

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

May 1, 2003

Dr. Robert Smalling, President of the Board, called the meeting to order. All the Board members were present as well as the Board's attorney, Mr. Bill Trice. Also in attendance was 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, and Mrs. Susan Witherspoon. A court reporter was also in attendance.

Dr. Hubbard presented the minutes of the March 13, 2003 board meeting. Dr. Dale Morris made a motion that the minutes be approved. Dr. William Coffee seconded the motion. Motion carried.

Dr. Flippin held a discussion concerning the delegates for the ARBO annual meeting scheduled for June 15-17, 2003 in San Diego, California. The Board approved authorization for Dr. Smalling and Dr. Flippin to attend that meeting. Dr. Dale Morris moved that Dr. Flippin be paid for travel expenses to attend. (The expenses for Dr. Smalling will be taken care of by ARBO.) Dr. Coffee seconded the motion. Motion carried.

Mr. Trice conducted a review of the practice plan for Dr. Roy Ashabranner. The doctor confirmed that his home address of 2515 Bonnie Jean, Jonesboro, AR is still correct. The P. O. Box 177, Manila, AR is also still in effect for a mailing address. Dr. Ashabranner informed the Board that he has obtained licenses to work with Dr. Gregory Pierangeli, and Dr. Max Horner in Jonesboro, AR. The doctor also has a branch office in Paragould, AR filling in for Dr. Horner. Dr. Ashabranner has just begun his practicing at these two locations. The doctor shared the post card notice he had sent out to his patients in Clinton, AR informing them of his new locations and whereabouts of their records. The doctor informed the Board that he had kept his appointment with Mr. Jim Bona, the Board's investigator, and had secured the records requested. (With the exception of the records needed from the Mt. Home office.) Mr. Trice suggested that since the doctor works on a contract labor basis, it would be to Dr. Ashabranner's advantage to have a written contract with his employers, so that he could retain control of the records he generates. Dr. Ashabranner agreed to be present at the next Board meeting scheduled for June 26 at 1:30 P.M. At that meeting, the doctor agreed to present verification of the various arrangements with his associates.

At this point, the hearing began with Mrs. Susan Witherspoon d/b/a Witherspoon Optics Gallery or Optic Gallery, L.L.C. After the hearing, Dr. Dale Morris made a motion that Mrs. Witherspoon be found guilty of violating the Optometry Practice Act in that she sold contact lenses to the public when not being licensed as an optometrist. Dr. William Coffee seconded the motion. Motion carried. As a result of the violation of the Practice Act, Dr. Morris moved that Susan Witherspoon pay to the Arkansas State Board of Optometry a civil penalty in the amount of \$5,000.00 within (90) days from the date of this hearing. Mr. Jaime Guerra seconded the motion. Motion Carried.

Dr. Hubbard and Dr. Haas gave a report from attending the Southwest Council meeting. Both doctors stressed how important it is for the Board members to attend these meetings and be able to exchange ideas with other state boards and see what they encounter as far as legislature goes. Dr. Coffee shared some information with the Board after his attending the National Board of Examination in Memphis.

Dr. Flippin then presented the budget for the next fiscal year. The Board members were supplied copies of this information. Dr. Flippin went over all the different summaries and explained how the investigations have somewhat depleted our appropriated funds. After much discussion, the Board felt like there should be a price increase for providing information. Dr. Haas made a motion that the Board raises its fee from \$125.00 to \$150.00 for any licensure information provided on a disk or list. The fee of \$25.00 per name will remain the same. Dr. Hubbard seconded the motion. Motion carried.

Dr. Flippin had a request that the Board approve a Jurisprudence Class to be given at Dr. Berry's office in Little Rock, to be scheduled in June. Dr. Flippin would be conducting the class. Dr. Dale Morris made a motion that the Board approves this class. Dr. William Coffee seconded the motion. Motion carried.

Dr. Haas had drafted a questionnaire concerning patient records and regulations. The Board members went over the list of questions point by point and discussed each of the answers so that everyone would be clearer on the regulations concerning jurisprudence. Mr. Trice suggested not to ever buy into any argument, and whenever possible, use the exact wording of the regulation.

Dr. Dale Morris moved that the Board Members be paid for one day of expenses plus mileage. Seconded by Dr. Coffee. Motion carried. Dr. Ken Hubbard made a motion that the Board members also be paid for one night and meal expenses for any members staying over. Dr. Morris seconded the motion. Motion carried.

The next Board meeting is scheduled for Thursday, June 26, 2003 at 1:30 P.M. in the office of the Attorney General.

Meeting adjourned.

Robert W. Smalling, O.D. President

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

