

Janet Napolitano
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

Telephone (602) 542-8155 • Fax (602) 542-3093

FINAL MINUTES FOR REGULAR SESSION MEETING: APRIL 20, 2007

Board Members

Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice-President
Robert B. Pinkert, O.D.
Robert J. Maynard, O.D.
Curtis R. Winkler, M.D.
Melissa Bengtson, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Elizabeth Campbell, Assistant Attorney General

A. CALL TO ORDER:

Dr. Sorenson called the meeting to order at 9:08 a.m

B. ROLL CALL:

Board Members Present: Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice President
Robert B. Pinkert, O.D.
Robert J. Maynard, O.D.

Board Members Absent: Curtis R. Winkler, M.D.
Melissa Bengtson, Public Member

Legal Counsel Present: Elizabeth Campbell, Assistant Attorney General

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

C. PRESIDENT'S REPORT:

None

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

1. A.D. vs. Christopher Marmo, O.D. IR#200718

Allegation: Improper correction/fit of eyeglasses

Dr. Pinkert summarized the case and recommended 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. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X				X	X
NO	1		X				
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 3-1. Dr. Maynard voted nay.

2. S.R. vs. Stuart Bark, O.D. IR#200719

Allegation: Unprofessional conduct/failed to release prescription

Dr. Griego summarized the case and recommended 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.

VOTE: Motion passed 4-0.

SECOND MOTION: Dr. Griego moved to open a new investigation regarding possible failure to diagnose glaucoma suspect. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

3. D.D. vs. Tara Ransdell, O.D. IR#200720

Allegation: Improper correction/fit of eyeglasses

Dr. Sorenson summarized the case and recommended 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. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

4. B.G. vs. Steven Burns, O.D. IR#200721

Allegation: Improper correction/fit of contact lenses.

Dr. Pinkert 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. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

5. C.S. vs. Michael DeRubeis, O.D. IR#200722

Allegation: Charged excessively/billing insurance.

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. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

E. REVIEW, DISCUSSION AND POSSIBLE VOTE FOR RECONSIDERATION OF IR#200716:

6. Howard Bacon, O.D.

Dr. Maynard felt the patient exam provided by Dr. Bacon was complete and recommended the Board reconsider the original discussion and vote regarding this case.

MOTION: Dr. Maynard moved to reconsider the case. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	2	X	X				
NO	2					X	X
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion fails 2-2. Drs. Pinkert and Sorenson voted nay.

F. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDER:

7. Kevin Russell, O.D., IR#200515

Dr. Sorenson reviewed and updated the case regarding Dr. Russell's probationary order. Dr. Russell has complied with and satisfied this probationary order.

G. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

- 8. Cohen, Kimberly
- 9. Halling, Ricki-Lee

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

VOTE: Motion passed 4-0.

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT APPLICATIONS:

- 10. Chiles, Lisa
- 11. Kern, Brian
- 12. Lloyd, Andrea

MOTION: Dr. Sorenson moved to approve items 10 thru 12 for licensure. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

I. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING LICENSE RENEWAL APPLICATIONS:

- 13. Robin Blank, O.D.

Ms. Whelan informed the Board that Dr. Blank disclosed an arrest on his renewal application and asked the Board to consider an action.

MOTION: Dr. Pinkert moved to renew license and take no action against Dr. Blank. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

J. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-208:

The Board may hold an executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

Fiscal Year 2007

	Continuing Education	Date	No. of hours requested
a.	Midwest Vision Congress & Expo 2007	May 10 – 12, 2007	72 Regular
b.	How to manage Post op care for the Alphabet Soup of Refractive Surgery.	May 10, 2007	2 Regular

MOTION: Dr. Maynard moved to accept items a and b. Dr. Griego seconded the motion.

AMENDED MOTION: Dr. Sorenson moved to accept item a as submitted and item b contingent upon appropriate form of invitation. Dr. Pinkert seconded the motion.

