

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

February 14, 2002

Dr. Robert Smalling was able to be back with us and called the meeting to order. All Board members were present as well as the Board's attorney Mr. Bill Trice. Visitors included Randy Thurman, National Association of Opticians and Optometrists, Justin Hancock with Wal-Mart, Barbara Martin, Arkansas Optometric Association. Also there were two doctors there to take the Board examination, Dr. Matthew Renner and Dr. Kirby Smith. A court reporter was present due to the continuation of the hearing concerning Dr. Charles McWaters. Dr. McWaters was present and had two guests, Suzie Fessell, his sister, and his caseworker, Kathy Davis.

Dr. Kenneth Hubbard presented the minutes of the December 13, 2001 meeting. Dr. Dale Morris made a motion that the minutes be approved as is, seconded by Mr. Jack Grayson. Motion carried.

Mr. Trice continued the hearing reviewing the status of Dr. Charles McWaters. Mr. Trice gave a complete summary of the facts up to this date before Dr. McWaters was sworn in to testify. (See court report) Dr. Hubbard made a motion that Dr. Mc Waters be found guilty of drug abuse. Seconded by Dr. Haas. Motion carried. The result of the disciplinary hearing was a five-year screening program with the Arkansas Medical Foundation. Also Dr. McWaters was fined \$1000 for one offense to be paid in 120 days. Dr. Flippin made a motion that the emergency suspension remains in effect pending his providing the Board with a signed contract from the Medical Foundation. Also the Board required that Dr. McWaters continue the program with VA Hospital as well. Dr. Dale Morris seconded. Motion carried. Mr. Grayson made a motion that the Board finds Dr. McWaters not guilty of any notification charges. Seconded by Dr. Flippin. Motion carried. Dr. Flippin also moved that charges be dropped on any prescribing above his TPA privileges. Dr. Hubbard seconded. Motion carried.

In the matter of old business concerning complaints, Dr. Flippin had no pending complaints and all former complaints had been resolved. Dr. Flippin also provided an update on the correction ads concerning Dr. Keith Scott. The Board members viewed the copies of the ads ran in the newspapers and decided that this matter was resolved at this time.

Dr. Flippin stated that all doctors had renewed their licenses with the exception of Dr. Benny Israel, Fayetteville, Arkansas. The Board then voted on the acceptance of Dr. Israel's request not to renew his license. Dr. George Haas made the motion and Dr. Dale Morris seconded. Motion carried. A letter will be sent to Dr. Israel to acknowledge his request.

The Board was also concerned about Dr. Roy Ashabranner not keeping the Board informed of his practicing location. Dr. Hubbard made a motion that Dr. Ashabranner

come before the Board on April 25, 2002, to discuss his behavior. Mr. Trice will request that Dr. Ashabranner provide the Board with a one-year work history before coming to the meeting. Dr. George Haas seconded the motion. Motion carried.

There was a review of the Board members attending regional meetings. Dr. Smalling as well as Dr Hubbard plans to attend the Southwest meeting in Dallas, Texas. Dr. Morris, Dr. Haas, and Dr. Flippin plan to attend the meeting in Atlanta. Dr. Hubbard made a motion that the Board authorizes sending the doctors to the regional meetings. Mr. Jack Grayson seconded. Motion carried. Dr. Smalling encouraged everyone to attend the ARBO meeting in New Orleans.

Mr. Trice will be drawing up a draft dealing with optometrists having 24-hour access to his or her offices. There was much discussion about all the different issues of emergency patient care.

Dr. Smalling and Dr. Flippin will be giving a presentation at Dr. McFarland's office on March 9, 2002 providing one-hour jurisprudence. Mr. Trice gave many suggestions of how the Board could offer this hour of education without running the Board members all over the country.

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, 2002. Seconded by Dr. Flippin. Motion carried.

The topic of bringing all optometrists up to optometric physician level is still being considered. There was much discussion on how the Law would be changed in the near future. Dr. Dale Morris shared how the State Association was taking steps to do the same.

Mr. Jack Grayson moved that the Board members be paid for one day of expenses plus mileage. Seconded by Dr. Hubbard. Motion carried.

The time for the next Board meeting is scheduled for Thursday, March 28, 2002 in the office of the Attorney General at 1:30 P.M.

Meeting adjourned.

Robert Smalling, O.D. President

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