

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

August 19, 2004

Dr. Dale Morris called the meeting to order. All Board members, Board Executive Director, Dr. Howard Flippin, Board office secretary, Ann Booker, and Board attorney Bill Trice were present. Dr. Morris recognized meeting attendee's Mark Stodola, Barbara Martin, Marlin Freeman, Beth Garison, and Randy Thurman.

Dr. Hubbard presented the minutes of May 27th, 2004.

Dr. Coffee made a motion to approve the minutes as written, (the complete set of minutes contained a conference call, as well as the minutes of the examination testing) seconded by Dr. Hass. Motion passed.

Dr. Hass presented the printed course curriculum for the ASU Mountain Home campus Internet Optician Program. After a lengthy discussion of the didactics and clinical portions of the curriculum, it was decided there might be violations of the optometry act as they relate to contact lenses clinical portion of the course. There was some discussion from the attendees concerning the Optician Board withdrawing their support of the course.

Dr. Hass made a motion, seconded by Dr. Coffee to ask Mr. Brandon Smith, Pat Bailey, and President of the ASU campus to attend the next Board meeting for a friendly discussion of the optician program. The motion passed.

Mr. Trice discussed Dr. Heath's two-year license suspension, mandatory drug testing, fine and five-year probation. Dr. Heath has not entered into the agreement with the Medical Foundation for drug testing and has not paid his fine.

Mr. Trice discussed Dr. Ashabrunner indefinite suspension of license with condition of advocacy from the Medical Foundation. Currently, he has not fully complied with the Medical Foundation program.

Mr. Trice discussed Dr. McWaters license suspension and Order. He now has advocacy from the Medical Foundation and is complying with the Order. The Board office Secretary was directed to inform Dr. McWaters his check for fine payment could not be found at the Board office.

Mr. Trice discussed a letter from Robert Hamilton's attorney asking the Optometry Board and Optician Board to waive the fines if he would surrender his optician license and leave

the state. There was some confusion since the letter requests two independent Boards take action as one. The Board was not inclined to accept Mr. Hamilton's offer.

Mr. Trice discussed the Witherspoon fine. She was fined five thousand dollars; the order was converted to formal judgment in circuit court, which became a lien on her property. Mr. Trice deposed Mrs. Witherspoon last week and was informed she is now declaring bankruptcy and her property will be sold at auction.

Dr. Haas presented a draft rule to address the contact lens prescription release laws and FTC rules. The draft is intended to follow federal and state laws as closely as possible. After lengthy discussion, several issues were addressed and a corrected draft for the next meeting was requested. Input from all concerned parties was also requested.

Dr. Hubbard presented the results of the Board testing in July. Fifteen doctors took the exam and three doctors failed the Optometric Physician portion. Two doctors have re applied to retake the Board exam, which will be given September 9th in Searcy at the Board office. After some discussion, the Board felt the applicants in the future should be notified of a retest date prior to taking the initial exam and of the retest fee. Of the twelve doctors passing the test, only seven has met the requirements to become licensed.

Dr. Flippin informed the Board of two practicing doctors taking the Board test to upgrade to the optometric physician level.

Dr. Smalling discussed ARBO's strides in upgrading the Internet web site, optometric education (OE) card, online COPE, and a better estimate of licensed optometrists in the US.

Dr. Haas made a motion to inform licensed optometrists of the changes in office location rules and fee's. Dr. Hubbard seconded the motion. The motion passed.

The Board congratulated Dr. Smalling for receiving the Lifetime Achievement Award to be presented at SCO Homecoming this fall.

The next Board meeting was scheduled for five o'clock Friday October 22nd, 2004 at the Inn of The Ozarks in Eureka Springs.

Dr. Coffee made a motion to approve Board members be paid one days expenses plus mileage. Mr. Guerra seconded and the motion was approved.

The meeting was adjourned.

Dale Morris, OD, President

Kenneth Hubbard, Jr., OD, Secretary