

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

February 13, 2003

Dr. Robert Smalling, President of the Board, called the meeting to order with all Board members being present. The Board's attorney, Mr. William Trice, was present as well as Dr. Howard Flippin, Executive Director. Mrs. Barbara Martin with the Arkansas Optometric Association, and Ann Booker, State Board staff was also present. Although, Mrs. Booker was not present during much of the meeting, due to three applicants taking the State Board examination in another room. A court reporter was present due to the hearings on the schedule.

Mr. Trice bypassed the approving of the minutes to go straight into the hearings. The first hearing involved Dollar Mania, Radwan H. Diab, owner, located in Pine Bluff, AR. After the first hearing, Dr. George Haas made a motion finding Mr. Diab guilty of violating the Optometry Practice Act in that he sold contact lenses to the public when not being licensed as an optometrist. The Board imposed a civil penalty requiring Radwan H. Diab d/b/a Dollar Mania to pay the monetary penalty amount of \$2,000 to be paid in sixty days. Seconded by Dr. William Coffee. Motion carried.

The seconded hearing involved two cases. Sunny's Beauty Supply, owned by Mr. Chin Hak Chong, and 4U Beauty Supply, owned by Mrs. Chong, both stores located in Blytheville, AR. After the hearing, Dr. George Haas made a motion that both parties be found guilty of violating the Optometry Practice Act in that they both sold contact lenses to the public. The Board of Optometry imposed a civil penalty requiring Mr. And Mrs. Chong to pay the monetary penalty amount of \$2,000.00 per store or \$4,000.00 total. The Board agreed to give them one month to pay the initial amount and another 60 days to pay the balance. Dr. Kenneth Hubbard seconded the motion. Motion carried.

The third hearing involved Jefferson Jewelry & Fashion Mart, owned by Nam K. Yim, located in Texarkana, AR. After the hearing, Dr. Dale Morris made a motion that Mrs. Yim be found guilty of violating the Optometry Practice Act in that she sold contact lenses to the public when Dr. Coffee seconded the motion. Motion carried. Dr. George Haas moved in favor of a civil penalty be imposed, requiring Mrs. Yim to pay a fine of \$2,000.00 to be paid in 60 days and be required to return all inventory to the Board. Dr. Hubbard seconded the motion. Motion carried.

The fourth hearing involved Big T Beauty Supply, owned by Hae Young Myung, located in Texarkana, AR. After the hearing, Dr. Dale Morris made a motion that Mr. Myung be found guilty of violating the Optometry Practice Act in that he has sold contact lenses to the public when not being licensed as an optometrist. Seconded by Dr. William Coffee. Motion carried. Dr. Dale Morris moved in favor of a civil penalty requiring Mr. Myung to pay a fine of \$2,000.00 to be paid in 90 days and be required to return all inventory to the Board. Dr. Kenneth Hubbard seconded the motion. Motion carried.

Final charging document is against Dr. Roy L. Ashabranner. After the hearing, Dr. Dale Morris made a motion that Dr. Ashabranner be found guilty of not complying with the conditions of the hearing in June 2002. Dr. Hubbard seconded the motion. Motion carried. Dr. Morris moved that the stay of the thirty- (30) day suspension be lifted as well as the \$500.00 fine. Seconded by Dr. Coffee. Motion carried. Dr. George Haas moved that the Board re-impose the requirements for the future. The Board set the fine at \$2,000.00 and sixty- (60) day suspension to be stayed for as long as Dr. Ashabranner is in compliance with the Optometrist Practice Act and the rules and regulations of the Board. The doctor will report to each meeting of the Board. Seconded by Dr. Morris. Motion carried. Hearing closed.

Dr. Hubbard presented the minutes of the last meeting and after Dr. Smalling had some grammatical changes, the minutes of December 12, 2002 were approved. Dr. Dale Morris seconded the motion. Motion carried.

