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President

Stacey J. Meier, O.D.
Vice President



Arizona State Board of Optometry
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FINAL MINUTES FOR REGULAR SESSION MEETING: JULY 17, 2009

Board Members

Caroline Griego, O.D., President
Stacey J. Meier, O.D., Vice-President
Brian Mach, O.D.
Donald Jarnagin, 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. Griego called the meeting to order at 9:00 a.m.

B. ROLL CALL:

Board Members Present: Caroline Griego, O.D., President
Stacey J. Meier, O.D., Vice President
Brian Mach, O.D.
Curtis R. Winkler, M.D.

Board Members Absent: Donald Jarnagin, 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. Griego

Dr. Griego welcomed new Board members Mach and Jarnagin. She reported that the ARBO meeting in Washington, DC was very successful, informative and educational.

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

1. 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. Winkler summarized and presented evidence in this case, recommending, for the purposes of discussion, the Board issue a consent agreement with probation.

The Board heard remarks from Dr. Doroudian and counsel, Ed Gaines.

Board went into Executive Session at 9:16 a.m.
 Board reconvened Regular Session at 9:26 a.m.

The Board heard further remarks from counsel, Ed Gaines regarding not issuing a consent agreement to Dr. Doroudian but rather allowing her to voluntarily submit reports from a psychiatrist.

MOTION: Dr. Winkler moved to issue, for unprofessional conduct, a consent agreement with probation of one year, including reports from a psychiatrist to be submitted to Board not less than every 3-4 months. Dr. Mach seconded the motion.

	Vote	Caroline Griego, O.D.	Stacey Meier, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Brian Mach, O.D.	Donald Jarnagin, O.D.
YES	0						
NO	4	X	X		X	X	
ABSTAIN	0						
ABSENT	1						X

VOTE: Motion failed 0-4.

The Board tabled the case with the arrangement that Dr. Doroudian will have quarterly mental evaluation reports sent to the Board from a practicing physician who is a psychiatrist, in order to determine Dr. Doroudian's competency to safely practice the profession of optometry. Staff will submit reports to the Board at the next meeting after the reports come to the Board office.

2. M.M. vs. Chad Carlsson, O.D. IR#200925

Allegation: Deceptive statements; improper correction of eyeglasses; failed to correct problem; prescribed unnecessary device

Dr. Meier 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. Mach seconded the motion.

VOTE: Motion passed 4-0.

3. A.P. vs. Kenneth Williams, O.D. IR#200926

Allegation: Deceptive advertising/statements; failed to correct problem; billing issues

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. Mach seconded the motion.

VOTE: Motion passed 4-0.

4. B.B. vs. Karen Grandi, O.D. IR#200927

Allegation: Deceptive practice; refusal to give contact lens prescription

Dr. Meier 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. Griego seconded the motion.

VOTE: Motion passed 4-0.

5. M.S. vs. Michael Johnson, O.D. IR#200929

Allegation: Prescription is wrong; vision blurry and axis is wrong; false diagnosis of cataracts

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 issue a Letter of Concern for possible addition errors in the eyeglass prescription using an asymmetrical add for fixed working distance, which may fall below the standard of care for the profession. Dr. Mach seconded the motion.

VOTE: Motion passed 4-0.

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

6. ~~Anderson, Mindy~~ Withdrawn
7. Blacker, Adam
8. Cheng, Helen
9. Clyde, Eric
10. Duong, Michael
11. Lopez, Annalee

12. Lowe, Tyler
13. Mastores, Stephanie
14. Miller, Tara
15. Pham, Tina
16. Ray, Spencer
17. Ryan, Casey
18. Shaver, Jared
19. Sinn, Phoebe
20. Soave, Scott
21. Trigg, Tyler

MOTION: Dr. Griego moved to approve items 7 thru 21 for licensure. Dr. Mach seconded the motion.

VOTE: Motion passed 4-0.

F. 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 2010

	Continuing Education	Date	No. of hours requested
a.	CAOS	June 2, 2009	3 Regular
b.	Int'l Vision Expo & Conference West 2009	September 30–October 3, 2009	65 Regular

MOTION: Dr. Griego moved to approve item a as submitted and item b as amended to 32 regular hours and 33 practice management hours. Dr. Meier seconded the motion.

VOTE: Motion passed 4-0.

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

22. Tennille Moore

The Board reviewed letters submitted by Drs. Glonek and Esposito and the curriculum submitted by Ms. Moore; discussed the parameters of vision therapists for the purpose of determining if they are engaging in the practice of the profession of optometry and heard from all parties involved.

Board went into 2nd Executive Session at 11:21a.m.
Board reconvened Regular Session at 11:30a.m.

The Board took no further action at this time as the issue was discussed and resolved by the Board at its April 17, 2009 Board meeting.

H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON NBEO ADMINISTRATION OF ARIZONA JURISPRUDENCE EXAM:

The Board reviewed and discussed pros, cons and potential costs of NBEO administering the Arizona Jurisprudence Exam and determined that it would move forward with allowing the NBEO to administer the Arizona Jurisprudence exam.

MOTION: Dr. Winkler moved to approve the administration of the Arizona Jurisprudence exam by the NBEO. Seconded by Dr. Meier.

VOTE: Motion passed 4-0

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

23. June 12, 2009 Regular Session Minutes

MOTION: Dr. Mach moved to approve item 23 as written. Dr. Meier seconded the motion.

VOTE: The motion passed 4-0.

J. EXECUTIVE DIRECTOR'S REPORT:

- 24. Budget/Fund sweep
- 25. General Agency operations
- 26. Rules
- 27. Future agenda items

Ms. Whelan reported that the fund sweep in the amount of \$187,500 was taken in June, leaving the agency with approximately \$40,000 in actual cash. General agency operations are affected by the fund sweep as the agency is self-funded, however, the agency is not insolvent at this time but the FY10, FY11 and FY12 budgets may be problematic. The rules moratorium enacted by the Governor in January 2009 is still in effect. No rules can be promulgated at this time although, the Governor's office may allow for an exception if there is a hardship and no fees are raised. No future agenda items were reported at this time.

K. CALL TO PUBLIC:

Dr. Griego

Dr. Griego made a call to the public at 11:41 a.m. No one was present to address the Board.

Dr. Griego moved to adjourn the meeting at 11:41 a.m. Dr. Winkler seconded the motion.

Meeting adjourned at 11:41 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date