

**Janice K. Brewer**  
Governor

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

**Stacey J. Meier, 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: JANUARY 15, 2010**

### **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.  
Rick Krug, Public Member

### **Staff:**

Margaret Whelan, Executive Director  
Paula Hollins, Licensing Administrator

### **Legal Counsel:**

Keely Verstegen, Assistant Attorney General

**A. CALL TO ORDER: Dr. Griego**

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

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

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

Board Members Absent: Rick Krug, Public Member

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 gave an annual update of license activity for 2009. As of December 31, 2009, there are 1019 active licensees. Of those, 905 hold the PA certificate, 39 hold a TPA only, 61 hold a DPA only and

14 hold no certification. There were 75 new applicants, 698 Renewals and 29 voided licenses due to non-renewal.

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

1. C.N. vs. Steven Kantor, O.D. IR#201011

Allegation: Deceptive advertising statements; bait and switch

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

**MOTION:** Dr. Jarnagin moved to dismiss the case due to lack of violation of the optometric act.  
Dr. Mach seconded the motion.

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

2. D.D. vs. Lindsey Clyde, O.D. IR#201012

Allegation: Refusal to give patient complete medical record/not sealed

Dr. Griego 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 act.  
Dr. Jarnagin seconded the motion.

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

3. K.P. vs. Amy Birr, O.D. IR#201013

Allegation: Improper correction/fit of eyeglasses; eyes seriously injured; optometrist failed to correct the 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. Winkler moved to dismiss the case due to lack of violation of the optometric act.  
Dr. Mach seconded the motion.

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

4. ASBOO vs. Carrie Miranda, O.D. IR#201014

Allegation: Prescribing/ writing prescriptions outside prescribing authority (oral medications)

Ms. Hollins informed the Board that Dr. Miranda called her on December 1, 2009 inquiring about her renewal fee and whether she had to pay \$400.00 or \$420.00. Ms. Hollins told Dr.

Miranda her license renewal fee was \$420.00. Dr. Miranda wanted to know what the difference was between the two fees. Ms. Hollins told her that she did not hold the Pharmaceutical Agent (PA) certificate. Dr. Miranda informed Ms. Hollins that she did not know what that meant. Ms. Hollins told her that holding the PA certification gives a doctor prescribing authority for oral medication. Dr. Miranda informed Ms. Hollins that she had DPA and TPA certificates that allowed her to prescribe oral medications. Ms. Hollins put her on hold and verified with Ms. Whelan to make sure that the information she gave Dr. Miranda that a DPA was for diagnostic only and TPA was for therapeutic use but not oral medication was correct. Ms. Hollins tried to explain to Dr. Miranda but she cut Ms. Hollins off and stated that if she needs to, she can prescribe Tylenol 3, or if a patient needs pain medication she can and will prescribe it. At that point, Ms. Hollins told Dr. Miranda she needs to speak to Ms. Whelan about this issue. Dr. Miranda told Ms. Hollins she would call the association and hung up. A complaint was opened by the Board at that time. Dr. Miranda called again on December 14, 2009, very upset about Ms. Hollins "not telling the truth about our previous conversation and how Ms. Hollins took what she said and changed it all around and now Ms. Hollins has gotten her in trouble with the Board". Ms. Hollins told her that she had written down what Dr. Miranda had said and conveyed the information to Ms. Whelan. Dr. Miranda called back about 10 minutes later and apologized for the way she had spoken earlier and that she was upset because she had just received a letter from the Board.

Ms. Hollins imparted this information to the Board for discussion. Dr. Miranda was present to address the Board. The Board held discussion regarding this issue.

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

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

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

5. Letter from Arizona Optometric Resource Group regarding Mercy Care Health Plan termination of privileges of optometrists.

The Board reviewed the letter and took no action at this time.

6. Letter from Stephen Cohen, O.D. regarding use of term "ophthalmological evaluation" in elementary school visual exam notifications to parents.

The Board reviewed the letter and directed staff to send a letter to the nurse at the elementary school informing her that she should not use the term "ophthalmological evaluation" but rather language such as "an eye care professional".

After review and discussion, the Board determined that a formal complaint is not warranted at this time for items 5 and 6.

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

- 7. Anderson, Clinton
- 8. Lehmann, Peter
- 9. Robinson, Dennis

**MOTION:** Dr. Griego moved to approve items 7 and 9 for licensure. Dr. Jarnagin seconded the motion.

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

**MOTION:** Dr. Jarnagin moved to table item 8 for licensure as Dr. Lehmann does not, at this time, meet the requirements for licensure by Endorsement. Dr. Mach seconded the motion.

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

**G. 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**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Management & Treatment of Diabetic Retinopathy	March 12, 2010	1 Regular
b.	Case Presentation in Diabetic Retinopathy	March 12, 2010	1 Regular
c.	25 <sup>th</sup> Annual Cullen Course at the Houstonian Hotel	February 26 – 27, 2010	14.5 Regular
d.	Southwest Congress of Optometry-“Set Yourself Apart, Take Vision Off The Chart!”	January 22-24, 2010	14 Regular 1 PM
e.	Fourth Annual International Military Refractive Surgery Symposium	January 11-13, 2010	12 Regular

**MOTION:** Dr. Griego moved to approve item a thru e as submitted. Dr. Mach seconded the motion.

**VOTE:** Motion passed 3-0. Dr. Winkler abstained. Dr. Mach abstained.

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

- 10. November 20, 2009 Regular Session Minutes

**MOTION:** Dr. Jarnagin moved to approve item 10 as written. Dr. Mach seconded the motion.

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

**I. EXECUTIVE DIRECTOR’S REPORT:**

- 11. Budget
- 12. Meeting with Mr. Ochoa re: Kowalczyk
- 13. Future agenda items

Ms. Whelan reported that the Board budget is still recovering from the fund sweep and that renewals are still coming in, generating revenue to support the operating funds. Currently the Board budget is stable but further undetermined cuts are coming.

Ms. Verstegen and Ms. Whelan met with Mr. Ochoa on behalf of Nicholas and Andria Kowalczyk. Mr. Ochoa requested a letter from the Board, which will accompany Dr. Kowalczyk's consent agreement. Ms. Verstegen will draft letter and present to Board at a future Board meeting.

No Future agenda items were requested.

**J. CALL TO PUBLIC:**

**Dr. Griego**

Dr. Griego made a call to the public at 10:20 a.m.

No one addressed the Board.

Dr. Griego moved to adjourn the meeting at 10:20 a.m. Dr. Mach seconded the motion.

Meeting adjourned at 10:20 a.m.

**END OF MINUTES:**

---

Margaret Whelan, Executive Director

---

Date