

**Janice K. Brewer**  
Governor

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

**Caroline Griego, 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 SESSION MEETING: APRIL 17, 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**

Dr. Sorenson called the meeting to order at 9:00 a.m.

**B. ROLL CALL: Ms. Hollins**

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.

Legal Counsel Present: Keely Verstegen, Assistant Attorney General

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

**C. PRESIDENT'S REPORT: Dr. Sorenson**

None.

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

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

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

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

**MOTION:** Dr. Sorenson moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Meier 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							
RECUSED	1				X		
ABSENT	0						

**VOTE:** Motion passed 4-0. Dr. Winkler recused.

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

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

Dr. Griego summarized and presented evidence in this case, recommending, for the purposes of discussion, 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. Pinkert seconded the motion.

**AMENDED MOTION:** Dr. Pinkert moved to dismiss allegation as cited and issue a Letter of Concern for possible violation of patient confidentiality by sharing patient information with someone who is not an optometrist or member of the office in which Dr. Suchsland works. Dr. Griego seconded the motion.

**VOTE:** Motion passed 5-0.

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

Allegation: Doctor is potentially unsafe to practice as she suffers from psychological stresses; failure to disclose an arrest.

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

**MOTION:** Dr. Pinkert moved to request Dr. Doroudian to voluntarily undergo psychiatric evaluation from a board certified psychiatrist, with report, within 60 days from the date of this Board meeting. Dr. Sorenson seconded the motion.

**VOTE:** Motion passed 5-0.

4. D.V. vs. Jeffrey Pyritz, O.D. IR#200917

Allegation: Optometrist failed to correct the problem; overcharging; billing practices

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

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

**AMENDED MOTION:** Dr. Sorenson moved to issue a Letter of Concern for possibly misleading the public by not ensuring that patients are fully informed that some treatments may fall outside of their vision benefits and that they may be responsible for any and all charges based on their medical coverage. Dr. Pinkert seconded the motion.

**VOTE:** Motion passed 5-0.

5. C.S. vs. Gary Greene, O.D. IR#200918

Allegation: Deceptive statements by doctor; Improper correction/fit of eyeglasses; optometrist failed/refused to correct problem

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

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

**VOTE:** Motion passed 5-0.

6. J.B. vs. Serge Wright, O.D. IR#200920

Allegation: Incorrect billing/overcharging patient for services

Dr. Winkler summarized and presented evidence in this case, recommending, for the purposes of discussion, 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. Sorenson seconded the motion.

**AMENDED MOTION:** Dr. Pinkert moved to issue a Letter of Concern for possibly misleading the public by not ensuring that patients are fully informed that some treatments may fall outside of their vision benefits and that they may be responsible for any and all charges based on their medical coverage. Dr. Sorenson seconded the motion.

**VOTE:** Motion passed 5-0.

7. D.S. vs. John Castro, O.D. IR#200921

Allegation: Unprofessional conduct

Dr. Winkler summarized and presented evidence in this case, recommending, for the purposes of discussion, 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:** Motion passed 5-0.

8. G.B. vs. Michael Sellers, O.D. IR#200922

Allegation: Deceptive advertising/statements; improper correction/fit of eyeglasses; fees

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

**MOTION:** Dr. Pinkert moved to issue a Letter of Concern for potential recurring pattern of financial issues with patients and that Dr. Sellers may be misleading the public by not ensuring that patients are fully informed of his fee structure. Further, although the Board does not mandate or regulate fees charged, his fee structure appears to be outside the current industry standard of usual and customary charges for the southwest region of the United States. Dr. Winkler seconded the motion.

**VOTE:** Motion passed 5-0.

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

9. Weaver, Shon

**MOTION:** Dr. Pinkert moved to approve item 9 for licensure. Dr. Meier seconded the motion.

**VOTE:** Motion passed 5-0.

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

- 10. Murray, Rodney
- 11. Pack, Jon

**MOTION:** Dr. Pinkert moved to approve item 10 for licensure. Dr. Griego seconded the motion.

**VOTE:** Motion passed 5-0.

**MOTION:** Dr. Meier moved to table item 11 for licensure, requesting additional information and proof that doctor is currently working or has worked in Montana at least four out of the last five years. Dr. Sorenson seconded the motion.

**VOTE:** Motion passed 5-0.

**G. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PHARMACEUTICAL AGENT CERTIFICATE APPLICATIONS:**

- 12. Amy Davis, O.D.
- 13. Donald Sanfilippo, O.D.
- 14. Michael Sachen, O.D.

Items 12 and 13 are withdrawn.

**MOTION:** Dr. Pinkert moved to approve item 14 for the Pharmaceutical Agent Certificate. Dr. Griego seconded the motion.

**VOTE:** Motion passed 5-0.

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

Dr. Sorenson invited Dr. Vincent Sanchez to present his evidence/request in this case.

Dr. Sorenson moved to go into executive session for the purposes of obtaining legal advice. Dr. Meier seconded the motion.

The Board went into executive session at 9:30 a.m.  
The Board reconvened regular session at 9:39 a.m.

