

**Douglas A. Ducey**  
Governor

**John Chrisagis, O.D.**  
President

**Marla Husz, O.D.**  
Vice President



*Arizona State Board of Optometry*

1400 West Washington, Suite 230

Phoenix, AZ 85007

**Margaret Whelan**  
Executive Director

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Telephone (602) 542-8155 • Fax (602) 542-3093

**FINAL MINUTES FOR REGULAR MEETING  
APRIL 15, 2016 SCHEDULED TO COMMENCE AT 9:00 A.M.**

**Board Members**

John Chrisagis, O.D., President  
Marla Husz, O.D., Vice-President  
Michael Lamb, O.D.  
Brian Mach, O.D.  
Mark Peller, O.D.  
George A. Evanoff, Public Member  
Blake Whiteman, 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  
Marla Husz, O.D., Vice President  
Brian Mach, O.D.  
Michael Lamb, O.D.  
Mark Peller, O.D.  
George A. Evanoff, Public Member  
Blake Whiteman, Public Member

Legal Counsel: Mona Baskin, Assistant Attorney General

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

**C. PRESIDENT'S REPORT: Dr. Chrisagis**

None.

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

1. Scott Mullane, O.D. IR#201614

Dr. Mach summarized the case as patient saw Dr. Mullane for a post-operative eye exam and received a prescription for eyeglasses. The patient claimed she couldn't see out of glasses and told the doctor she didn't think she needed glasses since she had surgery.

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

**VOTE:** Motion passed 7-0.

2. Peter Lehmann, O.D. IR#201615

Dr. Peller summarized the case as patient made a records request to the doctor who never responded to the request. Several more requests were made by the patient. After further attempts to get records, the patient ultimately heard from Dr. Lehmann who stated there was a miscommunication in the office and provided the requested records immediately.

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

**VOTE:** Motion passed 7-0.

3. John Ripley, O.D. IR#201616

Dr. Lamb presented the case as the patient came in for an eye exam, paid for it and took the prescription to Costco to have glasses made. The patient received their glasses but felt they could not see out of them and that the prescription was wrong. The patient went back to see Dr. Ripley who gave her a different prescription. The patient had glasses made with the new prescription and said they were ok. Dr. Husz felt the initial prescription for the right eye was copied to the left eye by mistake at the optical. The patient was present to address the Board via phone; she stated the prescription was wrong and was causing her to have headaches. The patient subsequently saw an ophthalmologist who changed the prescription again; patient had those glasses made and they were good.

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

**VOTE:** Motion passed 6-0. Dr. Peller recused from the discussion and vote.

4. Jared Anderson, O.D. IR#201617

Dr. Peller presented the case as patient had ARC coating that Dr. Anderson recommended on his glasses and that it was causing vision problems such as distortion; the patient stated that

Dr. Anderson would not resolve the problem. The patient was seen May 19, 2015 and came back for follow up with Dr. Rabinowitz who did not see any problem the patient was having with the glasses. November 30, 2015 was the first time the patient voiced an issue with the glasses. Once apprised of the situation, the patient was asked return to the clinic so Dr. Anderson could check the potential cause of the problem however, the patient refused.

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

**VOTE:** Motion passed 6-0. Dr. Lamb recused from the discussion and vote.

**E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING COMPLIANCE AND REVISION OR TERMINATION OF PROBATIONARY ORDER:**

5. Stephen Cohen, O.D.

Ms. Whelan presented the current findings submitted by Ms. Catherine Keyes to the Board. Ms. Whelan informed the Board that it was at the discretion of the Board to shorten the six-month probationary period if the stipulations of the Order were met. The Board reviewed the reports submitted and determined that Dr. Cohen is close to meeting the terms and that they would ask for termination in June with at least two more reports; one for May and one for June. If the May report was acceptable, the Board would expect the final report to be submitted in June along with the May report.

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

None.

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

6. Chen, Eric-withdrawn

Item 6. was withdrawn from consideration prior to any discussion.

7. Zych, Daniel

**MOTION:** Dr. Lamb moved to approve item 7. for licensure. Dr. Peller seconded the motion.

**VOTE:** Motion passed 7-0.

**H. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING LICENSE RENEWAL APPLICATION:**

8. Thomas Brown, O.D., License #1875

Dr. Brown submitted a disciplinary action received from another state to this Board pursuant to the terms of the Order of that state. The Board discussed the parameters of the disciplinary action to

determine if they needed to open their own investigation, which they determined they did not. The Board did however want to offer a consent agreement that mirrors the terms of the disciplinary action from the other state.

