

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

December 13, 2001

Vice-President, Dr. George Haas called the meeting to order, standing in for President, Dr. Robert Smalling who was not present due to physical injury. All other Board members were present at the meeting, with Dr. Hubbard arriving shortly after 1:30 p.m. Also attending the meeting was the Board's attorney, Mr. Bill Trice. Guests was asked introduce themselves starting with Mrs. Barbara Martin, Arkansas Optometric Association, Mr. Marlyn Freeman and Jerry Himes, State Opticians Board. Also attending was Dr. Charles McWaters, Arkansas Optometrist, Mr. Clyde Frazier, Arkansas Department of Health, Randy Thurman, National Association of Opticians and Optometrists, Ann Booker, State Board of Optometry.

Dr. Flippin reminded the Board members about Financial Interest Forms needing to be turned into the Secretary of the State by the end of January. Also each member received an up-to-date copy of the Rules, Regulations, and Law.

After some discussion, Dr. George Haas made a motion that Board Examinations would be given at the next Board meeting, Thursday, February 14, 2002. Seconded by Dr. Morris. Motion carried.

Dr. Flippin shared a complaint received concerning Dr. Kymberly Devitt. Mr. Trice suggested if this is a quality of care issue, the Board might choose to collect the records and have the situation reviewed. Dr. Morris made a motion that the Executive Director, Dr. Flippin, contract with an individual through a subpoena power, to be able to investigate the complaint as to its correctness and bring that information back to the Board. The individual contacted would be compensated for services rendered. Mr. Grayson seconded the motion. Motion carried.

At this point in the meeting, the floor was turned over to Mr. Trice for the disciplinary hearing of Dr. Charles Mc Waters. The Boards decision was the suspension of practicing until the next Board meeting on February 14, 2002 at which time the Board will review the results from the VA hospital alcohol and drug treatment program.

Dr. Haas called the meeting back to order and went on to the next agenda item concerning Dr. Keith Scott. The Board was concerned with various forms of advertising done by Dr. Scott. The doctor was present and was asked to come forward and visit with the Board. At this time, Dr. Haas explained that the Board had a formalized complaint from Mr. David Roden , assistant executive vice-president of the Medical Society. The complaint was concerning advertising in the telephone book as well as other advertising in the Russellville area. These advertisements in question contained information about Dr. Scott performing Lasik surgery. Dr. Scott did acknowledge that the advertisements appeared in the Yellow Pages as well as the newspaper. The Yellow Pages representative developed a rough draft in which Dr. Scott had made his corrections. All the corrections were not made, so therefore the same mistake was carried over to the newspaper ads, since the Yellow Pages representative worked with the newspaper representative. Dr. Hubbard posed the question as to why Dr. Scott did not stop the ad immediately after seeing the ad contained false information?

Dr. Scott presented a letter stating the fact that he was taking steps to correct future issues. After some discussion, Dr. Scott agreed to run ads for correction in the newspapers for as many times as the original advertisements ran. Also Dr. Scott would provide the Board members with a copy of his corrective statement before the newspaper runs the correction advertisement. Mr. Trice then advised Dr. Scott as to how his correction should read.

The upcoming Board meetings at SECO and Southwest were discussed and Dr. Flippin shared the schedule for the future meetings in Atlanta. The SECO meeting scheduled on Saturday, February 23, and the Southwest meeting scheduled Saturday, March 16, 2002. Dr. Flippin requested that the Board members inform him as to which meeting they plan to attend. Dr. Haas and Dr. Morris selected to go to the SECO meeting. Dr. Hubbard said he would try to go to the Southwest meeting. Dr. Flippin added that Dr. Smalling would probably attend both meetings.

The Board members were provided a list of doctors in Arkansas with DPA and TPA drug licenses only. Then there was much discussion about how to go about updating all optometrists to the level of Optometric Physician in the future.

Dr. Haas then brought up the unresolved issue of doctors not having emergency access to their offices. Mr. Trice suggested that if the Board decides that all optometrists should have 24-hour access due to public health issues, then the rules and regulations would need to change to reflect that decision. Dr. Haas then directed Dr. Hubbard and Dr. Morris, to collect the needed data for a new regulation dealing with this issue. Mr. Trice would then add the regulation under the existing unprofessional conduct regulation.

Dr. Dale Morris moved that the Board members get paid for one day of expenses plus mileage. Seconded by Dr. Hubbard. Motion carried.

The time for the next Board meeting and Board Examinations is scheduled for Thursday, February 14, 2002 at 1:30 P.M. in the office of the Attorney General.

Meeting adjourned.

Dr. George Haas, O.D., Vice-President

Kenneth Hubbard, Jr. O.D., Secretary

