

**Janet Napolitano**  
Governor

**Christina M. Sorenson, O.D.**  
President

**Caroline Griego, O.D.**  
Vice President



**Arizona State Board of Optometry**  
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**Margaret Whelan**  
Executive Director

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## **FINAL MINUTES FOR REGULAR SESSION MEETING: JANUARY 16, 2009**

### **Board Members**

Christina M. Sorenson, O.D., President  
Caroline Griego, O.D., Vice-President  
Robert B. Pinkert, O.D.  
Stacey Meier, O.D.  
Curtis R. Winkler, M.D.  
Vacant, Public Member

### **Staff:**

Margaret Whelan, Executive Director  
Paula Hollins, Licensing Administrator

### **Legal Counsel:**

Keely Verstegen, Assistant Attorney General

### **A. CALL TO ORDER:**

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

### **B. ROLL CALL:**

Board Members Present: Christina M. Sorenson, O.D., President  
Caroline Griego, O.D., Vice President  
Stacey J. Meier, O.D.  
Curtis R. Winkler, M.D.  
Robert B. Pinkert, O.D.- joined the meeting telephonically at 9:50 a.m.;  
left the meeting at 10:02 a.m.

Legal Counsel Present: Keely Verstegen, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director  
Paula Hollins, Licensing Administrator

### **C. PRESIDENT'S REPORT:**

Over the last year, the Board has entertained 58 applications for new licensees; issuing 50 of them. There were no application or renewal denials. Staff processed 198 renewals and there were 21 voided licenses due to non-renewal. The Board has witnessed the retirement, from the Board, of two-term

member Dr. Robert Maynard. The public member position is currently vacant and Dr. Sorenson welcomed the Board's newest Board member, Dr. Stacey Meier taking over from Dr. Maynard.

**D. FORMAL ADMINISTRATIVE HEARING: 9:00 a.m.**

1. ASBOO vs. Joanne Lew, O.D. IR#200855

Allegation: Refusal to change address pursuant to A.R.S. §32-1742.

Ms. Verstegen, appearing as an advocate for the State of Arizona, presented the case with exhibits and witness testimony and recommended the Board issue a decree of censure for failure to update address pursuant to A.R.S. §32-1742, impeding the Board's ability to locate the doctor.

**MOTION:** Dr. Sorenson moved to accept the testimony, fact and allegations as the findings of fact and allegations as the conclusions of law and issue a letter of concern to Dr. Joanne Lew for not properly notifying the Board of a change in address pursuant to A.R.S. §32-1742 and that such a violation can trigger significant consequences and should not be taken lightly in the future wherever she may practice. Dr. Greigo seconded motion.

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

**E. INFORMAL INTERVIEW: 9:00 a.m.**

2. ASBOO vs. Sylvia Ryan, O.D. IR#200909

Allegation: Improper disposal of patient records; refusal to pick up records from old practice location

Dr. Griego summarized and presented evidence in this case, recommending the Board dismiss the case due to lack of violation of the optometric practice act.

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

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

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

3. R.A. vs. Mark Page, O.D. IR#200844

Allegation: Improper correction/fit of eyeglasses/contact lenses; Eyes were seriously injured.

The Board tabled this complaint to the next meeting and directed staff to obtain the optomap from Dr. Page as well as records from any and all treating physicians.

4. B.H. vs. Torrence Watkins, O.D. IR#200846

Allegation: Business agreement issues.

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

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

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

5. ASBOO vs. Peter Suchsland, O.D. IR#200911

Allegation: During exam, doctor appeared disheveled and smelled of alcohol

The Board tabled this complaint to the next meeting and directed staff to obtain patient records from Dr. Suchsland.

6. ASBOO vs. Aleta Doroudian, O.D. IR#200912

Allegation: Doctor may be unsafe to practice as she may suffer from psychological stresses; possible failure to disclose an arrest

The Board tabled this complaint to the next meeting and directed staff to obtain an affidavit from Dr. Doroudian specifically confirming or denying individual allegations in original complaint.

