



OREGON BOARD OF OPTOMETRY

September 9, 2016 Board Meeting

PUBLIC SESSION MINUTES

Board Members Present: Molly Cardenal, OD, President
Jessica Lynch, OD, Vice-President
Derek Louie, OD
Douglas Walker, OD
Catherine Webber, Public Member

Board Staff: Shelley Sneed, Executive Director
Olivia Auman, Temporary Office Worker

Board Legal Counsel: Lori Lindley, Assistant Attorney General

CALL TO ORDER: Dr. Cardenal called the meeting to order at 9:05 a.m., in Room 208 in Jefferson Hall at Pacific University. The Public Session was adjourned at 9:07 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 12:37 p.m.

MINUTES: The Board reviewed the minutes of the May 6, 2016 Public Session. Dr. Walker made a motion that the Board approve the minutes as presented. Dr. Lynch seconded the motion. There was no discussion and the Board made no changes or additions to the minutes. The motion carried unanimously by oral vote.

RATIFICATIONS:

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

- **Reinstatement to Inactive Status –**
 - Lary McPhaill, OD
 - David Mead, OD
- **Reactivate Inactive to Active Status –**
 - Paula Luke, OD
 - Amanda Kaufman, OD
 - Andrea Morton, OD

Candidates for Examination and Licensure - The 27 optometrists listed in Attachment P-C met all the requirements for licensure and were approved by the Executive Director since the last Board meeting.

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

ACTIONS ON EXECUTIVE SESSION:

16-03-03, 16-03-04, 16-03-05 – A motion was made by Dr. Walker to issue a notice requiring the Licensee to complete 18 hours of OBO or COPE approved continuing education in glaucoma care for his 2017 license renewal. Dr. Louie seconded the motion. Ms. Webber abstained from the vote, all other members voted in favor.

The Board discussed the Licensee’s request to remove the withdrawn emergency license suspension from the website. The Board discussed that if they did change the website discipline policy that they would add a page at the end of the consent order that other documents are available through the public records request process. The website discipline policy was discussed later in the meeting.

16-04-01 -- This case will be closed with letters to the parties that no optometric error was found.

16-04-02 -- This case will be closed with letters to the parties that no optometric error was found.

16-05-02 -- This case will be closed with a letter of concern sent to the doctor.

16-06-01 -- This case will be closed with an educational letter sent to the complainant and a letter to the doctor about record keeping requirements.

16-06-02 -- This case will be closed with letters to the parties that no optometric error was found.

16-07-01 -- This case will be closed with letters to the parties that no optometric error was found. The respondent’s letter will remind them that they are not to contact the complainant during an investigation and that they need to remember their duty to notify the Board of any transfer of patient records. The current OD’s letter will also remind them of the responsibility for all optometric records in their custody.

16-07-02 -- This case will be closed with letters to the parties that no optometric error was found.

16-07-03 -- This case will be closed and Ms. Sneed will continue monitoring the site and open a new case if more activity is found.

16-08-01 -- This case will remain open.

16-08-02 -- This case will remain open.

Monitored Cases

14-07-02 -- No new information on this case.

CORRESPONDENCE:

- The Board reviewed the ACOE letter about the MCPH School of Optometry and the ARBO annual Meeting letter. No decisions were made--the letters were informational.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Sneed submitted the following reports and updates to the Board:

- **Accounting/Budget**
 - The Board packet included a memo and financial reports, attachment P-E that detailed the Board's financial position at the end of June 30, 2016. The Board had a net loss at the end of the fiscal year of \$45,372, which was \$5,000 less than budgeted. The Board's cash position is nearly \$51,000 less than the previous year, due to the net loss. The Board continues to maintain nearly 12 months of operating reserves.
- **Board Activities Report**
 - Licensing at the end of October was 1,238, which is lower than typical months. Eight new licenses were issued in July by examination. At the end of August, 12 complaints were carried over and pending.
- **Office Updates**
 - The office update was included as P-G. Ms. Sneed was appointed to the ETS Citizens Advisory Board, which makes recommendations to DAS leadership about technology pricing. Ms. Sneed is also involved with the Common Credentialing Advisory Board. Olivia Auman was hired as a part-time temporary staff member on June 8, 2016. Olivia entered all of the Board's investigation data into an Excel spreadsheet in order to import it into the eLite online licensing system. Ms. Auman also is scanning licensee files for attachment to the eLite system. The database system is still in process.

BOARD MEMBER REPORTS:

Continuing Optometric Education: The continuing education offerings approved since the last meeting were presented to the Board in Attachment P-V. Dr. Lynch made a motion that the Board ratify approval of these courses. Dr. Louie seconded the motion. There was no discussion. The motion carried unanimously by oral vote. The Board also named Dr. Louie as the new COE

committee person, so he will begin doing review and approval of all OBO approved COE courses.

Budget: There was no budget committee report made.

