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President

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Arizona State Board of Optometry
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FINAL MINUTES FOR REGULAR SESSION MEETING: NOVEMBER 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. Sorenson

Dr. Sorenson called the meeting to order at 9:03 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.
Melissa Bengtson, Public Member

Board Members Absent: Curtis R. Winkler, M.D.

Legal Counsel Present: Elizabeth Campbell, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT’S REPORT:

Dr. Sorenson

Dr. Sorenson reported that the NBEO exam is being updated. A content matrix will be implemented as of June 2009 and will be the first administration. The entering optometry classes are now starting to take that exam.

D. INFORMAL INTERVIEW: 9:00 a.m.

1. M.R. vs. Stuart Adams, O.D., IR#200801

Allegation: Eyes seriously injured; optometrist failed to correct problem

Dr. Sorenson 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. Ms. Bengtson 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	0						
NO	4	X	X	X			X
ABSTAIN	0						
ABSENT	1				X		
RECUSED	1					X	

VOTE: Motion fails 0-4. Dr. Pinkert abstained.

SECOND MOTION: Ms. Bengtson moved to issue a Letter of Concern without Continuing Education for violation of A.R.S. §32-1743(15), failing to maintain or submit records as required by this chapter. 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	1				X		
RECUSED	1					X	

VOTE: Motion passed 4-0. Dr. Pinkert abstained.

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

2. D.B. vs. Stephen Phillips, O.D. IR#200809

Allegation: Fee dispute/possible overcharge of fees

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. 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

3. D.R. vs. Sarah Paikowsky, O.D. IR#200810

Allegation: Doctor did not wash hands prior to examination

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.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

4. G.H. vs. Amy Czyz, O.D.

IR#200811

Allegation: Deceptive advertising/Improper correction/fit of eyeglasses/Defective or poor quality of glasses or contacts

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. 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	1	X					
ABSENT	1				X		

VOTE: Motion passed 4-0. Dr. Griego abstained.

5. G.H. vs. Lisa Ho, O.D.

IR#200812

Allegation: Deceptive advertising/Improper correction/fit of eyeglasses/Defective or poor quality of glasses or contacts

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. 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

6. AADO vs. Jennifer Valente-Caywood, O.D. IR#200813

Allegation: Improper disclaimer on prescription pad

Dr. Sorenson 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. Ms. Bengtson 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

7. AADO vs. Leslie Weintraub, O.D. IR#200814

Allegation: Improper disclaimer on prescription pad

Dr. Sorenson 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.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

8. AADO vs. Jeffrey Martin, O.D. IR#200815

Allegation: Improper disclaimer on prescription pad

Dr. Pinkert 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. Ms. Bengtson 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

9. AADO vs. Herman Gould, O.D. IR#200816

Allegation: Improper disclaimer on prescription pad

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

MOTION: Ms. Bengtson 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

10. AADO vs. Norman Kupers, O.D. IR#200817

Allegation: Improper disclaimer on prescription pad

Dr. Sorenson 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. Ms. Bengtson 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

11. AADO vs. Sarah Paikowsky, O.D. IR#200818

Allegation: Improper disclaimer on prescription pad

Dr. Sorenson 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. 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

12. C.H. vs. Paul Cinalli, O.D. IR#200819

Allegation: Billed insurance company for services not rendered

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.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

13. E.S. vs. David Toland, O.D. IR#200820

Allegation: Deceptive statements/Improper type of eyeglasses/refusal to give copy of Rx/failed to fully describe results of exam

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.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

14. N.R. vs. Joel Ackerman, O.D. IR#200821

Allegation: Charge/fee dispute

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. Ms. Bengtson 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	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 5-0.

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

- 15. Lee, Stephanie
- 16. Nissany, Alayhar

MOTION: Dr. Pinkert moved to approve items 15 and 16 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

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

- 17. None

H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING LICENSE RENEWAL APPLICATIONS:

- 18. Gregory Evans, O.D.

MOTION: Dr. Maynard moved to approve item 19 for licensure renewal. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

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

- 19. Matthew Hunter, O.D.

MOTION: Dr. Maynard moved to approve item 19 for Pharmaceutical Agent Certificate. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0. Dr. Pinkert recused.

J. 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.	CAOS	November 6, 2007	3 Regular
b.	Glaucoma & Cataract Update 2007	September 11, 2007	2 Regular
c.	ALOA Annual Convention	November 2-4, 2007	9 Regular
d.	Clinical Strategies for Management of the Red Eye	October 16, 2007	2 Regular

MOTION: Dr. Sorenson moved to accept items a,b and d. Dr. Pinkert seconded the motion.

VOTE: The motion passed 5-0.

SECONDED MOTION: Dr. Pinkert moved to accept item c for seven (7) Regular and two (2) Practice Management hours. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE ON USE OF OE TRACKER NUMBER ON ORIGINAL AND RENEWAL APPLICATIONS

20. Electronic monitoring of Continuing Education

MOTION: Dr. Sorenson made a motion that staff include OE tracker on renewal application so that the Board can make use of it for the future renewals and audits. Dr. Pinkert seconded the motion.

VOTE: Motion passed 5.0.

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

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

Board went into executive session for legal advice at 9:55 a.m.
 Board reconvened regular session at 10:04 a.m.

The Board discussed the issue and took no action at this time.

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

- 22. September 21, 2007 Regular Session Minutes
- 23. September 21, 2007 1st Executive Session Minutes
- 24. September 21, 2007 2nd Executive Session Minutes
- 25. September 21, 2007 3rd Executive Session Minutes

MOTION: Dr. Maynard moved to approve tabs 22 thru 25 as written. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

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

The Board tabled this item until next meeting.

O. EXECUTIVE DIRECTOR'S REPORT:

- 26. Budget
- 27. Legislation
- 28. Rules

Ms. Whelan reported on tabs 26 thru 28 inclusive.

P. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 12:13 p.m. No one present addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 12:14 p.m. Dr. Pinkert seconded the motion

Meeting adjourned at 12:19 p.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date