7. C.C. vs. Brent Schoppe, O.D. IR#200913

Allegation: Deceptive advertising statements; improper correction/fit of eyeglasses or contact lenses; optometrist failed to correct problem

Dr. Sorenson summarized the case and recommended the Board issue a letter of concern for unprofessional conduct.

**MOTION:** Dr. Sorenson moved to issue a Letter of Concern for Unprofessional Conduct and incomplete recordkeeping as no contact lens evaluation was found in the patient records. Dr. Griego seconded the motion

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X
NO					X		
ABSTAIN	1						
ABSENT	1					X	

**VOTE:** Motion passed 3-1.

8. L.M. vs. Leo Biglaiser, O.D. IR#200914

Allegation: Doctor's office is dirty; overcharging/billing issues.

Dr. Winkler summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

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

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

9. D.C. vs. Amy Czyz, O.D. IR#200915

Allegation: Deceptive statements; defective/poor quality eyeglass; optometrist failed to correct problem

Dr. Winkler summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

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

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

10. ASBOO vs. Kenneth Welsh, O.D. IR#200916

Allegation: Failure to release a prescription to the patient

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

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

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

**VOTE:** Motion passed 4-0.

**G. REVIEW, DISCUSSION, AND POSSIBLE ACTION TO OPEN A COMPLAINT:**

11. Joseph Solomon, O.D.
12. Jeffrey Olsen, O.D.
13. 1-800 Contacts

The Board reviewed items 10-12 and determined that a formal complaint is not warranted at this time.

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

14. Erramouspe, Jean
15. Goel, Puja
16. Rowe, Justin
17. Tran, Harry

**MOTION:** Dr. Sorenson moved to approve items 14 thru 17 for licensure. Dr. Winkler seconded the motion.

**VOTE:** Motion passed 4-0.

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

18. Giedt, Robert
19. Lewinson, Dennis
20. Nevel, Bernard

**MOTION:** Dr. Sorenson moved to approve items 18 and 19 for licensure. Dr. Griego seconded the motion.

**VOTE:** Motion passed 4-0.

**MOTION:** Dr. Sorenson moved to table item 20 as Dr. Nevel needs a current application verification from the State of Indiana regarding their scope of practice and whether or not Dr. Nevel has been practicing in Indiana at the highest level. Dr. Griego seconded the motion.

**VOTE:** Motion passed 4-0.

**J. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PHARMACEUTICAL AGENT CERTIFICATE APPLICATIONS:**

- 21. James Fabricant, O.D.
- 22. Robert Kelly, O.D.

**MOTION:** Dr. Sorenson moved to approve items 21 and 22 for the Pharmaceutical Agent Certificate. Dr. Meier seconded the motion.

**VOTE:** Motion passed 4-0.

**K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-209:**

**Fiscal Year 2009**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Diabetic Retinopathy & Retinal Vascular Disease	October 21, 2008	2 Regular
b.	Int'l Vision East 2009 Expo & Conference	March 26 – 29, 2009	154 Regular
c.	CAOS	November 18, 2008	3 Regular
d.	Ocular Surgery/Grand Rounds	March 27, 2008	4 Regular
e.	Eyelid Plastic Surgery/Observation	March 26, 2008	4 Regular

**MOTION:** Dr. Sorenson moved to approve items a, c, d and e. Dr. Meier seconded the motion.

**VOTE:** The motion passed 3-0. Dr. Winkler abstained.

**MOTION:** Dr. Sorenson moved to approve item b for 113 Regular hours 35 Practice Management hours. Dr. Griego seconded the motion.

