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Caroline Griego, O.D.
President

Stacey J. Meier, 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: NOVEMBER 20, 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 9:00 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.
Rick Krug, Public Member – Left board meeting at 10:00 a.m.

Board Members Absent: Curtis Winkler, M.D.

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. D.B. vs. Charles Roberts, O.D. IR#201009

Allegation: Deceptive advertising or statements; improper correction/fit of eyeglasses or contact lenses; poor communication and rude to patient

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

MOTION: Dr. Jarnagin moved to issue a Letter of Concern for deceptive advertising as Dr. Roberts may not hold himself out to be "board certified" in his advertising. Dr. Meier seconded the motion.

VOTE: Motion passed 5-0.

2. J.E. vs. Carol Lipton, O.D. IR#201010

Allegation: Optometrist failed or refused to correct problem/Doctor had unprofessional attitude

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. Jarnagin seconded the motion.

VOTE: Motion passed 5-0.

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

3. Letter to Board regarding Luxottica/Lenscrafters and employment of optometrists

The Board reviewed the submitted letter and directed staff to send a letter to Luxottica/Lenscrafters informing them of our Statutes and Rules and the possible violations therein.

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

4. Cross, Jarrod
5. Csonka, Meghan
6. Juarez, Roger
7. Pick, Jason
8. Southam, Brant
9. Watson, Matthew

MOTION: Dr. Griego moved to approve items 4, 5, 6, 8 and 9 for licensure. Rick Krug seconded the motion.

VOTE: Motion passed 5-0.

MOTION: Dr. Jarnagin moved to table item 7 until the doctor meets the NBEO requirements for licensure. Dr. Meier seconded the motion.

VOTE: Motion passed 5-0.

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

- 10. Dagenais, Verne
- 11. Helfrich, Melissa
- 12. Kopp, Steve
- 13. Manning, Ryan
- 14. Paterson, Geoffrey
- 15. Schatz, Scott

MOTION: Dr. Griego moved to approve items 10 thru 15 for licensure. Dr. Mach seconded the motion.

VOTE: Motion passed 5-0.

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

	Continuing Education	Date	No. of hours requested
a.	Horizon Eye Specialists-What can I tell you about Marginal Keratitis?	November 17, 2009	3 Regular
b.	CAOS Cornea/ Retina lecture	December 8, 2009	3 Regular

MOTION: Dr. Jarnagin moved to approve item a and b as submitted. Dr. Meier seconded the motion.

VOTE: Motion passed 5-0.

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

- 16. Donald Sanfilippo, O.D.
- 17. Huey Fen-Song, O.D.

MOTION: Dr. Jarnagin moved to approve items 16 and 17 for Pharmaceutical Agent Certification. Dr. Mach seconded the motion.

VOTE: Motion passed 5-0.

J. REQUEST FOR AN EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION PURSUANT TO A.A.C. R4-21-212.

18. Letter from Larry Allgood, O.D. requesting extension of time for continuing education completion for the purpose of license renewal

The Board discussed this request and determined that it did not meet the criteria for extension under A.A.C. R4-21-212 and therefore denied the request, instructing staff to inform Dr. Allgood that he would need to obtain the required CE for renewal to continue licensure under the current rules and statutes.

MOTION: Dr. Griego moved to deny item 18 for an extension of time to complete the continuing education required for renewal of license. Dr. Jarnagin seconded the motion.

VOTE: Motion passed 5-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE AND REVISION OR TERMINATION OF PROBATIONARY ORDER:

19. Vincent Sanchez, O.D.

Ms. Whelan presented, for the Board's consideration of the above stated request, the history of Dr. Sanchez's disciplinary action including the current Stay of Revocation Order terms of probation.

MOTION: Dr. Meier moved to lift the probationary terms and terminate the Order effective immediately. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0.

L. REVIEW OF CORRESPONDENCE RECEIVED FROM DR. NICHOLAS AND ANDRIA KOWALCZYK:

20. Letter from Nicholas and Andria Kowalczyk regarding what they feel are new issues regarding Dr. Kowalczyk's 1994 consent agreement as well as the consent agreement being set aside or amended; or correcting the record.

The Board reviewed the letter and heard statements from Enrique Medina Ochoa on behalf of Nicholas and Andria Kowalczyk. A meeting to discuss consent agreement issues with the Executive Director and counsel for the Board was requested by Mr. Ochoa. The Board discussed the request and allowed for an informational meeting to take place between Mr. Ochoa and the Board's Executive Director and counsel regarding this issue only. Staff will report back to the Board after meeting is held.

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

21. September 18, 2009 Regular Session Minutes
22. September 18, 2009 Executive Session Minutes

MOTION: Mr. Krug moved to approve items 21 and 22 as written. Dr. Jarnagin seconded the motion.

VOTE: The motion passed 5-0.

N. EXECUTIVE DIRECTOR'S REPORT:

- 23. Budget
- 24. 2010 Board meetings schedule
- 25. Future agenda items

Ms. Whelan reported that the Board budget is still recovering from the fund sweep and that renewals are still coming in, generating revenue to support the operating funds. More budget cuts are likely in the remainder of the fiscal year including the 15% reduction set forth by the Governor for a total of \$30,500 from the Agency's operating budget.

Board meetings for 2010 are listed on the website and remain the 3rd Friday of the month. The Board remains mandated by statute to meet at least six (6) times per calendar year with next meeting on January 15, 2010.

Future agenda items requested were further discussion of the use of the term "Board Certified" by optometrists.

O. CALL TO PUBLIC:

Dr. Griego

Dr. Griego made a call to the public at 10:02 a.m.

No one addressed the Board.

Dr. Griego moved to adjourn the meeting at 10:03 a.m. Dr. Mach seconded the motion.

Meeting adjourned at 10:03 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date