

Douglas A. Ducey
Governor

John Chrisagis, O.D.
President

Marla Husz, O.D.
Vice President



Arizona State Board of Optometry
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**FINAL MINUTES FOR REGULAR MEETING
JANUARY 20, 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 9:00 a.m.

B. ROLL CALL:

Ms. Hollins

Members Present:

John Chrisagis O.D., President
Marla Husz, O.D., Vice President - telephonically
Brian Mach, O.D.
Michael Lamb, O.D.
Blake Whiteman, Public Member – arrived at 9:08
George A. Evanoff, Public Member

Members Absent:

Mark Peller, O.D.

Legal Counsel:

Mona Baskin, Assistant Attorney General

Staff Present:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Chrisagis

Dr. Chrisagis thanked Board Staff and the Assistant Attorney General for a great November Board meeting; some components of this agenda were taxing but the meeting was well organized and ran efficiently.

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

1. Michael Ray, O.D. IR#2017101

Dr. Mach summarized the case as patient saw doctor for a prescription for computer/reading glasses but was given a prescription for distance and near. In his response to the Board, Dr. Ray stated he felt the optician should have modified the prescription and not him when the patient requested a change in prescription.

MOTION: Dr. Lamb moved to issue a Letter of Concern for giving improper authority to a dispensing optician to change a prescription. Dr. Mach seconded the motion.

VOTE: Motion passed 5-0. Mr. Whiteman abstained.

2. Zahra Lalwani Lasse, O.D. IR#2017102

Dr. Lamb summarized the case as the doctor is prescribing to family members which is outside the scope of practice and the medications prescribed are also not within the scope of practice. No copies of any prescriptions to said family members were provided as proof to support the allegation.

MOTION: Dr. Lamb moved to dismiss the case as not enough information was provided for evidentiary support of the allegation and therefore, no violation of the optometric practice act was found. Dr. Mach seconded the motion.

VOTE: Motion passed 6-0.

3. John Mabry, O.D. IR#2017103

Dr. Chrisagis summarized the case as patient presented for a routine exam. Patient was wearing contact lenses which caused burning in eyes but wanted a prescription for the same lenses. Patient didn't want dilation and did not return to the doctor for a contact lens follow up. The doctor ultimately refunded money to the patient as a good faith gesture.

MOTION: Dr. Mach 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.

4. Jeffrey Jackson, O.D. IR#2017104

Dr. Mach summarized the case as the patient felt that the doctor failed to diagnose the condition of cataracts. Also the patient wanted to fill a two year old prescription which the doctor refused to do based on the fact that the prescription was old and there was no current eye exam for the patient. The patient records submitted to the Board did not show any information that would be a precursor to cataracts or that there was a lack of diagnosis of cataracts.

MOTION: Dr. Mach 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.

5. Michael Hanley, O.D. IR#2017105

Dr. Chrisagis summarized the case as the patient wanted a refraction and was charged for one but didn't think one was performed. According to the doctors records submitted to the Board, a refraction was indeed performed and was appropriately charged.

MOTION: Dr. Mach 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. Lamb recused from this discussion and vote due to conflict of interest.

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

6. Victor Calderon, O.D.
7. Guramritpal Dhott, O.D.

The Board reviewed and discussed item 6. and took no action as the provisions of the law were met.

The Board reviewed and discussed item 7. The doctor did not meet the reporting requirements of the law.

MOTION: Dr. Lamb moved to issue a Letter of Concern to Guramritpal Dhott, O.D. for unprofessional conduct due to failure to report an arrest in a timely manner under the law. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

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

8. Stephen Cohen, O.D.

Dr. Lamb stated the report is indicative that Dr. Cohen has successfully improved or amended his processes as required in the Probationary Order. Dr. Husz stated that one of the reasons the Board passed this Order is to ensure that important factors weren't missed by Dr. Cohen when making diagnoses.

MOTION: Dr. Lamb moved to terminate the Probationary Order due to successful completion of its terms. Dr. Mach seconded the motion.

Dr. Cohen was present (telephonically) and addressed the Board stating that it was a humbling experience having to appear before the State Board and he initially felt that it would have been easy to view the process as punitive, however, he acknowledged the great mission of the Board to protect the integrity of the profession and the public in which it serves. He stated he has learned so much from this process and is grateful for the new knowledge gained from his interaction with colleague and auditor Christina Sorenson, O.D., who he states is a fair evaluator and an amazing teacher. Dr. Cohen listed the numerous positive changes that have been made in his practice due to having gone through this process. He stated the current report reflects his hard work and he is proud of the strides he has made to improve his processes and practice and thereby more effectively serving his patients.

VOTE: Motion passed 6-0.

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

9. Gayle Daniels, O.D.

MOTION: Dr. Husz moved to accept the Volunteer application as submitted. Dr. Lamb seconded the motion.

VOTE: Motion passed 6-0.

