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**FINAL MINUTES FOR REGULAR MEETING
NOVEMBER 16, 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 9:01 a.m.

B. ROLL CALL:

Ms. Hollins

Board Members Present: Brian Mach O.D., President
John Chrisagis, O.D.
Marla Husz, O.D.
Michael Lamb, O.D.
Mark Peller, O.D.

Board Members Absent: Rick Krug, Public Member, Vice President

Legal Counsel Present: Mona Baskin, Assistant Attorney General

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

C. PRESIDENT'S REPORT:

Dr. Mach

Dr. Mach attended the committee of reference meeting regarding the agency's sunset review. The committee unanimously voted to move forward with the agency's continuation which will be heard when the new legislative session begins in January 2013.

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

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

Allegation: Optometrist failed or refused to correct problem

Dr. Mach led the informal interview as the Board had further questions for Dr. Makoshi regarding dilation and the eyeglass prescription that was written for patient A.H. The issues in this case are that there is no date or timestamp from the time that drops were put in the patient's eyes to the exam of the dilated eyes. It appeared from the record of the exam that examination of the patient's eyes was done 12 minutes after drops were inserted. For this medication, approximately 15 to 30 minutes is required for full dilation. Dilation/proper exam may not have been possible at 12 to 13 minutes. The eyeglass prescription given to A.H. was the same as another recent prescription from a different optometrist. However, Dr. Makoshi's final prescription was substantially different regarding the bifocal versus single vision lenses. "Computer friendly" lenses were requested by the patient. Upon review of Dr. Makoshi's records, there were only digital pressures recorded in the exam record. It appears that Dr. Makoshi was rushing the exam based on not waiting proper amount of time to read the dilation. Patient A.H.'s partner addressed the Board stating that Dr. Makoshi was not interested in seeing patient A.H. at the computer or discussing progressive lenses. Dr. Makoshi addressed the Board stating that she believes she acted appropriately and performed a complete, comprehensive eye exam.

MOTION: Dr. Chrisagis moved to issue a Letter of Concern regarding inaccuracy of patient medical records. Mr. Lamb seconded the motion.

VOTE: Motion passed 3-1. Dr. Husz voted No. Dr. Peller recused.

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

2. D.E. vs. Douglas Hassenpflug, O.D. IR#201309

Allegation: Improper correction/fit of eyeglasses or contact lenses; prescription for bifocals not written correctly

Dr. Lamb summarized the facts in the case as patient felt the prescription was incomplete as the "add" was missing and the record was both inaccurate and incomplete. The "add" appeared further in the record but it was not written on the record by Dr. Hassenpflug; it was written by somebody else in the office.

MOTION: Dr. Husz moved to issue a letter concern for accuracy records and lack of a complete eyeglass prescription. There was no second to the motion. Motion fails.

SECOND MOTION: Dr. Husz moved to this case is the lack of violation of the optometric practice act. Dr. Peller seconded the motion.

VOTE: Motion passed 4-1. Dr. Mach voted no.

3. J.T. vs. Patricia Stamper, O.D. IR#201310

Allegation: Improper correction/fit of eyeglasses or contact lenses; defective or poor quality eyeglasses

Dr. Lamb summarized the facts in the case as patient J.T. saw Dr. Stamper in December of 2011 for an annual eye exam. Dr. Stamper's exam indicated that patient's vision had changed enough to warrant changing the current eyeglass prescription. The patient purchased new frames and lenses through Dr. Stamper's office, however, patient felt there were numerous "pricing errors". The patient states she experienced problems with vision within the first few months after receiving new eyeglasses. She thought the problem was due to the change in prescription so she went to see a different optometrist whose exam indicated vision changed slightly from patient's original prescription, but not enough to warrant changing to the current prescription issued by Dr. Stamper. Based on this information, patient asked Dr. Stamper for refund of the original purchase as she felt the eyeglasses were made in error as the prescription had not changed. Dr. Stamper's office initially refused to refund however later refunded the amount of the glasses and frames.