**VOTE:** The motion passed 3-0. Dr. Winkler abstained.

**L. REVIEW, DISCUSSION AND POSSIBLE VOTE ON MANDATING COPE APPROVED COURSES ONLY FOR OUT OF STATE OPTOMETRISTS TO MEET THE REQUIREMENTS FOR CONTINUING EDUCATION COURSES FOR LICENSE RENEWAL:**

Discussion tabled until next meeting.

**M. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON LETTER FROM THE PHARMACY BOARD REGARDING ARIZONA CSPMP REGISTRATION:**

The Board discussed this issue and took no action.

**N. REVIEW DISCUSSION AND POSSIBLE ACTION ON 120-HOUR COURSE REQUIREMENT FOR ENDORSEMENT CANDIDATES:**

The Board discussed this issue and took no action.

**O. REVIEW DISCUSSION AND POSSIBLE ACTION ON CHANGING THE 5-YEAR REQUIREMENT FOR THE NBEO SCORES IN RULE R4-21-201(C)(5):**

The Board discussed the challenges of applicants to meet the current 5-year timeframe and directed staff to promulgate a new rule to change the timeframe in the current rule from five years to 10 years.

**P. REVIEW, DISCUSSION AND POSSIBLE ACTION ON POTENTIAL AMENDMENT OF THE STAY OF REVOCATION ORDER FOR VINCENT SANCHEZ, O.D.:**

The Board discussed possible amendments to Dr. Sanchez's current order and needs to know, from Dr. Sanchez, what is most helpful for Dr. Sanchez to gain employment under this order. Board will revisit this issue at next Board meeting.

**Q. REVIEW, DISCUSSION AND POSSIBLE ACTION ON RECORDS POLICY SUBMITTED BY MARIANNE RIPTON, O.D.:**

23. Records retention/practices policy

**MOTION:** The Board reviewed and accepted the records policy submitted by Dr. Ripton.

**R. REVIEW, DISCUSSION AND POSSIBLE ACTION ON 1-800-CONTACTS AND WAL-MART PARTNERSHIP AND POSSIBLE VIOLATION OF ARIZONA OPTOMETRY LAWS:**

The Board discussed the issue and directed staff to send a letter, with application, for out of state contact lens registration to 1-800 Contacts insistent they be licensed with the Board pursuant to statute.

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

24. October 17, 2008 Regular Session Minutes

**MOTION:** Dr. Sorenson moved to approve Regular Minutes as written. Dr. Winkler seconded the motion.

**VOTE:** Motion passed 3-0. Dr. Meier abstained.

**T. EXECUTIVE DIRECTOR'S REPORT:**

- 25. Budget
- 26. Legislation
- 27. CE Audit
- 28. Consolidation
- 29. Online payment and renewal systems
- 30. Teleconference system changes

31. Primary source verification notice on web and e-mail
32. Board meetings for 2009

Ms. Whelan reported that the legislation to fix the FY09 general fund budget includes money being swept from the Board fund but it has not yet been revealed as to when it will happen (FY09 or 10). It is not known yet about further fund sweeps in FY10. The Board was also informed that they have had to suspend spending of over \$14,000 to help the budget crisis. This Board has submitted no specific legislation for this session. The CE audit implemented in rule has begun with this renewal year. For this first renewal period, 10% of licensees will be randomly chosen by computer to comply with the new rule. The consolidation issues faced over the past year are gone for the moment with the change in governor. The online payment and renewal systems are still available but may need some updating as budget permits since ADOA has changed host vendors. The State has moved away from its current teleconference system forcing the Board to use other services at a greater cost. A primary source verification notice will be posted on the homepage of the agency's website for the purposes of credentialing using the web-based licensee directory. Board meetings are the third Friday of the month and a list was provided to Board members and posted on the website under the "Consumer Information" link.

**U. CALL TO PUBLIC:**

**Dr. Sorenson**

Dr. Sorenson made a call to the public at 12:27 p.m. No one addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 12:28 p.m. Dr. Winkler seconded the motion.

Meeting adjourned at 12:28 p.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date