

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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MINUTES FOR REGULAR SESSION MEETING: APRIL 18, 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.
Robert J. Maynard, O.D.
Curtis R. Winkler, M.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

Dr. Sorenson extended a warm welcome back to Ms. Cornelius, assistant attorney general to the Board.

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

1. R.P. vs. Mary McGehee, O.D. IR#200825

Allegation: Improper correction/fit of eyeglasses; optometrist failed to correct the problem

Dr. Pinkert 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.

	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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

2. C.E. vs. Michael Sellers, O.D. IR#200826

Allegation: Misdiagnosis/failure to diagnose glaucoma

Dr. Winkler summarized the case and recommended the Board issue a letter of concern for Dr. Sellers' approach to presentation of service, which does not meet the standards of care and is misleading.

MOTION: Dr. Pinkert moved to issue a letter of concern for Dr. Sellers' approach to presentation of service, which does not meet the standards of care and is misleading. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

3. R.H. vs. Joseph Fife, O.D.

IR#200827

Allegation: Improper correction/fit of eyeglasses; optometrist failed to correct the problem; excessive wait time at office

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

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometric practice act. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

4. W.H. vs. Alan Paris, O.D.

IR#200828

Allegation: Improper correction/fit of eyeglasses

Dr. Pinkert 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. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

5. W.H. vs. Joanne Lew, O.D.

IR#200829

Allegation: Improper correction/fit of eyeglasses

Dr. Pinkert 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. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

6. R.N. vs. Shawn Giese, O.D.

IR#200830

Allegation: Failure to issue prescriptions, allowing staff to work outside of scope of practice

Dr. Pinkert 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. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

7. C.K. vs. Todd Geiler, O.D.

IR#200831

Allegation: Unprofessional conduct/verbal harassment/inappropriate use of language towards patient

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

MOTION: Dr. Maynard 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

8. J.Z. vs. David Schanes, O.D.

IR#200832

Allegation: Improper correction/fit of eyeglasses/defective quality eyeglasses or contact lenses/prescribed glasses unnecessarily

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

MOTION: Dr. Sorenson moved to dismiss the case due to lack of violation of the optometric practice act. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

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

Allegation: Consideration of disciplinary action/surrender of IL license

Ms. Whelan summarized the case and recommended the Board consider its own investigation regarding the issues stated in the decree of censure from the state of Illinois.

MOTION: Dr. Pinkert moved to go to informal interview to review patient records for recordkeeping purposes and a record review for completeness of patient exams. 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

10. A.G. vs. Victor Rosen, O.D. IR#200835

Allegation: Improper correction/fit of eyeglasses/defective quality eyeglasses or contact lenses/refused to give copy of prescription/failed to correct 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 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	5	X	X		X	X	X
NO							
ABSTAIN							
ABSENT							

VOTE: Motion passed 5-0.

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

- 11. Coulson, David
- 12. Halvorson, Kirk
- 13. Heaton, Ami
- 14. Koh, Michelle
- 15. Lehman, Megan
- 16. Pena, Julene
- 17. Vallarta, Salvador
- 18. Yerramilli, Durga

MOTION: Dr. Pinkert moved that staff allow Dr. Vallarta (item 17) withdraw his application since he does not meet the requirements for licensure at this time. The Board took no further action on the application in item 17. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

MOTION: Dr. Pinkert moved to approve items 11 thru 16 and 18 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

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

- 19. Boyer, Albert
- 20. Fuller, Sheila
- 21. Packer, Bradley

MOTION: Dr. Pinkert moved to approve items 19 and 21 for licensure. Dr. Sorenson seconded the motion.

AMENDED MOTION: Dr. Pinkert moved to approve items 19 thru 21 for licensure. Dr. Sorenson 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. R4-21-208:

Fiscal Year 2008

	Continuing Education	Date	No. of hours requested
a.	Contemporary Retina	April 3, 2008	1 Regular
b.	43 rd Annual Postgraduate Seminar	March 8-9, 2008	13 Regular
c.	Multifocal IOLS	Various Dates	12 Regular
d.	CAOS	February 5, 2008	3 Regular

e.	Glaucoma & Cataract Update	March 18, 2008	2 Regular
f.	VEGF Trap-eye	August 24, 2008	2 Regular
g.	New Clinical Perspectives	February 23, 2008	5.5 Regular
h.	Latest Advances in Cataract Surgery	June 5, 2008	2 Regular

MOTION: Dr. Sorenson moved to accept items a thru d and f thru h. Dr. Maynard seconded the motion.

VOTE: The motion passed 3-0. Dr. Pinkert recused. Dr. Winkler abstained.

MOTION: Dr. Sorenson moved to table item e to obtain the course outline. Dr. Maynard seconded the motion.

VOTE: The motion passed 3-0. Dr. Pinkert recused. Dr. Winkler abstained.

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

- 22. January 18, 2008 Regular Session Minutes
- 23. January 18, 2008 Executive Session Minutes
- 24. February 20, 2008 Regular Session Minutes
- 25. February 20, 2008 Executive Session Minutes

MOTION: Dr. Pinkert moved to approve items 22-25 as written. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

I. DISCUSSION AND DIRECTION TO STAFF REGARDING OPENING COMPLAINTS FOR NON-COMPLIANCE WITH A.R.S. §32-1742; REGISTERING WITH THE BOARD; PUBLIC REGISTRY FILE, CURRENT INFORMATION:

MOTION: Dr. Pinkert moved to open complaints regarding this issue. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

J. ELECTION OF OFFICERS PURSUANT TO THE PROVISIONS OF A.R.S. §32-1703(A):

MOTION: Dr. Pinkert moved to maintain current officers of Christina Sorenson, President, Caroline Griego, Vice-President. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

K. REQUEST FROM BOARD PRESIDENT FOR FUNDS FOR ARBO ANNUAL CONFERENCE:

26. Request for Board funds up to the amount of \$1500 for President's Welcome at ARBO annual conference, June 2008.

Assistant Attorney General Melissa Cornelius informed the Board that it would be inappropriate to use Board funds in this case as the money may not be used to benefit the licensees or public of Arizona.

L. REVIEW DISCUSSION AND APPROVAL OF BOARD SUPPORT LETTER FOR REAPPOINTMENT OF CHRISTINA SORENSON, O.D. TO THE ARBO BOARD OF DIRECTORS:

MOTION: Dr. Maynard moved to approve support letter as written. Dr. Pinkert seconded the motion.

VOTE: The motion passed 5-0.

M. EXECUTIVE DIRECTOR'S REPORT:

- 27. Legislation
- 28. Rules
- 29. Budget
- 30. Miscellaneous

Ms. Whelan reported on tabs 27 thru 30 inclusive.

N. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 10:41 p.m.

Andria Kowalczyk addressed the Board.

Mark Peller, O.D. addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 10:51 a.m. Dr. Maynard seconded the motion. Meeting adjourned at 10:52 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date