

# OREGON BOARD OF OPTOMETRY

## PUBLIC SESSION MINUTES

*June 10, 2011*

**Board Members Present:** Robert Mans, O.D., President  
Donald Garris, O.D.  
Jeffrey Pelson, O.D.  
Jessica Lynch, O.D.  
Rose Thrush, J.D., Public Member

**Board Staff:** Kelly Paige, Executive Director  
Cathy Boudreau, Administrative Assistant  
Debbie Hendricks, Administrative Assistant

**Board Legal Counsel:** Lori Lindley, Assistant Attorney General

**Interested Parties:** Tracy Oman, E. D., Oregon Optometric Physicians Association

### **CALL TO ORDER -**

Dr. Mans called the meeting to order at 9:08 a.m. by conference call in the Second Floor Conference room at 1900 Hines Street, SE, Salem, OR., 97302. Roll call was taken and the Board was all in attendance.

The Public Session was adjourned at 9:21 for an Administrative Rules Hearing. The Public Session was reconvened at 10:19 a.m.

The Public Session was adjourned to Executive Session at 10:52 a.m. for the purpose of discussing complaints. During Executive Session the Board will consider consumer and Board-initiated complaints and investigations as authorized by ORS 192.660(2)(f)(k); and consult with legal counsel as authorized by ORS 192.660(2)(h). No official Board action will be taken in Executive Session; all Board actions will be made in Public Session.

The Public Session reconvened at 11:27 a.m.

### **MINUTES:**

The Board reviewed minutes from the Public Session of April 8, 2011. Two versions were submitted, the original version which was reviewed at the meeting of May 6, 2011, and a version amended by the Board at the May 6, 2011 meeting. Ms. Thrush made a motion that the Board approve the originally submitted minutes of the April 8, 2011 meeting. There was no second to this motion. Dr. Pelson made a motion that the Board approve the amended version of the minutes of the April 8, 2011 meeting. Dr. Garris seconded the motion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

## **RATIFICATIONS:**

**Reinstatement of license to Active Status: Sandra Landis, OD** - Dr. Pelson made a motion that the Board ratify the actions of the Executive Director of reinstating this active status license. Dr. Garris seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

## **PRESIDENT'S REPORT -**

Dr. Mans recommended that the Board approve the injection course work submitted by Brooks Alldredge, OD as comparable to the approved Oregon injection lab content. Dr. Pelson made a motion that the Board approve the injection course work submitted by Dr. Alldredge. Dr. Garris seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

Dr. Mans recommended that the Board approve the application for licensure submitted by Jeffrey Coleman, OD. Dr. Garris made a motion that the Board approve the application for licensure submitted by Dr. Coleman. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

## **ACTION ON EXECUTIVE SESSION**

**10-07-02:**

**10-11-01:**

**10-12-03:**

**11-02-02:** - Dr. Pelson made a motion that the Board issue a Notice of Proposed Disciplinary Action, Revocation of License, to Richard W. Roth, OD citing violations of:

- ORS 683.140(1)(c) - unprofessional conduct or for gross ignorance or inefficiency in the profession;
- ORS 683.140(1) (p) - any violation of the provisions of ORS 683.010 to 683.335;
- OAR 852-010-0051(1) and 852-060-0027(19) failure to keep complete and accurate records for each patient;
- OAR 852-010-0051(2) failure to keep all patient records for a minimum of seven years from the date of the last office visit;
- OAR 852-060-0027(1) fraud, misrepresentation or dishonesty;
- OAR 852-060-0027(10) willfully deceiving or attempting to deceive the Board, or an employee of the Board in reference to any matter under investigation by the Board;
- OAR 852-060-027(11) - failing to respond in writing to the Board request for information as required;
- OAR 852-060-027 (20) - failing to retain or make appropriate transfer of the care of patient records;
- OAR 852-050-018(1) - failure to notify the Board in writing of the practice location;
- OAR 852-050-018 (2) - failure to notify the Board in writing of the change in the Licensee's

official address;

- OAR 852-010-051(3) - failure to retain records or transfer them to a practicing optometrist when closing a practice or changing practice locations;
- OAR 852-010-051 (4) - failing to provide copies of records to a patient when requested.
- OAR 852-050-016(1) failure to notify the Board in writing of the termination of a practice location.

