

**Janice K. Brewer**  
Governor

**Caroline Griego, O.D.**  
President

**Brian Mach, O.D.**  
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 SESSION MEETING: MARCH 18, 2011**

### **Board Members**

Caroline Griego, O.D., President  
Brian Mach, Vice-President  
Marla Husz, O.D.  
John Chrisagis, 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. Mach**

Dr. Mach called the meeting to order at 9:02 a.m.

### **B. ROLL CALL:**

**Ms. Hollins**

Board Members Present: Brian Mach O.D., Vice President  
John Chrisagis, O.D.,  
Marla Husz, O.D. - Telephonically  
Rick Krug, Public Member - Telephonically

Board Members Absent: Caroline Griego, O.D., President  
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:**

None.

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

1. J.H. vs. Justin Jones, O.D. IR#201117

**Allegation:** Improper correction/fit of contact lenses; defective or poor quality contact lenses; optometrist failed or refused to correct the problem

Dr. Husz summarized the facts in the case as patient J.H. was fitted with a custom lens on top of a hard lens. Dr. Jones stated in his response that the patient was told up front about the cost of specialty lens. The patient was fitted 5-6x by the doctor and was informed that the custom lens was non-refundable.

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

**VOTE:** Motion passed 4-0.

2. R.W. vs. Stuart Bark, O.D. IR#201118

**Allegation:** Dr. Bark did not supervise his associates in care and treatment of patients.

Dr. Mach summarized the facts in the case as patient R.W. alleged that Dr. Bark did not supervise his associates in care and treatment of his patients. Dr. Bark is not required to supervise those associates who are licensed optometrists as they are qualified to practice under their own license and do not require direct supervision.

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

**VOTE:** Motion passed 4-0.

3. J.T. vs. Torrence Watkins, O.D. IR#201119

**Allegation:** Deceptive advertising or statements; Dr. lied about coverage of insurance and reasons for discomfort after surgery.

Dr. Mach summarized the facts in the case as patient J.T. alleged that Dr. Watkins misrepresented or had deceptive advertising of surgical procedures and not all the information was disclosed by the doctor, resulting in the surgery not being not what the patient expected.

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

**VOTE:** Motion passed 4-0.

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

- 4. Banzuela, Maureen
- 5. Horst, Jeffrey
- 6. Pick, Jason
- 7. Yap, Brian

**MOTION:** Dr. Mach moved to approve items 4 thru 7 for licensure. Dr. Husz seconded the motion.

**VOTE:** Motion passed 4-0.

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

- 8. Cooper, Benjamin
- 9. Whitacre, Michele
- 10. Wiley, Thomas

**MOTION:** Dr. Chrisagis moved to approve item 8 for licensure contingent upon negative FBI/DPS reports. Dr. Husz seconded the motion.

**VOTE:** Motion passed 4-0.

**MOTION:** Dr. Husz moved to approve item 9 for licensure. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed 4-0.

**MOTION:** Dr. Chrisagis moved to approve item 10 for licensure. Dr. Husz seconded the motion.

**VOTE:** Motion passed 4-0.

**G. 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 2011**

	<b>Continuing Education</b>	<b>Date</b>	<b>No. of hours requested</b>
a.	Barnet Dulaney Perkins Eye Center-New Clinical Perspectives	March 5, 2011	4 Regular
b.	Grand Rounds (UAMS)	Various dates	10.5 Regular

**MOTION:** Dr. Chrisagis moved to approve item a. Mr. Krug seconded the motion.

**VOTE:** Motion passed 4-0.

**MOTION:** Dr. Chrisagis moved to deny item b. as it did not meet the requirements pursuant to A.A.C. R4-21-210(D). Mr. Krug seconded the motion.

**VOTE:** Motion passed 4-0.

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

11. January 21, 2011 Regular Session Minutes

**MOTION:** Dr. Husz moved to approve item 11 as written. Mr. Krug seconded the motion.

**VOTE:** Motion passed 3-0. Dr. Chrisagis abstained.

**I. EXECUTIVE DIRECTOR'S REPORT:**

- 12. Budget/Furloughs
- 13. Legislation
- 14. April/May/June Board meetings
- 15. Future agenda items

Ms. Whelan reported on the upcoming furlough dates when all State offices will be closed. The furlough dates are posted on the optometry board website at [www.optometry.az.gov](http://www.optometry.az.gov). The budget remains within the appropriated funds of the agency; however, the fund will be swept the amount of the furloughs as no savings are realized since the Board is not a general fund agency. There are also proposed fund sweeps again for the remaining FY11 in the amount of \$50,000 and for FY12 in the amount of \$8,500. The ASRS contributions for state employees are going up in July 2011.

The AZoA has submitted legislation this session. The bill number is SB1033. It has had a first and second read thus far. Other legislation possibly affecting the Health Regulatory Boards are SB1458 professional licensure; out-of-state applicants, SB1366 medical malpractice; liability waivers and SB1597 medical information; rights.

Remaining FY Board meeting dates were discussed as the AZoA Spring Congress is May 20<sup>th</sup> and the June Board meeting falls near the ARBO annual conference. The Board agreed they could meet by teleconference in May TBD and in June after the ARBO conference with the date TBD. Public should check the website for current meeting information.

No future agenda items were requested at this time.

**J. EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AND EVALUATION OF EXECUTIVE DIRECTOR:**

16. Evaluation Forms

The Board went into Executive Session at 9:36 a.m.  
The Board reconvened Regular Session at 9:45 a.m.

**K. REVIEW, DISCUSSION AND VOTE ON PERSONNEL ISSUES PERTAINING TO ITEM J. ABOVE:**

**MOTION:** Mr. Krug moved to increase the executive director's salary by 6% of the current salary and continue with an annual review for performance and salary. Dr. Chrisagis seconded the motion.

**VOTE:** Motion passed 4-0.

**L. CALL TO PUBLIC:**

Dr. Mach made a call to the public at 9:43 a.m. Dr. Peller addressed the Board.

Dr. Chrisagis moved to adjourn the meeting at 9:50 a.m. Mr. Krug seconded the motion.

Meeting adjourned at 9:50 a.m.

**END OF MINUTES:**

\_\_\_\_\_  
Margaret Whelan, Executive Director

\_\_\_\_\_  
Date