

Minutes
Arkansas State Board of Optometry
Office of the Attorney General
Little Rock, AR

February 10, 2005

Dr. Dale Morris, President, called the meeting order. All Board members with the exception of Dr. Ken Hubbard who is recovering from knee surgery. Board Executive Director, Dr. Howard Flippin, Board office secretary, Ann Booker, and Board attorney, Bill Trice were also present. Dr. Morris recognized meeting attendee's Pam Mize, Brian Banks, Randy Thurman, Dr. Robert Newton, Dr. Annette Campbell-Webb, and Barbara Martin. Dr. Morris introduced Dr. Eric Colegrove to the Board who is present to take the Board Examination.

Dr. Coffee made a motion to approve the minutes of the last Board meeting, Dr. Haas made a second. Mr. Trice commented on attachments to the minutes and they were removed. The motion passed as amended.

Dr. Haas reviewed the proposed revised rules concerning the issue of optometrist employment relationships as presented in draft by Mr. Trice. A lengthy discussion ensued. Mr. Trice explained the rules might assist in the determination of employment by non-licensed entities and as to undue influence on a health care providers practice. These rules may also establish who is employed by non-licensed entity or if the non-license entity is practicing optometry. Dr. Haas discussed the IRS implications as to employment agreements and tax burdens by the employer or employee. Mr. Trice stated the intent of the rules is to establish a way to show real control of professional judgment and rendering of service. Each aspect of a lease agreement would be considered as to control of the practitioner. Mr. Trice invited those with interest in the rule changes to make comments before and during a future public hearing.

Mr. Trice updated the Board on Robert Hamilton. Mr. Hamilton has fled the jurisdiction and lost his lawyer. The judge has an order in front of him to approve the Boards verdict and execute on a bank account if one is found.

Mrs. Witherspoon has filed for bankruptcy. The Board may sue her in bankruptcy court for the fine. A complaint has been filed to execute this right.

The contact lens registration requirement has been effective since January 1, 2005. It is to be reviewed by the legislative council.

Mr. Trice discussed a bill in the legislative session changing the allowance of third party re-coupment of payments to providers.

Dr. Flippin reviewed a request from Dr. Leroy Kincannon to re-take the Board exam in July of 2005. Following Board policy previously established, the fee would be the same as first applying for the exam.

The Arkansas Medical Foundation has informed the Board, Dr. McWaters is in compliance and has advocacy. He has a five-year monitoring contract, which extends into 2007. They also informed the Board that Dr. Ashabranner and Dr. Heath are not in compliance with the Medical Foundation contract and do not have advocacy. As such, Mr. Trice informed the Board their license remains suspended until they have advocacy. All will be invited to visit with the Board at the next meeting.

Dr. Flippin informed the Board that seven doctors have not renewed their license. Six doctors have informed the Board of their decision. They are : Drs. Larry Creek, Richard F. Jackson, Barney Russell, James Collier, Brenda Carrell, and Dexter Morgan

Dr. Haas made a motion to accept the non-renewals of the six doctor's license, seconded by Dr. Coffee. Motion passed.

Dr. Smalling made a motion to bring charges against Dr. Clifford Phillips for non-renewal of license. Mr. Guerra seconded the motion. Motion passed.

Dr. Haas made a motion to approve the \$100 per diem and expenses for each meeting during the year in compliance with the requirement that this is done at the first Board meeting of the year, 2005. Dr. Morris seconded the motion. Motion carried.

The next Board examination is scheduled for July 9, 2005. Tentative meetings dates were discussed for the remainder of 2005.

Mr. Trice circulated the investigation results by Mr. Bona of cosmetic contact lens sales in Pine Bluff by a non-licensed entity.

Dr. Haas made a motion to bring charges against the non-licensed individuals selling contact lenses in Pine Bluff and give notice of hearing.

The Board discussed a request concerning notification of practice location. The issue of branch office annual permits for one fee or a fee each time the doctor practices in the same location. The Board asked Mr. Trice to respond and ask for a clarification of the doctor's request.

Dr. Flippin discussed the information required on eyeglass and contact lens prescriptions. He was instructed to send a copy of the new rules and regulations on this issue to the doctors with the new rules and regulations booklet.

Dr. Coffee brought to the attention of the Board an issue concerning the Internet and correspondence course. A doctor received his approval of the test and wanted a grade on the test.

Dr. Colegrove returned to the meeting then discussed his background and intentions.

Dr. Coffee made a motion to approve Board members be paid one day's expenses plus mileage. Mr. Guerra seconded and the motion was approved.

Meeting Adjourned.

Dale L. Morris, OD, President

Kenneth Hubbard, Jr., OD, Secretary