

Minutes

Arkansas State Board of Optometry
Victory Building
1401 W. Capitol
Little Rock, AR
June 13, 2019

Dr. Bryant Ashley, Board President, called the meeting to order at 1:35 pm with all Board members present. Others present were Dr. Howard Flippin, Board Executive Director, Ms. Bonita Wineman, Board assistant, Mr. Chris Arnold, Interim Board attorney, Drs. Allison Hall, Derrick Pierce, Martha Gore, Jason Bright, Kathleen Abarr, Rusty Simmons, Katie Brown, and Sam Presley. David M. Dyer, Dr. Presley's attorney, and Vicki Farmer, Len Pitcock and Lucas Hargraves, Arkansas Optometry Association, Kat Stromquist, Democrat Gazette, and Justin Kinchen, INA were also present. Our Attorney was not present and Mr. Chris Arnold filled in.

Dr. Smalling presented the minutes of the April 25, 2019 Board meeting. Dr. Ford made a motion to approve the minutes as presented. Dr. Hennessey made a second. The motion passed.

Dr. Flippin gave the board an accounting update. He reported that the DFA required the Board president to receive a reconciliation every month.

Dr. Flippin reported that Dr. Zach Faust who took the Board exam in February has not been licensed yet. He has until August 25, 2019 to complete the process.

Dr. Flippin reported on a follow up on the requirement to register with the Prescription Monitoring Program (PMP). Of the ten who were not in compliance, eight had come into compliance. The other two had written letters to the Board.

Dr. Ashley introduced Dr. Sam Presley, who was to have been given a temporary license until he met with the Board in April, but he was erroneously mailed a license allowing him to practice until February 1, 2020. He was accompanied by his attorney, David M. Dyer. He had mailed a letter to the Board explaining his late license renewal and did not come to the meeting in April. He explained his failure to renew on time and stated that he had changed procedures so it would not happen again. No further action was taken.

Dr. Brad Diner was not present at the Board meeting, but the Board accepted the Foundation reports in relation to Drs. Derrick Pierce, Martha Gore, and Jason Bright. Letters were introduced that each had been in full compliance with their programs, and each has the full advocacy of the Foundation. Dr. Pierce's contract is through July 2020, and he is to return to the November 21 Board meeting. Dr. Gore's contract is through November 11, 2019 and therefore this is her last appearance before the Board. Dr. Bright's contract is through July 20, 2019, and therefore this is his last appearance before the Board.

Dr. Ashley introduced Dr. Katherine Abarr who has applied for licensure by endorsement. She has practiced in Rhode Island. The Board briefly interviewed her. Dr. Hennessey made a motion to issue her a licensure by endorsement. Dr. Ginger made a second. The motion passed.

Dr. Ashley opened a discussion on the legislative committee on opioids, which was attended by Mr. O'Dwyer, our attorney. He expressed his concern that Mr. O'Dwyer had represented our Board at the meeting without staff or leadership being aware of the content of the meeting. He expressed his wish that the Board would be informed about such meetings, prior to the meeting, in the future.

Dr. Flippin opened a discussion on MYEYEDR, a venture capital group that is buying optometric practices in Arkansas. Dr. Rusty Simmons gave an explanation of his understanding of the whole process and situation. MYEYEDR has recently been purchased by Goldman Sachs. Dr. Smalling made a motion to have our attorney investigate this issue further and report back to the Board in August. Dr. Hennessey made a second. The motion passed.

Dr. Ashley opened discussion of the implementation by rules and regulations of HB1251 (act 579). Dr. Hennessey had recused himself from this area of discussion at our last meeting. He announced today that he had reconsidered and would like to retract his recusal and participate in the discussion of the rules and regulations implementing Act 579.

Dr. Ashley ask Dr. Smalling to report information on the Louisiana law and Rules. He handed out a report on his telephone interview with Dr. James Sandefur, Secretary of the Louisiana Optometry Board. They are in the fifth year of their law. Dr. Ford reported on the Kentucky law and how it was implemented over seven years ago. He also handed out a printed report. Dr. Ginger gave a report on the Oklahoma law and implementation from over 20 years ago. Dr. Ashley also handed out a document on training issued by the Accreditation Council for Graduate Medical Education (ACGME). Staff had adapted a document that Louisiana used to verify that current colleges of optometry have and appropriate curriculum to allow new graduates to be certified to perform the new procedures. This adapted document was distributed to the Board.

Dr. Ashley reported that he had communicated with Drs. David Cockrill (OK Board), Richard Castillo (NSU), Nathan Ligh5hizer (NSU), and Jill Bryant (NBEO). Each of these have offered to come to a future Board meeting to assist in developing rules to implementing Act 579. He reported that he would confer with many of these at the ARBO annual meeting in St. Louis next week. Dr. Ginger made a motion to allow Dr. Ashley to invite any or all of these individuals to come to a Board meeting and pay their travel expenses. Dr. Ford made a second. The motion passed.

Dr. Flippin reported on outstanding fines that have been levied by the Board in the past. Total of \$133,269 in fines with \$96,466 collected and \$31,800 still outstanding He also stated that \$22,088 had been spent on investigation of these cases.

Dr. Ashley discussed the attendees at the April ArOA meeting that approximately 15% were coming and going and not paying attention to the speakers. He was concerned about this issue. No action was taken.

Dr. Ashley reported on the Board exams that were given this morning to 13 applicants. Those applicants were Drs. Kelsey, Buford, Zachary Burroughs, John Choate, Anna Fagan, Zachary Ford, David Hurd, Seth Laster, Morgan McClintic, Katherine McCracken, Lawrence Allen King III, Mary Price, Heather Snyder, and Martina Webb-Haines.

Dr. Hennessey made a motion to pay per diem and mileage for today's meeting. Mr. Gentry made a second. The motion passes.

Dr. Ginger mad a motion to adjourn. Mr. White made a second. The motion passed.

The next Board meeting will be August 15, 2019. Other meeting dates for the year are October 17, and November 21.

The meeting adjourned at 3:00 p.m.

Dr. Bryant Ashley, President

Dr. Robert W. Smalling, Secretary/Treasurer