

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: SEPTEMBER 19, 2008

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.
Vacant, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Melissa Cornelius, 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
Robert B. Pinkert, O.D.
Curtis R. Winkler, M.D.

Board Members Absent: Robert J. Maynard, O.D.

Legal Counsel Present: Melissa Cornelius, Assistant Attorney General

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

C. PRESIDENT'S REPORT: Dr. Sorenson

1. Dr. Sorenson reported that she received a letter from Michael Sachen, O.D. regarding his PA application heard at the September 19, 2008 Board meeting. Dr. Sachen wrote about how he felt a PA Certificate should be interpreted and that there is, in his opinion, no way to get a Certificate

in Arizona without sitting for a class for 120 hours, 12 hours of which would be devoted to prescribing. Dr. Sorenson thanked Dr. Sachen for his letter and hopes to see his application for the Pharmaceutical Agent certificate in the near future.

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

2. ASBOO vs. Edward Horn, O.D. IR#200833

Allegation: Consideration of disciplinary action surrounding surrender of IL license.

Dr. Sorenson summarized the case and recommended, for the purpose of discussion, the Board dismiss the case due to violation of the optometric practice act.

MOTION: Dr. Winkler moved to issue a Letter of Concern with Continuing Education for incomplete recordkeeping and unprofessional conduct to include additional 8 hours of Practice Management and health of the eye and 4 hours of recordkeeping. Dr. Pinkert seconded the motion.

Motion failed 0-4.

SECOND MOTION: Dr. Pinkert moved to issue a decree of censure unprofessional conduct pursuant to A.R.S. §32-1701(8)(g). The decree of censure shall include a probationary period of one year at which time Dr. Horn must attend and complete a four (4) hour, COPE approved, non-transcript quality course or courses of study in the area of patient assessment and management and a four (4) hour, COPE approved, non-transcript quality course or courses of study in the area of recordkeeping. These eight (8) hours shall be in addition to the continuing education hours required for license renewal. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

3. ASBOO vs. Jimmy Routt, O.D. IR#200847

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742.

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 as Dr. Routt complied with the Board’s request for address update prior to the Board meeting in September. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

4. ASBOO vs. Baseem Wahab, O.D. IR#200850

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742.

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 as Dr. Wahab complied with the Board’s request for address update prior to the Board meeting in September. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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. Nita Catt, O.D. IR#200853

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742.

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.

YES	4	X			X	X	X
NO							
ABSTAIN							
ABSENT	1		X				

VOTE: Motion passed 4-0.

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

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

Allegation: Unprofessional conduct

Dr. Winkler 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 table for further investigation to obtain documentation, including contracts between Dr. Watkins and Mr. Bardwell (Dr. Watkins' business partner) substantiating claim that Dr. Watkins has violated our statutes. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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. K.O. vs. Lynn Gabe, O.D. IR#200901

Allegation: Failure to diagnose retinal detachment

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 issue a Letter of Concern for failure to diagnose or evaluate impending retinal detachment and falling below the standard of care for the profession. The Board further requires, pursuant to A.R.S. §32-1744(C)(4), attendance of four (4) hours of continuing education in the area of vitreoretinal education, which shall be in addition to the continuing education hours required for license renewal. Dr. Sorenson seconded the motion.

YES	4	X			X	X	X
NO							
ABSTAIN							
ABSENT	1		X				

VOTE: Motion passed 4-0.

12. K.G. vs. Paul Cinalli, O.D. IR#200904

Allegation: Improper correction/fit of eyeglasses and contact lenses

Dr. Sorenson 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. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

13. S.T. vs. Arlynn Roper, O.D. IR#200905

Allegation: Deceptive advertising; Optometrist failed to correct problem

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 issue a Letter of Concern for possible misdiagnosis of a corneal abnormality, which falls below the standard of care for the profession. In addition, Dr. Roper must obtain three (3) hours of continuing education in the area of corneal disease and diagnosis and anterior segment management education, which shall be in addition to the continuing education hours required for license renewal. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

14. S.M. vs. Kenneth O'Daniel, O.D. IR#200906

Allegation: Improper correction/fit of eyeglasses and contact lenses; refusal to give copy of prescription

Dr. Sorenson 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. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

15. P.H. vs. Robert Esposito, O.D. IR#200907

Allegation: Improper correction/fit and poor quality of eyeglasses or contact lenses; optometrist failed to correct problem

Dr. Sorenson 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. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

SECOND MOTION: Dr. Pinkert moved to open a new investigation and obtain records from Dr. Esposito’s practice to determine if there may be a pattern for “over-coding” (billing) of records. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

16. ASBOO vs. Marianne Ripton, O.D. IR#200908

Allegation: Improper disposal of patient records

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 and directed Staff to obtain written protocol, from the doctor, for proper care and disposal of patient records as required by A.R.S. §32-3211. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

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

Allegation: Improper disposal of patient records

Dr. Sorenson 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 Informal Interview to find out more information from Dr. Ryan regarding office protocol for proper disposal of records. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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.

