

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
MARCH 18, 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

Dr. Chrisagis reported that an article came out that the Michigan State Board of Optometry issued a Cease and Desist Order against Opternative.com. and recommended the Board members review the article for a possible future discussion.

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

1. Donald Schore, O.D. IR#201603

This case was continued from the January 18, 2016 Board meeting. During the initial review of the complaint, it was determined that the medical records for the patient were not included in Dr. Schore's original response. The Board continued the case to obtain said records.

Dr. Peller summarized the case patient P.V. was seen for a comprehensive eye exam on February 8, 2014. The exam records showed the patient's eyes were normal however the patient had a macular hole. No further treatment was done by Dr. Schore however, the Board felt that the patient should have been dilated or referred to an ophthalmologist at that time. Patient P.V. was present to address the Board. Patient stated she was uncomfortable with Dr. Schore's diagnosis and has had continuous vision problems. Dr. Schore stated in the records that P.V. was a perfect candidate for monovision lenses and that she wanted contact lenses. The patient subsequently had surgery to repair the macular hole. The Board directed staff to obtain medical records from Michael DeSouza, M.D. and Kenneth Jeffers, O.D., as they had seen patient P.V. during this time.

MOTION: Dr. Lamb moved to go to Informal Interview for discussion of suspected failure, pursuant to A.R.S. 32-1701(8)(f)(g), to diagnose a macular hole; substandard or incomplete recordkeeping under A.A.C. R4-21-305 and possible violation of A.R.S. §32-1743(A)(10). Dr. Peller seconded the motion.

VOTE: Motion passed 7-0.

2. Todd Geiler, O.D. IR#201608

Dr. Husz summarized the case as patient saw Dr. Geiler for an eyeglass prescription. Dr. Geiler omitted prism that was in the patient's previous eyeglass prescription. Patient was upset that the glasses were now "wrong" and that he was billed \$40 for a medical exam for the eyeglass recheck. After review of the records submitted, it does not appear that Dr. Geiler charged the patient for the recheck, and subsequently provided a new prescription with the prism included in the lenses.

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 7-0.

3. Jeffrey Bergeson, O.D. IR#201612

Dr. Lamb summarized the case as patient was diagnosed with dry eye and was prescribed a steroid. The patient did not want the steroid as it was too expensive and asked for a cheaper medication. Dr. Bergeson prescribed a different medication for the patient. The patient subsequently had an issue with their eye and consulted a pharmacist who sent the patient to the emergency room. It was not clear as to why the pharmacist would refer the patient to the emergency room and not back to the treating physician as the issue was not an emergency situation. Dr. Bergeson did not see the patient again and was therefore not able to address any issues with the medication.

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.

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

4. Burtner, Justin
5. Gish, Anthony
6. Lan, Esther
7. Terauchi, Aimee

MOTION: Dr. Lamb moved to approve items 4, 6 and 7 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 7-0.

MOTION: Dr. Lamb moved to approve item 5 for licensure. Dr. Husz seconded the motion.

VOTE: Motion passed 7-0.

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

8. Hattan, Dean
9. Hawkins, Heidi

MOTION: Dr. Lamb moved to approve items 8 and 9 for licensure. Dr. Mach seconded the motion.

VOTE: Motion passed 7-0.

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 2016

	Continuing Education	Date	No. of hours requested
a.	HESLC Spring 2016 CE Event (Horizon Eye Specialists)	4/14/16	3 Regular
b.	NJOY Vision/NSUOCO-BA PRK Certification Course	1/29-1/30/16	10 Regular

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

VOTE: Motion passed 7-0.

MOTION: Dr. Lamb moved to accept item b for six (6) hours of didactic training only. Dr. Husz seconded the motion.

During discussion, Board could not determine how to extract just six hour of didactic education when the courses may have to be partial or combined to do so.

Dr. Lamb withdrew his motion. Dr. Husz withdrew her second to the motion.

MOTION: Mr. Whiteman moved to accept item b. for only 3 hours of regular CE hours only. Dr. Peller seconded the motion.

VOTE: Motion passed 6-1. Dr. Mach voted no.

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

- 10. January 15, 2016 Regular Session Minutes

MOTION: Dr. Lamb moved to approve item 10. with amendments on page two of the draft minutes. Dr. Mach seconded the motion.

VOTE: Motion passed 7-0.

I. EXECUTIVE DIRECTOR'S REPORT:

- 11. Budget update
- 12. Review of Current Legislative Activity (2016); HB2501, HB2523
- 13. Rules update on effective date of new rules
- 14. Complaints received by 1-800 Contacts
- 15. Future agenda items
- 16. Future Board meeting dates

Ms. Whelan reported that as of February 29, 2016, the beginning cash balance was \$231,698 with an ending cash balance of \$231,718. At this time, 66.67% of the fiscal year has elapsed with the Board's spending at 52.06%.

House Bill 2501 was passed in the House and is currently in the Senate. To date, it has passed the Senate Health Committee and the Senate Government Committee. The Bill is still to be heard in the Senate Appropriations Committee which is scheduled for March 22, 2016 at 2 p.m. An update will be reported at the next Board meeting.

House Bill 2523, the contact lens/prescription bill regarding changing the expiration date to three years for contact lenses was defeated in the House. An attempt was made to hear the Bill in the Senate however, it is still being held at this time.

New rules will be effective on April 19, 2016. A postcard or letter is being sent to all licensees by the end of March.

The 1-800 Contact Lens complaint that was submitted to the Board is voluminous with 3261 total complaints for 525 named doctors. The Board will be following its regular processes, pursuant to statutes and rules, for opening and investigating each complaint. Complaints will be placed on agendas as they become complete and ready for the Board's review.

Future agenda items requested were a potential discussion sometime before the end of the summer on opternative.com as it relates to the practice of the profession of optometry in Arizona.

Future board meeting dates are April 15, 2016 and June 17, 2016; there'll be no May Board meeting as we do not have a quorum.

J. CALL TO PUBLIC:

Dr. Chrisagis made a call to the public at 9:50 a.m. No one addressed the Board

K. MOTION TO ADJOURN:

Dr. Husz moved to adjourn the meeting at 9:51 a.m. Mr. Whiteman seconded the motion.

The meeting was adjourned at 9:51 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date