

**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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**FINAL MINUTES FOR REGULAR MEETING  
JULY 21, 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 9:04 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.  
Brian Mach, O.D.  
George A. Evanoff, Public Member

Members Absent: Blake Whiteman, Public Member

Legal Counsel Present: 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. Lynne Noon, O.D. IR#2017155

Dr. Mach summarized the case as the patient was upset about the cost of glasses; patient never came back to pick up the glasses. Dr. Noon subsequently refunded the cost of the glasses.

**MOTION:** Dr. Mach 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.

2. Howard Miller, O.D. IR#2017156

Dr. Husz summarized the case as patient came in on April 17, 2017 for an eye exam for eyeglasses and contact lenses. When the patient came back on April 29, 2017, they had and eye infection. The patient felt the infection was missed by the doctor at the previous visit, however, according to the records submitted, the infection manifested itself after the visit. The patient was refunded costs for both the glasses and contacts.

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

Dr. Mach stated he had issues with Dr. Miller's medical records as it looked like sheets were used more than once from different patients and portions of the records were overwritten.

**VOTE:** Dr. Husz withdrew her motion to dismiss. Dr. Peller withdrew his second to the motion.

**MOTION:** Dr. Mach moved to issue a Letter of Concern for possible violation of A.R.S. 32-1744(E) and A.A.C. R4-21-305 Recordkeeping. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed 6-0.

3. Chad Burton, O.D. IR#2017158

Dr. Peller summarized the case as a malpractice claim against Dr. Burton reported to the Board. The patient claims and injury date of May 26, 2015 however, Dr. Burton only saw the patient post-operatively on October 26, 2015 and therefore held no liability.

**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.

4. Irina Andrushenko, O.D. IR#2017159

Dr. Lamb summarized the case as patient has an eye disease such as syphilis, has a lower eye lid problem and it appeared that when Dr. Andrushenko saw the patient, either, tests weren't done by the primary care physician or didn't come back in time for the appointment. The records showed an MHA-TP test was ordered by Dr. Andrushenko. Dr. Lamb stated he saw no gross negligence in the treatment of this patient.

**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.

5. Cheryl Schmitt, O.D. IR#2017160

Dr. Husz summarized the case as patient saw Dr. Schmitt for a contact lens exam and had seen several other optometrists prior to coming to see Dr. Schmitt. The patient had an old prescription that they wanted replicated but Dr. Schmitt stated that the prescription had changed and the brand of contacts were no longer available.

**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.

6. Carolyn Finnell, O.D. IR#2017162

Dr. Peller summarized the case as a minor patient was seen by Dr. Finnell for a routine eye exam and for a prescription for eyeglasses. The mother of the patient felt that Dr. Finnell had the prescription wrong compared to two other doctors the patient had seen. She was also upset because Dr. Finnell had a discussion with the minor patient about diet without her present. The patient was upset after her eyes were dilated although Dr. Finnell noted there was no complaint of photophobia.

**MOTION:** Dr. Mach moved to issue a Letter of Concern for possible violation of A.A.C. R4-21-304 for practicing outside the Standard of Care for offering dietetic information and not having a parent or legal guardian included in the discussion of treatment for a minor patient. Mr. Evanoff seconded the motion.

**VOTE:** Motion passed 6-0.

7. David Thomas, O.D. IR#201706

Dr. Chrisagis summarized the case as 1-800 Contacts alleges that Dr. Thomas failed to release a copy of the contact lens prescription when requested. 93 complaints on 30 patients; 12 requests were responded to; some prescriptions were expired, 16 no record of a request from 1-800 Contacts received, one was not a patient of the doctor and one, the doctor couldn't identify the patient. Dr. Thomas was present to address the Board stating that he always responds to any request for records and that 1-800 Contacts has the wrong fax number.

Mr. Keith Call, counsel for 1-800 Contacts was present to address the Board stating that the fax number is valid and that all requests should be responded to regardless of whether the prescription is expired.

**MOTION:** Dr. Lamb moved to issue a Letter of Concern for not releasing a copy of the prescription pursuant to A.A.C. R4-21-305(E)(F) and for not following the FCLCA regarding release of contact lens prescriptions. Dr. Mach seconded the motion.

**VOTE:** Motion failed 0-6.

**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.

8. Thomas Sowash, O.D. IR#201713

Dr. Lamb summarized the case as 1-800 Contacts alleges that Dr. Sowash failed to release a copy of the contact lens prescription when requested. There were faxes sent to Dr. Sowash who does not see patients. Attorney Andrew Sniegowski was present representing Dr. Sowash. He stated he doesn't feel Dr. Sowash should be a target based on the size of his practice and that Dr. Sowash is aware that he should comply with all requests. Dr. Sowash was present and addressed the Board stating he does not see patients in his Arizona practice.

