

**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: MARCH 16, 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. Griego called the meeting to order at 9:08 a.m.

### **B. ROLL CALL:**

Board Members Present: Caroline Griego, O.D., Vice President  
Robert B. Pinkert, O.D.  
Curtis Winkler, M.D.  
Robert J. Maynard, O.D. - Telephonically

Board Members Absent: Christina M. Sorenson, O.D., President  
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:**

**Dr. Sorenson**

None

**D. INFORMAL INTERVIEW:**

**9:00 a.m.**

1. C.M. vs. Brian Stephens, O.D., IR#200710

Allegation: Eyes seriously injured/Optomtrist failed or refused to correct problem.

Dr. Griego summarized the case and asked the Board for a recommendation and motion.

**MOTION:** Dr. Pinkert moved to issue a Letter of Concern pursuant to A.R.S. §32-1701(8)(g) based on failure to recognize a potentially hazardous occurrence post-operatively and inappropriate post-operative management as well as failure to document appropriately. 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	1					X	
NO	3	X	X		X		
ABSTAIN	0						
ABSENT	2			X			X

**VOTE:** Motion failed 1-3. Drs. Griego, Maynard and Winkler voted no.

**SECOND MOTION:** Dr. Winkler moved to issue a Decree of Censure pursuant to A.R.S. §32-1701(8)(g) based on failure to recognize a potentially hazardous occurrence post-operatively, inappropriate post-operative management and failure to document appropriately. 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 VOTE ON INVESTIGATIVE REVIEWS/COMPLAINTS:**

2. T.W. vs. Brian Easley, O.D. IR#200714

Allegation: Optometrist failed or refused to correct problem/refused to refund money

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 and instructed staff to send an informational letter to Dr. Easley regarding the importance of following statutory time-frames for responding to a complaint. 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.

3. T.D. vs. Howard Bacon, O.D. IR#200716

Allegation: Improper correction/fit of eyeglasses

Dr. Griego summarized the case and asked the Board for a recommendation and motion.

**MOTION:** Dr. Pinkert moved to issue a Letter of Concern pursuant to A.R.S. §32-1701(8)(o) based on the exam being less than adequate for diagnosis. Dr. Winkler 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 no.

4. A.T. vs. Jeffrey Martin, O.D. IR#200717

Allegation: Improper correction/fit of eyeglasses

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 practice act. 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.

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

- 5. Chaar-Navarro, Miguel
- 6. Hopman, Joanne
- 7. Mahairhu, Vicky
- 8. Sharma, Deepak

**MOTION:** Dr. Pinkert moved to approve items 5 thru 8 for licensure. Dr. Griego seconded the motion.

**VOTE:** Motion passed 4-0.

Dr. Pinkert moved to go into executive session for the purposes of legal advice. Dr. Maynard seconded the motion.

Board went into executive session for legal advice at 10:40 a.m.  
 Board reconvened regular session at 10:45 a.m.

- 9. Smith, Alex

**MOTION:** Dr. Pinkert moved to approve item 9 for licensure. Dr. Griego seconded the motion.

**VOTE:** Motion passed 3-1. Dr Maynard voted no.

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

- 10. Ruppe, Lane

Dr. Pinkert moved to go into executive session for the purposes of legal advice. Dr. Griego seconded the motion.

Board went into executive session for legal advice at 10:48 a.m.  
 Board reconvened regular session at 10:56 a.m.

**MOTION:** Dr. Maynard moved to deny the application for Lane Ruppe, O.D.. 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	2	X	X				
NO	2				X	X	
ABSTAIN	0						
ABSENT	2			X			X

**VOTE:** Motion failed 2-2. Drs. Pinkert and Winkler voted no.

**SECOND MOTION:** Dr. Pinkert moved to table item 10 pending further information concerning Dr. Ruppe's previous issues with anger and substance abuse. Dr. Winkler 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 no.

**H. 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:**

**Fiscal Year 2007**

	Continuing Education	Date	No. of hours requested
a.	2006 Refractive IOL Symposium	December 1 – 3, 2006	11 Regular
b.	CAOS	February 20, 2007	2 PM 1 Regular
c.	Las Vegas Improving Your Odds 2007	June 7 – 9, 2007	12.5 Regular
d.	Cosmetic Oculoplastic Procedures	April 17, 2007	1 Regular

**MOTION:** Dr. Pinkert moved to accept items a thru d. Dr. Maynard seconded the motion.

**VOTE:** The motion passed 3-1. Dr. Winkler voted no.

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

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

**MOTION:** Dr. Pinkert moved to table item 11 to the next regularly scheduled meeting.  
Dr. Griego seconded the motion.

**VOTE:** Motion passed 4-0

**J. REVIEW, DISCUSSION AND POSSIBLE VOTE ON NBEO LIST OF POTENTIAL EXAMINERS FROM ARIZONA:**

12. Letter dated February 26, 2007 from National Board of Examiners in Optometry (NBEO)

**MOTION:** Dr. Pinkert moved to accept the list as submitted excluding Dr. Fisch. Dr. Maynard seconded the motion.

**VOTE:** Motion passed 4-0

**K. DISCUSSION WITH BOARD OF DISPENSING OPTICIANS CONCERNING ISSUES, RULES AND STATUTES:**

13. Board memo regarding disclaimers on prescriptions for eyeglasses

**MOTION:** Dr. Pinkert moved to table item 13 to the next regularly scheduled meeting. Dr. Griego seconded the motion.

**VOTE:** Motion passed 4-0

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

14. January 19, 2007 Regular Session Minutes

**MOTION:** Dr. Griego moved to approve tab 14 as written. Dr. Maynard seconded the motion.

**VOTE:** Motion passed 4-0.

**M. REVIEW, DISCUSSION AND POSSIBLE VOTE ON POSSIBLE FUTURE AGENDA ITEMS:**

15. Request by Doctor and Andria Kowalczyk to be placed on an agenda to discuss issues relating to public records, Board’s records retention schedule, her public information requests and the involvement of the Ombudsman Office with same.

The Board heard Mrs. Kowalczyk and took no action.

**N. EXECUTIVE DIRECTOR’S REPORT:**

16. FARB Conference

17. Budget
18. Online credit card program for applications and public information requests
19. Legislation

Ms. Whelan reported on tabs 16 thru 19 inclusive.

**O. CALL TO PUBLIC:**

Dr. Griego made a call to the public at 11:25 a.m. No one was present to address the Board.

Dr. Pinkert moved to adjourn the meeting at 11:29 a.m. Dr. Winkler seconded the motion.

Meeting adjourned at 11:30 a.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date