

Douglas A. Ducey
Governor

John Chrisagis, O.D.
President

Mark Peller, O.D.
Vice President



Arizona State Board of Optometry
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Executive Director

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**FINAL MINUTES FOR MEETING
APRIL 12, 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.

Members Absent: George A. Evanoff, Public Member

Legal Counsel Present: None.

Legal Counsel Absent: Mona Baskin, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Chrisagis

Dr. Chrisagis indicated he wanted a report on HB2569 but would like to defer the summary of the Bill to the Executive Director's report.

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

1. John Riley, O.D. IR#201906

Dr. Peller summarized the case as patients' father requested medical records in order to take the minor patients to a pediatric ophthalmologist for a March 15, 2019 visit; Dr. Riley failed to release medical records. The request was made by the father on February 12, 2019 for the records so he could have the exam results and proposed treatment to present to the ophthalmologist. As of February 25, 2019, no records had been released to the patient or the ophthalmologist. Dr. Riley has not responded to the Board and has only sent partial records in response to the Board's notice of complaint. Dr. Chrisagis has some questions/concerns about the records submitted; there are issues with the content/diagnoses and completeness.

Ms. Whelan advised the Board of their options for a decision this case. She stated the Board could issue a Letter of Concern for possible violation of A.A.C. R4-21-305 Recordkeeping for not providing the records within five (5) days or they could move the case to Informal Interview to further investigate the matter regarding the records and the doctor's lack of response to the complaint.

MOTION: Dr. Peller moved to an Informal Interview pursuant to A.R.S. 32-1744(D) for record keeping issues pursuant to A.A.C. R4-21-305, failure to respond to the Board's notice of complaint pursuant to A.R.S. 32-1744(C), and not sending records to patient when requested pursuant to A.A.C. R4-21-305(E). Dr. Jones seconded the motion.

VOTE: Motion passed 5-0.

E. REVIEW, DISCUSSION AND POSSIBLE VOTE ON OPENING A COMPLAINT FOR SELF REPORT PURSUANT TO A.R.S. §32-3208; CRIMINAL CHARGES; MANDATORY REPORTING REQUIREMENTS; CIVIL PENALTY:

2. Kevin Koralewski, O.D.

Dr. Chrisagis addressed the conduct reported in the notice to the Board, as well as the explanation of events by Dr. Koralewski. It appears that the issue was handled properly and expediently by Dr. Koralewski and the final disposition was provided.

Dr. Koralewski was present to address the Board. He gave an apology to the Board for the behavior that caused the self-report and stated he completed all the court requirements in a timely manner. No further action was taken by the Board in this matter.

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

- 3. Ferreira, Adriana
- 4. Hedayat, Madhi

MOTION: Dr. Peller moved to approve items 3 and 4 for approval contingent upon negative DPS/FBI report. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-0.

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

- 5. Hibbert, Kyle
- 6. Huttenhoff, Andrew
- 7. McKinney, Chad

MOTION: Dr. Peller moved to approve items 5-7 for licensure. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-0.

H. 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.	Current Perspectives & New Initiatives in Dry Eye Disease-Review of TFOS Dews II – Barnet Dulaney Perkins Eye Center	4/30/19	1 Regular

MOTION: Dr. Jones moved to approve item a. for Continuing education. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

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

- 8. Graduate Medical Education Center at Children’s Mercy Hospital, Kansas City, KS
 - a. <https://www.childrensmercy.org/professional-education/residencies/optometry-residency/>
- 9. Montana State University-Billings City College Library & Testing Center, Billings, MT
 - a. <https://libguides.msubillings.edu/c.php?g=242168&p=1610093>
- 10. Washington Park Library Training/Testing Center, Providence, RI
 - a. <https://www.provcomlib.org/classes-training>

11. Kelley Library Training/Testing Center, Salem, NH
 - a. <https://www.kelleylibrary.org/about-us>

MOTION: Dr. Peller moved to approve items 8-11 as testing centers. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-0.