VOTE: The motion passed 4-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING RECONSIDERATION OF NBEO EXAMINERS FROM ARIZONA

14. Fred Fisch, O.D.

Ms. Whelan summarized the circumstances for reconsideration.

MOTION: Dr. Pinkert moved to go into executive session to receive legal advice from counsel. Dr. Sorenson seconded the motion.

Board went into executive session at 9:14 a.m.
 Board reconvened regular session at 9:25 a.m.

MOTION: Dr. Pinkert moved to reconsider the vote and action from the prior meeting regarding Dr. Fisch as a tester for the NBEO. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

SECOND MOTION: Dr. Griego moved to recommend Dr. Fisch to the NBEO Examiners from Arizona. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X
NO	1					X	
ABSTAIN	0						

ABSENT	2			X	X		
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VOTE: Motion passed 3-1. Dr. Pinkert voted nay.

L. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING RECONSIDERATION OF REFERRAL TO FORMAL HEARING AND REVIEW OF EVALUATION BY BOARD APPOINTED PSYCHOLOGIST:

- 15. Vincent G. Sanchez, O.D., IR#200422

Ms. Campbell informed the Board that she has knowledge of communication between Dr. Maynard and Dr. Sanchez’s family. Therefore, she has asked Dr. Maynard to recuse himself from this matter, which in turn leaves the Board without a quorum at this time.

This matter is tabled to the next regularly scheduled Board meeting in order to obtain a quorum.

M. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON USE OF THE TERM “MEDICAL OPTOMETRIST” IN PRACTICE:

- 16. Review and discussion of rules concerning use of term “medical optometrist” in practice name.

The Board discussed the issue and took no action.

N. DISCUSSION REGARDING BOARD OF DISPENSING OPTICIANS MEMO CONCERNING ISSUES, RULES AND STATUTES:

- 17. Ms. Whelan summarized, to the Board, the memo from the Board of Dispensing Opticians.

MOTION: Dr. Pinkert moved to go into executive session to receive legal advice from counsel. Dr. Sorenson seconded the motion.

Board went into executive session at 9:41 a.m.
 Board reconvened regular session at 9:48 a.m.

MOTION: Dr. Pinkert moved to put the federal code regarding disclaimers on prescriptions for eyeglasses on the Optometry Board website located at www.optometry.az.gov. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

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

- 18. March 16, 2007 Regular Session Minutes.
- 19. March 16, 2007 Executive Session Minutes.
- 20. March 16, 2007 Second Executive Session Minutes.

MOTION: Dr. Pinkert moved to approve tab 18 as written. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Pinkert moved to approve tab 19 as written. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Sorenson moved to approve tab 20 as written. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

AMENDED MOTION: Dr. Sorenson moved to amend and correct vote on page 5 of tab 18.
Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

P. EXECUTIVE DIRECTOR'S REPORT:

21. Budget
22. Legislation
23. Rules
24. Request approval for attendance of Public Records/Open Meeting seminar
25. 100 years items

Ms. Whelan reported on tabs 21 thru 25 inclusive.

Q. EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AND EVALUATION OF EXECUTIVE DIRECTOR:

26. Evaluation Forms

MOTION: Dr. Pinkert moved to go into executive session to receive legal advice from counsel.
Dr. Griego seconded the motion.

Board went into executive session at 11:51 a.m.

Board reconvened regular session at 11:55 a.m.

R. REVIEW, DISCUSSION AND VOTE ON PERSONNEL ISSUES PERTAINING TO ITEM Q. ABOVE:

The Board discussed and evaluated the Executive Director's performance over the past year.

MOTION: Dr. Pinkert moved to approve an increase to the Executive Director's current base salary by 10% effective April 21, 2007 and approve the resultant ERE. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

S. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 12:05 p.m. No one was present to address the Board.

Dr. Pinkert moved to adjourn the meeting at 12:06 p.m. Dr. Griego seconded the motion.

Meeting adjourned at 12:06 p.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date