**MOTION:** Mr. Whiteman moved to grant renewal upon Dr. Brown signing a Consent Agreement for probation with terms concurrent to the Nebraska order, including a requirement for notification upon return to practice in Arizona. The terms of the order are stayed until such time. Mr. Evanoff seconded the motion.

<u>Vote</u>		Brian Mach Optometrist	Mark Peller Optometrist	Marla Husz Optometrist Vice-Pres.	John Chrisagis Optometrist President	Michael Lamb Optometrist	George Evanoff Public Member	Blake Whiteman Public Member
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**VOTE:** Motion passed 7-0

**I. REVIEW, DISCUSSION AND POSSIBLE ACTION ON REVISION OF JURISPRUDENCE EXAM ADMINISTERED BY THE BOARD:**

The Board discussed the possible changes submitted by Dr. Mach to update the current questions on the jurisprudence exam.

**MOTION:** Dr. Lamb moved to accept the changes as submitted, including #38 on the current exam. Dr. Husz seconded the motion.

**VOTE:** Motion passed 7-0.

**J. 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 2016**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Implantable Miniature Telescope in ARMD patients, Anterior Segment Research & the New Cataract Technique Presentation Outline-AZ Eye Center	4/19/16	1 Regular

**MOTION:** Dr. Lamb moved to accept item a. Dr. Husz seconded the motion.

**VOTE:** Motion passed 7-0.

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

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).

9. Pearson VUE testing centers; nationwide locations
10. Prometric testing centers; nationwide locations

The Board reviewed the materials submitted for each testing center and agreed to approve all national testing centers for each company.

**MOTION:** Dr. Peller moved to accept items 9. and 10. as national testing centers for its jurisprudence exam. Dr. Lamb seconded the motion.

**VOTE:** Motion passed 7-0.

**L. REVIEW, DISCUSSION AND POSSIBLE ACTION ON ADOPTING AN APPLICATION FOR VOLUNTEER HEALTH SERVICES UNDER A.R.S. §32-3217:**

Ms. Whelan submitted, to the Board, a sample license application for the volunteer program under A.R.S. 32-3217, and asked the Board to approve a modified license application tailored to the Optometry board.

**MOTION:** Dr. Lamb moved to accept a modified version of the volunteer license application. Mr. Whiteman seconded the motion.

**VOTE:** Motion passed 7-0.

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

11. March 18, 2016 Regular Session Minutes

The Board reviewed the minutes submitted and requested three changes. Under item G.b., the vote should read "Motion passed 6-1. Dr. Mach voted no". Item E3 it shows Dr. Husz moved and seconded the motion. Staff was directed to find out if she moved or seconded and add the Board member who accompanied the motion. Under the adjournment, the time of day was incorrect and should be adjusted to a.m.

**MOTION:** Dr. Husz moved to accept the minutes as amended. Mr. Evanoff seconded the motion.

**VOTE:** Motion passed 7-0.

**N. EXECUTIVE DIRECTOR'S REPORT:**

12. Budget update
13. Review of Current Legislative Activity (2016); HB2501, HB2523
14. Future agenda items
15. Future Board meeting dates

Ms. Whelan reported that as of March 31, 2016, the Board's beginning cash balance was \$231,718 with an ending cash balance of \$234,441. As of this date, 75% of the fiscal year has elapsed with the Board's spending at 58.72%. Final review of current legislative activity including House Bills 2501 and 2523; neither bill passed however the Board should expect to see both of these bills revisited in the next legislative session. No future agenda items were requested. Future board meeting dates anticipated are June 17 and July 15, 2016.

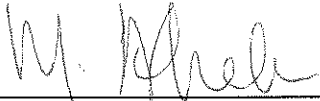
**O. CALL TO PUBLIC:**

Dr. Chrisagis made a call to the public at 10:10 a.m. No one was present to address the Board.

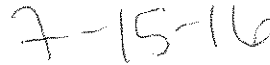
**P. MOTION TO ADJOURN:**

Mr. Whiteman moved to adjourn the meeting at 10:10 a.m. Mr. Evanoff seconded the motion. Meeting was adjourned at 10:10 a.m.

**END OF MINUTES:**



\_\_\_\_\_  
Margaret Whelan, Executive Director



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Date