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Brian Mach, O.D.
President

Rick Krug, Public Member
Vice President



Arizona State Board of Optometry
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Executive Director

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**FINAL MINUTES FOR REGULAR MEETING
SEPTEMBER 21, 2012 SCHEDULED TO COMMENCE AT 09:00 A.M.**

Board Members

Brian Mach, O.D., President
Rick Krug, Public Member, Vice-President
Marla Husz, O.D.
John Chrisagis, O.D.
Michael Lamb, O.D.
Mark Peller, O.D.
Vacant, Physician

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Mona Baskin, Assistant Attorney General

A. CALL TO ORDER:

Dr. Mach

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

B. ROLL CALL:

Ms. Hollins

Board Members Present:

Brian Mach O.D., President
Rick Krug, Public Member, Vice President
John Chrisagis, O.D.
Marla Husz, O.D.- joined the meeting telephonically
Michael Lamb, O.D.
Mark Peller, O.D.

Legal Counsel Present:

Mona Baskin, Assistant Attorney General

Staff Present:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Mach

None

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

1. A.H. vs. Ghadeer Makoshi, O.D. IR#201302

Allegation: Optometrist failed or refused to correct problem

Dr. Chrisagis summarized the facts in the case as patient had an eye exam in 2011. Patient felt there were a few concerns with the exam such as pre-dilation and the ability of the doctor to see inside the eye after drops had been in for quite some time. The patient's personal health history may not have been in the record as he was not asked what he felt were pertinent questions regarding his health. Also patient felt a prescription was incorrect as he has special needs which he informed the doctor about but the doctor did not address the issues. Patient A.H. was present at the meeting addressed the board. Patient A.H. felt that the documents were falsified as dilation was not performed. A.H. stated that drops for dilation were put in his eyes however the doctor never came back and read the dilation. He also stated the doctor was unwilling to accommodate him with his physical handicap and that the doctor made flippant remarks and showed no care or concern for him as a whole.

MOTION: Dr. Chrisagis moved to go to informal interview for the purposes of obtaining information from Dr. Makoshi regarding possible unprofessional conduct, poor patient care, recordkeeping and completeness of patient exams/records in accordance with the accepted standard of care. Mr. Krug seconded the motion.

VOTE: Motion passed 5-0. Dr. Peller recused.

2. Sharon Samski, O.D. vs. Gail Schechter, O.D. IR#201305

Allegation: Deceptive statements; unethical and unprofessional conduct

Dr. Lamb summarized the facts in the case as Dr. Schechter attempted to purchase equipment, sight unseen, from Dr. Samski, an optometrist in California. There appeared to be a miscommunication regarding the purchase and transportation of the equipment from California to Arizona. Dr. Schechter had already made payment but was unable to reach Dr. Samski by phone or e-mail after payment was made. She felt that this may be a scam so she reported the information to the Santa Barbara, CA Police Department. No further communication was received by Dr. Samski and the purchase was not completed.

MOTION: Dr. Lamb moved to dismiss due to lack of violation of the optometric practice act. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0. Dr Chrisagis recused.

3. K.F. vs. Kurt Lowman, O.D. IR#201306

Allegation: Deceptive statements; optometrist failed or refused to correct problem

Mr. Krug summarized the facts in the case as patient felt she did not get satisfactory care for a series of symptoms she told the doctor she had. In reviewing the records submitted, the doctor was fairly methodical in creating and following a treatment plan however the patient could not ascertain whether

the doctor read their medical records or not. It appears that the doctor made an appropriate referral once he was no longer able to further assist the patient, however prior to the referral he may have ignored or not diagnosed a potentially serious eye disease/problem. Dr. Lowman was present to address the Board. He stated that he did read the patient's medical records and felt that most of the issues the patient presented with were due to severe allergies. He also stated that if the patient presented with the same symptoms in the future, he would follow the same protocol.

MOTION: Mr. Krug moved to issue a Letter of Concern regarding possible unprofessional conduct for failure to diagnose a potentially serious eye condition on patient K.F. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-1. Dr. Peller voted no.

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

4. Lopez, Matthew
5. ~~Nguyen, Thuy~~ - WITHDRAWN
6. Rivas Diaz, Yolanda
7. Williamson, Riley

MOTION: Dr. Chrisagis moved to approve items 4, 6 and 7 for licensure. Dr. Lamb seconded the motion.

VOTE: Motion passed 6-0.

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

8. Ariz, Gretchen
9. Bladh, Taylor
10. Kuntz, Craig
11. Trull, Sandra
12. Warsh, David

MOTION: Dr. Peller moved to approve items 8 and 12 for licensure. Dr. Lamb seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Chrisagis moved to approve item 9 for licensure contingent upon negative FBI/DPS report. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Lamb moved to approve item 10 for licensure contingent upon negative FBI/DPS report. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Mach moved to table item 11 in order to obtain more information regarding dates of practice in current state to meet endorsement application requirements. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

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 2013

	Continuing Education	Date	No. of hours requested
a.	Barnet Dulaney Perkins Eye Center-Low Pressure Glaucoma	10/18/12	1 Regular
b.	Associated Retina Consultants-New & Emerging Treatments & Advances in Retina	09/24/12	1 Regular

MOTION: Dr. Peller moved to approve items a and b. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0. Dr. Lamb recused.

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

- 13. August 17, 2012 Regular Session Minutes
- 14. August 17, 2012 Executive Session Minutes

MOTION: Dr. Chrisagis moved to approve item 13 as written. Dr. Lamb seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Lamb moved to approve item 14 as written. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

I. EXECUTIVE DIRECTOR'S REPORT:

- 15. Budget
- 16. Future agenda items

Ms. Whelan reported that the budget is at 16.67% of FY13 and that board spending is currently a 15.6%. Current ending cash balance is \$115,723. No future agenda items were requested.

J. CALL TO PUBLIC:

Dr. Mach made a call to the public at 9:53 a.m. No one addressed the Board.

Dr. Chrisagis moved to adjourn the meeting. Dr. Lamb seconded. The meeting was adjourned at 9:53 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date