

Douglas A. Ducey
Governor

John Chrisagis, O.D.
President

Marla Husz, O.D.
Vice President



Arizona State Board of Optometry
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Executive Director

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**FINAL MINUTES FOR REGULAR MEETING
JUNE 23, 2017 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 9:02 a.m.

B. ROLL CALL:

Ms. Hollins

Members Present:

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

Members Absent:

Brian Mach, O.D.

Legal Counsel Present:

Mona Baskin, Assistant Attorney General

Staff Present:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT’S REPORT:

Dr. Chrisagis

Dr. Chrisagis reported on activity at the ARBO meeting in Washington D.C. in June; Ms. Whelan presented to the delegation regarding consolidation; she was very informative and did a great job representing the Arizona State Board of Optometry. Dr. Chrisagis also gave special recognition to Board Counsel, Assistant Attorney General, Ms. Mona Baskin for the incredible guidance and help she provides to the Board on a regular basis.

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

1. Eric Giese, O.D. IR#2017153

Dr. Peller summarized the case as a mother took her 18-year-old autistic son to see Dr. Giese who refused service because of the son’s condition. The mother stated the reason for the visit was due to trauma as the patient was poked in the eye. Dr. Giese referred the patient out since his schedule was full. While Dr. Peller thought the patient could have or should have been worked in, there is no violation in refusing to see a patient.

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

VOTE: Motion passed 6-0.

2. Daniel McGehee, O.D. IR#201858

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. McGehee failed to release a copy of the contact lens prescription when requested. 24 patients; 5 requests were responded to, 15 no record of a request from 1-800 Contacts, 7 of the patients were seen only between 2007 and 2011, 2 were not patients of the doctor and one, the doctor couldn’t identify the patient. Dr. McGehee was present to address the Board stating that back in 2002, there were issues with 1-800 Contacts working with optometrists in Arizona to get the passive verification so he felt this complaint situation would be just as arduous. Dr. McGehee stated that he always responds to any request for records and that 1-800 Contacts.

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

VOTE: Motion passed 6-0.

3. David Christensen, O.D. IR#2017130

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Christensen failed to release a copy of the contact lens prescription when requested. 5 patients; 3 no record of a request from 1-800 Contacts, 1 was not a patient of the doctor and one the doctor couldn’t identify the patient.

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 5-0. Dr. Peller recused.

4. Tammy Lavicka, O.D. IR#2017134

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Lavicka failed to release a copy of the contact lens prescription when requested. Dr. Lavicka left the practice in 2013; patients in the complaint were seen after she left the practice. Dr. Lavicka still obtained the records from the previous practice and submitted them to the Board as part of her response to this complaint. Dr. Lavicka was present and addressed the Board stating that most of the records have been destroyed pursuant to the records retention law by the previous practice and that some of them were moved from paper to electronic with no record of the patient.

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 5-0. Dr. Peller recused.

5. Khrystopher Gates, O.D. IR#2017137

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Gates failed to release a copy of the contact lens prescription when requested. 1 patient; Dr. Gates left the practice prior to the dates of the requests in the complaint; patient in the complaint was seen after he left the practice.

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

VOTE: Motion passed 5-0. Dr. Peller recused.

6. Aaron Lambson, O.D. IR#2017140

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Lambson failed to release a copy of the contact lens prescription when requested. 2 patients; Dr. Lambson left the practice prior to the dates of the requests in the complaint; patients in the complaint were seen after he left the practice.

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

VOTE: Motion passed 5-0. Dr. Peller recused.

7. Zahra Lalwani-Lasee, O.D. IR#2017141

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Lalwani-Lasee failed to release a copy of the contact lens prescription when requested. 4 complaints for 2 patients; Dr. Lalwani-Lasee left the practice prior to the dates of the requests in the complaint; patients in the complaint was seen after she left the practice.

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 6-0.

8. Sepideh Saleki, O.D. IR#2017142

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Saleki failed to release a copy of the contact lens prescription when requested. 1 patient; no record of a request from 1-800 Contacts. Mr. Gregory Harris, Attorney was present representing Dr. Saleki; he asked the Board to dismiss the complaint based on the fact that there was no record of a request and that if there was, Dr. Saleki would have complied with the request.

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

VOTE: Motion passed 6-0.

9. Eva Lavinia Takacs, O.D. IR#2017144

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Takacs failed to release a copy of the contact lens prescription when requested. 7 complaints for 6 patients; 3 no record of a request from 1-800 Contacts, 2 were not patients of the doctor and one request was received and responded to by Dr. Takacs.

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

VOTE: Motion passed 6-0.

10. Asinech Hellan, O.D. IR#2017145

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Hellan failed to release a copy of the contact lens prescription when requested. 2 patients; both requests were responded to by Dr. Hellan.

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.

11. Maury Kessler, O.D. IR#2017146

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Kessler failed to release a copy of the contact lens prescription when requested. 19 complaints for 12 patients; 9 requests were responded to by Dr. Kessler, 2 of the patients were phone requests; no request in writing was made and 1 no record of a request from 1-800 Contacts,

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

VOTE: Motion passed 6-0.