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

12. September 14, 2018 Regular Session
13. December 14, 2018 Regular Session
14. February 22, 2019 Regular Session

MOTION: Dr. Lamb moved to approve item 12 as written. Dr. Peller seconded the motion.

VOTE: Motion passed 4-0. Dr. Moffat abstained.

MOTION: Dr. Lamb moved to approve item 13 with the amendment of adding Dr. Jones' "no" vote to Item I on that agenda and item 14 as written. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

K. EXECUTIVE DIRECTOR'S REPORT:

15. Closed complaint IR#201905- follow-up/final update
16. 1-800 Contacts complaints- update on Formal Hearing for IR#2017223
17. Budget update
18. Rules package update
19. NBEO update
20. Legislation update; SB1096, SB1086, SB1123, SB1103, SB1108, SB1105, SB1029, SB1475, HB2075, HB2118, HB2231, HB2463, HB2519, HB2113, HB2068, HB2058
21. Future agenda items
22. Future Board meeting dates

Closed complaint IR#201905- follow-up/final update:

The patient in this complaint called the Board office to say that they had received her refund from the doctor's office and that they are satisfied with the outcome of the complaint.

1-800 Contacts complaints- update on Formal Hearing for IR#2017223:

The materials have been prepared for the Assistant Attorney General for the Board. The Formal hearing is scheduled for July 12, 2019.

Budget update:

As of March 31, 2019, 75% of FY elapsed with Board's spending at 68.41%; beginning cash balance of \$314,109.60 and an ending cash balance of \$304,917.78.

Rules package update:

The Rules approved in December 2018 went in to effect on Friday, April 5, 2019. New statutes and rules books will be made available at the end of the 2019 legislative session. The rules have been updated on the website.

NBEO Update:

Several changes are underway in 2019:

Laser and Surgical Procedures Examination

The NBEO is offering its newly developed Laser and Surgical Procedures Examination (LSPE™). LSPE is designed as a stand-alone, elective examination offered to optometric 4th-year students, residents, and practitioners.

NBEO-Board Certification

The voluntary NBEO-Board Certification (NBEO-BC) program will be discontinued due to low participation. Information will be communicated directly to those individuals who presently hold the NBEO-BC credential.

Part III Clinical Skills Examination (CSE®) Restructuring

To ensure the most up-to-date, comprehensive, and contemporary optometric examinations, NBEO is restructuring Part III Clinical Skills Examination (CSE). More information will be forthcoming as this multi-year process develops.

Six-Attempt Limitation Policy

As announced last year, beginning August 1, 2019, there will be a six-time limit for each examination (Part I Applied Basic Science, Part II Patient Assessment and Management, Treatment and Management of Ocular Disease, Part III Clinical Skills Examination, and Injections Skills Examination). Examination attempts both prior to and after August 1, 2019 will count toward this limit. The NBEO will offer an appeals process, requiring submission of a remediation plan, for individuals who wish to appeal the six-time limit.

Legislative Update:

Ms. Whelan reported on the status of each bill listed on the agenda, recommending that the Board and the public check the Arizona Legislative website at www.azleg.gov for the most up to date information on these (and any other) bills.

Future agenda items:

None requested

Future Board meeting dates:

May and June, possible Teleconference; dates TBD; July 12, 2019

L. CALL TO PUBLIC:


Dr. Chrisagis made a call to the public at 10:00 a.m. Mr. Tom Galvin was present on behalf of his client 1-800 Contacts and addressed the Board thanking them for updating on the formal hearing for their complaint.

M. MOTION TO ADJOURN:

Dr. Peller moved to adjourn the meeting at 10:02 a.m. Dr. Jones seconded the motion.

The meeting was adjourned at 10:02 a.m.

END OF MINUTES:



Margaret Whelan, Executive Director



Date