

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

February 12, 2004

Dr. Bob Smalling called the meeting order. All Board members, Board Executive Director, Dr. Howard Flippin, Board office secretary, Ann Booker, and Board attorney Bill Trice were present. Dr. Smalling recognized Dr. Michael Roberts, Dr. Courtney Gardner Hoffman, and Dr. Matthew Hoffman present for the purpose of taking the Board Exam. Also attending the meeting were Scott Simpson, OD, John VanWinkle, Rocky Heath, OD, David Eddington, Dinah Gaudern, Stephanie Spivey, Pam Mize, John Rollins, Sara Israel, Vicki Walters, Jim Bona, Mark Stodala, Tracy Pruitt, Barbara Martin, and Randy Thurman.

Dr. Smalling called the Board into hearing concerning Dr. Rocky Heath. At the conclusion of the hearing Dr. Smalling opened deliberations to determine if violations of the practice act had occurred. Mr. Trice recommended the elimination one charge in the notice of hearing but to consider the two remaining violations. After discussion by the Board,

Dr. Hubbard made the motion that Dr. Heath is found in violation of the practice act by fraudulently misrepresenting himself as Dr. Ricky Lane for the purpose of gaining employment. Dr. Morris made the second and the floor was open for discussion. The board voted unanimously in favor of the motion.

After further discussion,

Dr. Haas made the motion that Dr. Heath is found in violation of the practice act by over prescribing controlled substances. Dr. Morris made a second and the floor was open for discussion. The board voted unanimously in favor of the motion.

After being found in violation of the practice act, Dr. Smalling opened the discussion for penalty for the violations. For the violation of fraudulently misrepresenting himself,

Dr. Haas made a motion to fine Dr. Heath \$1,000 and one-year suspension of his license. Dr. Morris seconded the motion. The floor was opened for discussion and the Board voted unanimously in favor of the motion.

For the violation of over prescribing controlled substances,

Dr. Morris made the motion to fine Dr. Heath \$1,000 and an additional one-year suspension of his licenses. Dr. Coffee seconded motion. Dr. Smalling opened the floor for discussion. Dr. Hubbard requested an amendment to the motion to include a five-year contract with the Arkansas Medical Foundation including

random drug testing beginning with his signing of the contract and the Medical Foundation to be his advocate. If the Medical Foundation is not able to be an advocate for Dr. Heath at the end of the two-year suspension, his license will be suspended indefinitely. Dr. Morris accepted the amendment and the Board voted unanimously in favor of the motion.

Dr. Morris made a motion to give Dr. Heath six months to pay the fine. If the fine is not paid, Dr. Heath's license will be automatically suspended indefinitely. Dr. Hubbard seconded. The Board voted unanimously in favor of the motion.

Dr. Hubbard presented the minutes of December 11, 2003. After discussion of and corrections in the minutes,

Dr. Hubbard made the motion to approve the minutes; Dr. Coffee made the second, and the Board voted in favor of the motion.

Dr. Flippin updated the Board on Dr. Joe Templeton's false advertising. The advertising agency took responsibility for the error and no action was taken. Mr. Trice updated the Board on Mr. Hamilton's appeal of Board actions. Oral arguments will be held in Harrison on February 19, 2004. The Board received a judgment in the Witherspoon case from the Honorable Tim Fox and an appeal was not made in the time allotted. Mr. Trice will pursue executing on the judgment.

Dr. Coffee reported on the correspondence course for 2004 and Dr. Flippin reported on license renewal for 2004. One doctor had passed away and five others allowed their licenses to expire.

Dr. Ashabranner attended the meeting with Vicki Walters, a representative of the Medical Foundation, for his first appearance since his license suspension. He has entered into a ten-year contract with the Arkansas Medical Foundation who is to be his advocate before his license suspension can be lifted in six months.

Dr. Haas presented a draft rules for eyeglass and contact lens prescription release. Dr. Haas requested input from the Board and any other interested party before the April Board meeting.

Dr. Hubbard asked the Board to table the discussion on itinerant/floating doctors until the next board meeting.

Dr. Hubbard made a motion to approve two nights travel for Dr. Hass to attend the ARBO meeting in Atlanta. Dr. Morris seconded and the Board approved the motion.

Dr. Haas made a motion to approve two nights travel for Dr. Hubbard and Dr. Coffee to attend the ARBO meeting in Dallas. Dr. Morris seconded the motion and was approved by the Board.

There was a motion by Dr. Hubbard to approve the \$100.00 per diem and expenses for each meeting during the year in compliance with the requirement that this be done at the first Board meeting of the year, 2004. Seconded by Dr. Morris. Motion carried.

The next Board meeting will be held at the Double Tree Hotel in Little Rock on Friday, April 16, 2004 at 8:00 A.M. The Jurisprudence course will be given at 5:00 P.M. Friday, April 16, 2004 at the Double Tree Hotel in conjunction with the Arkansas Optometric Association spring convention.

Dr. Adamson of BCBS requested an updated CPT code list approved for optometrist in Arkansas. Dr. Hubbard and Dr. Flippin agreed to work on an updated list of codes.

Dr. Morris made a motion to approve Board members be paid one days expenses plus mileage. Mr. Guerra seconded and the motion was approved.

Meeting Adjourned.

Bob Smalling, OD, President

Kenneth Hubbard, Jr., OD, Secretary