

Minutes

Arkansas State Board of Optometry
Victory Building, Room 445
1401 W. Capitol
Little Rock, AR
November 21, 2019

Dr. Bryant Ashley, Board President, called the meeting to order at 1:30 p.m. with all Board members present except Drs. Dan Hennessey and Herman Ginger. Others present were Dr. Howard Flippin, Board Executive Director, Ms. Bonita Wineman, Board assistant, Mr. Kevin O'Dwyer, Board attorney, Vicki Farmer and Debbie Henley, Arkansas Optometric Association, Matt Gilmore, Department of Health, Mr. Lonnie Burroughs, Arkansas State Board of Opticians, Ms. Donna Mullins, Drs. Allison Hall, Jerry Ellis, and Roger Roberts.

Dr. Smalling presented the minutes of the October 17, 2019 Board meeting.

Dr. Ford made a motion to approve the minutes. Mr. White made a second. The motion passed.

Dr. Flippin gave the Board an accounting update. He handed out a written report with bank balances, checking account activities and bank account reconciliation reports. He estimates that we have sufficient funds, without transferring funds, to pay expenses until licensing renewals begin coming in. He reported that renewal notices will be emailed next week. Very few OD's do not have email addresses now as opposed to several years ago.

Mr. Gentry made a motion to accept the financial report. Dr. Ford made a second. The motion passed.

Dr. Ashley introduced Dr. Roger Roberts of St. Charles, IL, who has applied for licensure by endorsement, to interview with the Board. He did undergraduate work at Harding University and is planning to live in Eureka Springs. Dr. Flippin reported that all his paper work is in order.

Dr. Smalling made a motion to issue his license under licensure by endorsement provisions. Dr. Ford made a second. The motion passed.

Mr. O'Dwyer reported that the interviews of applicants for licensure by endorsement slowed the licensing process and therefore should be discontinued. No action was taken.

Dr. Ashley introduced Dr. Jerry Ellis to present his plans to practice using teleoptometry at his Melborne office. He only plans to provide services on follow up exams after initial face-to-face examination. He has remote controlled instrumentation and will have live interaction during examination with staff present with the patient. He has been unable to hire an OD to man the office full time. Dr. Ellis offered to assist the Board in future regulations in relation to teleoptometry. The Board members seemed to be okay with his process and requested his keeping the Board informed of any issues that may arise in the future.

Dr. Ashley reported on a letter to the Board from Arkansas Medical Foundation on Dr. Derrick Pierce who is under contract with AMF. He is in full compliance and his five-year contract expires on July 6, 2020. There also was a letter reporting that Dr. Martha Gore had completed her contract with AMF on November 11, 2019, and she still had complete advocacy of the AMF.

Dr. Ashley reported on the proposed Board meeting dates for 2020 prepared by Board staff. The ARBO meeting in Atlanta is on March 7, 2020 was corrected. The October meeting was set for October 8 and the jurisprudence course will be October 16 in Rogers. Meeting dates are February 13, April 23, June 18, August 13, October 8, and November 19. Jurisprudence courses are April 24 (LR) and October 16 (Rogers). ARBO meetings are March 7 (Atlanta) and June 21-23 (Alexandria, VA).

Mr. White made a motion to approve these meeting dates. Mr. Gentry made a second. The motion passed.

Dr. Ashley reported on schools and colleges of Optometry that teach advanced ophthalmic surgery procedures. Of the twenty-three (23) colleges contacted, sixteen (16) have replied in the affirmative. Those not responding are Midwestern

University (AZ), UC-Berkley, Western University of Health Sciences (CA), Chicago College of Optometry, MCPHS University (MA), Salus University PCO (PA), Inter American University of Puerto Rico, and University of Houston.

Dr. Ashley presented a request from Dr. Kelsey White to waive the 100 hours in an ophthalmology office requirement prior to initial licensure. Dr. Bryant stated that it is in the statute, and therefore we cannot waive it or change it by rules and regulations change.

Dr. Smalling made a motion to deny Dr. White's request. Mr. White made a second. The motion passed.

Dr. Ashley reported on a letter from Southern College of Optometry informing the Board that SCO now has a thirty-two (32) hour course on lasers and surgical procedures. This course is similar to the NSU (OK) course previously taken by many Arkansas OD's.

Dr. Ashley reported on an email from Mr. Chris Lewis of the Jasos Group asking if Arkansas OD's can perform genetic testing. After brief discussion, the issue was tabled for consideration at the next Board meeting.

Mr. O'Dwyer reported that Act 579 had cleared the Health Department and now is in the Governor's office, where a detailed summary was emailed on November 20, 2019 per their request. The Governor's office also asked for possible objections. Following this, there will need to be a period of time for public comment and a public hearing. Next it is to go to the Rules Committee of the Legislative Council.

Dr. Smalling was asked to report on his findings in relation to the Private Equity movement in Southwest Arkansas. He reported that he had talked to Dr. Marc Parnell earlier and this past week he spoke to his partner, Dr. Scott Simpson, both of El Dorado. Dr. Simpson reported that he is working in his prior office which has been purchased by myeyedr, an equity group now owned by Goldman Sachs. While on the phone, Dr' Simpson found his employment agreement and stated that he worked for PLLC under Dr. Joseph P. Kavanaugh, a Texas ophthalmologist.

After discussion, Dr. Smalling moved that Drs. Elvin Fenton, Wally Lile, Marc Parnell, and Scott Simpson be subpoenaed to produce and mail to the Board office applicable documents regarding the selling of their practices and their present employment agreements within thirty (30) days. Dr. Ford made a second. The motion passed.

Mr. Lonnie Burroughs of the Arkansas Board of Optician reported that their Board is very interested in the equity group issue also.

Dr. Ford made a motion to pay per diem and mileage for today's meeting. Mr. White made a second. The motion passed.

Dr. Flippin reported that he had a complaint from Northwest Arkansas that an optometrist was performing eye exams at schools and filing Medicaid claims. The Board requested staff to follow up on the complaint.

The next Board meeting is scheduled for 1:30 pm February 13, 2020 in Room 445 of the Victory Building in Little Rock. The Board will also give Board exams during that meeting.

Dr. Ford made a motion to adjourn. Mr. Gentry made a second. The motion passed.

The meeting adjourned at 3:15 pm.

Dr. Bryant Ashley, President

Dr. Robert W. Smalling, Secretary/Treasurer

