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Brian Mach, O.D.
President

Rick Krug, Public Member
Vice President



Arizona State Board of Optometry
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**FINAL MINUTES FOR REGULAR MEETING
FEBRUARY 15, 2013 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 9:00 a.m.

B. ROLL CALL:

Ms. Hollins

Board Members Present:

Brian Mach O.D., President
Rick Krug, Public Member, Vice President
John Chrisagis, O.D.
Marla Husz, O.D. – arrived at 9:06 a.m.
Michael Lamb, O.D.
Mark Peller, O.D.

Legal Counsel Present:

Mona Baskin, Assistant Attorney General

Staff Present:

Margaret Whelan, Executive Director

C. PRESIDENT'S REPORT:

Dr. Mach

Dr. Mach noted that Dr. Husz and he are up for reappointment this June and that it would be a good idea to begin the application process if there is interest in being reappointed to the Board. Dr. Mach also encouraged all Board members to complete the online ethics training class if they have not done so already.

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

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

1. ASBOO vs. Dale Sarratt, O.D. IR#201321

Allegation: Incomplete patient history taken; possible reaction from drug allergy

Dr. Mach presented the complaint stating this issue was reported by the insurance company through the National Practitioner Data Bank (NPDB) report. During a routine eye exam, the patient was administered .5% proparacaine when she became lightheaded and fainted. Dr. Sarratt called 911 immediately; paramedics arrived and treated the patient in the office. The patient did not disclose a history of allergic reaction to the proparacaine and there is no evidence of direct responsibility from Dr. Sarratt for the reaction as the drug allergy was unknown. However, at the advice of his attorney, the doctor settled the claim for malpractice to cover the cost of the patient's medical bills resulting from the allergic reaction.

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

VOTE: Motion passed 6-0.

2. M.G. and N.E. vs. Richard Glonek, O.D. IR#201322

Allegation: Deceptive statements; did not disclose that the office is an out-of-network provider

Dr. Mach presented the complaint. This patient was referred to Dr. Glonek for vision therapy. Dr. Glonek set up a program for the patient and began treatment without prior approval or authorization from the insurance company so as not to further delay treatment. Dr. Glonek later stopped treatments due to nonpayment as he states he didn't want to "run up the bill", since the patient was, at that time, self-pay and their insurance deductible had not yet been met. The patient signed an acknowledgement of payment for services should they not be covered by the insurance.

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

VOTE: Motion passed 6-0.

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

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

3. Johansen, Eric
4. Meharry, Candria
5. Qureshi, Fatima
6. ~~Ranjbar, Phdra~~ Withdrawn from consideration prior to discussion and vote.

MOTION: Dr. Peller moved to approve items 3, 4 and 5 for licensure. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

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

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

7. Wayment, Scott

MOTION: Dr. Lamb moved to approve item 7 for licensure. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

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

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

8. Lisa Keltner, O.D.
9. Kenneth Glass, O.D.

MOTION: Dr. Lamb moved to approve item 8 for a Pharmaceutical Agent Certificate. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

The Board tabled item 9 until the doctor provides proof of completion of a 12-hour pharmacology course to fulfill the requirements for obtaining the PA Certificate.

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:

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Fiscal Year 2013

	Continuing Education	Date	No. of hours requested
a.	BDPEC- Ratify additional dates for previously approved course name: Changing Cataract Surgery in a Femtosecond Original approved course date: 4/25/12	5/31/12 6/21/12	1 Regular on each date
b.	BDPEC- Ratify additional dates for previously approved course name: Cornea Replacement Original approved course date: 4/25/12	5/31/12 11/1/12	1 Regular on each date
c.	BDPEC- Ratify additional dates for previously approved course name: Mini Glaucoma Shunt Original approved course date: 5/24/12	6/21/12 8/23/12	1 Regular on each date
d.	BDPEC- Ratify additional dates for previously approved course name: Common Conditions Treated by Ophthalmic Plastic Surgeons Original approved course date: 8/23/12	09/27/12 10/18/12 11/01/12	1 Regular on each date
e.	Midwestern Univ. Clinical Psychology College of Health Sciences- Ethics and Professional Practice	2/9/13	2 Regular

MOTION: Dr. Peller moved to ratify the additional course dates in items a-d. Dr. Husz seconded the motion.

VOTE: Motion passed 5-0. Dr. Lamb recused due to conflict of interest.

MOTION: Dr. Lamb moved to approve item e. Dr. Husz seconded the motion.

VOTE: Motion passed 5-1. Dr. Mach voted no.

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

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

10. January 18, 2013 Regular Session Minutes

MOTION: Dr. Peller moved to approve item 10 as written. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 6-0.

J. EXECUTIVE DIRECTOR'S REPORT:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and to receive legal advice pursuant to A.R.S. §38-431.03(A)(3).

- 11. Sunset review/proposed amendments to statutes
- 12. Future agenda items

Ms. Whelan reported that sunset review is moving through the Senate. The bill (SB1433) is being split from one to two bills in order to generate a “clean continuation” in one bill with the proposed changes to statutes in another bill. Bill number for the second bill has yet to be assigned. The Senate Health Committee hearing is Wednesday, February 20, 2013 at 2 p.m. No future agenda items were requested.

K. CALL TO PUBLIC:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. §38-431.03(A)(2). In addition, the board may hold an executive session to discuss or consult with its attorney and receive legal advice pursuant to A.R.S. §38-431.03(A)(3). Pursuant to A.R.S. §38-431.01(G), Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

Dr. Mach made a call to the public at 9:40 a.m. No one addressed the Board.

Dr. Peller moved to adjourn the meeting. Dr. Husz seconded. The meeting was adjourned at 9:41 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date