



OREGON BOARD OF OPTOMETRY
May 10, 2013 Board Meeting

PUBLIC SESSION
MINUTES

Board Members Present: Robert Mans, OD, President
Jeffrey Pelson, OD, Vice President – By telephone
Jessica Lynch, OD
Rose Thrush, JD
Molly Cardenal, OD

Board Members Absent: None

Board Staff: Nancy DeSouza, Executive Director
Debbie Hendricks, Accounting/Licensing Specialist

Board Legal Counsel: Lori Lindley, Assistant Attorney General

Other Attendees: Immediate Past Board Member – Donald Garris, OD
Jeff Stevens – Wal-Mart Optical
Amanda Parker – Wal-Mart Optical

CALL TO ORDER: Dr. Mans called the meeting to order at 9:01 a.m., at 1900 Hines Street, SE, Suite 290, Salem, Oregon. The Public Session was adjourned at 9:05 a.m. to Executive Session for the purpose of discussing complaints and consultation with legal counsel.

During Executive Session the Board considered consumer and Board-initiated complaints and investigations as authorized by ORS 192.660(2)(f)(k), and consulted with legal counsel as authorized by ORS 192.660(2)(h). No official Board action was taken in Executive Session; all Board actions are made in Public Session.

The Public Session was reconvened at 12:45 p.m.

MINUTES: Dr. Cardenal made a motion that the Board approve the public session minutes from January 25, 2013, as submitted. Dr. Lynch seconded the motion. The motion carried unanimously by oral vote.

RATIFICATIONS:

Reactivation and Reinstatements - The following actions were approved by the Executive Director since the last meeting of the Board:

- Reinstatement to Active Status – Ross Cusic, OD

Candidates for Examination and Licensure - The optometrists listed in Exhibit A met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

Dr. Lynch made a motion that the Board ratify these actions by the Executive Director regarding licensure made since the last Board meeting. Ms. Thrush seconded the motion. The motion carried unanimously by oral vote.

ACTIONS ON EXECUTIVE SESSION:

12-09-01: This case was closed by unanimous vote.

12-09-02: This case was closed by unanimous vote.

12-11-02: This case was closed by unanimous vote.

13-03-01: This case was closed by unanimous vote with a letter to the doctor explaining when the Board considers that an individual has become a patient of the doctor.

13-03-01: This case was closed by unanimous vote.

13-03-02: This case was closed by unanimous vote.

13-03-03: This case was closed by unanimous vote.

13-04-01: This case remains open by unanimous vote.

13-04-02: This case was closed by unanimous vote.

Monitored Cases:

11-09-02: The Board voted to conditionally close this case pending the successful review of current patient records. Ms. Thrush made a motion that the Board approve the actions from the Executive Session. Dr. Cardenal seconded the motion. The motion carried unanimously by oral vote.

CORRESPONDENCE:

- Letter from Dennis Colson, OD regarding rejection of continuing education. Letter to be sent to Colson explaining reasons for rejection being that Board cannot approve hours of undefined/unexamined credit, even if provided by the US government.

- Letter from WalMart Steve Byron regarding vision screening. See “Consideration/Discussion,” below.

PRESIDENT’S REPORT:

Dr. Mans reported on a candidate for licensure by endorsement of a clinical examination. Names Candidates for licensure by endorsement of clinical examination:

- Kathleen M. Buhler, OD: Dr. Mans finds the examinations are comparable and he recommends that the Board approve the examination as comparable. Dr. Lynch made a motion to approve; Dr. Pelson seconded, carried unanimously. The motion carried unanimously by oral vote.
- Danny W. Neitz, OD: Dr. Mans finds the examinations are comparable and he made a motion that the Board approve the examination as comparable with the stipulation that Dr. Neitz provide clarification of Pennsylvania’s licensing procedures (for example, a new issue date is used when certification dates are updated); Ms. Thrush seconded. The motion carried unanimously by oral vote.

