



OREGON BOARD OF OPTOMETRY

November 26, 2014 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Robert Mans, OD, President
Jeffrey Pelson, OD, Vice President
Jessica Lynch, OD
Molly Cardenal, OD
Catherine Webber, Public Member

Board Staff: Nancy DeSouza, Executive Director
Cathy Boudreau, Executive Assistant

Board Legal Counsel: Lori Lindley, Assistant Attorney General

CALL TO ORDER: Dr. Mans called the meeting to order at 8:00 a.m., by conference call that originated in the Board's office at 1500 Liberty Street, SE, Salem, Oregon, 97302. The Public Session was adjourned at 8:02 a.m. to Executive Session for the purpose of discussing investigations 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) and (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 8:16 a.m.

ACTIONS ON EXECUTIVE SESSION:

14-07-02 – Hoyt, Kimberly/OBO: On August 15, 2014, the Board issued an Interim Order in this case, suspending the doctor's license until the Board's requirements are met. The requirements include submission by the doctor to a substance use disorder evaluation by a Board-approved evaluator and abstention by the doctor from use of alcohol, controlled drugs or mind-altering substances unless prescribed by a licensed practitioner for a bona fide medical condition, and upon prior notice to the Board. Licensee agreed not to practice until the Board has accepted the recommendations of the evaluation in writing, and the evaluator confirms the doctor

is competent to return to practice. Licensee agreed that any violations of the order may result in further disciplinary action.

The Board received a report that the doctor was arrested for DUII and tested a blood alcohol level of .25 while under the conditions of the Interim Order.

On November 7, 2014, the Board voted to issue a Consent Order that would, in part, require a demonstration of six consecutive months of proven sobriety to the Board. The Licensee has petitioned the Board to amend the conditions of the Consent Order.

Dr. Pelson made a motion that the Board modify the terms of the Consent Order approved at the November 7, 2014 meeting to allow the optometrist in 14-07-02 to return to practice after three months of demonstrated continuous sobriety, given that all the other terms of the consent order are met. The proof of sobriety may pre-date the signed order, but must be acceptable to the Board. The determination of the acceptability of the proof is delegated to the Executive Director. Dr. Cardinal seconded the motion. The motion carried by unanimous roll-call vote.

This case will remain open.

OTHER BUSINESS:

Proposed Changes to OAR 852: The Board has received public comment regarding the changes that were adopted by a vote at the meeting of November 7, 2014. The Oregon Optometric Physicians Association (OOPA) and a representative of the Great Western Council of Optometry (GWCO) submitted comments on the proposed rule that would remove the restriction on the number of hours of continuing optometric education (COE) a licensee may complete by Internet or other “non-live” programs in order to satisfy the requirement for license renewal.

Dr. Cardenal asked whether a licensee is required to attest to the personal completion of an online course. Ms. DeSouza said that all doctors are currently required to provide proof of completion from the sponsor or provider of the COE, but the Board can require attestation on the reporting form completed by licensees. Dr. Mans stated that doctors are currently required by Internet COE providers to make an attestation that they are personally completing a course, in order to be granted a completion certificate. Dr. Cardenal acknowledged that it would be redundant for the Board to require a similar attestation at this time.

The Board did not find the opinions and citations in the comments received sufficient evidence of risk to public safety and health to warrant reconsideration of the vote of November 7, 2014. The changes to OAR 852 that were adopted on that date will be filed and become effective January 1, 2015, as approved.

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

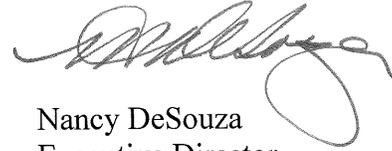
ADJOURNMENT: There was no further business to come before the Board, and President Mans adjourned the meeting at 8:20 a.m.

Minutes prepared by:



Catherine M. Boudreau
Executive Assistant

Approved by:



Nancy DeSouza
Executive Director

