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| <p><b>Douglas A. Ducey</b><br/>Governor</p> <p><b>Kelly Moffat, O.D.</b><br/>President</p> <p><b>Darcy Jones, O.D.</b><br/>Vice President</p> | <br><b>Arizona State Board of Optometry</b><br>1740 West Adams St., Suite 3003<br>Phoenix, AZ 85007 | <p><b>Margaret Whelan</b><br/>Executive Director</p> |
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**DRAFT MINUTES FOR REGULAR (VIRTUAL) MEETING  
APRIL 2, 2021 SCHEDULED TO COMMENCE AT 9:00 A.M.**

**Board Members**

Kelly Moffat, O.D., President  
Darcy Jones, O.D., Vice-President  
Stephanie Mastores, O.D.  
John Chrisagis, O.D.  
Matthew Hunter, O.D.  
Vacant, Public Member  
Vacant, Public Member

**Staff:**

Margaret Whelan, Executive Director  
Vacant, Licensing Administrator

**Legal Counsel:**

Mona Baskin, Assistant Attorney General

**A. CALL TO ORDER: Dr. Moffat**

Dr. Moffat called the meeting to order at 9:01 a.m.

**B. ROLL CALL: Ms. Whelan**

Members Present: Kelly Moffat, O.D., President  
Darcy Jones, Vice President  
Stephanie Mastores, O.D.  
John Chrisagis, O.D.  
Matthew Hunter, O.D.

Members Absent: Public Member, Vacant  
Public Member, Vacant

Legal Counsel Present: Mona Baskin, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director

Dr. Moffat read the “Board Meeting Statement of Purpose” to begin the meeting.

**C. PRESIDENT’S REPORT:**

**Dr. Moffat**

Dr. Moffat informed the Board of the upcoming audit by the Auditor General Office and warmly invited the Auditors to an upcoming Board meeting to engage the Board.

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

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).

1. Emily Marsh, O.D. IR#202108  
Zachary Pfau, O.D.

Dr. Moffat summarized the case as patient got eyeglasses but couldn’t see out of them. After much back and forth with the patient, money for glasses was refunded. Dr. Marsh was present to address the Board stating patient has a +3 diopter with imbalance. The patient had memory issues which made the visit a more complex situation along with the complex prescription. Dr. Pfau was present to address the Board stating he also had challenges communicating with the patient to get a proper prescription. Dr. Mastores and Dr. Chrisagis commented that with the patient’s prescriptive needs, it’s a very hard fit for eyeglasses.

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

**VOTE:** Motion passed by roll call vote 5-0.

2. Michael Rollins, O.D. IR#202109

Dr. Jones summarized the case as the eyeglass prescription was wrong and the patient could not utilize them and that the patient was told by the doctor’s office she would have to wait weeks to be seen. The patient was present to address the Board stating her eyes were “fighting each other” and got headaches where she couldn’t drive. Dr. Mastores commented that it’s hard when glasses are made outside of a doctor’s office as they have no control over whether the prescription in the glasses is correct. Dr. Moffat found it inappropriate that Dr. Rollins didn’t get the patient in sooner with the chief complaint of headaches and eye pain.

**MOTION:** Dr. Chrisagis moved to issue a Letter of Concern for falling below the standard of care for lack of proper communication with the patient and with staff regarding the patient’s need for prompt follow up. Dr. Jones seconded the motion.

**VOTE:** Motion passed by roll call vote 5-0.

3. Mike Wu, O.D.

IR#202110

Dr. Moffat summarized this case as the patient came in to the appointment on December 4, 2020 with no face mask. The office staff informed patient and a sign was on the door regarding use of mask while in the office (due to COVID-19 pandemic). The patient alleged there was no sign requiring the use of a mask and became verbally abusive, using profanity and other language towards staff and in the office waiting room over the issue. The patient was asked to leave and no exam was performed.

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

**VOTE:** Motion passed by roll call vote 5-0.

4. Susan Reckell, O.D.

IR#202111

Dr. Jones summarized the case as the patient received a text to order more contact lenses however, the prescription was expired as her last exam was 18 months prior. When the patient went to see the doctor for prescription, she alleges she was called a "contact lens abuser" by the doctor for wanting her prescription extended. The patient was present to address the Board stating she felt angry, hurt and uncomfortable being called that. The doctor responded in the complaint that the patient's statements were unfounded. Dr. Mastoris commented that she has a lenient policy for contact lens prescription refills during COVID-19. Dr. Moffatt commented that the patient should not have been spoken to this way.

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

**VOTE:** Motion failed by roll call vote 2-3. Drs. Chrisagis, Mastores and Moffat voted no.

**SECOND MOTION:** Dr. Chrisagis moved to issue a Letter of Concern for improper conversations or communication with a patient and lack of staff training on how to handle the situation. Dr. Mastores seconded to the motion.