Dr. Lynch seconded the motion. There was no discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye, Dr. Lynch, aye.

**08-03-01** - The Board has received a request, from the California Board of Optometry, for disclosure of investigative documents in this case, which resulted in disciplinary action. Dr. Garris made a motion that the Board release the investigative documents to the California Board of Optometry as requested. Dr. Lynch seconded the motion. There was no discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye, Dr. Lynch, aye.

#### **ADMINISTRATIVE RULES COMMITTEE:**

The Board held a hearing today to receive and discuss comments on currently proposed rule changes.

**852-005-0005 - Establishes the Budget for the 2011-2013 biennium.** - Dr. Garris made a motion to amend the proposed budget, changing the revenue line item for Investment Income from \$4000 to \$2000 per year, rounding off the allocations for Payroll Tax line items numbers 3221 and 3222, discontinuing the bundling of lines 6174, Telecommunications, and 6220, Professional Development, in order that they not be totaled together, removing line number 6450, Legal Defense Fund, and moving \$5,000 of the funds on line 6450, per biennium, to 6498, Inter-Agency Charges, and the remainder to be added to 6440, Attorney General Legal Fees, the final budget total to be \$659,809.00. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

Dr. Garris made a motion that the Board adopt the changes to 852-005-0005 as proposed and amended. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye, Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-010-0080 - Revises the Schedule of Fees.** - Dr. Pelson made a motion to amend the proposed rule to adjusted the schedule of fees to agree with other proposed changes which will be made as a result of today's hearing, including the removal of incremental fees for late renewal of licenses and the reduction of the late renewal penalty for Inactive Status licenses. Dr. Garris seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

Dr. Pelson made a motion that the Board adopt the changes to 852-010-0080 as proposed and amended. Dr. Garris seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-020-0045 - Revises the Business Entity Organization rule.** - Dr. Garris made a motion that the Board adopt the changes to 852-020-0045 as proposed. Ms. Thrush seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-050-0005 - Revises the Certificate of Registration rule.** - Dr. Pelson made a motion that the Board adopt the changes to 852-050-0005 as proposed. Ms. Thrush seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-050-0006 - Revises the Active Status Renewal Procedure rule.** -Dr. Garris made a motion to amend the proposed changes to the rule, deleting the proposed fee for late reporting of continuing optometric education, and removing the incremental late fees. Ms. Thrush seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

Dr. Garris made a motion to adopt the changes to 852-050-0006 as proposed and amended. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-050-0012 - Revises the Inactive Status Renewal Procedure rule.** Ms. Thrush made a motion that the Board amend the proposed changes to the rule to remove the incremental fees for late renewal of an Inactive Status License renewal. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

Dr. Pelson made a motion to adopt the changes to 852-050-0012 as proposed and amended. Dr. Garris seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**852-050-0025 - Establishes the rule for LEDS implementation.** Ms. Thrush made a motion that the Board adopt 852-050-0025 as proposed. Dr. Pelson seconded the motion. There was no further discussion. The motion carried by oral vote as follows: Dr. Garris, aye, Dr. Pelson, aye, Ms. Thrush, aye. Dr. Lynch abstained as her phone connection was intermittently terminated.

**OTHER:**

There was no other business before the Board.

**ADJOURNMENT -**

There was no further business to come before the Board. President Mans adjourned the meeting at 11:30 a.m.

Prepared by:



Catherine M. Boudreau  
Administrative Assistant

Approved by:



Robert Mans, OD  
Board Chair