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

VOTE: Motion passed 5-0.

4. I.B. vs. Christina Miller, O.D. IR#201311

Allegation: Refusal to give copy of prescription; charging for prescription

Dr. Husz summarized the facts in the case as patient felt they were charged for the prescription for eyeglasses. In reviewing the records, it shows that the charge was actually for refraction and not for the prescription.

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

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

5. S.W. vs. Russell Thompson, O.D. IR#201312

Allegation: Refusal to give patient copy of report when requested; inconsiderate to minor patient

Dr. Chrisagis summarized the facts in the case as visual acuity was not done and no report was given to the patient's mother as verbally requested by her. S.W. felt that Dr. Thompson made flippant comments regarding the use of braille, disregarded her request for a discussion on low vision, and did not give her what she wanted or needed regarding the care and treatment for her minor child. S.W. was present via telephone to address the board. She states that she didn't believe that Dr. Thompson addressed her son's progressive eye disease issues. S.W. stated that Dr. Thompson wanted to put off her son learning braille

at this time as her son has closed angle glaucoma. As no written request was made for the patient's records, Dr. Thompson was not statutorily required at this time to provide records or reports to S.W.

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

VOTE: Motion passed 3-2. Dr. Lamb and Dr. Chrisagis voted No.

6. J.D. vs. Monica Diamos, O.D. IR#201313

Allegation: Defective/poor quality eyeglasses

Dr. Peller summarized the facts in the case as patient felt that the metal frames purchased were defective as the enamel was flaking off and the frames were causing discoloration on the skin. The patient wanted another pair of glasses in a plastic frame to avoid the problems she experienced with the metal frames. Dr. Diamos did not replace the frames but refunded the money to the patient for both lenses and frames.

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

VOTE: Motion passed 5-0.

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

7. Jerry Burger, O.D

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

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

8. Salima, Seth

MOTION: Dr. Lamb moved to approve item 8 for licensure. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0.

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

9. Potter, Scott

10. Templeton, Timothy

MOTION: Dr. Lamb moved to approve items 9 and 10 for licensure. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0.

I. 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.	Latest Advances in Cataract Surgery-Barnet Dulaney Perkins Eye Center	12/6/12	1 Regular
b.	HESLC Fall 2012 CE event-Horizon Eye Specialists	11/15/12	3 Regular
c.	New and Emerging Treatments & Advances in Retina-Associated Retina Consultants	12/3/12	1 Regular

MOTION: Dr. Husz moved to approve items a thru c. Dr. Chrisagis seconded the motion.

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

J. REVIEW, CONSIDERATION AND POSSIBLE APPROVAL OF COURSE REVIEWERS FOR THE COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE):

- 11. Letter from the Council on Optometric Practitioner Education
 - a. Sara Gaib, O.D.
 - b. Kristia Owens, O.D.

MOTION: Dr. Lamb moved to approve item 11a and 11b as COPE course reviewers. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0.

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

- 12. September 21, 2012 Regular Session Minutes

MOTION: Dr. Lamb moved to approve item 12 as written. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

L. EXECUTIVE DIRECTOR'S REPORT:

- 13. Budget
- 14. COR meeting for sunset
- 15. Future agenda items

Ms. Whelan reported that the budget is in good shape. We are currently at 33.33% of the budget year with expenditures at only 31.49%. The ending cash balance as of October 31, 2012 is \$111,882. The committee of reference meeting for the agency sunset review went well as the committee unanimously voted to move forward with agency's continuation bill. It will be heard when the new session begins in January 2013. No future agenda items were requested.

M. CALL TO PUBLIC:

Dr. Mach made a call to the public at 11:01 a.m. No one addressed the Board.

Dr. Peller moved to adjourn the meeting. Dr. Lamb seconded. The meeting was adjourned at 11:02 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date