E. REVIEW, DISCUSSION, AND POSSIBLE ACTION TO OPEN A COMPLAINT:

12. Blue Cross/Blue Shield advertisement sent to the Board on June 13, 2017

The Board discussed the content of the advertisement and took no action at this time.

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

- 13. Baier, Karly
- 14. Baldwin, Brian
- 15. Barton, Colby
- 16. Blanco, Daniel
- 17. Bushman, Eric
- 18. Collison, Leah
- 19. Earl, Rachel
- 20. Fors, Inga
- 21. Gabai, Celine
- 22. Hale, Tobin
- 23. Hauptman, Jeremy
- 24. Hundelt, Elizabeth
- 25. Ly, Kim
- 26. Mitchell, Richard
- 27. Reuland, Krista
- 28. Rounfort, Kelsey
- 29. Stephey, Emily
- 30. Wellman, Mark
- 31. Williams, Jenna
- 32. Wooten, Allison

The Board continued, to a future Board meeting, item 13 pending receipt of DPS/FBI report and summary explanation from Dr. Baier.

MOTION: Dr. Lamb moved to approve items 15, 17, 20, 23, 25, 27, 28, 29, and 30 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Lamb moved to approve items 14, 16, 18, 19, 21, 22, 24, 26, 31, and 32 for licensure contingent upon negative DPS/FBI report. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

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

33. Baldwin, Seth

MOTION: Dr. Peller moved to approve item 33 for licensure. Mr. Whiteman seconded the motion.

VOTE: Motion passed 6-0.

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 2017

	Continuing Education	Date	No. of hours requested
a.	“Perspectives on Treatment with Dexamethasone”, Associated Retina Consultants	6/2/17 7/25/17	1 regular 1 regular

MOTION: Dr. Husz moved to approve item a for continuing education. Mr. Whiteman seconded the motion.

VOTE: Motion passed 6-0.

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):

34. PSI Testing Centers (nationwide locations), <http://corporate.psonline.com/testing-centers/>

35. Sylvan Learning Centers, Atlanta, GA and Nationwide locations

MOTION: Dr. Husz moved to approve item 34 for a testing center for proctoring of Jurisprudence exam licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Husz moved to approve item 35 for a testing center for proctoring of Jurisprudence exam at the Atlanta, GA address submitted only. Dr. Peller seconded the motion.

VOTE: Motion passed 5-1. Mr. Whiteman voted no.

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

36. March 17, 2017 Regular Session Minutes

MOTION: Dr. Lamb moved to approve item 36 as submitted. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0.

K. ELECTION OF OFFICERS PURSUANT TO THE PROVISIONS OF A.R.S. §32-1703(A):

MOTION: Dr. Lamb made a motion for Dr. Chrisagis to remain President. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Lamb made a motion for Dr. Husz to remain Vice-President until she is no longer serving the Board under her current term. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

L. EXECUTIVE DIRECTOR'S REPORT:

- 37. Budget update
- 38. Consolidation report from ADHS
- 39. ARBO meeting update
- 40. Future agenda items
- 41. Future Board meeting dates

Budget:

91.67% of FY elapsed; Board spending at 79.50% with a beginning cash balance of \$267,532 and an ending cash balance of \$280,384. The Board is appropriated \$260,100 for FY18 beginning July 1, 2017. There was a one-time \$60K increase to the appropriation for this FY; \$10K to cover the cost of the 1-800 Contacts complaints processing and the rest to the eLicensing project expected to roll out in early March of 2018.

Consolidation report from ADHS:

Ms. Whelan reported that ADHS hired a third-party company to interview agency directors regarding agency function for the purpose of possible consolidation; the report appears biased as certain data such as the "cons" for consolidation were omitted and only the "pros" were highlighted. It is still unclear what is going to be consolidated, i.e. the Board itself or just the services, which the Board already has (shared services) in place. Ms. Whelan encouraged the Board to read the report so they can better understand the direction being considered by the Governor's Office.

ARBO Update:

Ms. Whelan reported that it was a very productive meeting; lots of current issues facing state boards were discussed: CE, consolidation, COPE mandates and Jurisprudence exams.

Future agenda items:

Two future agenda items were requested: Discuss re-testing jurisprudence upon renewal of license, process/procedure for creation and maintenance of Agency records/Board minutes.

Future Board meeting dates are July 21, 2017 and August 11, 2017.

M. ASSISTANT ATTORNEY GENERAL REPORT:

42. *Michael Wassef v. Arizona State Board of Dental Examiners*, No. 1 CA-CV 15-0756 (March 3, 28, 2017)
43. *Pamela A. Johnson v. Arizona Registrar of Contractors*, 1 CA-CV 16-0266 (May 25, 2017)

Ms. Baskin presented a summary with findings on both cases and had interactive discussion with the Board regarding the issues contained in each case.

N. CALL TO PUBLIC:

Dr. Chrisagis made a call to the public at 10:12 a.m.

No one addressed the Board.

O. MOTION TO ADJOURN:

Dr. Peller moved to adjourn the meeting at 10:13 a.m. Mr. Whiteman seconded the motion.

The meeting was adjourned at 10:13 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date