

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

February 16, 2006

Dr. Bill Coffee, Vice President, called the meeting to order. All Board members were present with the exception of Dr. Dale Morris who had a family emergency. Board Executive Director, Dr. Howard Flippin, Board office secretary, Ann Booker, and Board attorney, Bill Trice were also present. Dr. Coffee recognized Dr. Carla Ericksen, Dr. Nathan Crouch, and Dr. Jerry Nutt present to take the Board test.

Dr. Haas offered a correction to the minutes. Dr. Haas was authorized to attend SECO in Atlanta at the last meeting.

Dr. Haas made a motion to approve the minutes as amended and Dr. Smalling made a second. The motion passed.

Dr. Charles McWaters reported his advocacy from the Arkansas Medical Foundation.

Dr. Smalling made a motion to accept Dr. McWaters advocacy by the Medical Foundation and continue reports at each Board meeting. Also, Dr. McWaters' license will be reinstated. Dr. Haas made the second and the motion passed.

Dr. Ashabranner reported his status with the Medical Foundation and will continue reporting to the Board.

Dr. Coffee opened the discussion on the redraft of the new rule concerning optometrist employment by non-licenses. Mr. Kaplan and Mrs. Angie Muldune recommended changes. Mr. Shirley, the consumer serving on the Board, explained his concerns with non-licensed entities dictating length and numbers of eye exams reducing the quality of care to the public for increased sale of materials. As a member of ARBO, Dr. Smalling informed the Board that this is an ongoing issue for other State Boards. Changes and corrections were made to the redraft.

Dr. Haas made a motion to approve the redraft rule, with corrections, and bring the rule to hearing at the next Board meeting. Dr. Smalling made second and the motion passed.

Mr. Trice opened the hearing concerning Dollar City of West Memphis for selling contact lenses without an optometry license. After the hearing was over:

Dr. Hubbard made a joint motion for Mr. Haider Hamad and Ms. Deborah Farrow are found in violation of the practice act by selling contact lenses without a license. Dr. Smalling made a second and the motion passed.

Dr. Hubbard made a motion to fine Mr. Haider Hamad and Ms. Deborah Farrow \$3,000 of which \$500 be forgiven for return of contact lenses in Dollar City's possession. The fine is to be paid in 90 days. Dr. Smalling made the second and the motion passed.

Mr. Trice made the Board aware of the retirement of Mr. Jim Bona of the Health Department. He was given a round of applause and a great deal of regret was expressed in his leaving as well as great appreciation of his accomplishments for the Board. He will be missed.

Dr. Hubbard recommended the Board not grant the license upgrade request by Dr. Boreing. He currently does not hold a drug license in Arkansas and has not met the requirements laid out in the rules and regulations to become an optometric physician. Dr. Flippin was instructed to inform Dr. Boreing his request had been denied.

Dr. Flippin reported Arkansas has 390 licensed renewed, 378 active practitioners, 348 optometric physicians, 12 retired status, 209 branch offices, 3 licensed on suspensions. There were 5 letters of request not to renew, and one renewal not returned to the Board office. The doctors wishing NOT to renew are as follows:

Dr. Mark R. Dill, Miles City, MT  
Dr. C. Jowan Do, San Antonio, TX  
Dr. James F. Hudson, Harrison, AR  
Dr. M. Carl Koen, Pine Bluff, AR  
Dr. Dean L. Mc Cormack, Benton, AR

Dr. Hubbard made a motion to accept the non-renewal requests and Dr. Smalling seconded the motion. The motion passed.

Dr. Flippin discussed renewals of mail order contact lens companies, recent violations of the law by non-licensed contact entities selling contact lenses in the state, finding a new investigator for the Board, optometrist advertising in a pharmacy mailing, and the need for a new rule relating to non optometric physician license renewal.

Mr. Trice updated the Board concerning paid and unpaid fines.

Dr. Hubbard made a motion for Mr. Trice to proceed with summary judgments in circuit court for unpaid fines. Dr. Smalling made a second and the motion passed.

Dr. Haas made a motion to approve travel and expenses to ARBO Las Vegas meeting for Dr.'s Coffee, Hubbard, and Flippin. Dr. Smalling made a second and the motion passed.

Dr. Haas made a motion and Dr. Hubbard made a second to recommend Dr. Smalling be nominated and re-elected to ARBO. The motion passed unanimously.

Because of recent security concerns at the Board office in Searcy,

Dr. Hubbard made a motion to move the Board office to a new rental space located at 500 West Race Street. This change will take place at the end of our current lease. Dr. Smalling made a second and the 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, 2006. Dr. Hubbard seconded the motion. Motion carried.

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

The next Board meeting is scheduled for April 13<sup>th</sup> at 1:30 at the Attorney General's office.

Dr. Coffee adjourned the meeting.

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Bill Coffee, OD, Vice President

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Kenneth Hubbard, Jr., OD, Secretary