18. R.B. vs. John Hill, O.D. IR#200910

Allegation: Deceptive advertising statements; refusal to list in writing terms of service

Dr. Winkler 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 issue a Letter of Concern for misleading advertising as the Board determined that the verbiage used in Dr. Hill's advertising might create false or misleading information regarding the advertised price of an eye exam, which the Board believes may be misleading to this patient and the public. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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 POSSIBLE VOTE REGARDING DRAFT CONSENT AGREEMENT AND ORDER FOR STAYED REVOCATION PROBATION FOR RETURN TO PRACTICE:

19. Vincent G. Sanchez, O.D. IR#200422

MOTION: Dr. Sorenson moved to issue the Consent Agreement as written. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, 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:

20. Peter Suchsland, O.D.

MOTION: Dr. Pinkert moved to open a complaint. Dr. Sorenson seconded the motion

21. Aleta Doroudian, O.D.

MOTION: Dr. Pinkert moved to open a complaint. Dr. Sorenson seconded the motion

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

- 22. Edwards, Pierre
- 23. Lew, Deegan
- 24. Matson, Michelle
- 25. Meihak, Emily
- 26. Suits, Stephanie
- 27. Wright, Daniel

MOTION: Dr. Sorenson moved to approve items 24, 25, and 26 for licensure. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Sorenson moved to approve item 27 contingent upon receiving negative findings for fingerprint report from DPS and the National Practitioner Databank report. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Sorenson moved to table items 22 and 23 as they do not meet the licensing requirements at this time. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

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

- 28. Cunningham, Derek
- 29. Cunningham, Jennifer
- 30. Rudman, Robert
- 31. Tran, Quy
- 32. Tufte, Mark
- 33. Winkelman, Ronald
- 34. Wren, Valerie

MOTION: Dr. Sorenson moved to approve items 28, 29, 31, 32, and 33 for licensure. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Pinkert moved to approve item 30 for licensure. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Pinkert moved to approve item 34 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

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

- 35. Kevin Helmuth, O.D.

MOTION: Dr. Pinkert moved to approve item 35 for Pharmaceutical Agent Certificate. Dr. Sorenson 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

	Continuing Education	Date	No. of hours requested
a.	Applied Concept Courses	October 14- 18, 2008	65 Regular
b.	Optimizing the Corneal Surface	October 28, 2008	1 Regular
c.	UA Ophthalmology Rounds	July 10, 2007 – July 10, 2008	37.5 Regular

MOTION: Dr. Sorenson moved to approve items a and b. Dr. Pinkert seconded the motion.

VOTE: The motion passed 4-0.

MOTION: Dr. Pinkert moved to approve item c less the six (6) hours taught by the Medical students.
Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0.

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

The Board tabled this item to obtain a quorum.

M. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REVISION OF A.A.C. R4-21-201(C)(5):

The Board reviewed the rule and discussed the option to change the requirement of the NBEO to only require the most recent part of the exam taken by the doctor is to have been taken within the last 5 years and directed staff to do further research and come back to the Board with data and new language for the rule.

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

- 36. July 18, 2008 Regular Session Minutes
- 37. July 18, 2008 Executive Session Minutes

MOTION: Dr. Sorenson moved to approve Regular and Executive Minutes as written. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

O. BOARD MEMBER TRAINING PRESENTED BY THE ASSISTANT ATTORNEY GENERAL TO THE BOARD:

The Board reviewed and discussed Board Member Training informing Ms. Cornelius that it was very well written and appreciated.

P. EXECUTIVE DIRECTOR'S REPORT:

- 38. Consolidation
- 39. Budget

Ms. Whelan reported that the consolidation issue is still moving but has no support from the other agencies involved and has requested the Board's approval for a letter to be sent to the Governor's office, on behalf of the agency, opting out of this consolidation plan as allowed in the proposal.

The budget is in good shape right now but the agency is being swept \$185,600 in cash by the end of this fiscal year. It does not leave the Board insolvent at this time but does place some hardship on the monthly operational budget.

Q. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 12:03 p.m. No one addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 12:04 p.m. Dr. Pinkert seconded the motion.

Meeting adjourned at 12:04 p.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date