

August 17, 2006  
Minutes of  
Arkansas State Board of Optometry

Dr. Morris opened the meeting with all Board members, Howard Flippin Executive Director, Ann Booker Board secretary, and Bill Trice Board Attorney present. The audience included Dr. McWaters, Dr. Ashabranner, and Dr. Lawson.

Dr. Smalling made a motion to approve the minutes as written and Dr. Coffee made a second. The motion passed

Mr. Trice brought the matter of Katherina's in Harrison selling contact lenses illegally. The attorney for the Bailey's waved their right for a hearing.

Dr. Haas made a motion to fine Brian and Katherina's Bailey \$2,000 to be paid in 90 days for violations. Dr. Smalling made a second and the motion passed.

Dr. Hubbard requested Mr. Trice inquire as to the fate of the contacts lenses in other stores owned by the Bailey's. Mr. Trice noted Norma Madrano of Dumas, AR failed to pay her fine. A motion for default judgment will be made in circuit court so the Board can execute on her bank accounts. Mr. Trice informed the Board of Beauty Plus in Magnolia and Beauty Mart of North Little Rock has been selling contact lenses without a license.

Dr. Hubbard made a motion to set a hearing for Beauty Plus of Magnolia for the illegal sell of contact lenses. Dr. Smalling made a second and the motion passed.

Dr. Smalling made a motion to set a hearing for Beauty Mart of North Little Rock for the illegal sell of contact lenses. Seconded by Dr. Coffee. The motion passed.

Mr. Trice discussed Dr. Pierangeli's payment of fine for late payment of licensure fees. He also discussed Dr. Heath who in the passed several years has had his license suspended, been fined \$1,000 on two occasions, and ordered to enter into a contract with the Medical Foundation. None of the orders have been met.

Dr. Haas made a motion for a hearing to be set concerning Dr. Heaths non-compliance to Board orders. Dr. Smalling made a second and the motion passed.

Dr. McWaters addressed the Board and was in compliance with Board orders. He is currently working beside Pearl in McCain Mall. Dr. Ashabranner addressed the Board concerning his compliance with Board orders. Dr. Lawson spoke in favor of Dr. Ashabranner and felt he posed very little if any risk to the public at this time. He felt he should be closely monitored and if he ever slips, Dr. Lawson felt he needed to find another way to make a living. He was found to be in compliance with Board orders.

Dr. Hubbard made the motion to reinstate Dr. Ashabranner's license with no recommendation to the DEA for a certification. He is to continue compliance with all Board orders. Dr. Coffee made a second and the motion passed.

Dr. Morris made a motion to give the jurisprudence test in October to the applicant that failed. Dr. Smalling made a second. The motion failed.

Dr. Flippin reported twelve doctors taking the Board exam passed the test and seven have been licensed. One of the doctors will be retaking the jurisprudence portion in February. Dr. Haas was congratulated on his reappointment to the Optician Board. Dr. Flippin presented the Board with complaints against doctors concerning quality of care. Mr. Trice recommended the Board obtain all records involved from all doctors involved prior to Board discussion. Dr. Morris asked the Board office to obtain the proper records and mail them with the complaints to the Board prior to the next Board meeting.

Dr. Haas discussed the deceptive advertising of Clear Vision with unproven methods.

Dr. Coffee made a motion to obtain materials from the Clear Vision method for review of the claims made concerning eye correction. Dr. Smalling made a second and the motion passed.

Dr. Haas discussed Dr. Presley, owner of Success Vision in central Arkansas. He has written a letter to doctors guaranteeing a level of income to an OD who works in his location. Dr. Presley is not licensed in Arkansas and cannot legally employ an OD.

Dr. Haas made a motion to ask Dr. Cates and Dr. Presley of Success Vision to visit the Board October 12<sup>th</sup>. Dr. Coffee made a second and the motion passed.

Dr. Haas made a motion the Board mail the recent rule concerning employment of optometrist, with supporting information, to all optometrist in Arkansas.

For the Board consideration, Mr. Trice discussed license renewal applications and the private information being exempt from the freedom of information act. The Board can ask questions like "have you been arrested for drunk driving since your last licensure application", "have you been convicted of a felony since your last application."

Dr. Coffee made a motion the Board be paid one day expenses and travel for the Board meeting. Dr. Smalling made a second and the motion passed.

Dr. Morris adjourned the meeting.

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Dr. Dale Morris, President

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Dr. Kenneth Hubbard, Jr., Secretary