**VOTE:** Motion passed by roll call vote 4-1. Dr. Jones voted no.

5. Victor Calderon, O.D.

IR#202113

Dr. Moffatt summarized the case as patient saw Dr. Calderon on September 12, 2019 for a one-month follow-up and glaucoma check. The patient returned September 16, 2019 complaining of pain. The patient believes Dr. Calderon fraudulently altered the records. The patient was present to address the Board stating that the records show that she saw Dr. Hodges but she never saw him. Patient stated she is in chronic pain and has inflammation in the upper eyelid four days after the first visit when she had no eye pain prior to this issue. The patient felt the doctor was unprofessional and dismissive and at the doctor altered the patient record after a contentious meeting with him. Dr. Calderon was present but did not address the Board. Ms. Jodi Mullis, legal

counsel for Dr. Calderon was present to address the Board. She stated the record was never altered by Dr. Calderon. During discussion, Dr. Moffat stated edema is not caused by pachymetry and that all the electronic medical records were received from Dr. Calderon. She further stated that all the records can be signed hours after the visit as a regular practice. Dr. Chrisagis stated he had some issues with the quality of care, not just the records and that the drops could have caused

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

**VOTE:** Motion passed by roll call vote 4-1. Dr. Chrisagis voted no.

6. Paige Blom, O.D.

IR#202114

Dr. Moffat summarized the case as on January 25, 2021 it was noted by the patient that there were several COVID-19 and HIPAA violations, as well as a no security of the patient charts in a crowded office, no sanitizer and no social distancing within the testing center. Dr. Blom was present to address the Board stating that she is a fill-in doctor so she's not responsible for the office policy however, the office is cleaned and sanitized regularly and in between each patient. The Board discussed the fact that regardless of whether or not Dr. Blom is a fill-in doctor, each optometrist, by law, is an independent optometrist and is therefore responsible for their office and their patient records.

**MOTION:** Dr. Chrisagis moved to issue a Letter of Concern for possible violation of A.A.C. R4-21-305(F) by not storing the records in a way that is safe and secure. Dr. Jones seconded the motion.

**VOTE:** Motion passed by roll call vote 4-1. Dr. Moffat voted no.

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

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).

1. ~~Bazua, Daniel~~

Withdrawn from consideration at this time; no Board discussion.

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

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).

1. Brent Hartzell, O.D.

The Board reviewed the renewal application and determined that Dr. Hartzell met the requirements for renewal.

**MOTION:** Dr. Moffat moved to accept Dr. Hartzell's application for renewal of license. Dr. Jones seconded the motion.

**VOTE:** Motion passed by roll call vote 5-0.

**G. EXECUTIVE DIRECTOR APPROVAL OF NEW LICENSE APPLICATIONS PURSUANT TO A.R.S. 32-3123:**

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).

1. Approved February 5, 2021-April 1, 2021

- a. Heidi Sutter, O.D.
- b. Kathleen Vize, O.D.
- c. Michelle Go Mijares, O.D.
- d. Ryan Capouch, O.D.
- e. Sandy Tran, O.D.
- f. Sheela Kesavalu, O.D.

For the record only; no discussion or action taken

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

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).

1. Gayle Daniels, O.D.

The Board reviewed the application for Volunteer Health Services.

**MOTION:** Dr. Jones moved to approve item H1 for Volunteer Health Services. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed by roll call vote 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):**

1. NSU Florida, Tutoring and Testing Center, Fort Lauderdale, FL; [nova.edu](http://nova.edu)
2. Eye Assoc. of New Mexico Vision Research Center, Albuquerque, NM; Proctor, Rebecca Callahan, O.D., Adjunct Professor, Midwestern Univ.; <https://www.eyenm.com/vision-research/>
3. Arizona Optometric Assoc., Phoenix, AZ; Proctor, Stacey Meier, O.D., <https://www.azoa.org/>
4. Oklahoma College of Optometry, Tahlequah, OK; <https://optometry.nsuok.edu/Clinics/default.aspx>
5. University of Calgary External Exam Centre, Calgary, Alberta, Canada; <https://www.ucalgary.ca/registrar/exams/external-exam-centre>

**MOTION:** Dr. Chrisagis moved to approve items 1, 2, 4 and 5 as testing centers for proctoring of Jurisprudence exam. Dr. Jones seconded the motion.

**VOTE:** Motion passed by roll call vote 5-0.

**MOTION:** Dr. Moffat moved to deny item 3 as a testing center for proctoring of Jurisprudence exam. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed by roll call vote 5-0.

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

The Board may review and discuss the listed items. 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).

1. Budget/Accounting update
2. Staff activity/updates
3. Executive Orders; active/expired
4. 2021 Legislative Session/Legislation; HB2014, HB2128, HB2029, HB2034, HB2242, HB2243, HB2267, HB2433, HB2271, HB2319, SB1063, SB1139
5. Future agenda items
6. Future Board meeting dates

**K. CALL TO PUBLIC:**

Pursuant to A.R.S. §38-431.01(G), Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. Members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

Dr. Moffat made a call to the public at 11:54 a.m. No one addressed the Board at this time.

**L. MOTION TO ADJOURN:**

Dr. Chrisagis moved to adjourn the meeting at 11:55 a.m. Dr. Jones seconded the motion.

The meeting was adjourned at 11:55 a.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date