

Minutes
Arkansas State Board of Optometry
Double Tree Hotel
Little Rock, AR

April 16, 2004

Dr. Bob Smalling called the meeting order. All Board members were present except Mr. Shirley who was unable to attend because of illness and Dr. Coffee. Board Executive Director, Dr. Howard Flippin and Board attorney Bill Trice were present. Dr. Smalling recognized Stephanie Spivey, Pam Mize, John Rollins, Mark Stodala, David Witherspoon, DeAnn Witherspoon, Marc Parnell, Jerry Himes, Randy Webb, Annete Webb, Mark Travis, and Barbara Martin. Also in attendance was Chris Pyle of the Governor's office.

Dr. Hubbard presented the minutes of February 12, 2004 meeting, seconded by Dr. Morris. The minutes were approved as written by the Board.

Dr. Flippin updated the Board concerning Dr. C. B. Passmore. He was notified by certified mail March 8, 2004 of his license expiration and Board hearing April 16, 2004.

Dr. Haas made a motion to suspend Dr. Passmore's license and levy a fine of five hundred dollars for non-renewal of license. Reinstatement will not be made until payment of fines, fee's and CE are made current. Dr. Hubbard seconded the motion, and the motion carried.

Dr. Haas informed the Board concerning the contact lens rules at both state and national levels. Because of the uncertainty of FTC actions, a new Board rule should not be considered until the FTC rules are completed sometime in August. Dr. Haas asked for input from the Board and concerned parties.

Dr. Haas gave a report of the ARBO meeting at SECO in Atlanta. The Burr bill was discussed, as was licensure by endorsement, and SELMO (licensure by mobility council).

Dr. Hubbard gave a brief report of the South West Council ARBO meeting in Dallas. The initial results of the ARBO reporting study of complications due to invalid contact lens prescriptions were presented. Discussion of contact lens complications in Arkansas and pending legal issues ensued. Eleven cases of illegal selling of contact lenses have come before the Board and two more instances were presented.

Dr. Hubbard and Mr. Trice recommended a rule concerning mobile offices. Mr. Trice suggested the following changes:

Amending Article V, Section 3, C, third paragraph, "The fee for a duplicate license for each ***Fixed Branch or Mobile*** branch office shall be \$50.00, to be renewed annually, and will expire at 12:00 midnight February 1 of each year and Section 4, B. "If any change shall occur in either of the above, the licensed optometrist, or his agent, shall notify ~~the Secretary of the Board, in writing, within twenty (20) days.~~ ***the Executive Director of the Board prior to resuming practice at the new location and pay a fee in advance of \$30.***"

Dr. Haas made a motion for the changes in Section 3 and 4 of Article V, seconded by Dr. Morris. The motion passed.

The Board discussed electronic notification for practice location change and payment of fees over the Internet with credit cards. Dr. Flippin agreed to institute the changes at the State Board office.

Mr. Trice will prepare the rule for public hearing at the next Board meeting.

Mr. Trice discussed the differences between Board hearings, and Board deliberations. Only factual questions should be asked during the hearing, which are recorded into the hearing record. Determination of guilt or innocence, recommendations, and comments should be reserved for the deliberations, which are not recorded into the hearing record.

Dr. Morris made a motion for payment of expenses and two nights stay. Mr. Guerra seconded the motion and the motion passed.

After general discussion about the Annual ARBO Meeting in Orlando, Florida, scheduled for June 20-22, 2004.

Dr. Dale Morris made a motion to approve travel and expenses for Dr. Flippin, Dr. Haas, and Dr. Coffee. Seconded by Dr. Hubbard. Motion carried.

The Board was reminded of the JP course in the evening and the next meeting is to be held at the AG's office, 1:30 p.m. on May 27, 2004.

Dr. Morris made a motion to adjourn, seconded by Mr. Guerra, and the motion carried.

Meeting Adjourned.

Bob Smalling, OD, President

Kenneth Hubbard, Jr., OD, Secretary