like an update on the remaining complaints for 1-800 Contacts.

Future Board meeting dates:

Friday, April 12, 2019

J. CALL TO PUBLIC:

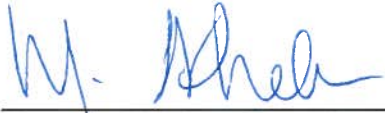
Dr. Chrisagis made a call to the public at 9:29 a.m. No one addressed the Board at this time.

K. MOTION TO ADJOURN:

Dr. Chrisagis moved to adjourn the meeting at 9:30 a.m. Dr. Peller seconded the motion.

The meeting was adjourned at 9:30 a.m.

END OF MINUTES:



Margaret Whelan, Executive Director

4-12-19

Date