

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

March 13, 2003

Dr. Robert Smalling, President of the Board, called the meeting to order. Not all the Board members were present. Dr. Kenneth Hubbard had a death in the family, and Dr. George Haas was unable to attend the meeting. All other Board members were present as well as Mr. Bill Trice, attorney for the Board, and Dr. Howard Flippin, executive director. Mr. Jim Bona, investigator, Mrs. Barbara Martin with the Arkansas Optometric Association, Ann Booker, State Board staff, Dr. Roy L. Ashabranner, with his attorney, Wayne Wagner, and a court reporter were also in attendance.

In Dr. Hubbard's absence, Dr. Flippin presented the minutes. There were some additions to the minutes. Dr. Dale Morris made a motion that the minutes of the February 13, 2003 Board meeting be amended and approved. Dr. William Coffee seconded the motion. Motion carried.

Mr. Trice informed the Board of a letter from Phyllis McKenzie, attorney for Susan Witherspoon d/b/a Witherspoon Optics, requesting a thirty-day continuance. This being the first request for a continuance, and Mrs. Witherspoon having the right to be represented by counsel, the Board granted the request. The hearing date will be set for May 1, 2003 at 1:30 P.M. in the office of the Attorney General, Little Rock, AR.

Dr. Flippin gave the Board an update on all beauty supply places regarding outstanding fines. (At this time there are a total of five.) It was confirmed that all inventories have been received.

Also Dr. Flippin petitioned the Board to allow the one-hour jurisprudence course to be given at Dr. Chris Greer's office, on April 5 in Fort Smith, AR. In addition, Dr. Flippin noted the jurisprudence course would be given May 2, 2003 at the Association meeting as well as June 8th in Branson, Missouri. Dr. Dale Morris moved that the courses be approved. Dr. Coffee seconded the motion. Motion carried.

Dr. Smalling reported to the Board his discussion with Mr. Jim Adams concerning vision therapy. Dr. Smalling assured Mr. Adams that he didn't know of anyone that would write a prescription and hand it over to a special education teacher to do therapy outside the home.

Mr. Trice conducted the review of Dr. Roy Ashabranner's practice plan. (See court report) Dr. Ashabranner informed the Board of his new address of 2515 Bonnie Jean, Jonesboro, AR. 72401. Also the doctor gave a mailing address of P. O. Box 177, Manila, AR 72442. The cell phone number of 501-477-6599 was confirmed as being current for contacting him. Dr. Ashabranner is not practicing any where at this time because of the suspension. As of this date, the thirty-day suspension period is over. It was determined that Dr. Ashabranner had not complied with his own practice plan. The doctor will be making arrangements with the investigator, Mr. Jim Bona, and go to the storage place of the patient records. Mr. Trice reminded the doctor of the next Board meeting on May 1, 2003 at 1:30 P.M. and that the doctor is under an obligation to be present.

Dr. Flippin informed the Board of two doctors that have not renewed their optometric licenses for 2003, because of no communication. Their names are Dr. Kevin A. Munson in Andover Kansas, and Dr. Cynthia E. Stophlet in Anchorage, Alaska. The Board decided that a letter should be sent to the doctors informing them that their licenses have lapsed and the files have been marked inactive. The licensure process is up-to-date and we now have a total of 377 optometrists licensed in the State of Arkansas.

Mr. Trice presented the investigation of Robert Hamilton in Harrison, AR. After some discussion, Dr. Dale Morris made a motion that charges be filed against Robert Hamilton d/b/a Harrison Eyeglass in the violation of the Optometry Practice Act, in the selling of contact lenses to the public, when not being licensed as an optometrist. Mr. Trice was instructed to notify Mr. Hamilton of the hearing scheduled for May 1, 2003 at 10:00 A.M. in the office of the Attorney General.

Dr. Flippin brought up the issue of changing the clinical logbook to conform to HIPPA. In the future, there could be an insert explaining that numbers or initials be used in the place of actual names of patients. The Board had no objection to this change for privacy purposes.

Dr. Flippin presented a copy of a disclaimer concerning glasses made elsewhere. Mr. Trice assured the Board that a doctor is not responsible for the quality of a product he or she didn't sell. The patient should not be prohibited from buying somewhere other than from the doctor, but the patient should be aware that the doctor would not stand behind a product he didn't provide. This disclaimer was brought to the Board's attention for some informal guidance.

Dr. Smalling reminded the Board members of the ARBO National Meeting coming up in June. At this time, Dr. Smalling as well as Dr. Flippin and Dr. George Haas are planning to attend. Dr. Smalling's expenses for attending the meeting will be paid by ARBO. Dr. Coffee moved that Dr. Flippin and Dr. Haas be authorized by the Board to attend the national meeting. Seconded by Dr. Dale Morris. Motion carried. Dr. Smalling and Dr. Flippin attended the Southeast Regional meeting and shared up-to-date information on licensure by endorsement. Dr. Smalling, Dr. Haas, Dr. Hubbard and Dr. Flippin all attended the Southwest Council Meeting. At this meeting, the Jurisprudence course was given as well as a state leaders meeting.

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

The next Board meeting is scheduled for Thursday, May 1, 2003 at 10:00 A.M. in the office of the Attorney General.

Meeting adjourned.

Robert Smalling, O.D. President

Dale Morris, O.D. Board Member