



OREGON BOARD OF OPTOMETRY

May 6, 2016 Board Meeting

PUBLIC SESSION MINUTES

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

Board Staff: Shelley Sneed, Executive Director
Debbie Hendricks, Acctg./Licensing Specialist

Board Legal Counsel: Lori Lindley, Assistant Attorney General

CALL TO ORDER: Dr. Cardenal called the meeting to order at 9:06 a.m., in the first floor conference room at 1500 Liberty Street SE, Salem, Oregon, 97302. 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 12:00 p.m.

MINUTES: The Board reviewed the minutes of the February 12, 2016 and March 30, 2016 Public Sessions. There was no discussion and the Board made no changes or additions to the minutes. Dr. Lynch made a motion that the Board approve the minutes as presented. Dr. Pelson seconded the motion. 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** –
 - Bradley Nielson, OD
- **Reactivate Inactive to Active Status** –
 - Barbara Briscoe, OD

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

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

ACTIONS ON EXECUTIVE SESSION:

16-02-01 – The licensee has retired and believed to be out of the country. The sign has been changed.

This case will be closed.

16-02-02 – The sign has been changed.

This case will be closed.

16-02-03 – This case doesn't fall under OBO's jurisdiction because none of our ODs are working there now. Dr. Walker made a motion that under ORS 676.177, this information will be released to the Medical Board and appropriate law enforcement. Ms. Webber seconded the motion. The motion carried unanimously by oral vote.

This case will be closed.

16-02-04 – There appears to be ophthalmologist supervision. There will be a letter sent to the doctor thanking her for her cooperation. Dr. Lynch made a motion that under ORS 676.177, this information will be released to the Medical Board and appropriate law enforcement. Dr. Pelson seconded the motion. The motion carried unanimously by oral vote.

This case will be closed.

16-02-05 – A letter of concern will be sent to all parties regarding what duties can be performed by a new graduate before a license is issued.

This case will be closed.

16-02-06 – A letter of concern will be sent to all parties regarding what duties can be performed by a new graduate before a license is issued.

This case will be closed.

16-02-07 – A letter of concern will be sent to all parties regarding what duties can be performed by a new graduate before a license is issued.

This case will be closed.

16-02-08 – The investigation in this case will continue.

This case will remain open.

16-02-09 – The investigation in this case will remain open. If it's found that the business is still in violation, Dr. Pelson made a motion to authorize staff to impose a \$10,000 civil penalty. Dr. Walker seconded the motion. The motion carried unanimously by oral vote.

This case will remain open.

16-03-01 – The OD is no longer at this practice. Letter of caution regarding practice locations to be sent to OD.

This case will be closed.

06-03-02 – Letters to be sent to all parties regarding advertising rules.

This case will be closed.

16-03-03

16-03-04

16-03-05 – A motion was made by Dr. Pelson to approve a consent order signed by Dr. Biggar and delegating staff to review records in consultation with our legal counsel. Dr. Lynch seconded the motion. The motion carried unanimously by oral vote. The glaucoma records are incomplete. All imaging and diagnostic tests for glaucoma patients must be sent to the Board for review.

These cases will remain open.

16-04-01 – The investigation in the case will continue.

This case will remain open.

16-04-02 – The investigation in the case will continue.

This case will remain open.

16-05-01 – There is no evidence of optometric error or violation of Oregon Revised Statutes or Administrative Rules in this case. Letters will be sent to the complainant and doctor.

This case will be closed.

14-07-02 – There is nothing to report on this monitored case, everything is going well.

This case continues to be monitored.

CORRESPONDENCE:

- No new correspondence was received.

EXECUTIVE DIRECTOR'S REPORT:

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

- **Accounting/Budget**
 - Revenue is slightly higher than last year but budgeted net income is going down.
- **Board Activities Report**
 - The number of licensees continues to remain stable. With graduation coming up later in May, new applications are expected to start coming in. There have been several new complaints received recently.
- **Office Updates**
 - New Board members have been announced. Dr. Derek Louie will be replacing Dr. Pelson and Dr. Steven Tronnes will be replacing Dr. Jessica Lynch. Dr. Cardenal will be reappointed.
 - The new fingerprinting requirement has been implemented.
 - The new website is up and running and feedback has been very positive.
 - The new data base system is scheduled to go live the first week in June.

BOARD MEMBER REPORTS:

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

Budget: There was no budget committee report made at this time.

Legislative: Dr. Walker discussed the strong opposition by optometry boards to online vision examinations provided by companies such as Opternative. Some states are looking to their boards and associations to help to have legislators restrict these online testing sites because they do not consider eye health, just vision testing. Representative Wyden has requested information about some legislation passed on January 1, 2016 regarding vision insurance billing forcing providers to participate with contracts to provide special discounts to use out of state labs. The

rule may counteract part of the bill. Dr. Walker will follow up.

Administrative Rules: No discussion

Personnel: Cathy Boudreau's retirement was effective May 1st and the transition has gone smoothly. Debbie Hendricks is now full-time.

PRESIDENT'S REPORT:

- No discussion.

ITEMS FOR CONSIDERATION/DISCUSSION:

- The Oregon Medical Board has issued a social media statement of philosophy. After review, the Board decided that the Board of Optometry already has rules to address these issues and doesn't need to adopt a social media policy at this time. The Oregon Optometric Physicians Association can adopt a policy if they consider it necessary.
- Eye Med – This is the same business model as VSP at Intel. The issue is who owns the practice and who is responsible for patient records. The necessity of requiring licensees to provide name, address and majority owner of each practice location was discussed. As long as an OD is licensed and keeping their records this is not an issue.
- Conference call access for licensees to “attend” Board meetings is on hold. More cost and accessibility information is needed.

ITEMS FOR BOARD ACTION:

- Approve the budget modification for rule-making. The reason for the budget modification is that we've learned more about the database costs and have some personnel cost changes with Cathy Boudreau's retirement. Retained earnings will be lower at the end of the biennium, but the Board will still have eight month reserves. Ms. Webber made a motion that the Ms Sneed move forward with rule-making on the budget modification. Dr. Pelson seconded the motion. The motion carried unanimously by oral vote.

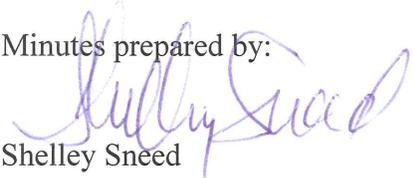
UNFINISHED BUSINESS: There was no unfinished business before the Board.

FUTURE MEETINGS:

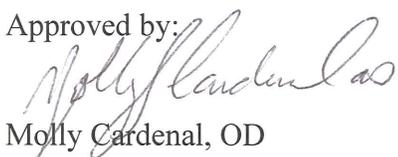
- Friday September 9, 2016 at Pacific University
- Friday November 4, 2016

ADJOURNMENT: There was no further business to come before the Board, and President Cardenal adjourned the meeting at 1:30 p.m.

Minutes prepared by:


Shelley Sneed
Executive Director

Approved by:


Molly Cardenal, OD
President