Dr. Flippin reported that after the Witherspoon Optical report had been studied by each individual Board member, the vote was that charges be served for a hearing at the next Board meeting of March 13, 2003. Dr. George Haas requested that Mr. Trice contact and interview Dr. John Witherspoon, and leave it to his judgment if the doctor's name needs to be added to the list of people to testify at the hearing.

Dr. Flippin presented an update on the licenses renewals. He stated that there were two doctors, at this time that had not responded in any way to the renewal process. Dr. George Haas moved that the Board office be authorized to notify the two doctors that they no longer have a license to practice in the State of Arkansas. Dr. Kenneth Hubbard seconded the motion. Motion carried. Also, there are four doctors that indicated on their renewal form, they did not wish to renew their licenses. Dr. Coffee moved that the Board office notify these doctors, telling them that their application has been received and noted that they are not renewing. The doctors' files would then be considered inactive. Dr. Morris seconded the motion. Motion carried. Dr. Flippin shared that this is the first year any doctor has ever requested a refund. There are two doctors with this request. Dr. Dale Morris moved that Dr. Alycia Green, having completed all the requirements for licensure, not be refunded her license fee for this year. Seconded by Dr. Coffee. Motion carried. Dr. Hubbard moved that since Dr. Russell Hopkins has not met the requirements, the money should be refunded. Dr. Hopkins would no longer have a license to practice in the State of Arkansas. The Board office would need a written request from the doctor. Seconded by Dr. Coffee. Motion carried. The final group of doctors includes the ones that have not completed the requirement of the one-hour jurisprudence course. These doctors are Dr. C. Jowan Do, Dr. Anthony P. Borgognoni, and Dr. Jana H. Shelton. Dr. Coffee moved that these three doctors have until March 12, 2003 to be in compliance before the next Board meeting of March 13, 2003. Dr. Larry Creek had the ending request of having his license renewed, after sending his renewal form marked, "Do Not Wish to Renew." Dr. George Haas made a motion that Dr. Creek be allowed to pay the fee and renew his license for this year. But, Dr. Creek cannot practice until he has completed the continuing education hours. Dr. Coffee seconded the motion. Motion carried.

Dr. Flippin had an update on the fines that has been assessed. There has not been any payment received on Kim's Fashion or 99 Cents & Discounts, both located in Little Rock. Dr. Haas moved that the Board give authorization to Mr. Trice to file the civil penalty orders in circuit court, converted into a judgment, and levy execution. Seconded by Dr. Hubbard. Motion carried.

Dr. Flippin had a request for a jurisprudence course to be given at Dr. Chris Greer's meeting in Fort Smith, on April 5, 2003. After much discussion, Dr. Dale Morris moved that this course be denied at this time. Dr. Hubbard seconded the motion. Motion carried.

At this time, the three applicants were finished with the State Board Exams and were introduced to the Board members. Their names were Daniel Burt, O.D., Holly Andersen, O.D. and Dina Davis, O.D. Then the Board members were introduced and shared some valuable information.

There was a discussion about Mr. Jim Adams' request of an interpretation of the Law concerning vision therapy. (More specially can his teachers do vision therapy if it is prescribed by an optometrist?) Mr. Trice suggested that Mr. Adams put in writing what he is purposing. Dr. Smalling plans to contact Mr. Adams to discuss this matter.

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, 2003. Seconded by Dr. Morris. Motion carried

Mr. Trice reminded the Board that he and Dr. Haas would be attending the committee meetings at the legislature regarding the change of the Optometric Law.

Dr. Dale Morris moved that the Board members be paid for one day of expenses plus mileage. Seconded by Mr. Jaime Guerra. Motion carried.

The time for the next Board meeting is scheduled for Thursday, March 13, 2003 in the office of the Attorney General, at 1:30 P.M.

Meeting adjourned.

Robert Smalling, O.D., President

Kenneth Hubbard, Jr., O.D., Secretary