

Janice K. Brewer
Governor

Brian Mach, O.D.
President

Rick Krug, Public Member
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Margaret Whelan
Executive Director

Telephone (602) 542-8155 • Fax (602) 542-3093

**FINAL MINUTES FOR REGULAR TELECONFERENCE MEETING
MARCH 16, 2012 SCHEDULED TO COMMENCE AT 9:00 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.
L. Markham McHenry, D.O.

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Unassigned, Assistant Attorney General

A. CALL TO ORDER:

Dr. Mach

Dr. Mach called the meeting to order at 9:04 a.m.

B. ROLL CALL:

Ms. Hollins

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

Board Members Absent: Rick Krug, Public Member, Vice President
L. Markham McHenry, D.O.

Legal Counsel Present: Unassigned, Assistant Attorney General

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

C. PRESIDENT'S REPORT:

None.

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

No Complaints at this time.

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

1. Eck, Kendra
2. Goodman, Curtis
3. Hoppert, Allissun
4. Schmitt, Rebecca
5. Walrath, Tawny

MOTION: Dr. Lamb moved to approve items 1, 3, 4, and 5 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

MOTION: Dr. Lamb moved to approve item 2 for licensure contingent upon receiving negative reports from FBI/DPS. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0.

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

6. Nichols, Nancy
7. Rhodes, Kristi
8. Rosner, Howard

MOTION: Dr. Lamb moved to approve items 6 thru 8 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

G. REQUEST FOR A WAIVER/REFUND OF LICENSE RENEWAL LATE FEE:

9. Bobbie Jo Casey, O.D.
10. Andrew Clark, O.D.

MOTION: Dr. Chrisagis moved to deny the request of item 9 for a refund of license renewal late fee as there was no administrative error by the Board since a deficiency notice was sent pursuant to A.A.C. R4-21-103. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0.

MOTION: Dr. Lamb moved to deny the request of item 10 for a refund of license renewal late fee as the Board sent out renewal notice pursuant to A.A.C. R4-21-205(A) which states in part, "...the Board may provide a licensee with notice that the licensee's license is going to expire. Failure to obtain notice of the need to renew is not good cause for failing to renew". Dr. Peller 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 2012

	Continuing Education	Date	No. of hours requested
a.	Cornea Replacement-Barnet Dulaney Perkins Eye Center	04/25/12	1 Regular
b.	Changing Cataract Surgery in a Femtosecond- Barnet Dulaney Perkins Eye Center	04/25/12	1 Regular

MOTION: Dr. Husz moved to approve items a. and b. Dr. Peller seconded the motion.

VOTE: Motion passed 4-0. Dr Lamb recused from both items a. and b.

I. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH LETTER OF CONCERN ORDER FOR CONTINUING EDUCATION :

11. Michael Sachen, O.D., IR#201208

MOTION: Dr. Lamb moved to accept the completed continuing education courses for compliance with Letter of Concern Order for Continuing Education. Dr. Chrisagis seconded the motion.

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

J. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENT TO AGENCY TUITION REIMBURSEMENT POLICY:

12. Amendment to add a section regarding external educational benefits.

Ms. Whelan asked the Board to add a section regarding outside educational benefits such as grants, veterans benefits, etc. to the current tuition reimbursement policy

MOTION: Dr. Lamb moved to accept submitted amendment to the Agency Tuition Reimbursement Policy. The amendment will be added as item number 7 under "Procedures" of the Tuition Reimbursement Policy. Dr. Chrisagis seconded the motion.

VOTE: Motion passed 5-0.

K. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF SUBSTANTIVE POLICY REGARDING CONTACT LENS PRESCRIPTONS; TIME-FRAME; EXPIRATION:

The Board discussed the proposed substantive policy submitted and determined that while the Board follows the AOA clinical guidelines, there are specific contact lens clinical guidelines which recommend 6-12 months for a contact lens exam/prescription. Dr. Peller recommended keeping the current practice of a one year expiration date but if a doctor wants to allow for a prescription expiration date for up to two years based on patient's eye health, they may do so at their discretion. The Board felt that this is an educational opportunity for licensees to understand the process with regards to the length of time for the prescription based on the current AOA clinical guidelines for contact lenses. A revised proposed substantive policy will be submitted for approval at next regularly scheduled Board meeting.

L. REVIEW, DISCUSSION AND POSSIBLE VOTE ON THE BOARD'S CURRENT COMPLAINT REVIEW PROCESS:

13. Letter from David Toland, O.D.

The Board discussed the issue submitted by Dr. Toland about all complaints being on the public record. A.R.S. §32-1744(O) provides, in part, that, "...the following materials, documents and evidence are not confidential and are public records if they are related to resolved complaints and comply with subsection A of this section: the complaint, the response and any rebuttal statements submitted by the licensee, written or recorded board discussions of the complaint, written reports of an investigation of a complaint and disposition of the complaint including any written comments of the board. It is the Board's due diligence to review all complaints that come in regardless of what the Board may deem to be significant or without merit. The Board took no action at this time.

M. REVIEW, CONSIDERATION AND POSSIBLE APPROVAL OF USE OF A-SCAN ULTRASOUND BIOMETRY:

14. Letter from Roger Ethington, O.D.

The Board discussed the use of A-Scans by optometrists and that it is usually "bundled" in the coding for ophthalmologists to use prior to surgery however, an optometrist could perform an A-Scan based on the current scope of practice as outlined in A.R.S. §32-1701(6).

MOTION: Dr. Peller moved that taking A-Scans by optometrists is within the scope of practice. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-0.

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

15. January 20, 2012 Regular Session Minutes

MOTION: Dr. Peller moved to approve item 15 as written. Dr. Lamb seconded the motion.

VOTE: Motion passed 5-0.

O. EXECUTIVE DIRECTOR'S REPORT:

- 16. Budget
- 17. Legislation
- 18. Future agenda items

Ms. Whelan reported on the FY12 budget. The Board budget is in its third quarter of the fiscal year having finished 66.67% of the budget year. The board is at 69% spending due to joint office costs paid ahead and a cash balance of \$128,722. SB 2192 ended up being a striker bill removing optometry from the bill. SB2132 became an optometric striker, which is basically the same bill as SB2192. The bill is for clarification of existing mandates for an insured's "freedom of choice" when it comes to eye care. The Board would like to agendize the Agency sunset review on the next meeting or two to discuss laws/rules changes and updates to the agency.

P. CALL TO PUBLIC:

Dr. Mach made a call to the public at 10:06 a.m. No one addressed the Board.

Dr. Mach adjourned the meeting at 10:06 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date