Dr. Husz indicated that she would like Board staff to add a field on the application that requires the doctor applying to state their business here while they are temporarily practicing in Arizona. The revised changes are to be submitted for Board approval at the next Board meeting.

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

10. Alvarez, Christian
11. Hickson, Heather
12. Kenworthy, Pierce
13. Luu, Elizabeth
14. Nguyen, Tu Uyen

MOTION: Dr. Lamb moved to approve items 10 thru 14 for licensure. Dr. Mach seconded the motion.

VOTE: Motion passed 6-0.

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

- 15. Bogaard, Patricia
- 16. Roubos, Andrew

MOTION: Dr. Lamb moved to approve items 15 and 16 for licensure. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

J. REVIEW, DISCUSSION AND POSSIBLE ACTION ON CPR CERTIFICATION:

Dr. Mach discussed the different types of CPR courses and which ones were required under A.A.C. R4-21-205.1. As the rule does not designate a specific requirement, any course related to the optometrist's practice, including ACLS, CPR with AED, BLS and online courses would be acceptable.

K. 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.	The 6 th Annual Concussions:2017 -CACTIS Foundation	02/11/17	6.5 Regular
b.	Chicagoland Retina Update-Chicagoland Eye & Retina Foundation	2/1/17	3 Regular

The Board discussed the application of item a. as it relates to optometrists. Dr. Lamb stated that the course content would qualify as valuable CE for an optometrist and meets the requirements of the law. Mr. Whiteman added that this was not an application submitted by the provider of the CE and asked if the Board allows anyone other than the provider to submit a course for approval. Ms. Whelan informed the Board that it is in the law that the provider or a licensee can submit an application for CE approval. Dr. Lamb stated that the course offers a concept that is becoming more relevant to the practice of optometry. The Curricula Vitae for the speakers of this course were not submitted with the application as required.

MOTION: Dr. Lamb moved to approve item a. for continuing education. Dr. Chrisagis seconded the motion.

Mr. Whiteman suggested that the Board send a letter to the provider and make it a practice that the Board informs them that an attendee wants to take their course and to send all information needed to the Board. Ms. Whelan informed the Board that the law already requires a submitter, whether a licensee or the provider of a course, to comply with A.A.C. R4-21-210 to submit all required documents for the application to the Board.

Ms. Whelan offered that based on the current submission, the Board could ask for a contingency approval upon the Curricula Vitae being submitted to and reviewed by staff.

AMENDED MOTION: Mr. Whiteman moved to approve item a. for continuing education contingent upon receipt by staff of qualified Curricula Vitae of the speakers for this course. Dr. Lamb accepted the amended motion. Dr. Chrisagis seconded the amended motion.

VOTE: Motion passed 6-0.

Item b. was withdrawn from consideration as the application for approval was incomplete.

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

17. November 18, 2016 Regular Session Minutes
18. November 18, 2016 Executive Session Minutes
19. November 18, 2016 Second Executive Session Minutes

MOTION: Dr. Mach moved to accept Dr. Husz's amendment of item 17; amending item D.14 on the November minutes to reword the first sentence for clarification. Mr. Evanoff seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Lamb moved to approve item 18 as submitted. Dr. Mach seconded the motion.

VOTE: Motion passed 6-0.

Item 19 was tabled until the next meeting for further review.

M. EXECUTIVE DIRECTOR'S REPORT:

20. Budget update
21. Legislative update; potential bills; consolidation
22. 1-800 Contacts complaint status
23. Future agenda items
24. Future Board meeting dates

Budget:

50% of FY elapsed; Board spending at 37.60% with a beginning cash balance of \$224,258 and an ending cash balance of \$214,106. The total cost of processing the 1-800 Contacts complaint is not yet included in the Board's spending.

Legislation:

No bills for optometry have surfaced yet. There has also not been a bill introduced for the consolidation effort by the Governor. I did come across SB1123 which would put into law the Governor's Executive Order prohibiting state agencies hiring a lobbyist.

1-800 Contacts update:

The Board, at its November 18, 2016 requested that 1-800 Contacts submit, by December 31, 2016, any and all documentation they wish the Board to review for this complaint. After that date, no further information for this complaint would be accepted. The Board also asked for a memo of intent as to the direction 1-800 Contacts was going with the complaint because, since the submission, there has been great dialogue by 1-800 Contacts as to what they actually wanted with this complaint. 1-800 Contacts complied with the Board's request and submitted both the memo and additional documentation as of December 31, 2016. Board staff is reviewing the materials at this time in order to properly process the new information and move forward with resolving this complaint. Continued review of the 1-800 Contacts complaint may be heard starting with the February 17, or March 17 Board meeting.

N. CALL TO PUBLIC:

Dr. Chrisagis made a call to the public at 9:59 a.m.

No one addressed the Board.

O. MOTION TO ADJOURN:

Dr. Chrisagis moved to adjourn the meeting at 10:00 a.m. Dr. Lamb seconded the motion.

The meeting was adjourned at 10:01 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date