Minutes  
Arkansas State Board of Optometry  
Arkansas Press Association Building  
Little Rock, AR  

February 24, 2011  

Dr. Morris opened the meeting with all Board members present except Dr. Hubbard and Mr. Shirley. Dr. Howard Flippin, Executive Director, Ann Booker, Board secretary, and Mr. Bill Trice, Board attorney were also present. Vicki Farmer and Misty Engle, ArOA, Dr. Patrick Fowler of Pine Bluff, Dr. Bradley Diner, Medical Foundation, Marlin Freeman, and Dr. Penny Freshour of North Little Rock were also present. Exam participants were Drs. LaDonna Wilson, Ellen Lawrence, Sarah Wade, and Steele Zierlein.

Dr. Morris introduced the exam applicants and they were dismissed to another room to take the exam.

Dr. Morris reported on a thank you note from Ann Booker on her recent loss.

The minutes of the December 9, 2010 were presented to the Board.

Dr. Haas made a motion the minutes be approved as written. Mr. Spears made a second. The motion passed.

Mr. Trice reported on the status of Dr Roy Ashabranner. Dr. Diner said he is all paid up at the Medical Foundation.

Mr. Spears made a motion that Dr. Ashabranner has complied with all the terms of the order and therefore he has unencumbered license. Dr Haas made a second. The motion passed.

Mr. Trice questioned Dr. Penny Freshour about her actions since her last visit before the Board and her present situation. Since she had broken her contract with the Medical Foundation, a new consent order was initiated in October 2010 that she will not practice until she is approved by the Board. She reported that she has been in the Palmetto Recovery in Mississippi. She confirmed that she had left the Center against medical advice in November 2010 and went to Texas where she received a DWI (11/24/10). She returned on November 29, and again left on January 21, 2011 because of a custody issue and has not returned.

Mr. Trice then brought her North Little Rock practice and her patient records and their present availability. He calculated that there was a 90 day period when these records were not available to patients. This would certainly appear to constitute patient abandonment. Dr. Freshour had no response when asked what she planned to do to remedy this situation.

Dr. Haas made a motion that Dr. Penny Freshours be charged with patient abandonment and failure to comply with the consent decree. Mr. Spears made a second. The motion passed.

The hearing was set for the April 28, 2011 Board meeting.

Dr. Flippin introduced Dr. Patrick Fowler who had some questions that Dr. Flippin thought the Board should hear and give a response. The situation involves the employment of staff by lease from Walmart to dispense contact lens and Medicaid glasses for Dr. Fowler. Apparently, Walmart opticians are telling
Dr. Fowler’s employee that she was not allowed to perform these duties. The Board was unanimous in its approval of the current situation and no action was taken. Dr. Fowler has the newer Walmart contract and he was asked several questions about the particulars.

Mr. Trice discussed the correspondence with Dr. Dan Speir and Mr. Ronald Raikes ending an offer to meet in small claims court.

Dr. Coffee made a motion that the Board decline to bring any charges since no violations of the Board rules or law was identified and that Mr. Raikes be notified. Mr. Spears made a second. The motion passed.

Dr. Morris reported on an offer from the National Board of Examiners in Optometry to give our Jurisprudence exam to new graduates at the same time as the clinical exams. After a brief discussion, the Board was not interested in this arrangement.

Dr. Flippin reported that Dr. Garry Collins of Tennessee asked to reinstate his license that he chose not to renew back in the 1990’s. The Board by consent decided that if he wants a license he will need to apply and take the board exam.

Dr. Flippin reported that Dr. Larry Grace has asked to renew his license at the basic license level since he was unable to get his CE requirement due to personal illness.

Dr. Smalling made a motion that Dr. Grace’s CE shortfall be waived and he be allowed to license at the Optometric Physician level. Dr. Haas made a second. The motion passed.

Dr. Flippin reported that Dr. Eric Stein has not been able to complete his CE requirement for relicensure due to illness.

Dr. Coffee made a motion to waive the CE requirement for Dr. Stein for licensure this year. Dr. Haas made a second. The motion passed.

Dr. Flippin reported that Drs. Tom Dedman, Robert Martin, and Gregory Jeffries chose not to renew their license this year.

Dr. Flippin reported that 458 renewed their licenses. 375 are Optometric Physicians in state, 5 have a TPA, and 2 have a DPA license. The remaining 10 have no certificate.

ARBO regional meetings were discussed and Drs. Haas and Smalling have been approved to attend the Atlanta meeting March 5 at SECO International. There will be another meeting in Dallas at the Southwest Council of Optometry meeting March 11. No one from the Board was interested in attending this meeting.

Under open items, it was noted that Walgreen is selling contact lenses by mail order. After a brief discussion, this item was tabled to be addressed later.

Dr. Flippin brought the sublease at a Lenscrafters in Ft. Smith and the ad from Rupe Hasra. It was unclear if this was offering employment and therefore staff was instructed to ask for a copy of the contract to determine the relationship.
Dr. Haas reported that he had seen advertisements for American Board of Optometry (ABO) review courses and he proposed that the Board again notify our licensees that they are board certified by the Arkansas Board of Optometry. After discussion, the issue was tabled.

Dr. Coffee made a motion that Drs. Flippin and Smalling be approved to attend the ARBO annual meeting in Salt Lake City in June. Dr. Haas made a second. The motion passed.

Dr. Coffee made a motion that the Board be paid one day expenses and travel. Dr. Haas made a second. The motion passed.

The next meeting of the Board will be Thursday April 28 at 1:30 pm at the Attorney General office. The jurisprudence course will be from 4-5 pm Saturday April 30 at the Peabody Hotel. There will be no meeting on May 12, but there is a tentative meeting date for Thursday June 2. The Board exams are still scheduled for Saturday July 9 in North Little Rock.

Dr. Haas made a motion to adjourn. Dr. Coffee made a second. The motion passed.

Dr. Morris adjourned the meeting.

________________________________
Dr. Dale Morris, President

________________________________
Dr. Kenneth Hubbard, Jr., Secretary
Recorded by Dr. Robert W. Smalling