EXECUTIVE DIRECTOR’S REPORT:

Ms. DeSouza submitted the following reports to the Board:

- **Exhibit B - Accounting/Budget:** Ms. DeSouza submitted the current balance sheet and budget report to the Board for their review.
- **Exhibit C - Board Activities Report:** Ms. DeSouza submitted the Board Activity report to the Board, including the changes in numbers of licensees and complaints.
- **Updates:**
 - Legislative Update: Several bills have passed or are near passage. HB 2205 adds optometrists to the list of mandatory reporters of senior abuse. HB 2611 will allow the OBO to approve cultural competency continuing education for licensing credit. HB 2037 facilitates the licensure of military spouses for those applicants who meet licensing standards.
 - **Board Office Space** – The Board’s Offices will move to subleased space from Oregon Travel Experience at 1500 Liberty Street SE in Salem in late June. This move is to a safer, more public location, and will save the Board approximately one third of its current lease costs.

BOARD MEMBER REPORTS:

Continuing Optometric Education: The continuing education offerings approved since the last meeting were presented to the Board in Exhibit D. Dr. Lynch made a motion that the Board ratify approval of these courses. Ms. Thrush seconded the motion. There was no discussion. The motion carried unanimously by voice vote.

Budget: No additional report or discussion.

Legislative: No additional report or discussion.

Administrative Rules: No report or discussion.

Personnel Committee: No additional report or discussion.

CONSIDERATION/DISCUSSION:

- Question on vision screening by opticians not under the direct supervision of an optometrist (see Steve Byron correspondence). The Board discussed Wal-Mart's desire to use vision screening machines at various locations within their stores. Representatives in attendance and the correspondence from Mr. Byron made clear that these would not constitute eye examinations. After screening, participants would be advised by the optician to see an optometrist or ophthalmologist for a complete eye examination. The Board agreed that testing in this manner for visual acuity only would not constitute the practice of optometry without a license and would be allowed. The Board made clear that utilizing other capabilities of the machinery beyond visual acuity testing might constitute practicing optometry without a license, and could not be performed by non-physicians.
 - Letter to be sent to Mr. Byron requiring the language "Oregon Board of Optometry recommends" be removed from their verbiage, and explaining limitations on what screening tools may be used and what the screener may say to the potential patient to avoid the unlicensed practice of optometry; it is Wal-Mart and screeners' responsibility to ensure they are not practicing optometry without a license.
- Why does the Board limit online CE credits to nine per year? The Board discussed the need for in-person education and interaction in continuing education and did not request any rule or practice changes at this time.

ITEMS FOR BOARD ACTION:

- The Board discussed the revised Oregon Board of Optometry Retention Schedule and noted the change from keeping licensing files until the death of the doctor to full retention for five years, with additional retention of items relevant to future relicensing for an additional 10 years, unless the doctor is deceased. The Board ratified the new schedule by unanimous vote.
- Resolution for signature authority: President Mans, Budget Chair Cardenal and Executive Director DeSouza signed a new resolution for signature authority on Board accounts, requiring two signatures for actions taken.

There were no additional items for Board Action.

UNFINISHED BUSINESS: There was no unfinished business before the Board.

OTHER:

- Regular meetings of the Board are scheduled for August 9, 2013 and November 22, 2013. Future meetings will be held at the Board's new offices at 1500 Liberty Street, SE, Salem, Oregon 97302 in the Oregon Travel Experience conference room.

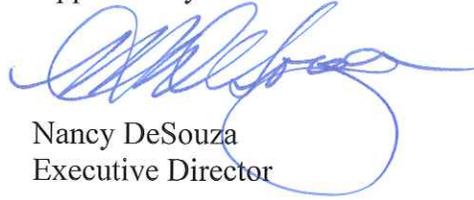
ADJOURNMENT: There was no further business to come before the Board, and President Mans adjourned the meeting at 2:05 p.m.

Minutes prepared by:



Debbie Hendricks
Accounting/Licensing Specialist

Approved by:



Nancy DeSouza
Executive Director