Mr. Keith Call, counsel for 1-800 Contacts was present to address the Board stating that there were 44 violations from August of 2014 to September of 2015 and that the Board received sworn evidence that faxes were sent to a proper fax number.

**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 6-0.

Dr. Husz moved to go into Executive Session for the purpose of legal advice and review of confidential records. Dr. Mach seconded the motion. Motion passed 6-0.

The Board went into Executive Session at 10:05 a.m.  
The Board reconvened Regular Session at 10:21 a.m.

9. Terri Gieske, O.D. IR#201783

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Gieske failed to release a copy of the contact lens prescription when requested. 17 patients; three patients were not seen by Dr. Gieske, 7 no record of a request from 1-800 Contacts and it appears that 7 requests were not responded to by the doctor.

Mr. Keith Call, counsel for 1-800 Contacts was present to address the Board stating that there were 36 violations in this case and the doctor did not respond to all requests.

**MOTION:** Dr. Mach moved to issue a Letter of Concern for failure to release records pursuant to A.R.S. 32-1744(E) and A.A.C. R4-21-305(A)(3)(E)(F). Mr. Evanoff seconded the motion.

**VOTE:** Motion passed 6-0.

10. Lisa Ahuactzin, O.D. IR#2017116

Dr. Lamb summarized the case as 1-800 Contacts alleges that Dr. Ahuactzin failed to release a copy of the contact lens prescription when requested. 4 patients; one no copy of the prescription was available as patient did not follow up to compete; patient last seen in 2011, two patients no request was received from 1-800 Contacts.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

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

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

11. William Huber, O.D. IR#2017203

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Huber failed to release a copy of the contact lens prescription when requested. 1 patient; no prescription available as patient did not follow up to compete.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

12. William Gitchell, O.D. IR#2017204

After initial review of the response and materials submitted by the doctor, the Board continued the case to a future Board meeting in order to obtain further information and response from Dr. Gitchell.

13. Roberto Lucca, O.D. IR#2017209

After initial review of the response and materials submitted by the doctor, the Board continued the case to a future Board meeting in order to obtain further information and response from Dr. Lucca

14. Richard Koop, O.D. IR#2017210

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. R. Koop failed to release a copy of the contact lens prescription when requested. 6 patients; no copy of a request from 1-800 Contacts was received for 3 of the patients, 1 patient was not a patient of Dr. R. Koop.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Mach moved to issue a Letter of Concern for failing to respond to a request for a copy of the prescription pursuant to A.A.C. R4-21-305(E)(F). Dr. Lamb seconded the motion.

**VOTE:** Motion passed 4-1. Dr. Peller recused. Dr. Husz voted no.

15. Mira Bisembina, O.D. IR#2017213

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Bisembina failed to release a copy of the contact lens prescription when requested. 1 patient; was not a patient of Dr. Bisembina.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

16. Peggy Sue Koop, O.D. IR#2017214

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. P. Koop failed to release a copy of the contact lens prescription when requested. 1 patient requested; had not been seen by Dr. P. Koop since 2010.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

17. Mark Peller, O.D. IR#2017220

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Peller failed to release a copy of the contact lens prescription when requested. 1 patient requested; had not been seen in the practice since 2007 and was not a patient of Dr. Peller.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

18. Michael De Rubeis, O.D. IR#2017161

Complaint was withdrawn from consideration at this meeting and will be heard at a future Board meeting.

19. Stuart Adams, O.D. IR#2016163

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Adams failed to release a copy of the contact lens prescription when requested. 4 patients requested; all requests responded to by Dr. Adams.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

20. Trina Cheng, O.D. IR#2017165

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Cheng failed to release a copy of the contact lens prescription when requested. 1 patient requested; all requests responded to by Dr. Cheng.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

21. John Pearson, O.D. IR#2017167

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

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Peller 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.

22. Robert Brown, O.D. IR#2018169

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

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

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

Dr. Mach had some concern over the medical records; the signature of the doctor was illegible and there was no identification of the prescribing doctor.

Dr. Peller withdrew his motion to dismiss. Dr. Husz withdrew her second to the motion.

**MOTION:** Dr Mach moved to issue a Letter of Concern for failure to maintain proper records under A.A.C. R4-21-305(A)(3) as signature of the treating optometrist was illegible and there was no printed name of the prescribing optometrist on the prescriptions. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed 6-0.

