

**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  
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**Margaret Whelan**  
Executive Director

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## **FINAL MINUTES FOR REGULAR SESSION MEETING: SEPTEMBER 18, 2009**

### **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 9:03 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.  
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**

No President report at this time.

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

1. ASBOO vs. Aleta Doroudian, O.D. IR#200912

Allegation: Doctor is potentially unsafe to practice as she suffers from psychological stresses and failure to disclose an arrest

The Board heard statements from Dr. Doroudian's legal counsel regarding the status of her treatment. Dr. Doroudian continues her mental health care at this time so the Board will continue this case until the next report is received from Dr. Doroudian's treating psychiatrist regarding Dr. Doroudian's ability to safely practice the profession of optometry.

2. M.P. vs. Chad Carlsson, O.D. IR#200928

Allegation: Deceptive advertising/statements; bad/inaccurate medical history taken by doctor

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.  
Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

3. ASBOO vs. Alex Smith, O.D. IR#201001

Allegation: Deceptive advertising; use of specialist term "medically certified optometrist"

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 table complaint and dismiss once the Board receives information that the doctor has removed the term "medically certified optometrist" from business cards, prescription pads and any other advertising means. Dr. Griego seconded the motion.

**VOTE:** Motion passed 6-0.

4. ASBOO vs. Baseem Wahab, O.D. IR#201002

Allegation: Criminal/felony charges for wire fraud, aggravated identity theft, receipt of stolen goods

Dr. Winkler summarized the case and recommended the Board table the case until a final disposition is handed down by the court.

**MOTION:** Dr. Winkler moved to table the case until the federal court hearing is completed.  
Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

5. D.D. vs. Lindsey Clyde, O.D. IR#201003

Allegation: Refusal to give patient copy of medical record

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 act.  
Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

6. D.D. vs. Thomas Czyz, O.D. IR#201004

Allegation: Refusal to give patient copy of medical record

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 act.  
Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

Board went into Executive Session for the purpose of legal advice at 9:33 a.m.  
Board reconvened Regular Session at 9:43 a.m.

7. T.M. vs. Robert Esposito, O.D. IR#201005

Allegation: Deceptive statements; harassment

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

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

**VOTE:** Motion passed 6-0.

8. T.M. vs. Richard Glonek, O.D. IR#201006

Allegation: Deceptive statements; harassment

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

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

**VOTE:** Motion passed 6-0.

9. J.M. vs. Amy Dechant, O.D. IR#201007

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

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 act. Dr. Jarnagin seconded the motion.

**VOTE:** Motion passed 6-0.

10. J.M. vs. Curtis Dechant, O.D. IR#201008

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

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 act. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

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

11. Bernie Trejo, O.D.

The Board reviewed item 11 and determined that a formal complaint is not warranted at this time.

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

- 12. Ainsworth, Thomas
- 13. Anderson, Mindy
- 14. Bishop, Camille
- 15. Broca, Mariethere
- 16. Lambson, Aaron
- 17. Sidhu, Jasdeep

**MOTION:** Dr. Griego moved to approve items 12 thru 17 for licensure. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

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

- 18. Aurich, Lawrence
- 19. Desjardins, Lyn
- 20. Hamideh, Dina
- 21. Prange, Harold
- 22. Tsai, Mai

**MOTION:** Dr. Griego moved to approve items 18, 19 and 21 for licensure. Dr. Winkler seconded the motion.

**VOTE:** Motion passed 6-0.

**MOTION:** Dr. Griego moved to approve items 20 and 22 for licensure contingent upon receiving negative fingerprint report from Department of Public Safety. Dr. Meier seconded the motion.

**VOTE:** Motion passed 6-0.

**H. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-210:**

**Fiscal Year 2010**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Autism Society of America	April 4 & 5, 2009	7 Regular
b.	Alcon	October 29, 2009	1 Regular

**MOTION:** Dr. Meier moved to deny approval for item a. as it does not meet the requirements for continuing education for optometrists. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

**MOTION:** Dr. Meier moved to approve item b. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

**I. REQUEST FOR ADDITIONAL CORRESPONDENCE HOURS OR EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION PURSUANT TO A.A.C. R4-21-212.**

- 23. Letter from Gary Baron, O.D. requesting substitution or extension of time for continuing education completion for the purpose of license renewal

**MOTION:** Dr. Jarnagin moved to approve item 23 for an extension of four (4) months from the date of expiration to complete CE hours for a due date of February 26, 2010. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

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

- 24. Amy Grimes, O.D.
- 25. Robert Spruance, O.D.
- 26. Donald Bockin, O.D.
- 27. George Uhlmann, O.D.
- 28. Huey Fen-Song, O.D.

**MOTION:** Dr. Griego moved to approve items 24, 25 and 26 for Pharmaceutical Agent Certification. Dr. Jarnagin seconded the motion.

**VOTE:** Motion passed 6-0.

**MOTION:** Dr. Griego moved to table item 27, as applicant needs to obtain at least 120 hours transcript quality courses and item 28, as applicant needs 12-hour pharmacology course. Dr. Mach seconded the motion.

**VOTE:** Motion passed 6-0.

**K. REVIEW AND DISCUSSION OF ONLINE EYEGLOSS DISTRIBUTORS AND DOCTOR LIABILITY; POSSIBLE SUBSTANTIVE POLICY:**

- 29. Letter from Michael Zucker, O.D.

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

**L. REVIEW AND DISCUSSION OF BOARD CERTIFICATION; POSSIBLE SUBSTANTIVE POLICY:**

- 30. Position letter from North Carolina Board

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

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

- 31. July 17, 2009 Regular Session Minutes

**MOTION:** Dr. Meier moved to approve item 31 as written. Dr. Mach seconded the motion.

**VOTE:** The motion passed 4-0. Dr. Jarnagin and Rick Krug abstained.

- 32. July 17, 2009 Executive Session Minutes

**MOTION:** Dr. Meier moved to approve item 32 as written. Dr. Mach seconded the motion.

**VOTE:** The motion passed 4-0. Dr. Jarnagin and Rick Krug abstained.

33. July 17, 2009 2<sup>nd</sup> Executive Session Minutes

**MOTION:** Dr. Meier moved to approve item 33 as written. Dr. Mach seconded the motion.

**VOTE:** The motion passed 4-0. Dr. Jarnagin and Rick Krug abstained.

**N. EXECUTIVE DIRECTOR'S REPORT:**

- 34. Budget
- 35. Sunrise legislation
- 36. Future agenda items

Ms. Whelan reported that the Board began the FY10 with a cash balance of \$84,000 after the fund sweep from FY09 and that the Governor has asked the Agency for a 15% reduction of appropriations for a total reduction of \$30,500 from the Agency's operating budget.

Ms. Whelan informed the Board that she submitted a language revision for clarification purposes for the sunrise legislation submitted by the Arizona Optometric Assoc. The suggested changes were sent to Sara Polansky at the AZoA and were only regarding the licensing process, which was incorrectly stated on the proposed legislation. No changes to its content were made.

The Board requested no future agenda items at this time.

**O. CALL TO PUBLIC:**

**Dr. Griego**

Dr. Griego made a call to the public at 11:12 a.m.

Dr. Ken Johnson addressed the Board.

Dr. Jarnagin moved to adjourn the meeting at 11:13 a.m. Dr. Mach seconded the motion.

Meeting adjourned at 11:13 a.m.

**END OF MINUTES:**

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Margaret Whelan, Executive Director

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Date