

**Douglas A. Ducey**  
Governor

**Brian Mach, O.D.**  
President

**Michael Lamb, 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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Telephone (602) 542-8155 • Fax (602) 542-3093

**FINAL MINUTES FOR REGULAR MEETING  
JULY 17, 2015 SCHEDULED TO COMMENCE AT 9:00 A.M.**

**Board Members**

Brian Mach, O.D., President  
Michael Lamb, O.D., Vice-President  
Marla Husz, O.D.  
John Chrisagis, 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. Mach**

Dr. Mach called the meeting to order at 9:02 a.m.

**B. ROLL CALL:**

**Ms. Hollins**

Members Present:

Brian Mach O.D., President  
John Chrisagis, O.D.  
Marla Husz, O.D.  
Mark Peller, O.D.  
George A. Evanoff, Public Member  
Blake Whiteman, Public Member

Board Members Absent:

Michael Lamb, O.D., Vice President

Legal Counsel:

Mona Baskin, Assistant Attorney General

Staff Present:

Margaret Whelan, Executive Director  
Paula Hollins, Licensing Administrator

**C. PRESIDENT'S REPORT:**

**Dr. Mach**

Dr. Mach recognized Dr. Peller's amazing acting skills in the new Nationwide Vision commercials.

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

1. Jeffrey Bergeson, O.D. IR#201522

Dr. Mach summarized the case as patient had cataract surgery, was not satisfied with the outcome and wasn't satisfied with follow-up surgical care by Dr. Bergeson. Patient told doctor he couldn't see but Dr. Bergeson told patient he could see based on records submitted. Patient J.T. was present via telephone to address the Board Mr. Whiteman asked patient if he complained of anything other than not being able to read the eye chart. Patient J.T. stated his complaint is that he could not see and could not read the charts and that the report showed that he had no complaints, which was untrue. Patient saw Dr. Bergeson again two days later and stated he still couldn't see the second line of the chart and had blurred vision however, Dr. Bergeson's notes said his vision was 20/20. The patient was sent by Dr. Bergeson to a cataract specialist who found nothing wrong with the eyes and stated that if he still couldn't see, it was because the wrong lens was used during surgery. The patient complained that Dr. Bergeson just wanted him to get glasses and not fix the problem from eye surgery. Dr. Peller said the record showed that Dr. Pfister referred patient back to Dr. Bergeson on January 19, 2015 to check for prism due to thyroid-induced strabismus and posterior capsular opacification patient had; Dr. Pfister agreed to do the exchange of the lens but that it was against his medical advice. Dr. Chrisagis felt the glasses may have solved the problem however the patient refused to get glasses. Dr. Mach questioned whether this was an issue with the care from the optometrist, a surgical issue or a complex medical issue; stating that he felt it was the latter and that he did not see a violation statutes or rules by Dr. Bergeson.

**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.

2. Candria Meharry, O.D. IR#201523

Dr. Husz summarized the case as Dr. Meharry had a lease at Pearle Vision and when she left the practice did not take her records. Dr. Meharry was present to address the Board and stated that her contract has a medical record protocol and that she was able to leave the records at the location with the ability to retrieve them at a later date. After review of the contract by the Board, Mr. Whiteman felt the protocol was followed pursuant to the contract and recommended dismissal.

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

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

3. Leo Biglaiser, O.D. IR#201524

Dr. Peller summarized the case as the grandfather took his four-year-old granddaughter to see Dr. Biglaiser for an eye exam. Dr. Biglaiser used a number chart that the child may not have been able to read causing him to become impatient with the child, speaking firmly and holding her head to direct her to look in a certain gaze, however it did not appear that Dr. Biglaiser acted inappropriately during eye exam as he was just trying to complete the exam with a very young and unstill child.

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

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

4. David Anderson, O.D. IR#201525

Dr. Chrisagis summarized the case as this was an assault by Dr. Anderson that may or may not have happened outside of the practice on the doctor's personal time however, it is unclear as to what time of day it was and which party is responsible for initiating a fight. While the Board did receive a response from Dr. Anderson, there was no final police report submitted regarding this complaint. Also in the allegations, the complainant noted that there was a previous assault by Dr. Anderson against his ex-wife which was not included in the original documentation received by the Board. Secondly, there is a failure to report in a timely manner pursuant to A.R.S. §32-3208 and unprofessional conduct. The Board continued the case to request the police report and follow-up with Dr. Anderson for explanation regarding the previous assault against his ex-wife.

**E. MOTION FOR RECONSIDERATION PURSUANT TO ARS 41-1092.03 AND A.A.C. R4-21-309:**

5. Nainesh Bhakta, O.D. IR#201503

The Board considered Dr. Bhakta's letter and request for reconsideration of his disciplinary action however, Dr. Bhakta did not provide any further information or evidence that would meet the requirements for reconsideration pursuant to A.R.S. §41-1092.03 and A.A.C. R4-21-309.

**MOTION:** Mr. Whiteman moved to deny Dr. Bhakta's request for reconsideration. Dr. Husz seconded the motion.

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

**F. 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. Justin Macklin, O.D

The Board reviewed the information submitted by Dr. Macklin and determined that the self-report was submitted in a timely manner within the ten (10) days required pursuant to

A.R.S. §32-3208 and did not see anything in the report that would require further investigation. Therefore, no action was taken and the matter is concluded.

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

- 7. Calderon, Victor
- 8. Idoni, Jennifer
- 9. Makijew, Juliette
- 10. Miller, Caitlin-Withdrawn from consideration at the meeting
- 11. Parasuram, Geetha
- 12. Terry, Darren
- 13. Trottier, Marie-Andree

**MOTION:** Dr. Peller moved to approve items 7, 9, 11, 12, and 13 for licensure. Mr. Evanoff seconded the motion.

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

**MOTION:** Dr. Chrisagis moved to approve item 8 for licensure contingent upon receipt of negative DPS report. Dr. Peller seconded the motion.

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

Item 10 was not considered at this time as the application was not administratively complete.

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

- 14. Fukuzato, Ricardo

**MOTION:** Dr. Peller moved to approve item 14 for licensure. Dr. Chrisagis seconded the motion.

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

**I. 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**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.			
b.			

No continuing education was submitted for approval.

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

**MOTION:** Dr. Mach moved to elect Dr. Chrisagis as Board President with Dr. Husz as Vice President. Dr. Peller seconded the motion.

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

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

15. June 26, 2015 Regular Session Minutes

**MOTION:** Dr. Chrisagis moved to approve item 15 as written. Dr. Peller seconded the motion.

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

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

- 16. Budget
- 17. Rules update
- 18. Board of Dispensing Opticians; Optical Establishment license for O.D.s
- 19. Future agenda items
- 20. Future Board meeting dates

Ms. Whelan reported that budget information was not available for the end of the fiscal year as the new accounting system was not yet generating reports for year end. The FY15 year-end will be reported at the next Board meeting. The Governor's office approved the Board's rules package justification so that the Board may move forward with the proposed rules; the Oral Proceeding will be rescheduled to August or September. The Board of Dispensing Opticians is asking O.D.'s to get optical establishment licenses; more information to come either in September or November. No future agenda items were requested. Future Board meeting dates are Friday, September 18, and Friday, November 20, 2015 to finish out the calendar year.

**M. CALL TO PUBLIC:**

Dr. Mach made a call to the public at 10:03 a.m. No one addressed the Board.

**N. MOTION TO ADJOURN:**

Dr. Peller moved to adjourn the meeting at 10:04 a.m. Dr. Chrisagis seconded the motion.

The meeting was adjourned at 10:04 a.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date