23. Raymond Corona, O.D. IR#2017170

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Corona failed to release a copy of the contact lens prescription when requested. 9 complaints for 6 patients; all requests responded to by Dr. Corona.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

Dr. Mach had some concern over the medical records; the signature of the doctor was illegible and there was no identification of the prescribing doctor.



**MOTION:** Dr Mach moved to issue a Letter of Concern for failure to maintain proper records under A.A.C. R4-21-305(A)(3) as signature of the treating optometrist was illegible and there was no printed name of the prescribing optometrist on the prescriptions. Dr. Lamb seconded the motion.

**VOTE:** Motion passed 6-0.

24. Navdeep Gill, O.D. IR#2017176

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Gill failed to release a copy of the contact lens prescription when requested. 1 patient; no requests received by 1-800 Contacts.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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 6-0.

25. Michael Johnson, O.D. IR#2017177

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Johnson failed to release a copy of the contact lens prescription when requested. 4 complaints for 3 patients; all requests responded to by Dr. Johnson.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

26. Franklin Middleman, O.D. IR#2017180

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Middleman failed to release a copy of the contact lens prescription when requested. 1 patient; all requests responded to by Dr. Middleman.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Peller 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.

27. Leslie Weintraub, O.D. IR#2017181

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Weintraub failed to release a copy of the contact lens prescription when requested. 1 patient; all requests responded to by Dr. Weintraub.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Peller 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.

28. Kenneth Jeffers, O.D. IR#2017182

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Jeffers failed to release a copy of the contact lens prescription when requested. 1 patient; all requests responded to by Dr. Jeffers.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

29. Dawn Heffelfinger, O.D. IR#2017186

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Heffelfinger failed to release a copy of the contact lens prescription when requested. 4 patients; all requests responded to by Dr. Heffelfinger.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Peller 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.

30. Dana Bates, O.D. IR#2017187

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Bates failed to release a copy of the contact lens prescription when requested. 3 patients; 2 no request received from 1-800 Contacts, 1 request responded to by Dr. Bates.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

31. Timothy Powell, O.D. IR#2017197

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

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**MOTION:** Dr. Lamb 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.

32. David Toland, O.D. IR#2017199

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Toland failed to release a copy of the contact lens prescription when requested. 1 patient; not a patient of Dr. Toland.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

33. Daniel Thomas, O.D. IR#2017200

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Thomas failed to release a copy of the contact lens prescription when requested. 1 patient; no requests received from 1-800 Contacts.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

34. Chau Do, O.D. IR#2017201

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Do failed to release a copy of the contact lens prescription when requested. 4 complaints for 2 patients; 1

patient is not Dr. Do's, patient T.M. was last seen over seven years ago, records are no longer in possession of the doctor, all other requests responded to by Dr. Do.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

35. Kent Kneip, O.D. IR#2017202

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Kneip failed to release a copy of the contact lens prescription when requested. 3 patients; 1 no request received from 1-800 Contacts, 1 patient not Dr. Kneip's patient, all other requests responded to by Dr. Kneip.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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.

36. Michael Rollins, O.D. IR#2017217

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Rollins failed to release a copy of the contact lens prescription when requested. 2 patients; 1 patient not Dr. Rollins's, 1 no request received from 1-800 Contacts.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

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

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

37. Michael Clark, O.D. IR#2017218

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Clark failed to release a copy of the contact lens prescription when requested. 5 complaints on 4 patients; 1 was an eyeglass exam, 1 request not received from 1-800 Contacts, all other requests responded to by Dr. Clark.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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 5-0. Dr. Peller recused.

38. Melissa Gabriel, O.D. IR#2017219

Dr. Husz summarized the case as 1-800 Contacts alleges that Dr. Gabriel failed to release a copy of the contact lens prescription when requested. All patients listed in the complaint from 1-800 Contacts were seen in the practice after Dr. Gabriel left the practice.

Mr. Keith Call, counsel for 1-800 Contacts was present but had no comment on this case.

**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 5-0. Dr. Peller recused.

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

- 39. Baier, Karly
- 40. Bradshaw, Timothy
- 41. Chmielewski, Jason
- 42. Dickert, Rachel
- 43. Labuff, Sherah
- 44. Martinez, Ryan
- 45. Nguyen, Christina
- 46. Rodgers, Loren
- 47. Sandhu, Jeevan
- 48. Schweiger, James
- 49. Stipanovic, Michelle
- 50. Varney, Kelly
- 51. West, Lauren

**MOTION:** Dr. Lamb moved to approve item 39 for licensure. Dr. Peller seconded the motion.

**VOTE:** Motion passed 6-0.

**MOTION:** Dr. Lamb moved to approve items 40 thru 51 for licensure. Dr. Peller seconded the motion.

**VOTE:** Motion passed 6-0.

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

- 52. Kolenda, Kevin
- 53. Palatnick, Allan

54. Smith, Jeffrey

**MOTION:** Dr. Husz moved to approve items 52 and 54 for licensure. Dr. Peller seconded the motion.

**VOTE:** Motion passed 6-0.

**MOTION:** Dr. Mach moved to approve item 53 for licensure. Dr. Peller seconded the motion.

**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 2018**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	None.		

