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Arizona State Board of Optometry
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**FINAL MINUTES FOR REGULAR MEETING
AUGUST 15, 2014 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 09:00 a.m.

B. ROLL CALL:

Ms. Hollins

Board Members Present: Brian Mach O.D., President
Michael Lamb O.D., Vice President
John Chrisagis, O.D.
Marla Husz, 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. Mach

Dr. Mach reported on the annual ARBO meeting in June.

A. INFORMAL INTERVIEW: 9:00 a.m.

1. R.C. vs. Stephen Cohen, O.D. IR#201420

Allegation: Failure to diagnose glaucoma; failed to refer patient to a specialist

This case was moved to informal interview at the April 18, 2014 Board meeting. Prior to discussion of the case at this meeting, Ms. Whelan informed the Board that counsel for Dr. Cohen had not received all the records requested earlier in the week and a continuance was requested in order to properly review all pertinent records subsequently provided by the Board. Patient R.C. was present and had additional records not submitted to the Board prior to this meeting. Based on the foregoing information, the Board did not proceed with the informal interview and proposed to continue the case until the next Board meeting in order to give all parties ample time to review all records involved in this case.

MOTION: Dr. Husz moved for a continuance until the next meeting. Dr. Mach seconded the motion.

VOTE: Motion passed 7-0.

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

2. ASBOO vs. Alicia Feis, O.D. IR#201427

Allegation: Unprofessional Conduct

This case was continued from the June 20, 2014 Board meeting in order to obtain documentation from the Midwestern University School of Optometry regarding Dr. Feis's reporting to the University and whether any action was taken against her. The Board received documentation from the Human Resources office at Midwestern University stating that they had no knowledge of the relationship between Dr. Feis and the former student nor did they take any action against her.

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 7-0.

3. A.M. vs. Henry Bogen, O.D. IR#201428

Allegation: Doctor refused to see/treat patient

Dr. Mach summarized the case as Dr. Bogen is an optometrist practicing at the State prison in Tucson. In his response, Dr. Bogen noted he does not make up his schedule of patients as it is done by the prison. Dr. Bogen saw patient A.M. on October 29, 2013. Patient was wearing contact lenses at that time and they fit well. Patient A.M. wanted an additional pair of contact lenses which Dr. Bogen agreed to make based on his condition. It appears that Dr. Bogen made an effort, on his own time, to get the contact lenses to the patient. Dr. Bogen made a follow-up appointment with patient A.M. but A.M. did not show up for the appointment.

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 7-0.

4. C.C. vs. Robert Esposito, O.D. IR#201429

Allegation: Optometrist failed or refused to correct problem; charged for goods and services not necessary for treatment

This case was continued from the June 20, 2014 meeting as the Board had requested patient C.C.'s medical records from Dr. Esposito. After reviewing the records submitted, the Board feels that the billed charges do not match the documentation in the patient records. It appears that Dr. Esposito is possibly performing unnecessary tests during the exam as patient C.C.'s condition did not require some of the tests performed.

MOTION: Dr. Mach moved to go to Informal Interview to discuss possible fraudulent billing practices and billing for services not common during the average eye exam as defined by the American Optometric Association. Dr. Lamb seconded the motion.

VOTE: Motion passed 7-0.

5. J.C. vs. Phdra Ranjbar Shaba, O.D. IR#201431

Allegation: Optometrist failed or refused to correct problem

Dr. Mach summarized the case as patient J.C. saw Dr. Shaba complaining of blurriness in the right eye and feeling that there was something in the eye. Patient had recently had an eye exam from another doctor and had purchased new glasses at that establishment. Dr. Shaba saw the patient on May 21, 2014 at which time she informed the patient that the prescription he was given by the previous doctor was wrong and noted in the record only that patient had a change in prescription. Dr. Shaba was present at the meeting and addressed the Board stating there was no subjective complaint related to a retinal tear when the patient came in. Patient J.C. saw an ophthalmologist after seeing Dr. Shaba as he was still experiencing pain in the right eye. The Board did not have the records from the ophthalmologist as it was not noted in the original complaint.