Legislative: Dr. Walker and Janet Baker of OOPA reported on new online technologies and AOA's concerns. AOA has filed a complaint with the FDA against online contact lens providers. HB 3530 was passed to address vision plan abuses. There are still concerns about vision plans controlling labs and vendors used for prescription fulfillment, so OOPA is looking at an administrative fix for follow up, rather than a legislative fix. There are also issues with optometrists being forced to use specific labs, which can lead to patient care issues due to a delay in care or service.

Administrative Rules: No discussion

Personnel: No discussion

PRESIDENT'S REPORT:

- The President reviewed the requests for license reactivation from two licensees (Dr. Steven Stone and Dr. Imad Dababneh). Both require more information and documentation before a decision can be made.

ITEMS FOR CONSIDERATION/DISCUSSION:

ACOE revised professional optometric degree and residency standards--The Board reviewed the new standards and there was no follow up needed.

ARBO responses about laws and rules related to recent OD graduates--The Board reviewed the responses from ARBO members about laws and rules related to recent graduates. This information was used in the discussion about rule changes for recent optometry graduates.

Conference call access for licensees to "attend" Board meeting--The Board reviewed the information presented by Ms. Sneed and directed her to do an online survey to gauge licensee interest in Board meeting attendance via conference call or web meeting.

Future meeting of the non-topical formulary committee--The Board determined there was not a need to convene the non-topical formulary committee.

Representative Gomberg request--The Board reviewed the information presented by Ms. Sneed and agreed that the Board will work with OOPA on publicity plans and review future actions at subsequent Board meetings.

OOPA legislative interests--One of the topics of interest is telemedicine. Ms. Lindley stated that the Oregon Nursing Board's policy states that an Oregon license is required based on where the patient care is received. If the care is received in Oregon, an Oregon nursing license is required. Ms. Lindley will research to see if other states have optometry telehealth laws in place. AOA is concerned about the lack of in-person exams. In-person eye exams not only gauge eye health, but can also find other patient medical issues, e.g. diabetes. OOPA is looking for administrative fixes

rather than legislative fixes whenever possible. 1-800 Contacts and Opternative have joined forces.

Collecting business/practice ownership information in the new eLite system--The Board agreed to collecting business and ownership information in the new online licensing system.

ITEMS FOR BOARD ACTION:

Affirmative Action policy statement--The Board reviewed the draft affirmative action policy statement and Dr. Walker made a motion to approve the policy. Dr. Lynch seconded the motion. Motion carried with no discussion.

Approve the budget modification rule changes--The Board reviewed the budget modification rule change that was filed for public comment. No public comment was received. Dr. Lynch made a motion to approve the rule change and Dr. Louie seconded the motion. Motion carried with no discussion.

2017 proposed board meeting calendar--The Board reviewed the proposed 2017 meeting dates and agreed to: February 10th, May 12th (later changed to May 19th), September 8th and November 3rd.

Proposed rule changes on: 1) clarifying optometry business requirements and 2) updating OBO's rules for criminal records checks and fitness determinations. The Board reviewed these rules and directed Ms. Sneed to file the rules and commence the rule-making process.

Retention schedule update--The Board reviewed Ms. Sneed's recommendation on the change to the Board's retention schedule for investigations not leading to discipline. Ms. Webber made a motion to approve the change and Dr. Lynch seconded the motion. Motion carried with no discussion.

Public records management policy--The Board reviewed the draft public records management policy drafted by Ms. Sneed. Ms. Webber made the motion to approve the policy and Dr. Louie seconded the motion. Motion carried with no discussion.

Review CE audit extension request for the June audit--Dr. Toni Decker submitted a letter to the Board requesting an extension to complete the June CE audit. The Board reviewed the letter and Ms. Sneed's memo and decided to maintain the current timeline. The request for extension was denied, so Dr. Decker's response was late.

UNFINISHED BUSINESS:

None

OTHER BUSINESS:

Website policy--The Board changed the current policy related to discipline posting on the Board's website. The new policy is:

The Board posts legal notices for 15 years on its website. The OBO Board decides on a case by case basis whether or not to post withdrawn orders.

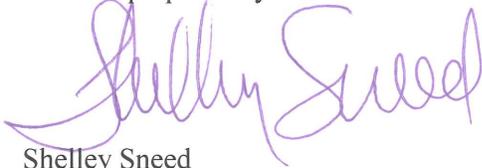
No vote was taken on this policy change. All of the Board members were in consensus on the policy change.

FUTURE MEETINGS:

- Friday November 4, 2016--(meeting was later cancelled)
- February 10, 2017 at the OTE Conference Room in Salem

ADJOURNMENT: There was no further business to come before the Board, and President Cardenal adjourned the meeting at 2:30 p.m.

Minutes prepared by:



Shelley Sneed
Executive Director

Approved by:



Molly Cardenal, OD
President