**H. REQUEST FOR WAIVER OF HOURS OR EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION PURSUANT TO A.A.C. R4-21-212.**

55. Robert Maynard, O.D.

The Board discussed Dr. Maynard’s request for an extension and determined it met the requirements under A.A.C. R4-21-212.

**MOTION:** Dr. Lamb moved to approve item 55 for an extension/change of regular hours of Continuing Education to correspondence hours of Continuing Education for the purposes of license renewal, allowing 22 hours of self-instructed media for this renewal period only. Dr. Peller seconded the motion.

**VOTE:** Motion passed 6-0.

**I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON COPE APPROVED SELF-INSTRUCTED MEDIA CONTINUING EDUCATION COURSES; NUMBER OF HOURS ALLOWED FOR LICENSE RENEWAL:**

Dr. Mach discussed self-instructed media that may web-based and COPE approved; what is considered “self-instructed media” versus “web-based”. Ms. Whelan read, to the Board, the current definition of “self-instructed media” as stated in rule. It is clear that “web-based” courses fall under the definition of self-instructed media and that all self-instructed media shall be COPE approved. Dr. Mach also discussed the possible need to expand the number of hours of self-instructed media to more than 12 hours. The Board is interested in changing the number of self-instructed media hours but it would require a rule change. The discussion moved to the issue of a COPE mandate to eliminate the need for delineation of self-instructed media, including live web-based courses and physically attended courses for Continuing Education so a licensee could get all required hours online if they wanted.

**J. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON JURISPRUDENCE COMPETENCY FOR LICENSE RENEWAL; JURISPRUDENCE EXAM:**

Dr. Lamb informed staff that the Board only needs the first page of the applicant's exam showing the score when reviewing the materials for approval. Ms. Whelan acknowledged Dr. Lamb and will begin only submitting the score to the Board.

Dr. Chrisagis has some concern that the only time a licensee takes any kind of jurisprudence exam is when they are licensed so, a licensee who was licensed 20 years ago may not have the proficiency they need regarding the current law if they do not keep up with the changes to it while they remain licensed. Dr. Chrisagis suggested testing every other renewal period as part of the renewal process. This would require a rule change which the Board feels that it would benefit the public as all licensees would keep updated on the statutes and rules that govern their practice.

Dr. Husz suggested having a questionnaire of the statutes and rules included in the renewal application so that the licensee would have to affirmatively respond that they have proficient knowledge of the Optometric Practice Act.

Ms. Whelan stated she would do further research to see what other boards are doing to address this issue and put on a future agenda for further discussion.

**K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON FORM AND MAINTENANCE OF BOARD MEETING MINUTES PURSUANT TO SB1452:**

Ms. Whelan read the language of the bill to the Board. The language is clear as to what is required of the Board regarding the audio recording; the Governor's office stated that the Board would no longer have to do written minutes, however, Ms. Whelan disagrees that the recording should be the only public record and recommended to the Board that they continue to have written minutes as part of the historical record of the Agency. The Board agreed that the recordings will be kept for three years as part of compliance with the bill but written minutes will still be part of the Board's process for keeping an official record.

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

56. None.

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

- 57. Budget update
- 58. Move update
- 59. Future agenda items
- 60. Future Board meeting dates

Budget:

100% of FY elapsed; Board spending at 99.44% with a beginning cash balance of \$280,384 and an ending cash balance of \$283,608.

Move update:

Ms. Whelan reported that the move is taking place on January 5, 2018; the Board office is moving to 1740 W. Adams St. The Board's cost for the move is \$4500. There are some increased costs as the new building will have armed guards/security, rent is increasing and each Board is contributing to a full-time employee to be located in the lobby to manage the customer intake. More information will be available as the move gets closer.

No future agenda items were requested.

Future Board meeting dates are August 18, 2017 and October 13, 2017.

**N. CALL TO PUBLIC:**

Dr. Chrisagis made a call to the public at 11:48 a.m.

No one addressed the Board.

**O. MOTION TO ADJOURN:**

Dr. Peller moved to adjourn the meeting at 11:48 a.m. Mr. Evanoff seconded the motion.

The meeting was adjourned at 11:48 a.m.

**END OF MINUTES:**

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

\_\_\_\_\_  
Date