MOTION: Dr. Chrisagis moved to continue the case to the next meeting and directed staff to obtain patient J.C.'s medical records from the treating ophthalmologist. Dr. Peller seconded the motion.

VOTE: Motion passed 7-0.

C. REVIEW, DISCUSSION, AND POSSIBLE VOTE ON APPROVAL OF CONTINUING EDUCATION TO SATISFY NON-DISCIPLINARY ORDER FOR CONTINUING EDUCATION:

6. Request for approval of additional continuing education to satisfy June 20, 2014 Non-disciplinary Order for Continuing Education for Roger Vesper, O.D., IR#201425

MOTION: Dr. Peller moved to accept continuing education courses submitted by Dr. Vesper. Dr. Lamb seconded the motion.

VOTE: Motion passed 7-0.

D. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH NON-DISCIPLINARY ORDER FOR CONTINUING EDUCATION :

7. Stacey Burson, O.D., IR#201406

MOTION: Dr. Lamb moved to accept the continuing education taken by Dr. Burson as having met the requirements of the Order. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 7-0.

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

8. County, Laura
9. Dunlap, Robert
10. Ketcher, John
11. Padrnos, Sarah

MOTION: Dr. Lamb moved to approve items 8 thru 11 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 7-0.

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

12. Keiser, Jennifer
13. Larsen, Michael
14. Paley, Steven

MOTION: Dr. Lamb moved to approve items 12 thru 14 for licensure. Dr. Husz 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 2015

	Continuing Education	Date	No. of hours requested
a.	Understanding Glaucoma (Hodges Eye Care & Surgical Center)	09/16/14	2 Regular

MOTION: Dr. Husz moved to accept item a. for approval. Dr. Lamb seconded the motion.

VOTE: Motion passed 7-0.

H. REVIEW, DISCUSSION AND VOTE ON INCREASING LICENSE AND RENEWAL FEES :

Dr. Mach opened the discussion stating he would like to see a small increase to both of these fees in order to meet the rising operations costs of the agency as well as support possible salary increases for staff over the next 3-5 years. Dr. Mach believes the Board has not increased any fees in over 15 years yet costs continue to go up.

MOTION: Dr. Husz moved to increase both the license and renewal fees from \$400.00 to \$450.00 each. Dr. Chrisagis seconded the motion.

Dr. Husz asked Ms. Whelan if the 15 year time frame mentioned by Dr. Mach was accurate. Ms. Whelan informed the Board that it was “at least that long” but did not have specific data as to how long it has actually been seen the Board increased these fees.

Dr. Husz withdrew the original motion. Dr. Chrisagis withdrew his second.

MOTION: Dr. Husz moved to table the issue at this time in order for staff to research the historical information as to exactly when the fees were last increased. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 7-0.

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

- 15. June 20, 2014 Regular Session Minutes
- 16. June 20, 2014 Executive Session Minutes
- 17. July 15, 2014 Regular Session Minutes

MOTION: Dr. Lamb moved to approve item 15 as written. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0. Mr. Whiteman recused.

MOTION: Dr. Lamb moved to approve item 16 with changes. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0. Dr. Chrisagis and Mr. Whiteman recused.

MOTION: Dr. Lamb moved to approve item 17 as written. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0. Mr. Whiteman recused.

J. EXECUTIVE DIRECTOR'S REPORT:

- 18. Budget
- 19. Future agenda items

Ms. Whelan reported on the FY14 budget. FY14 closed out on June 30, 2014 with the Agency spending at 96.42%. The appropriation for FY15 remains the same as FY14 at \$206,000. No future agenda items were requested.

K. CALL TO PUBLIC:

Dr. Mach made a call to the public at 10:10 a.m. No one was present to address the Board.

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

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

END OF MINUTES:

Margaret Whelan, Executive Director

Date