**MOTION:** Dr. Pinkert moved to make an amendment to item number three on page seven of the Stay of Revocation Order, lifting the “on-site supervision by another optometrist” provision and replace it with language that would require notification to the Board by the employing optometrist on a quarterly basis. Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

**I. REVIEW, DISCUSSION AND POSSIBLE VOTE ON NBEO LIST OF POTENTIAL EXAMINERS FROM ARIZONA:**

15. List dated January 28, 2009 from National Board of Examiners in Optometry (NBEO)

**MOTION:** Dr. Pinkert moved to approve item 15. Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

**J. 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 2009**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	No Stitch Retina Surgery & New Developments in Multifocal Technology	February 26, 2009	2 Regular
b.	Horizon Eye Specialists & Lasik Center	April 16, 2009	3 Regular
c.	CAOS-various lectures	February 10, 2009	2 Regular 1 PM
d.	CAOS-various lectures	April 21, 2009	3 Regular
e.	Larger Diameter RGP's for Irregular Corneas	January 20, 2009	1 Regular
f.	Intralase: The Procedure, New Applications, & the Ins & Outs of Co-Management	February 17, 2009	1 Regular
g.	International Vision Expo	March 26 – 29, 2009	6 PM
h.	New Clinical Perspectives	February 28, 2009	6 Regular

**MOTION:** Dr. Pinkert moved to approve item a. Dr. Griego seconded the motion.

**VOTE:** The motion passed 3-2. Drs. Winkler and Sorenson voted no.

**MOTION:** Dr. Pinkert moved to approve item b. Dr. Meier seconded the motion.

**VOTE:** The motion passed 3-2. Drs. Winkler and Sorenson voted no.

**MOTION:** Dr. Meier moved to approve item c. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 5-0.

**MOTION:** Dr. Pinkert moved to approve item d. Dr. Meier seconded the motion.

**VOTE:** The motion passed 4-1. Dr. Winkler voted no.

**MOTION:** Dr. Pinkert moved to approve item e. Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

**MOTION:** Dr. Griego moved to approve item f. Dr. Meier seconded the motion.

**VOTE:** The motion passed 3-2. Drs. Winkler and Sorenson voted no.

**MOTION:** Dr. Sorenson moved to approve item g for only a total of 4 hours of Practice Management course #2302 for 1PM, #2402 for 2PM, and #3306 for 1PM. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 5-0.

**MOTION:** Dr. Sorenson moved to approve item h. Dr. Griego seconded the motion.

**VOTE:** The motion passed 4-0. Dr. Pinkert recused.

**K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION FOR ARLYNN ROPER, O.D.**

16. Letter requesting approval of required continuing education to satisfy Letter of Concern.

**MOTION:** Dr. Pinkert moved to approve the course submitted for item 16. Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

**L. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REQUEST FROM THE COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE) FOR APPROVAL OF COURSE REVIEWERS:**

17. COPE reviewer request letter

**MOTION:** Dr. Sorenson moved to accept and endorse the optometrists listed in item 17. Dr. Pinkert seconded the motion.

**VOTE:** The motion passed 5-0.

**M. 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:**

The Board tabled until next regularly scheduled meeting. Dr. Sorenson recused herself from this discussion.

**N. REVIEW, DISCUSSION AND POSSIBLE VOTE ON BOARD CERTIFICATION FOR PURPOSES OF JOINT BOARD CERTIFICATION PROJECT TEAM DISCUSSION AT 2009 ANNUAL ARBO MEETING:**

The Board tabled until next regularly scheduled meeting.

**O. REVIEW, DISCUSSION AND POSSIBLE VOTE ON USE OF OE TRACKER FOR MAINTENANCE OF LICENSURE:**

The Board reviewed, discussed and voted, 5-0, to continue to utilize but not mandate the use of OE Tracker.

**P. REVIEW, DISCUSSION AND POSSIBLE ACTION ON 1-800-CONTACTS UNLICENSED ACTIVITY; REFUSAL TO LICENSE WITH STATE BOARD:**

The Board discussed this issue and directed staff to continue sending requests for 1-800 contacts to register with the Board.

**Q. REVIEW, DISCUSSION AND POSSIBLE ACTION ON REFRACTION POLICY SUBMITTED BY BARNET DULANEY PERKINS EYE CENTER:**

The Board reviewed the policy submitted and took no further action in this matter. Dr Pinkert recused himself from this discussion.

**R. REVIEW, DISCUSSION AND POSSIBLE VOTE ON VISION THERAPIST PRACTICE:**

- 18. Beatriz Lara
- 19. Tennille Moore

The Board discussed the parameters of Vision Therapists to determine if they are engaging in the practice of the profession of optometry. Dr. Sorenson recused herself from this discussion.

**MOTION:** Dr. Pinkert moved to send Dr. Esposito a letter informing him we have no evidence to pursue this issue and send a copy of our statutes to both vision therapists informing them as long as they are not practicing optometry without a license, the Board has no issue. 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							
RECUSED	1						X
ABSENT	0						

**VOTE:** The motion passed 4-0.

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

- 20. March 25, 2009 Regular Session Minutes

**MOTION:** Dr. Pinkert moved to approve item 20 as written. Dr. Griego seconded the motion.

**VOTE:** The motion passed 5-0.

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

21. Budget
22. Legislation
23. CE Audit
24. Online payment and renewal systems
25. Executive Director annual evaluation

Ms. Whelan reported that the legislation to fix the FY09 general fund budget includes money in the amount of \$186,500 being swept from the Board fund by the end of June 2009. 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 and reduce their appropriation by \$1900 as part of the hiring freeze. This Board has submitted no specific legislation for this session. The CE audit implemented in rule has begun with this renewal year. For this renewal period, 20% of licensees will be randomly chosen by computer to comply with the new rule and OE tracker will be used as part of the verification process. The online payment and renewal systems are still available but may need some updating as budget permits since ADOA has changed host vendors. A request for performance evaluation of the executive director was submitted to the Board. No pay increase is requested at this time due to the now gross lack of operating funds from the impending fund sweep.

**U. CALL TO PUBLIC:**

Dr. Sorenson made a call to the public at 12:24 p.m. No one addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 12:27 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